

TITLE IX AND CLERY ACT MANDATORY REPORTING GUIDELINES

University of Louisville
2016

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 and visitors from criminal and discriminatory behavior. The responsibilities established by these laws give rise to the term “responsible employees.”

INTRODUCTION

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 alleged victim is a student, Title IX means among other things that the University must provide an environment that does not interfere with the student’s right to pursue an education. The University incurs this obligation when an alleged 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.

INTRODUCTION

The Clery Act creates a duty for institutions to report crimes in different categories (listed on slides 13 - 14) 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.

RESPONSIBLE EMPLOYEES

Title IX and Clery Act responsible employees 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
- All Faculty
- University of Louisville Police Officers and any contracted security personnel

TITLE IX: What You Are Required To Do

1. As to Title IX, when you become aware of an alleged act of sexual harassment, sexual assault, or gender discrimination on or off campus you must:

- a. Provide the alleged victim with the Sexual Misconduct Resource Guide Brochure: <http://louisville.edu/hr/employeerelations/sexual-misconduct-brochure>
(Escort the individual to the PEACC Center or Counseling Services, if applicable and possible)
- b. Immediately contact the Title IX Coordinator or a Deputy Title IX Coordinator. You must provide all the information you have regarding the alleged act, including names. However, you are not required to conduct an investigation or confirm if the information is credible.

TITLE IX: What You Are Required To Do

STEP 1:

- a. Provide the alleged victim with the Sexual Misconduct Resource Guide Brochure:

<http://louisville.edu/hr/employeerelations/sexual-misconduct-brochure>

(Escort the individual to the PEACC Center or Counseling Services, if applicable and possible)

WHAT TO SAY

To An Alleged Victim Or Person Who Reports Allegations Of Sexual Misconduct Or Discrimination

“Here at UofL we take sexual misconduct, violence, harassment, and sex discrimination seriously and are very concerned if this happens to someone in our community. As an employee of the University I have an obligation to inform the Title IX Coordinator or a Deputy Title IX Coordinator about an incident like this; however, there are campus resources in this brochure that can provide confidential support and discuss options with you (or alleged victim).”

TITLE IX: What You Are Required To Do

STEP 2:

- b. Immediately contact the Title IX Coordinator or a Deputy Title IX Coordinator listed on next slide. You must provide all the information you have regarding the alleged act, including names. However, you are not required to conduct an investigation or confirm if the information is creditable.

TITLE IX COORDINATORS

Brian Bigelow, Title IX Coordinator

Dean of Students Office

2100 S. Floyd Street

Student Activities Center – W301

Louisville, KY 40208

Phone: (502) 852-5787

Email: brian.bigelow@louisville.edu

Mary Elizabeth Miles, Deputy Title IX Coordinator

Director of Employee Relations and Compliance

1980 Arthur Street

Louisville, KY 40208-2770

Phone: (502) 852-6688

Email: maryelizabeth.miles@louisville.edu

Dr. Angela Taylor, Deputy Title IX Coordinator

Assistant Dean of Students

2100 S. Floyd Street

Student Activities Center – W301

Louisville, KY 40208

Phone: (502) 852-5787

Email: angela.taylor@louisville.edu

Aaron Graham

Major – University Police

Floyd Street Parking Garage

Suite 100

Louisville, KY 40292

Phone: (502) 852-4329 or 852-6111

Email: aaron.graham@louisville.edu

Title IX Responsible Employees
are also Mandatory Reporters
for the Clery Act

CLERY ACT: What You Are Required To Do

2. As to Clery Act, when you become aware of any of the crimes listed in slides 13 - 14, 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 https://publicdocs.maxient.com/reportingform.php?UnivofLouisville&layout_id=3 if it is not an actual emergency or does not involve an imminent threat to life or property.

CLERY ACT CRIMES

- **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.

CLERY ACT CRIMES

- 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 Coordinator 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 (age 16 in Kentucky). 34 C.F.R. Part 668, Appendix E to Part 668

OTHER APPLICABLE LAWS

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.

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 the Non-Retaliation/Non-Retribution 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

TRUE OR FALSE?

Title IX and Clery Act Responsible Employees are 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
- All Faculty
- University of Louisville Police Officers and any contracted security personnel

THE ANSWER IS FALSE

Responsible Employees 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
- All Faculty
- University of Louisville Police Officers and any contracted security personnel

TRUE OR FALSE?

Responsible Employees have to report allegations of sexual misconduct or sex discrimination which occur on or off campus.

THE ANSWER IS TRUE

TRUE OR FALSE?

When reporting allegations of sexual misconduct and/or sex discrimination to a Title IX Coordinator or Deputy Title IX Coordinator the Responsible Employee must share all the information they have (who, what, where, when, how, why) regarding the alleged act, including names. However, they are not required to conduct an investigation or confirm if the information is creditable.

THE ANSWER IS TRUE

ADDITIONAL RESOURCES

- Student Sexual Misconduct Policy: <http://louisville.edu/dos/students/studentpoliciesandprocedures/student-sexual-misconduct-policy>
- Code of Student Conduct: <http://louisville.edu/dos/students/codeofconduct>
- Campus Health: <http://louisville.edu/campushealth>
- Counseling Center: <http://louisville.edu/counseling/>
- Dean of Students: <http://louisville.edu/dos>
- PEACC: <http://louisville.edu/peacc/>
- Human Resources: <http://louisville.edu/hr/>
- University of Louisville Police: <http://louisville.edu/police>

ADDITIONAL RESOURCES: FACULTY SYLLABUS STATEMENT (EFFECTIVE JULY 1, 2015)

Title IX/Clery Act Notification

Sexual misconduct (including sexual harassment, sexual assault, and any other nonconsensual behavior of a sexual nature) and sex discrimination violate University policies. Students experiencing such behavior may obtain confidential support from the PEACC Center (852-2663), Counseling Center (852-6585), and Campus Health Services (852-6479). To report sexual misconduct or sex discrimination, contact the Dean of Students (852-5787) or University of Louisville Police (852-6111).

Disclosure to University faculty or instructors of sexual misconduct, domestic violence, dating violence, or sex discrimination occurring on campus, in a University-sponsored program, or involving a campus visitor or University student or employee (whether current or former) is not confidential under Title IX. Faculty and instructors must forward such reports, including names and circumstances, to the University's Title IX officer.

For more information, see the Sexual Misconduct Resource Guide (<http://louisville.edu/hr/employeerelations/sexual-misconduct-brochure>).

Questions

Mary Elizabeth Miles
Director of Employee Relations & Compliance
1980 Arthur Street
Louisville, KY 40208-2770
Phone: (502) 852-6688
Email: maryelizabeth.miles@louisville.edu

Dr. Angela Taylor
Assistant Dean of Students
2100 S. Floyd Street
Student Activities Center – W301
Louisville, KY 40208
Phone: (502) 852-5787
Email: angela.taylor@louisville.edu

Certification of Completion

In order to certify completion of this training please visit the site below and complete the certification form.

<http://louisville.edu/hr/employeerelations/title-ix-and-clery-mandatory-reporting-guidelines-training>