



<b>POLICY TITLE</b>	Clery Act Compliance	<b>Policy Number</b>	407
<b>Section</b>	Facilities, Operations, and Information Technology	<b>Approval Date</b>	June 17, 2016
<b>Subsection</b>	Safety, Security, and Vehicles	<b>Effective Date</b>	June 17, 2016
<b>Responsible Office</b>	Office of the Vice President of Finance and Administration		

### 1.0 PURPOSE

**1.1** In compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998* (the “Clery Act”), the purpose of this policy is to assist in creating a safe and secure environment for students, faculty, staff, and campus visitors and to provide guidance to all members of the University community regarding Clery Act requirements.

### 2.0 REFERENCES

**2.1** *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998* (the “Clery Act”) (20 USC § 1092(f))

**2.2** *Crime Definitions in Accordance with the Federal Bureau of Investigations Crime Reporting Program* (34 CFR § 668)

**2.3** Utah Code Ann. § 76-5-406

**2.4** Utah Code Ann. § 78B-7-402

**2.5** Utah Code Ann. § 77-36-1

**2.6** Utah Code Ann. § 76-9-702.1

**2.7** Utah Code Ann. § 76-5-106

**2.8** UVU Policy 115 *Minors on Campus and at University-Sponsored Events*

**2.9** UVU Policy 154 *Workplace Violence*

**2.10** UVU Policy 162 *Sexual Misconduct*

**2.11** UVU Policy 324 *Drug-free Workplace*



### 3.0 DEFINITIONS

**3.1 Alcohol law violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**3.2 Annual Security Report (ASR):** The annual report of crime statistics and other campus information that must be prepared and distributed in accordance with the *Clery Act*.

**3.3 Campus Security Authority (CSA):** Individuals serving in positions identified by the Vice President of Finance and Administration that have significant responsibility for student and campus activities. These individuals may not always be university employees. CSAs include but are not limited to:

- 1) Members of UVU Police;
- 2) Any individual responsible for security who is not a member of UVU Police (for example, individuals responsible for monitoring entrances to buildings or specified areas are responsible for security even on a temporary basis); and
- 3) Any university official who has significant responsibility for student and campus activities, including but not limited to administrators, student resident leaders and assistant leaders, student and employee discipline and campus judicial proceedings, athletics administration and coaches and coaching staff, faculty or staff who lead or supervise travel groups, and academic advisors and advisors to recognized student organizations.

**3.4 Clery Act crimes:** Information about any incident that may constitute any of the following crimes must be reported by CSAs to UVU Police, and the University is required to maintain statistics of these crimes for its ASR:

- 1) Murder/non-negligent manslaughter, negligent manslaughter, sexual assault offenses (forcible and non-forcible), domestic violence, dating violence, stalking, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- 2) Hate crimes: Any of the above mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias based on race, ethnicity, national origin, religion, sex/gender, sexual orientation, gender identity, or disability; and
- 3) Arrests and referrals for disciplinary action for weapons (carrying, possessing, etc.), drug abuse violations, and alcohol law violations.



**3.5 Clery geography:** Any location on which the University is required to report crime statistics for purposes of the *Clery Act*, including:

1) Campus property: Any building or property owned or controlled by the University within the same reasonably contiguous geographic area of the University and used by the University in direct support of, or in a manner related to, the University's educational purposes, including any building or property within the same reasonably contiguous geographic area of the University 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) Non-campus building or property: Any building or property owned or controlled by an officially sponsored student organization recognized by the University and any building or property (other than a branch campus) owned or controlled by the University that is frequently used in direct support of, or in relation to, the University's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University; and

3) Public property within or immediately adjacent to the campus: The term "public property" means all public property that is within the same reasonably contiguous geographic area of the University, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the University if the facility is used by the University in direct support of, or in a manner related to, the University's educational purposes.

**3.6 Daily crime log:** A daily record maintained by UVU Police that records all reported alleged criminal activity in accordance with the *Clery Act*.

**3.7 Dating violence:**

1) As defined in the *Clery Act*, dating violence means violence committed by a person who is or has been in a relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the reporting party's statement and with consideration of the length of the relationship, type of relationship, and frequency of interaction between the parties. It includes, but is not limited, to sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for purposes of *Clery Act* reporting, though criminal prosecution of crimes must meet the definition of Utah law.

