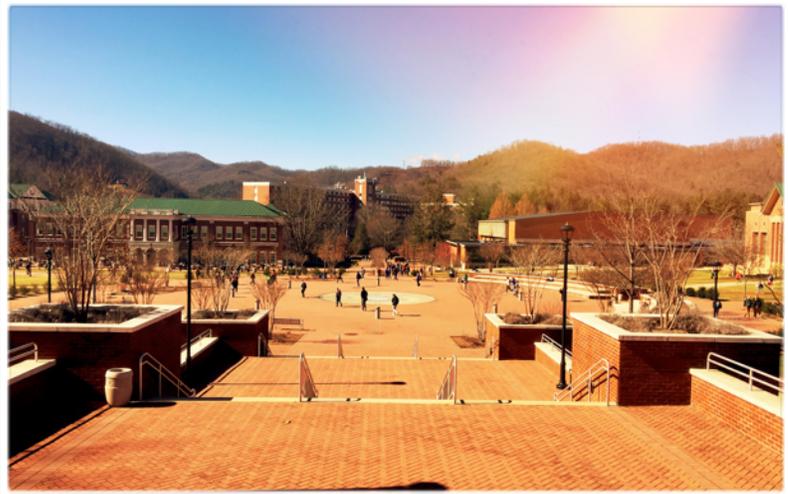

IMPORTANT!

[the clery act](#) | [definitions](#) | [other information](#)

definitions

consent: an understandable exchange of affirmative words or actions, which objectively indicate a willingness to participate in a mutually agreed upon activity. Consent must be informed and freely and actively given. The lack of a negative response is not Consent. An individual who is incapacitated by alcohol and/or drugs (voluntarily or involuntarily consumed) cannot give Consent. Past Consent for any activity does not imply ongoing future Consent. An individual who is unable to give Consent as defined by law cannot give Consent (examples include, but are not limited to, individuals under the age of Consent, individuals who have disabilities which limit their ability to give Consent, etc.).

stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to, a) fear for the person's safety or the safety of others; or b) suffer substantial emotional distress.



the clery act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or simply "The Clery Act," is a federal law codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. Pursuant to the Clery Act and other regulations, *this intuition states emphatically and without equivocation that "dating violence," "domestic violence," "sexual assault," and "stalking," are strictly prohibited at Western Carolina University.* The Definitions of these terms are included herein.



definitions continued

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. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

domestic violence: a felony or misdemeanor crime of violence committed a) by a current or former spouse or intimate partner of the victim; b) by a person with whom the victim shares a child in common; c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; d) 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 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.

forcible sexual offenses

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

a. forcible rape: the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible Rape also includes the following:

forcible sodomy: oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

sexual assault with an object: the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

b. forcible fondling: the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

non-forcible sexual offenses

Unlawful, non-forcible sexual intercourse:

a. incest: non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

b. statutory rape: non-forcible sexual intercourse with a person who is under the statutory age of consent.

prevention and safety

on bystander intervention

Please be aware that “bystander intervention” has been identified as a critical feature of an effective and comprehensive sexual violence prevention program. Bystander intervention means having safe and positive options that may be carried out by an individual or individuals to prevent harm, or intervening when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Remember, that you are almost never legally obligated to intervene on someone’s behalf. If a crime is suspected, you should always call law enforcement.

on risk reduction

Please be aware that “risk reduction” has likewise been identified as a critical feature of prevention programs. Risk reduction means having options that are designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction acknowledges the reality that criminal activity exists. Risk reduction seeks to empower would-be victims with the tools he or she needs to avoid being targeted by criminals. Some examples of risk reduction in the context of sexual violence are things like, 1) alcohol safety; 2) going out with friends rather than alone; 3) computer safety, especially when chatting with anonymous individuals; 4) knowing what “consent” looks like and recognizing when someone is pressuring you; and 5) reducing exposure to hazardous areas (unlit areas, etc.).

IF YOU SUSPECT THAT A CRIME HAS BEEN COMMITTED, CALL LAW ENFORCEMENT IMMEDIATELY.

To report an incident of sexual discrimination to WCU, please contact Western Carolina University’s Title IX Coordinator, Shea Browning, in 520 HF Robinson Administration Building, 1 University Drive, Cullowhee, NC 28723. telephone: (828) 227-7116 email: srbrowning@email.wcu.edu}