



# Crime Awareness and Campus Security

<b>Responsible Officer:</b>	Rachael Nava
<b>Responsible Office:</b>	Executive Vice President & Chief Operating Officer
<b>Issuance Date:</b>	TBD
<b>Effective Date:</b>	TBD
<b>Scope:</b>	This Policy applies to all University of California staff, faculty, and students. It applies to all Campuses, Medical Centers, Agriculture and Natural Resources, Office of the President, and the Lawrence Berkeley National Laboratory. (“Campuses”)

<b>Contact:</b>	Alexander Bustamante
<b>Title:</b>	Senior Vice President & Chief Compliance & Audit Officer
<b>Email:</b>	<a href="mailto:Alexander.Bustamante@ucop.edu">Alexander.Bustamante@ucop.edu</a>
<b>Phone #:</b>	(510) 987-9090

## TABLE OF CONTENTS

I. POLICY SUMMARY .....	1
II. DEFINITIONS.....	2
III. POLICY STATEMENT .....	5
IV. COMPLIANCE/RESPONSIBILITIES.....	5
V. PROCEDURES .....	8
VI. RELATED INFORMATION.....	8
VII. FREQUENTLY ASKED QUESTIONS .....	9
VIII. REVISION HISTORY .....	9

## I. POLICY SUMMARY

The Clery Act (otherwise officially known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, section 485 of the Higher Education Act, codified at 20 U.S.C. 1092 (f)) is a federal law requiring colleges and universities across the United States that receive Title IV funding to disclose information about particular crimes on and around their campuses and related policies. It is the policy of the University to comply with its obligations under the Clery Act and California law.

The University of California is committed to providing a safe and secure learning and work environment for UC students and employees consistent with the Clery Act. In accordance with statutory requirements, the University strives to ensure students, faculty, other academic staff and staff employees (the “University Community”), have access to accurate information about crimes committed on and around the Campus; as well as, access to University wide security policies and related local campus procedures and a confidential reporting process for victims and witnesses. This *Policy* describes roles and responsibilities for the University Community related to compliance with legal requirements regarding crime reporting, awareness, and prevention.

---

## II. DEFINITIONS

---

- A. Annual Fire Safety Report (AFSR)**– Each Campus which maintains an on-campus student housing facility, must publish and distribute annually by October 1 an Annual Fire Safety Report (“AFSR”) that includes the fire statistics for each on-campus student housing facility for the three most recent calendar years; and the fire safety policies and procedures for those facilities. Campuses are required to distribute the AFSR to current employees and enrolled students and to provide notice to prospective students and employees of the AFSR’s availability upon request the AFSR may be filed separately or combined with the Annual Security Report (see below).
- B. Annual Security Report (“ASR”)**– the Clery Act requires those postsecondary institutions participating in the Higher Education Act’s Title IV student financial assistance programs and each of their separate campuses to annually publish by October 1 a report containing the campus safety policy statements and Clery crime statistics for the 3 most recent calendar years. This annual report is known as the Annual Security Report (“ASR”). Campuses are required to provide notice of availability of the ASR to current employees and enrolled students and to provide notice to prospective students and employees of the ASR’s availability upon request.
- C. Campus Security Authority (“CSA”)** - Individuals at the University who because of their functional role have an obligation to notify the University department responsible for collecting crime information ( e.g., the campus police department) of alleged Clery crimes that are reported in good faith or witnessed by the CSA. CSAs include campus police employees and other persons who:
1. Have responsibility for campus security but who are not employees of a campus police department or a campus security department;
  2. Are specified in the campus ASR as an individual to whom students and employees should report criminal offenses; or
  3. Have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.
- D. CARE Advocate** – University staff employees who are professionally trained, and certified, to provide confidential support services to survivors of sexual violence,

sexual assault, domestic violence, dating violence or stalking. CARE Advocates are not CSAs under this Policy.