2) Under Utah law, any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against his or her dating partner; or any attempt, conspiracy, or solicitation by a person to commit a criminal offense involving violence or physical harm against his or her dating partner. "Dating partner" means a person who: (a) is an emancipated person as defined by Utah statute; or (b) is 18 years of age or older; and is, or has been, in a dating relationship with the other party. "Dating partner" does not include an intimate



partner, as defined in federal law (18 U.S.C. § 921). "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship that has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy. "Dating relationship" does not mean casual fraternization in a business, educational, or social context. In determining, based on a totality of the circumstances, whether a dating relationship exists, all relevant factors shall be considered, including: (a) whether the parties developed interpersonal bonding above a mere casual fraternization; (b) the length of the parties' relationship; (c) the nature and the frequency of the parties' interactions, including communications indicating that the parties intended to begin a dating relationship; (d) the ongoing expectations of the parties, individual or jointly, with respect to the relationship; (e) whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to others; and (f) whether other reasons exist that support or detract from a finding that a dating relationship exists. It is not necessary that all, or a particular number, of the factors described herein are found to support the existence of a dating relationship. (Utah Code Ann. § 78B-7-402.)

### **3.8 Domestic violence:**

1) As defined in the *Clery Act*, domestic violence means felony or misdemeanor crimes 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 (e) 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. Any incident meeting this definition is considered a crime for purposes of *Clery Act* reporting, though criminal prosecution of crimes must meet the definition of Utah law.

2) Under Utah law, any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" also means commission or attempt to commit, any of the following offenses by one cohabitant against another: aggravated assault, assault, criminal homicide, harassment, electronic communication harassment, kidnapping, child kidnapping, or aggravated kidnapping, mayhem, sexual offenses, stalking, unlawful detention, violation of protective order, any offense against property, possession of a deadly weapon with intent to assault, discharge of a firearm. (Utah Code Ann. § 77-36-1(4).)

**3.9 Drug abuse violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance is also a drug abuse



violation. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs are also violations.

### **3.10 Sexual assault:**

1) As defined in the *Clery Act*, sexual assault is an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting systems of the Federal Bureau of Investigation, including forcible or non-forcible sex offense or actual or attempted sexual contact with another person without that person's consent. Sexual assault includes but is not limited to involvement in any sexual contact when the victim is unable to consent or intentional and unwelcome touching, however slight, of any body part or object, by any person upon another person, that is without consent and/or by force or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast). Sexual intercourse without consent includes acts commonly referred to as rape, statutory rape, or incest. Intercourse includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth-to-genital contact or genital-to-mouth contact) no matter how slight the penetration or contact. Any incident meeting this definition is considered a crime for purposes of *Clery Act* reporting, though criminal prosecution of crimes must meet the definition of Utah law.

2) Under Utah law, a person is guilty of rape if that person has sexual intercourse with the victim without the victim's consent. (Utah Code Ann. § 76-5-402.) A person is guilty of object rape if the actor, without the victim's consent, causes the penetration, however slight, of the genital or anal opening of another person who is 14 years of age or older, by any foreign object, substance, instrument, or device, including a part of the human body other than the mouth or genitals, with intent to cause substantial emotional or bodily pain to the victim or with the intent to arouse or gratify the sexual desire of any person. (Utah Code Ann. § 76-5-402.2.) A person is guilty of sexual battery if the person, under circumstances not amounting to rape, sodomy, forcible sex abuse, or aggravated sexual abuse, intentionally touches, whether or not through the clothing, the anus, buttocks, or any part of the genitals of another person, or the breast of a female person, and the person's conduct is under circumstances the person knows or should know will likely cause affront or alarm to the person touched. (Utah Code Ann. § 76-9-702.1.)

### **3.11 Stalking:**

1) As defined in the *Clery Act*, stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts that the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Any incident meeting this definition is considered a crime for purposes of *Clery Act* reporting, though criminal prosecution of crimes must meet the definition of Utah law.



2) Under Utah law, a person is guilty of stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to fear for the person's own safety or the safety of a third person, or to suffer other emotional distress. A person is guilty of stalking who intentionally or knowingly violates a stalking injunction issued pursuant to Utah Code Ann. § 77-3a, or a permanent criminal stalking injunction issued pursuant to Utah Code Ann. § 76-5-106.

## 4.0 POLICY

### 4.1 Policy Statement

**4.1.1** Utah Valley University is committed to providing a safe and secure environment for all members of the university community and visitors. The University adopts this policy to facilitate compliance with *Clery Act* disclosure, reporting, and crime statistic requirements.

### 4.2 Scope of This Policy

**4.2.1** This policy applies to all members of the university community and also provides information to university visitors, prospective students, and prospective employees.

**4.2.3** The obligation to meet *Clery Act* reporting requirements applies to all UVU community members who are responsible for campus security and those with a significant responsibility for student and campus activities. The *Clery Act* identifies these responsible persons as CSAs.

**4.2.4** UVU Police, which is fully accredited by the State of Utah, is charged with protecting lives and property on campus. UVU Police officers have the same police powers and responsibilities as officers in other Utah law enforcement agencies.

