

**MANDATORY REPORTER**

The University defines all employees as mandatory reporters for the purpose of complying with the various reporting responsibilities under Title VII, the Clery Act, and Title IX. All concerning and disruptive behaviors must be reported in a timely way to the institution through the use of the online incident reporting form that can be found [here](http://www.davenport.edu/campus-life/issue-resolution/facultystaff) (http://www.davenport.edu/campus-life/issue-resolution/facultystaff).

In your role as a mandatory reporter, it is of particular importance that if you learn about sexual harassment, discrimination, sexual assault, drug or alcohol concerns or a crime such as those covered by the Clery Act (*see the Guidelines section below*), that you make a report in one of the ways indicated in the attached guidelines.

**A note about Confidentiality:**

When reporting sexual harassment or discrimination or sexual assault, a University employee may initially be able to omit personally identifiable information (*the name of the victim, the name of the accused individual, and other identifying details about witnesses, location, etc.).* The Title IX Coordinator will guide you with regard to how much detail is needed in an initial report. Subsequent to an initial report, campus officials may need additional information in order to fulfill the University’s obligations under Title IX. In taking these subsequent actions, the University will always be guided by the goals of empowering the victim and allowing the victim to retain as much control over the process as possible, but no employee (*other than counselors, health care providers and clergy operating in that function as an aspect of their employment*) can or should promise confidentiality. Counselors, health service providers and clergy are voluntary reporters, not mandated by law, but University policy creates an expectation to report non-personally identifiable information.

**Specific Information about complying with The Clery Act:**

The Clery Act requires reporting of 18 serious crimes, including sexual assault. Employees are expected to report crimes covered by the Clery Act to the Department of Public Safety (DPS) without delay. Employees may choose, but are not required, to provide personally identifiable information (*the name of the victim, the name of the accused individual, and other identifying details about witnesses, specific location, etc.)* unless a clear threat to health or safety is present, as determined by DPS.

The Clery Act does not establish an obligation for Public Safety to conduct an investigation of the reported crime, only to report the crime as a statistic following Clery Act guidelines. In some cases, DPS may also be required to release a timely warning to the community about a threat to the community. In such cases, an initial investigation or determination of the nature of the threat may be conducted, after which a warning will be issued immediately.

**Mandatory Reporting Guidelines for Employees of Davenport University:**

1. The University has defined all employees, both faculty and staff (and student employees when they are working), as **mandatory reporters**.  A description of the responsibilities of this role follows.
2. **Support the student or employee or visitor**:  When an employee becomes aware of an alleged act of concerning behavior including but not limited to drug and alcohol concerns, discrimination, harassment (including sexual violence) and/or crimes by or against students or employees, the University expects the following:
   1. Is there a present and occurring emergency?  Contact the Department of Public Safety (formerly Campus Security) at your location, or call 911.
   2. Does someone need support other than medical or law enforcement?
      1. **Students**: Rather than speaking to the student about confidential information, the employee should offer to refer the student to the University sponsored counseling services.
         1. All students can schedule a counseling appointment at (616) 891-8770. Lettinga students can have an in-person appointment, while other campuses are offered a TeleTherapy appointment.
         2. Same day support with an on-call licensed clinician is available via phone 24/7.
            1. 9AM-8PM (EST) call (616) 258-7500
            2. 8PM-9AM (EST) call (616) 455-9200
      2. **Employees:**  Rather than speaking to the employee about confidential information, the employee should offer to refer any full time employee to University sponsored counseling services.
         1. Full time staff at all locations: Employee Assistance Program at EmployeeConnect Plus at 855-327-4463.
         2. General support and guidance is available via our Human Resources Team.  Employee Relations: 616-732-1151. Benefits: 616-732-1072.
3. **Make a report:** Once you are confident that the immediate situation is well handled, then it is time to report what you know.  The following reporting venues are available.
4. The employee may communicate through the online incident reporting form found on the DU Intraweb [here](http://www.davenport.edu/campus-life/issue-resolution/facultystaff). (<http://www.davenport.edu/campus-life/issue-resolution/facultystaff>)
5. Alternatively, the employee may call the Title IX Coordinator, for sex and gender based issues, or the Department of Public Safety and then follow-up by filing the online incident report.
6. **Confidentiality Note:**  When an employee thinks that a student may be about to report an act of sexual harassment, discrimination or assault…
7. The employee should tell the student that the University will maintain the privacy of the information, but the employee cannot maintain complete confidentiality and is required to report the act and may be required to reveal the names of the parties involved.
8. If the student wishes to proceed, the employee should inform the student of the implications of sharing the names of the parties involved, which puts the University on notice.
9. The Title IX team is also available to provide guidance on how to handle a situation to faculty and professional staff at any time.
10. **Resources for staff and faculty**:
    1. Title IX Coordinators [Link to Contact Information](http://my.davenport.edu/campus-life/title-ix/coordinator-and-contact-info)
    2. Human Resources [Link To Contact Information](https://my.davenport.edu/aud-seg/19339)
    3. Campus Life [Link to Contact Information](http://my.davenport.edu/campus-life/contact-us%20)
    4. Employee Assistance Program (EAP) 855-327-4463 or [www.GuidanceResources.com](http://www.GuidanceResources.com)
11. **Definition of a serious crime under the Clery Act**. We encourage you to report all crimes, large and small so that we can help resolve the concern, and then make the determination of whether it is a Clery Reportable Crime.  But we also need you to be aware of the definitions of a serious crime under the Clery Act. University employees are mandatory reporters for any of these crime types:
12. Murder & Non-Negligent Manslaughter--The willful killing of one human being by another.
13. Negligent Manslaughter--The killing of another person through gross negligence.
14. 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.
15. 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.)
16. 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.
17. 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.)
18. 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.
19. 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.
20. 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 non narcotic drugs (barbiturates, Benzedrine).
21. 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.)
22. Disciplinary Referrals for Weapon Law Violations
23. Disciplinary Referrals for Drug Abuse Violations
24. Disciplinary Referrals for Liquor Law Violations
25. Hate Crimes—Crimes motivated by the victim’s actual or perceived: race, gender, gender identity, religion, sexual orientation, ethnicity, national origin and disability.
26. Sex Offenses-- Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
    * 1. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person without the consent of the victim.
      2. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary of permanent mental incapacity.
      3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage in prohibited by law.
      4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
27. Domestic Violence--A felony or misdemeanor crime of violence committed:
    * 1. By a current or former spouse or intimate partner of the victim;
      2. By a person with whom the victim shares a child in common;
      3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
      4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
      5. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
28. Dating Violence—Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
29. Stalking-- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    * 1. Fear for the person’s safety or the safety of others; or
      2. Suffer substantial emotional distress.

34 C.F.R. Part 668, Appendix E to Part 668.47.