

Policy Title:	Clery Act Policy – Campus Safety and Security Reporting
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Governing Body:	Southern Oregon University	Policy Number:	FAD.082
Policy Contact:	Campus Public Safety	Date Revised:	
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Approved By:	President	Next Review:	
Related Policy:			

Revision History

Revision Number:	Change:	Date:
	Initial version	

A. Purpose

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 safety related policies. It is the policy of Southern Oregon University (“SOU” or “University”) to comply with its obligations under the Clery Act and Oregon law.

Southern Oregon University is committed to providing a safe and secure learning and working environment for its 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 SOU campus; access to University wide security policies and related university 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.

B. Definitions

A. Annual Fire Safety Report (AFSR) – SOU maintains on-campus student housing and, as such, must publish and distribute annually by October 1 an Annual Fire Safety Report (AFSR). The AFSR includes the fire statistics and the fire safety policies and procedures for each on-campus

student housing facility for the three most recent calendar years. The report also includes information and policy statements regarding campus security and safety, for example, crime prevention, security awareness, fire safety, alcohol and substance abuse, sexual assault, procedures for reporting a crime and emergency and evacuation procedures, as well as other matters of importance to the campus community. 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 to annually publish by October 1 a report containing the campus safety policy statements and Clery Crime statistics for the three most recent calendar years. This annual report is known as the Annual Security Report (ASR).

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 Public Safety department) of alleged Clery Crimes that are reported to or witnessed by the CSA. CSAs include Campus Public Safety employees and other persons who:

1. Have responsibility for campus security but who are not employees of Campus Public Safety;
2. Are specified in the campus ASR as individuals 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 and student conduct proceedings.

D. Confidential Advisors – University staff employees who are professionally trained and certified to provide services related to the intake and referral of cases and providing accommodations to victims of sexual violence, sexual assault, domestic violence, dating violence or stalking. Confidential Advisors are not CSAs under this Policy. Confidential Advisors are privileged and confidential resources in accordance with state law and are also not designated as responsible employees who are legally obligated to act on a formal or informal notice of violation of law or policy regarding sexual violence and other covered forms of discrimination. Confidential Advisors work in the University’s Office of Student Support and Intervention and in the Student Health and Wellness Center.

E. Confidential Advocates – University staff employees who have received a minimum of forty (40) hours of comprehensive training to provide support services to victims of sexual violence, sexual assault, domestic violence, dating violence or stalking. Confidential Advocates are not CSAs under this Policy. Confidential Advocates are privileged and confidential resources in accordance with state law and are also not designated as responsible employees who are legally obligated to act on a formal or informal notice of violation of law or policy regarding sexual violence and other covered forms of discrimination. Confidential Advocates work in the University’s Multicultural Resource Center, Queer Resource Center, and Women’s Resource Center. Though both Confidential Advisors and Confidential Advocates provide confidential services to survivors of sexual violence, the services provided by Confidential Advocates are devoted primarily to providing initial intake and referral to other long-term and comprehensive support services, including the comprehensive services provided by Confidential Advisors.

F. Clery Crimes – The Clery Act requires that certain crimes occurring on campus, Clery Geography (as defined below), be tracked and reported annually each October to the U.S.

Department of Education and shared with the University Community. The following offenses are Clery Crimes: criminal homicide (murder and non-negligent manslaughter and manslaughter by negligence), sex offenses (rape, fondling, incest and statutory rape), robbery, aggravated assault, arson, burglary, motor vehicle theft, domestic violence, dating violence, stalking, Hate Crimes (as defined below), and arrests or referrals for disciplinary action for drug abuse, liquor and/or weapons law violations. Willful homicide, forcible rape, robbery, or aggravated assaults are collectively referred to as “Part 1 Violent Crimes.”

G. 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) 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 properties owned or controlled by a student organization that is officially recognized by the University, or

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.

H. Clery Coordinator/Officer – The employee appointed by the Executive Officer, or designee, at the 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.

I. Emergency Notification – A notification issued by a designated campus official promptly informing the University 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 University Community.

J. 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. The campus’ procedures to test the emergency response and evacuation procedures are on at least an annual basis and must include an Emergency Notification and an evacuation component for a significant portion of the campus.

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, manslaughter by negligence, sex offenses (rape, fondling, incest and statutory rape), 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) – This federal law requires colleges and universities that receive Title IV funding to disclose information about Clery Crimes occurring on Clery Geography and safety 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 SOU official when a student who lives in on-campus housing has been missing for 24 hours.

N. Professional Counselors – Individuals whose official responsibilities include providing mental health counseling to members of the University 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.

O. Timely Warning – A notification issued by the Campus Public Safety department to alert the University Community about Clery Crimes occurring within the campus' Clery Geography, that are:

1. Reported to, or observed by a CSA; and
2. Considered by the campus to represent a serious or continuing threat to the University Community.