- E. Clery Crimes** – The Clery Act requires that certain crimes occurring on Campus Clery Geography (as defined below) be reported annually by the Campus to the U.S. Department of Education and shared with the Campus Community. The following offenses are Clery Crimes,: criminal homicide (murder and non-negligent manslaughter and negligent manslaughter), sex offenses (rape, fondling, incest and statutory rape), domestic violence, dating violence, stalking, robbery, aggravated assault, burglary, motor vehicle theft, [collectively referred to herein as “Part 1 Violent Crimes”]; arson, hate crimes (as defined below), and arrests or referrals for disciplinary action for drug abuse, liquor and/or weapons law violations.
- F. Clery Geography** - The campus geographic areas, as defined by the Clery Act, for which Clery Crimes are required to be reported. The geographic categories include the following:
1. **On-Campus** - Any building or property (i) owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University’s educational purposes, including residence halls; (ii) any building or property that is within or reasonably contiguous to the campus that is owned by the University but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
  2. **Public Property** - All public properties, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.
  3. **Non-Campus Property**
    - a. Buildings or property that are:
      1. owned or controlled by the University; and
      2. used in direct support of, or in relation to, the University’s educational purposes, and
      3. frequently used by students, and
      4. not within the same reasonably contiguous geographic area of the University campus; or
    - b. Any building or property owned or controlled by a student organization that is officially recognized by the University.
    - c. Any property outside of the United States if the property otherwise meets the definition of Non-campus Property described above in subsections a. or b.
- G. Clery Coordinator/Officer** - The employee appointed by the Executive Officer, or designee, at each Campus to coordinate the gathering of all data and policies necessary for the timely filing and distribution of the Annual Security Report and

Annual Fire Safety Report.

- H. Emergency Notification** – A notification issued by a designated UC official promptly informing the Campus Community, upon confirmation, of a significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of the Campus Community.
- I. Emergency Response & Evacuation Procedure “Test”**: Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.
- J. Executive Officer** – The University President, Chancellor, Lawrence Berkeley National Laboratory Director, or Vice President of Agricultural and Natural Resources.
- K. Hate Crime** – A crime reported to local police agencies or to a CSA that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. For *Clery Act* purposes, Hate Crimes include any of the following offenses that are motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property.
- L. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)** – Also known as the Clery Act, this federal law requires colleges and universities that receive Title IV funding to disclose information about Clery Crimes occurring on Clery Geography and related policies.
- M. Missing Student Notification** – A notification issued to an emergency contact, and/or a parent/legal guardian and the local law enforcement agency by a designated UC official when a student who lives in on-campus housing has been missing for 24 hours.
- N. Pastoral Counselors** – Individuals associated with and recognized by a religious order or denomination as someone who provides confidential counseling and is functioning within the scope of the recognition. Pastoral Counselors do not have CSA responsibilities.
- O. Professional Counselors** – Individuals whose official responsibilities include providing mental health counseling to members of the Campus community and who function within the scope of the counselor’s license or certification. When acting within the scope of these responsibilities professional counselors are not CSAs.
- P. Timely Warning** – A notification issued by the Campus police department to alert the Campus community about Clery Crimes occurring within the Campus’ Clery Geography, that are:

1. Reported to, or observed by, a CSA or local police agencies; and
2. Considered by the Campus to represent a serious or continuing threat to Campus Community

---

### **III. POLICY STATEMENT**

---

Each Campus shall comply with the requirements set forth in the Clery Act and California state laws in furtherance of providing a safe and secure learning and work environment for UC students and employees. System wide and local audit/compliance offices will conduct periodic audits to confirm compliance with this *Policy* and related local procedures.

---

### **IV. COMPLIANCE/RESPONSIBILITIES**

---

#### **A. Location implementation responsibilities:**

Each Campus must:

1. Have procedures for students and employees to voluntarily and confidentially notify the University of crimes on and around Campus.
2. Designate, notify and train a Clery Coordinator/Officer.
3. Identify, notify and train all Campus Security Authorities (CSAs).
4. Encourage compliance with all Clery policies, procedures and disclosures.