### 4.3 Reporting of Crimes and Other Emergencies

**4.3.1** The University encourages all members of the University community who become aware of criminal actions or other emergencies or suspicious or criminal activity to report such actions or activity to UVU Police as soon as possible. Crimes may be reported to UVU Police by calling (801) 863-5555. In the event of a crime in progress or at any time there is a risk of harm to persons or property, call 911 or (801) 863-5555 on campus.

**4.3.2** Incidents reported to UVU Police will be investigated for the purpose of reducing crime, improving safety, making disciplinary referrals, and imposing criminal sanctions as appropriate. Additionally, incidents reported to UVU Police will be included in the statistical report contained in the ASR.



**4.3.3** Criminal actions may also be reported to CSAs, who have a legal obligation to file a report of suspected criminal activity with UVU Police to ensure statistical inclusion of all crimes specified by the *Clery Act* in the University's ASR when those crimes occur in the area defined as "Clery geography," including on or near University Property, including on-campus property, property immediately adjacent to the campus, and off-campus property owned or controlled by the University. Reports made to these persons or offices, and not also made to UVU Police, will be included in the statistical report in the ASR but generally will not be investigated by the police. Training regarding reporting responsibilities will be provided to all persons designated as CSAs.

**4.3.4** Although the University strongly encourages all members of the University community to report crime to law enforcement, it is the victim's choice whether or not to make such a report, and the victim has the right to decline involvement with the police. The University will assist victims with notifying the police if they so desire.

**4.3.5** Individuals who intentionally and knowingly make false accusations of criminal activity or provide false information to UVU Police or university officials in connection with an accusation and/or investigation of criminal activity are subject to discipline under university policy as well as criminal and/or civil penalties under applicable law.

#### **4.4 Clery Act Compliance**

**4.4.1** To promote safety and security at the University and in compliance with the Clery Act, the University does all of the following:

- 1) Submits crime statistics to the United States Department of Education. Each year, the University submits crime statistics for *Clery Act* crimes by type, location, and year to the U.S. Department of Education.
- 2) Maintains a daily crime log of reported alleged criminal incidents that is open to public inspection.
- 3) Issues timely warnings and campus alerts. UVU issues a timely warning to the University community when there is information that a *Clery Act* crime has occurred that represents a serious or ongoing threat to campus safety. Specifically, if a situation arises on campus or in an area surrounding campus that, in the judgment of the Chief of Police or designee, constitutes a serious or continuing threat to students, employees, or the UVU community, the Chief of Police shall initiate a timely warning using the University's emergency communications systems. Anyone with information warranting a timely warning should report the circumstances to UVU Police.

4) Issues emergency notifications. The University issues an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to



the health or safety of students or employees occurring on the campus. The University tests the emergency notification procedure biannually.

5) Publishes and maintains an Annual Security Report (ASR). UVU Police prepares the ASR, which contains safety- and security- related policy statements and statistics of *Clery Act* crimes occurring on Clery geography. To prepare the ASR, the University collects, classifies, and counts *Clery Act* crime reports and statistics. The University maintains contact with local police departments to collect crime statistics for off-campus locations.

**4.4.2** The full text of this report can be found on the UVU Police website at <https://www.uvu.edu/police/docs/clery.pdf>. Each year, notification about the ASR is sent by email or other means to all enrolled students, staff, and faculty. In addition, paper copies of the report may be obtained from UVU Police at 800 W. University Parkway MS 195, Orem, Utah, Gunther Trades Building Room 331, or by calling (801) 863-5555. Prospective students and employees may also obtain copies from the UVU website or UVU Police.

#### **4.5 Requests for Anonymity/Referrals to Other UVU Departments**

**4.5.1** Individuals who witness or are the victim of crime, but who wish to remain anonymous, may report the crime to UVU Police on a confidential basis. To do so, individuals should specifically request that they remain anonymous. The report ensures that the occurrence of the crime will be included in the University's annual report; assists the police in determining if there is a pattern of crime with regard to a particular location, method, or suspect; and enables the police, in appropriate circumstances, to alert the campus community to potential dangers. Filing an anonymous report may limit the ability of UVU Police to provide specific assistance or to investigate or solve a crime.

**4.5.2** If a victim requests anonymity from the Title IX Coordinator or designee, the identity of the victim shall remain confidential except in instances when the victim is a minor or vulnerable adult, or there is imminent danger to the victim or others in the community. In such cases, identification to law enforcement is required for safety and protection. In instances when the University is notified of a request for information, personally identifiable information contained in university records shall remain protected and shall not be accessible to the public. UVU Policy 162 *Sexual Misconduct* and Policy 115 *Minors on Campus and at University-Sponsored Events* provide specific policy and procedure regarding minors.

**4.5.3** Incidents involving student misconduct that are investigated by UVU Police may be referred to the Director of Student Conduct for disciplinary action. Examples of such referrals include consumption of alcohol by individuals under the age of 21. Students are subject to discipline for use, possession, or distribution of alcoholic beverages of any type on university premises except as expressly permitted by law and university regulations. Students are also subject to discipline for use, possession, or distribution of any narcotic or other controlled substance on university premises, at university activities, or on premises over which the





University has supervisory responsibility pursuant to state statute or local ordinance, except as permitted by law and university policy.

