



Clery Act Policy – Campus Safety and Security Reporting

Responsible Officer:	Executive Vice President & Chief Operating Officer
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Issuance Date:	8/16/2023
Effective Date:	8/16/2023
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Scope:	<p>This Policy applies to all University of California staff, academic personnel, students, volunteers, and third-party vendors.</p> <p>It applies to all UC Campuses, Medical Centers, Agriculture and Natural Resources, Office of the President, the Lawrence Berkeley National Laboratory, and UC-owned or controlled properties.</p>

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I. POLICY SUMMARY

The Clery Act (otherwise officially known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act) is a federal law requiring colleges and

universities across the United States that receive Title IV funding to disclose information about Clery Crimes occurring on Clery Geography and safety related policies. It is the policy of the University of California (“University”) to comply with the obligations under the Clery Act, its regulations, and the requirements of the Higher Education Opportunity Act of 2008 (HEOA).¹

This Policy describes roles and responsibilities for Locations related to compliance with Clery Act requirements.

II. DEFINITIONS

- A. Annual Fire Safety Report (AFSR)** – The AFSR includes fire statistics and fire safety policies and procedures for each On-Campus student housing facility for the three most recent calendar years if the data is available. Each Location that maintains an On-Campus Student Housing Facility must publish and distribute an Annual Fire Safety Report (AFSR). The AFSR may be filed separately or combined with the Annual Security Report (see Section IV.C. 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 a report containing safety policy statements¹ and Clery Crime statistics for the three most recent calendar years if the data is available. This annual report is known as the Annual Security Report (ASR).
- C. Campus Security Authority (CSA)** – A Clery Act-specific term that encompasses four groups of individuals and organizations associated with a Location:
1. A campus police department or a campus security department of a Location. All individuals who work for these departments are CSAs.
 2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into a Location’s property.
 3. Any individual or organization specified in the Location’s security policy as an individual or organization to which students and employees should report criminal offenses.
 4. An official of a Location who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. If such an official is a Pastoral or Professional Counselor as defined below, the official is not considered a campus security authority when acting as a Pastoral or Professional Counselor.
- D. Clery Crimes** – The Clery Act requires that certain crimes occurring on Clery Geography (as defined below) be collected and reported annually to the U.S.

¹ 20 U.S. Code § 1092(f), 34 C.F.R. § 668.46, 20 U.S. Code § 1092(i), 34 C.F.R. § 668.49

Department of Education (ED) and reported in the ASR. The following offenses are Clery Crimes and include attempts of the same: criminal homicide (murder and non-negligent manslaughter and manslaughter by negligence), sexual assault (rape, fondling, incest and statutory rape), robbery, aggravated assault, arson, burglary, motor vehicle theft, domestic violence, dating violence, stalking, hate crimes, and arrests or referrals for disciplinary action for liquor law violations, drug law violations, and/or illegal weapons possession.²

E. Clery Geography – For the purposes of collecting statistics on Clery Crimes, Clery Geography includes:

1. On-Campus –

(i) Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the Location in direct support of, or in a manner related to, the Location’s educational purposes, including On-Campus Student Housing Facilities; and

(ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, 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. On-Campus Student Housing Facility – any student housing facility that is owned or controlled by the University, or is located on property that is owned or controlled by the University, and is within the reasonably contiguous geographic area of On-Campus Property.

3. Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the On-Campus Property.

4. Non-Campus Building or Property –

(i) Any building or property owned or controlled by a student organization that is officially recognized by the Location; or

(ii) Any building or property owned or controlled by the University that is used in direct support of, or in relation to, the Location’s educational purposes, is frequently used by students, and is not within the same reasonable contiguous geographic area of the On-Campus Property.

For purposes of maintaining the crime log required by the Clery Act, Clery Geography also includes the areas within the patrol jurisdiction of the campus police or campus security department.

F. Clery Officer – The individual(s) appointed by the Executive Officer, or designee, at each Location to oversee its Clery compliance program.

² Clery Crimes are defined by federal regulations and this Policy will be updated to reflect those changes, as applicable.

- G. Emergency Notification** – A notification issued by a Location upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees On-Campus.
- H. Emergency Response and Evacuation Procedure Test** – Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.
- I. Location** – Each UC campus or entity presently identified as having Clery Act reporting responsibilities (UC Berkeley, UC Davis, UC Irvine, UCLA, UC Merced, UC Riverside, UC San Diego, UC San Francisco, UC Santa Barbara, UC Santa Cruz, and UCDC) and any additional UC campus or entity subsequently identified as having Clery Act reporting responsibilities. Locations may encompass medical centers and/or other UC owned or controlled properties.
- J. Missing Student Notification** – A notification issued to a missing-student contact, and/or a parent/legal guardian (for unemancipated minors) and the local law enforcement agency with jurisdiction, by a designated UC official when a student who lives in On-Campus Student Housing Facility has been determined to be missing for 24 hours.
- K. Pastoral Counselors** – A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- L. Professional Counselors** – A person whose official responsibilities include providing mental health counseling to members of the Location and who is functioning within the scope of the counselor’s license or certification.
- M. Timely Warning** – A notification issued by the Location that is timely and that withholds as confidential the names and other identifying information of victims, regarding crimes that occur within Clery Geography, that are:
1. Clery Crimes
 2. Reported to CSAs or local police agencies; and
 3. Considered by the Location to represent a serious or continuing threat to students and employees.