#### **B. Campus Clery Coordinator/Officer:**

The Clery Coordinator/Officer, or designee, responsibilities shall include, but are not limited to, the following:

1. In collaboration with the campus police department, collecting and reporting crime statistics for Clery crimes on Clery geography as defined in the Clery Act.
2. Publishing and distributing annual crime statistics through the ASR.
3. In collaboration with the campus police department, reviewing the statistics for accuracy prior to submission to the U.S. Department of Education.
4. In coordination with campus real estate and/or other similar departments, developing and classifying local Clery geographic parameters.
5. Coordinating the distribution of this Policy, and related campus procedures, with appropriate campus offices.
6. Chairing local Clery compliance committee.
7. Serving as liaison with the U.S. Department of Education regarding Clery Act matters.

8. Coordinating with the campus fire marshal to ensure compliance/coordination of the AFSR.
9. Ensuring the ASR is distributed to enrolled students and current employees by October 1<sup>st</sup> each year.
10. Ensuring that prospective students and employees are notified of the availability of the ASR and the AFSA.
11. Identifying all Campus Security Authorities (CSAs) and notifying them of their designation and responsibilities as a CSA.
12. Ensuring that all CSAs are trained upon their initial appointment and providing ongoing training to CSA's as appropriate.
13. Submitting the ASR to the Office of Ethics, Compliance & Audit Services, Office of the President for informational purposes.
14. Coordinate with appropriate campus units regarding emergency management items related to the Clery Act including a statement of policy regarding disclosure of emergency response and evacuation procedures, conducting and publicizing a Clery compliant Emergency Response & Evacuation Procedure "Test" at least once per year, and the maintaining appropriate documentation for each test.

### **C. Campus Security Authority ("CSA")**

Using the functional duties of a position, rather than the job title, UC locations shall identify and inform students, faculty, other academic staff and staff employees and volunteers (paid or unpaid, if deemed to be a CSA based on their function) of CSA reporting responsibilities and provide the CSAs with appropriate related training.

The CSA may not investigate any crime or seek to apprehend any perpetrator.

The CSAs' responsibilities include, but are not limited to, the following:

1. Reporting, immediately – or as soon as reasonably practicable (to the campus police department and/or the Campus Clery Coordinator) any Clery Act crimes or incidents which they have been made aware, or witnessed, including information regarding:
  - a. When the crime or incident occurred,
  - b. When the crime or incident was reported,
  - c. Where the crime or incident occurred,
  - d. The nature or description of the crime or incident;
2. The CSA is not a confidential resource; and should inform the survivor of sexual assault, domestic violence, dating violence, or stalking that the campus CARE office is the confidential resource regarding reporting the

crime to the police and available campus/community resources.

3. In accordance with California state law, a CSA shall immediately, or as soon as practicably possible, notify local law enforcement of any report received by the CSA of a Part 1 Violent Crime Hate Crime or sexual assault whether committed on or off campus. In accordance with California law, the CSA shall not disclose to local law enforcement the identities of the victim or alleged perpetrator unless the victim consents to being identified after being informed of their right to remain anonymous. If the victim does not consent to being identified, the CSA shall not identify the alleged perpetrator either. For reports of crimes involving sexual violence, sexual assault, domestic violence, dating violence or stalking, the CSA shall also notify the campus Title IX Office of such reports in accordance with local campus procedures. Any CSA who knowingly fails to report a crime may be subject to disciplinary action.

#### **D. University of California Campus Police Departments**

Each campus police department will maintain a public crime log, recording criminal incidents within two business days in accordance with regulatory requirements. Any reports of a Part 1 Violent Crime, Hate crime, or sexual violence/assault, received by campus police must be immediately, or as soon as practicably possible, disclosed to the local community law enforcement agency with whom the campus has a written agreement pursuant to the Kristen Smart Campus Safety Act of 1998. The campus police may only disclose the identities of the survivor and the alleged perpetrator to the local law enforcement agency(ies) if the survivor consents to being identified. The campus police department will coordinate with the Clery Coordinator/Officer who is responsible for filing the ASR.