**4.5.4** Incidents involving staff misconduct may be referred to Human Resources for possible disciplinary action. Incidents involving faculty misconduct may be referred to Academic Affairs for possible disciplinary action. Under university policy, the University is a drug-free workplace. It is a violation of UVU Policy 324 *Drug-free Workplace* for employees to engage in the unlawful manufacture, distribution, dispensation, possession, and/or use of a controlled substance or alcohol at university workplace or while engaged in university business off campus. Employees are subject to discipline for violating this policy.

#### **4.6 Registered Sex Offenders**

**4.6.1** In accordance with the *Campus Crimes Prevention Act* (42 US Code § 14071), the *Utah Sex Offender Registration Act* (U.C.A. 77-27-21.5) requires notice to be given to institutions of higher education of persons required by the act to register who are affiliated with the institution. The Utah Department of Corrections Sex Offender Registration Program Office will inform UVU Police of registered sex offenders who are affiliated with UVU. This information will be available at UVU Police, 800 W. University Parkway MS 195, Orem, Utah, Gunther Trades Building Room 331, (801) 863-5555. Individuals seeking additional information about registered sex offenders may go to the Utah Department of Corrections Sex Offender Registry at <http://www.corrections.utah.gov/services/sonar.html>.

#### **4.7 Prevention, Education, and Training**

**4.7.1** The University conducts student and employee climate surveys to develop education and prevention programs that reflect comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking. Training will be culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to university community needs, and informed by research. Training will also be assessed for value, effectiveness, and outcome. These programs are designed to consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

**4.7.2** The University shall monitor the effectiveness of its awareness, prevention, and risk reduction programs and services through campus climate surveys and other statistical data.

**4.7.3.** The University's education and prevention programs include awareness programs, bystander interventions, ongoing prevention and awareness campaigns, primary prevention programs, and education on risk reduction.



## 5.0 PROCEDURES

### 5.1 Annual Security Report

**5.1.1** UVU Police is responsible for collecting reported *Clery Act* crimes made to UVU Police, local law enforcement agencies, school officials, CSAs, and all others associated with UVU who are responsible for student and campus activities.

**5.1.2** UVU Police is responsible for completing and submitting the ASR to the U.S. Department of Education, in accordance with *Clery Act* requirements. The report shall include statistics of *Clery Act* crimes for the preceding three years and UVU's policy statements addressing campus security and safety. UVU Police shall compile and disclose:

- 1) Statistics of reported *Clery Act* crimes on its campuses, immediately adjacent public areas, remote classroom facilities, and non-campus facilities that support educational services (*Clery* geography). Information about each crime shall include the date, location, and disposition (if known) of the crime.
- 2) The number of arrests related to *Clery Act* crimes. If an individual is both arrested and referred for disciplinary action, only the arrest will be reported.
- 3) The number of students who are referred for disciplinary action due to *Clery Act* crimes. If an individual is both arrested and referred for disciplinary action, only the arrest will be reported. For weapons, drug, and/or liquor law violations, both the referral and the arrest must be reported in *Clery Act* crime statistics.

**5.1.3** In accordance with the *Clery Act* and this policy, the Title IX Coordinator or designee will provide UVU Police statistics about sexual misconduct for the ASR. This report provides those statistics to the U.S. Department of Education, but does so in a manner that does not include any identifying information about persons involved in an incident.

**5.1.4** UVU Police shall publish the ASR by October 1 of each year. The ASR shall be made available to all current and prospective students and employees by web, mail, and/or email.

**5.1.5.** The University shall keep all records used in compiling the ASR for three years from the latest publication of the report and shall include the following: copies of crime reports; daily crime logs; records for arrests and/or referrals for disciplinary action; timely warning and emergency notification reports; documentation and/or correspondence regarding *Clery Act* compliance; and notices to students/employees regarding the availability of the ASR. All documentation shall be dated.



## 5.2 Timely Warnings and Emergency Notifications

**5.2.1** Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the University shall notify the campus community using the procedures found at <https://www.uvu.edu/police/>. The University shall determine the appropriate segment or segments of the campus community to receive a notification, determine the content of the notification, and initiate the notification system. The University shall, without delay and considering the safety of the community, determine the content of the notification and initiate the notification system, unless responsible authorities determine that such notification will compromise efforts to contain, respond to, or otherwise mitigate the emergency.

**5.2.2** The University shall issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The University tests the emergency notification procedure bi-annually. University shall biannually test the University's emergency response and evacuation procedures, which can be found at <https://www.uvu.edu/police/> under emergency procedures.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity