

## **Title IX and the Clery Act Mandatory Reporting Guidelines**

### **Introduction**

There are two federal laws that establish responsibilities for employees of universities to report certain types of crimes and incidents, especially sexual misconduct -- Title IX and the Clery Act. Each of these areas of federal law has a different purpose, but generally the laws are intended to protect members of the campus community, visitors, and guests from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term "mandatory reporter."

Title IX focuses on the adverse consequences faced by victims of gender discrimination and sexual harassment and creates obligations for the University to investigate and to provide a "prompt and effective remedy." If the victim is a student, Title IX means among other things that the University must provide an environment that does not interfere with the victim's right to pursue an education. The University incurs this obligation when a victim has given notice to a "responsible employee," or when the University, in the exercise of reasonable care, should have known, about the assault or harassment.

The Clery Act creates a duty for institutions to report crimes in different categories (listed on pages 3-4) and has the broadest scope. Guided by the language of the Clery Act and subsequent amendments, the University is required to define which employees must report crime information they receive.

### **Mandatory Reporters**

Title IX and Clery Act mandatory reporters include any employees who have the authority to take action to redress the harassment, who have the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees, or an individual whom a student could reasonably believe has this authority or responsibility which include, but are not limited to:

- Vice Presidents, Deans, Department Chairs, Directors and Coaches
  - Assistant or Associate Vice Presidents, Deans, and Provosts
  - Any employee in a supervisory or management role
  - Any faculty member responsible for supervising any activities or programs that include direct contact with students outside of classroom (including faculty advisors to recognized student organizations)
  - University of Louisville Police Officers and any contracted security personnel
1. As to Title IX, when you become aware of an alleged act of sexual harassment, sexual assault, or gender discrimination you must:
    - a. Provide the alleged victim with the following resource brochure:  
<http://louisville.edu/hr/policies/Sexual%20Misconduct%20Brochure.pdf>
    - b. Immediately contact a Title IX Administrator, Coordinator or Investigator:

**Sam Connally, Title IX Administrator**

Vice President of Human Resources and University EEO Officer  
1980 Arthur Street  
Louisville, KY 40208-2770  
Phone: (502) 852-3698  
Email: [sam.connally@louisville.edu](mailto:sam.connally@louisville.edu)

**Dr. Michael Mardis, Associate Title IX Administrator (for Complaints Against Students)**

Dean of Students  
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**Mary Elizabeth Miles, Associate Title IX Administrator (for Complaints Against Employees)**

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**Wayne Hall, Associate Title IX Administrator (for Complaints Against Non-University Community Members)**

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Louisville, KY 40292  
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**Kim Maffet, Title IX Coordinator for Athletics**

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**David Wiegman, Title IX Coordinator for Health Sciences Campus**

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**Chuck Brian, Title IX Coordinator for University of Louisville Police**

Lieutenant  
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**Malinda Durbin, Title IX Investigator (for Complaints Against Employees)**

EEO-Employee Relations Specialist Senior  
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**After Hours Contact: University of Louisville Police Department at 911 or (502) 852-6111**

2. As to Clery Act, when you become aware of any of the crimes listed below, which occur 1) on campus, 2) on public property within or immediately adjacent to campus, or 3) in or on non-campus property that the University owns or controls:
  - a. Call University Police at 911 if it is an actual emergency or involves an imminent threat to life or property. (These reports are not anonymous and must include who, what, where and how the incident occurred.)
  - b. Call University Police at 502-852-6111 or complete and submit the Anonymous Reporting Form at <http://louisville.edu/police/anonymousreporting> if it is not an actual emergency or does not involve an imminent threat to life or property.
- Murder & Non-Negligent Manslaughter: The willful killing of one human being by another.
- Negligent Manslaughter: The killing of another person through gross negligence.
- Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

- Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- Arrests for Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
- Arrests for Drug Abuse Violations: Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).
- Arrests for Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness & driving under the influence are not included in this definition.)
- Disciplinary Referrals for Weapon Law Violations
- Disciplinary Referrals for Drug Abuse Violations
- Disciplinary Referrals for Liquor Law Violations
- Hate Crimes
- Sex Offenses (**Reporting sex offenses to a Title IX Administrator satisfies the Clery Act reporting requirements**)
  - Forcible: Any sexual act directed against another person, forcibly or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
  - Sex Offenses: Nonforcible--Unlawful, nonforcible sexual intercourse.
    - Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent<sup>1</sup> (age 16 in Kentucky).

**Kentucky law requires that any person** who suspects that a minor child (under 18) is the victim of abuse or neglect must immediately contact a local law enforcement agency or other agency authorized by statute. KRS 620.030. The University Police Department (852-6111) constitutes a local law enforcement agency for purposes of Kentucky's mandatory reporting law for child abuse and neglect. Failure to report suspected abuse may result in criminal charges and/or disciplinary action.

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<sup>1</sup> 34 C.F.R. Part 668, Appendix E to Part 668.47.

Kentucky law also requires that any person who suspects that a person is a victim of spousal abuse must also immediately report this information to the appropriate agency. KRS 209A.030. The University Police Department can be reached at 852-6111.

### **Non-Retaliation/Non- Retribution Policy**

The purpose of this policy is to encourage and enable good-faith reports by University employees of observed or suspected misconduct or noncompliance with law or with University policies and procedures without fear of retaliation or retribution.

[http://louisville.edu/compliance/policies/Non-Retaliation\\_Policy](http://louisville.edu/compliance/policies/Non-Retaliation_Policy)