III. POLICY TEXT

Each Location must comply with the requirements set forth in the Clery Act in furtherance of providing a safe and secure learning and work environment for University students and employees. Systemwide and local audit/compliance offices will conduct periodic audits to confirm compliance with this Policy and any related local procedures.

IV. COMPLIANCE/RESPONSIBILITIES

A. Local Implementation Responsibilities:

Each Location must demonstrate administrative capability as defined in federal

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regulations³, and implement a Clery compliance program which includes, but is not limited to, the following components that comply with Clery Act requirements:

1. Designate, notify, and train a Clery Officer to oversee the Location's Clery compliance program and designate responsible departments, offices, or positions to implement each Clery Act regulatory requirement.
2. Identify, notify, and make training available to CSAs.
3. Publish and distribute the ASR and AFSR, if applicable, according to Clery Act regulations.
4. Classify and report Clery Crime statistics occurring on Clery Geography in the ASR and ED Campus Safety and Security Survey. Classify and report fire statistics occurring in On-Campus Student Housing Facilities, if and as applicable, in the AFSR and ED Campus Safety and Security Survey.
5. Identify parameters of Clery Geography and patrol jurisdiction of the campus police or campus security department on a regular basis.
6. Develop and disclose emergency response and evacuation procedures; conduct and publicize a Clery Act-compliant Emergency Response & Evacuation Procedure Test annually; and maintain appropriate documentation for each test.
7. Develop a process for assessing and issuing Timely Warnings and Emergency Notifications.
8. Develop Violence Against Women Act (VAWA) -compliant prevention programming, disclosures, and procedures.
9. Develop crime prevention and security awareness programming.
10. Develop and maintain a Clery Act compliant daily crime log and fire log, if applicable.
11. Develop and disclose Missing Student Notification procedures for students residing in On-Campus Student Housing Facilities.

B. Campus Security Authority (CSA)

Using the functional duties of a position, rather than the job title, Locations must identify and inform CSAs of their reporting responsibilities and make training available.

The CSA, other than members of the campus police department, may not investigate any crime or seek to apprehend any perpetrator. Nothing contained herein is intended to preclude a CSA from conducting appropriate investigations pursuant to applicable University or Location policies.

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

1. Reporting to the appropriate department as identified by the Location any Clery Crimes or incidents which they have been made aware, or witnessed, including

³ 34 CFR § 668.16

information regarding:

- a. When the crime or incident occurred,
 - b. When the crime or incident was reported,
 - c. Where the crime or incident occurred, and
 - d. The nature or description of the crime or incident.
2. CSAs may have reporting obligations under other federal, state, or local laws, and other University policies including, but not limited to, the [UC Sexual Violence and Sexual Harassment Policy](#) and the [UC Reporting Child Abuse and Neglect Policy](#).
 3. Any CSA who knowingly fails to report a crime may be subject to disciplinary action.

C. Annual Security Report (ASR) and Annual Fire Safety Report (AFSR)

By October 1 of each year, unless otherwise directed by ED, Locations will publish and distribute an ASR and AFSR, if applicable, that is compliant with the Clery Act (see Footnote #1 for guidance pertaining to required policies and procedures to be included) and 34 C.F.R. 668.41. Each Location will respond to ED's Campus Safety and Security Survey, thereby submitting crime and fire statistics (if applicable) in accordance with federal regulations.

ASRs, AFSRs and supporting documents will be retained for as long as designated in federal law. All records pertaining to pending, foreseeable or ongoing litigation; an investigation, an ongoing audit, or a request for records, cannot be destroyed until these actions have been completed or resolved. These records will be maintained according to the University's Records Management Program and instructions from legal counsel.

D. Retaliation

This Policy, in accordance with 34 CFR 668.46(m), prohibits retaliation.

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

E. Noncompliance with the Policy

Noncompliance with this Policy is handled in accordance with Academic Personnel, 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 this 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 Violence and Sexual Harassment Policy](#)
- D. [The University of California Reporting Child Abuse and Neglect Policy](#)
- E. [Clery Act – US Department of Education](#)

VII. FREQUENTLY ASKED QUESTIONS

Not Applicable

VIII. REVISION HISTORY

8/16/2023: The interim policy is finalized to approval the previous interim revision and include additional revisions that remove language and references to California State law, align definitions with Federal law, remove language that is not required by Federal law, clarify that Federal requirements are the responsibility of Locations, and remove extraneous definitions.

7/14/2022: The interim policy is issued to remove the specific language identified by the Department of Education so that the CARE and Ombuds employees are no longer categorically exempt as a CSA.

5/31/2018: Added footnotes to reference Federal Regulations and DOE Handbook for Campus Safety and Security Reporting, and California State Laws.

12/18/2017: This is the initial issuance of this Policy. This Policy also meets the Web Content Accessibility Guidelines (WCAG) 2.0.