C. Policy Statement

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

I. COMPLIANCE/RESPONSIBILITIES

A. Local Implementation Responsibilities

Under this policy, SOU must:

1. Have procedures that allow for students and employees to voluntarily and anonymously 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. Ensure there are local implementing procedures in place to comply with the Clery Act.
5. The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

B. Campus Clery Coordinator/Officer

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

1. Collaborating with the Campus Public Safety 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. Collaborating with the Campus Public Safety department and reviewing the statistics for accuracy prior to submission to the U.S. Department of Education.
4. Coordinating with the Office of Finance and Administration and/or other similar departments, developing and classifying local Clery Geography parameters.
5. Coordinating the distribution of this Policy, and related procedures, with appropriate University offices and personnel.
6. Serving as liaison with the U.S. Department of Education regarding Clery Act matters.
7. Coordinating with departments to ensure compliance/coordination of the AFSR.
8. Distribute the ASR and AFSR to current employees, enrolled students, prospective employees, and prospective students with a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the University will provide a paper copy of the report upon request.
9. Identifying all Campus Security Authorities (CSAs) and notifying them of their designation and responsibilities as CSAs.
10. Ensuring that all CSAs are trained upon their initial appointment and provided with ongoing training as appropriate.
11. Submitting the ASR to the Department of Student Life, Department of Human Resources, Office of the General Counsel, Compliance & Audit Services, and Office of the President for informational purposes.
12. Coordinating with appropriate 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 Act compliant Emergency Response & Evacuation Procedure Test at least once per year, and maintaining appropriate documentation for each test.
13. Coordinate as appropriate with other campus units, such as the Title IX officials, to ensure comprehensive response and prevention with respect to Clery crimes.

C. Campus Security Authority (CSA)

Using the functional duties of a position, rather than the job title, SOU must identify and inform students, faculty, other academic staff, 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 training.

The CSA, other than members of the Campus Public Safety 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 other University policies.

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

1. Reporting, immediately or as soon as reasonably practicable (to the Campus Public Safety department, Title IX Coordinator or Director of Equity Grievance, and/or the Campus Clery Coordinator/Officer), 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, and
- d. The nature or description of the crime or incident.

2. The CSA is not a confidential resource. Therefore, the CSA is encouraged to inform victims of crimes of their confidential resources, including Confidential Advisors and Confidential Advocates, which provide confidential advising and support for victims of sexual assault, domestic and dating violence, and stalking. Confidential Advisors also provide information about available campus and community resources and the rights and options regarding reporting the crime to the police.

3. The university will protect the confidentiality of victims/survivors of sexual assault, dating violence, domestic violence, stalking, and other gendered harassment in accordance with federal and state laws. By law, information reported by victims to Confidential Advisors and Confidential Advocates is confidential and privileged.

Separately, information reported to CSAs is also protected by FERPA (Family Educational Rights and Privacy Act), which means that the University cannot disclose confidential information outside of an educational need to know basis without the written consent of the victim/survivor, as required by law (e.g., child abuse reporting), or upon receipt of a legally valid court order, subpoena or similar legal process. While these protections are not as strong as the privileged relationship afforded to Confidential Advisors and Confidential Advocates, the University is committed to protecting victims'/survivors' confidentiality with regard to these reports to the extent allowed by law.

For reports of crimes involving sexual assault, domestic violence, dating violence or stalking, and other instances of Prohibited Behavior as defined by SOU's Equal Opportunity, Harassment and Sexual Misconduct Policy, a CSA who is designated as a Responsible Employee under that policy shall also notify the Title IX Office of such reports in accordance with that policy and University procedures. Any CSA who knowingly fails to report a crime may be subject to disciplinary action.

D. Southern Oregon University Campus Public Safety

1. The SOU Campus Public Safety department will maintain a public crime log, recording criminal incidents within two business days in accordance with regulatory requirements.

2. Campus Public Safety, which typically employs the Clery Coordinator/Officer, shall coordinate responsibilities for filing the ASR.

3. Campus Public Safety department or other designated departments are responsible for providing Timely Warnings/Emergency Notifications and Missing Student Notifications in accordance with the Clery Act.

E. Confidential Resources

1. All confidential resources are exempt from CSA reporting requirements and include but are not limited to designated personnel in the Office of Student Support and Intervention,

Multicultural Resource Center, Queer Resource Center, Women's Resource Center, and professional counselors in the Student Health and Wellness Center.

2. Disclosures made to professional counselors and licensed psychologists are privileged and confidential and are exempt from the CSA reporting requirements, except that such persons will report aggregated and de-identified data for Clery Act purposes.

3. Confidential Advisors and Confidential Advocates are confidential resources for victims seeking assistance for crimes of a sexual nature and are exempt from reporting such crimes. Disclosures about sexual violence incidents to such employees will not trigger a University investigation.

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

By October 1 of each year, SOU will publish and disseminate the ASR and the AFSR that are compliant with the Clery Act. SOU 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).

SOU is required to distribute the ASR and AFSR to current employees, enrolled students, prospective employees, and prospective students with a notice that includes a statement of the reports' availability, the exact electronic address at which the report is posted, a brief description of the reports' contents, and a statement that the University will provide a paper copy of the report upon request.

ASRs, AFSRs and supporting documents will be retained for as long as designated in Oregon's Secretary of State Records Retention Schedule for public universities. 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 instructions from SOU's Office of General Counsel.

G. Retaliation

This Policy and 34 CFR 668.46(m) prohibit retaliation against a person who makes a Clery Act 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.

II. PROCEDURES

The SOU President or designee is authorized and responsible for developing procedures or other supplementary information to support the implementation of this Policy. All SOU procedures must be consistent with this Policy.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval.

D. Policy Consultation

Policy Council, Campus Public Safety, Equity Grievance Office and the Office of Student Support and Intervention. Policy was posted for campus comment on December 7, 2018.

E. Other Information

The Policy Contact, defined above, will write and maintain the procedures related to this policy and these procedures will be made available within the Custodial Office.