The campus police department or other designated departments are responsible for providing timely warnings/emergency notifications for Clery Act crimes that occur on Clery geography or deemed to be a serious threat to the safety of the Campus Community.

#### **E. Confidential Resources**

1. Disclosures made to licensed professional psychologists and counselors, and Pastoral Counselors, are privileged and confidential and thus are exempt from the CSA reporting requirements.
2. Campus CARE Advocates are confidential resources for survivors seeking assistance for crimes of a sexual nature and the CARE Advocates are exempt from reporting such crimes. All confidential offices on campus are exempt from CSA reporting requirements which include the CARE Office, Office of the Ombuds, and Counseling and Psychological Services. Disclosures about sexual violence incidents to CARE Advocates will not trigger a University investigation.

#### **F. Fire Safety and Security Reporting /The AFSR and The ASR**

By October 1<sup>st</sup> of each year, locations will publish and disseminate the ASR and the AFSR that are compliant with the Clery Act. Each location will submit the web based crime statistics to the U.S. Department of Education by a date set annually by the Department of Education (typically mid-October).

Prospective students and employees will be notified about the availability of the ASR.

ASRs and supporting documents will be retained according to federal law for 7 years. All records pertaining to pending litigation, or a request for records, will be maintained according to instructions from legal counsel.

Data for Clery crimes occurring on Non-Campus Property, operated by the UC Division of Agriculture and Natural Resources (“ANR”) programs, will be included in the ASR that is submitted on behalf of the UC campus that is associated with the particular ANR program. For the UC Education Abroad Program and other UC managed programs (e.g. Washington D.C. office), their Clery crime data will be included in the data submitted within the UC Office of the President data.

#### **G. Retaliation**

This *Policy* and 34 CFR Section 668.46(m) prohibit retaliation against a person who makes a Clery report. Retaliation includes, but is not limited to, threats, intimidation, coercion, reprisals, and/or harmful (adverse) actions related to employment or education.

Any member of the University community who participates in retaliation may be subject to disciplinary action, including dismissal, according to the University disciplinary procedures.

#### **H. Noncompliance with the Policy**

Noncompliance with this *Policy* is handled in accordance with Faculty, Staff, and Student Policies pertaining to disciplinary matters.

---

### **V. PROCEDURES**

---

The Executive Officer or designee at each location is authorized and responsible for developing procedures or other supplementary information to support the implementation of this *Policy*. All local procedures must be consistent with the *Policy*.

---

### **VI. RELATED INFORMATION**

---

- A. [The University of California Whistleblower Protection Policy](#)
- B. [The University of California Whistleblower Policy](#)
- C. [The University of California Sexual Harassment and Sexual Violence Policy](#)

- D. [The University of California Reporting Child Abuse and Neglect Policy](#)
- E. [Clery Act – US Department of Education](#)
- F. [Kristen Smart Campus Safety Act of 1998](#)
- G. [Uniform Crime Reporting Handbook of FBI](#)
- H. [University Policy on Substance Abuse](#)
- I. [PACAOS 100.00 Policy on Student Conduct and Discipline](#)
- J. [Title IV funding reference](#)
- K. <http://clerycenter.org/summary-jeanne-clery-act>
- L. [Clery center summary: Clery Act full text: http:clerycenter.org/Jeanne-clery-act](#)
- M. [Department of Education: http://op.ed.gov/security](#)
- N. [Department of Education: https://www2.ed.gov/admins/lead/safety/campus.html](#)

---

## **VII. FREQUENTLY ASKED QUESTIONS**

---

Not Applicable

---

## **VIII. REVISION HISTORY**

---

XX/XX/2017- This is the initial issuance of this Policy