

September 17, 2013

Dear Willamette community,

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Willamette annually publishes statistics of “alleged criminal offenses” on and near university grounds. As co-chairs of the President’s Working Group on Sexual Assault & Harassment, we would like to make you aware of Willamette’s forthcoming publication of 2012 data and share information about how it relates to our efforts to encourage and expand disclosure of sexual misconduct and sexual violence.

For calendar year 2012, Willamette received twelve reports of ‘forcible sexual assault’ (as it is categorized in the Clery Act; Willamette’s complete list of crimes reportable under Clery is available online at <http://www.willamette.edu/dept/safety/security/crime/>).

The following information may assist your consideration of this news:

- The Clery Act requires Willamette to report data from the last calendar year, January to December. Many people on campus are used to seeing data represented in the context of the academic year, June to May. There were nineteen disclosures of sexual assault during the 2012-13 academic year.
- Because of recent modifications to the Violence Against Women Act and other federal policy and regulatory changes, all institutions of higher education are required to track reports of stalking and relationship violence, and Willamette will be including those statistics in its Clery reports for next year and beyond.
- The Clery Act requires Willamette to only report data regarding crimes that occur on campus or reasonably contiguous to campus; but please know that Willamette responds to all reports of sexual misconduct between any individuals ostensibly ‘under the control’ of the university (students, faculty and staff), *regardless of location*, as required by Title IX.
- The Clery Act requires that we include data regarding crimes reported anonymously or confidentially.
  - In this context, “confidential” means that the report was received by a confidential resource on campus, such as a staff member at Bishop Wellness Center, and is provided in aggregate for purposes of Clery

reporting, without any specific identifying information about the individual. Confidential reports are cross-referenced and determined not to be duplicative before they are included in the Clery data.

- "Anonymous" means no identifying information was provided. Anonymous reports could be received by Sexual Assault Response Allies (SARAs) or others on campus trained to receive and pass on such reports, but the person disclosing to SARAs may have chosen not to provide identifying information. Therefore, some of the assaults reported under Clery for the 2012 and 2011 calendar years could include duplicates of reports we received that were not anonymous, but it is impossible to tell, so we count them anyway.
- Title IX requires the university to follow up on every disclosure of sexual assault to the extent possible based on the information provided. University policy requires us to defer to the wishes of the survivor (the recipient of the unwanted behavior) as to how she or he wants to proceed – or not proceed – beyond disclosure that the assault took place. (*Note: University officials would be required to take action against the wishes of the individual disclosing sexual assault if there was evidence of a threat to the community, e.g., a pattern of behavior.*)
- More disclosure is good. When individuals let someone know, the chances they will receive support and care exponentially improve, as does the university's ability to hold wrongdoers accountable. While the existence of even one sexual assault here or anywhere else is one too many, we want to encourage people to report it should it occur.

That said, the figure that Willamette reported under "forcible sexual assault" (term used by the Clery Act) rose in 2011 from two to eleven, and twelve for calendar year 2012. One explanation for the rise in reported incidents is that recent modifications to federal law and policy provide a more inclusive and broader definition of the types of crimes that must be reported.

To this end, revised interpretations of federal regulations (primarily, the *Dear Colleague* letter of April 2011, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html> ) likely caused many institutions, including Willamette, to start including anonymous and confidential sexual assault reports in their Clery reports. 2011 and 2012 are the first calendar years that Willamette's Clery report included aggregate, non-identifying data from Bishop and anonymous (and possibly duplicative) reports.

There are a variety of reasons why people choose to disclose anonymously that they have been sexually assaulted, or choose not to disclose at all. Additionally, there are a number of individuals who choose to disclose but, in keeping with Willamette University's survivor-centered response model, also choose not to pursue the matter via student conduct or law enforcement, a choice university policies appropriately obligate staff to respect.

In academic year 2012-13, about one-third of students who disclosed a sexual assault to the university elected to pursue a case through the student conduct system. When accused students were found responsible, all were removed from campus. (At Willamette, sanctions for students found responsible for violating the university's policy regarding non-consensual sexual intercourse are suspension or dismissal, see [http://www.willamette.edu/dept/policies/selected/students/sexual\\_conduct.html](http://www.willamette.edu/dept/policies/selected/students/sexual_conduct.html))

In situations where the recipient of the unwanted behavior chooses not to pursue the matter via the conduct system, Willamette's policies require us to respect those wishes and take no further action on the information other than offering support and care and making them aware of their options. We do not discourage individuals from pursuing the matter through conduct or contacting law enforcement, nor do we pressure them to do so.

Also, because of confidentiality constraints, the university is precluded from explaining why disciplinary action may not have occurred after someone discloses a sexual assault. What is done (or not done) next is decided by the individual who discloses. That person, not Willamette, decides whether or not to report the incident to law enforcement and whether or not to pursue a formal complaint through the university's conduct process.

Although there may be public-relations challenges associated with them, survivor-centered policies and procedures like Willamette's, that allow individuals who have been the recipients of the unwanted behavior to retain control over what happens, represent 'best practices' and are the right thing to do.

If you have questions or concerns about this or related issues, please feel free to contact us. For more information and resources, to read university policies, or to report sexual misconduct or sexual violence, go to [www.willamette.edu/sexualmisconduct/](http://www.willamette.edu/sexualmisconduct/)

Sincerely,



Kristen Grainger  
Vice President & Executive Assistant  
to President Thorsett  
Title IX Coordinator

Sincerely,



Margaret Trout, Director  
Bishop Wellness Center