

## UNIVERSITY POLICY

<b>Policy Name:</b>	Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act				
<b>Section #:</b>	30.1.12	<b>Section Title:</b>	Administration and Public Safety: Public Safety	<b>Formerly Book:</b>	00-01-10-87:05; 30.3.2
<b>Approval Authority:</b>	Executive Vice President, Strategic Planning and Operations & COO and Chief Operating Officer		<b>Adopted:</b>	11/23/2010	<b>Reviewed:</b> <u>02/10/2020</u> <u>7/15/2021</u>
<b>Responsible Executive:</b>	Executive Director of Public Safety / Chief of University Police		<b>Revised:</b>	<u>07/01/2013</u> ; <u>10/10/2013</u> (Updated title); <u>02/27/2017</u> ; <u>02/10/2020</u> ; <u>07/15/2021</u>	
<b>Responsible Office:</b>	University Public Safety		<b>Contact:</b>	<a href="mailto:policies@ipo.rutgers.edu">policies@ipo.rutgers.edu</a>	

### 1. Policy Statement

It is the policy of Rutgers, The State University of New Jersey, to adhere to the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and any related procedures established by the United States Department of Education.

### 2. Reason for Policy

The purpose of this policy is to codify the policy of Rutgers, The State University of New Jersey, concerning the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act").

### 3. Who Should Read This Policy

All members of the Rutgers University community and individuals designated as Campus Security Authorities (CSAs).

### 4. Resources

[Clery Act 20 USC §1092\(f\)](#)  
[Higher Education Opportunity Act of 2008 P.L. 110-315](#)  
[RUPD Clery Website](#)

### 5. Definitions

**Campus Security Authority (CSA):** Individuals at the University who, because of their function for the University, have an obligation under the Clery Act to notify the University of alleged Clery Crimes that are reported to them in good faith, or alleged Clery Crimes that they may personally witness. These individuals, by virtue of their position due to official job duties, ad hoc responsibilities, or volunteer engagements, are required by federal law to "report" crime when it has been observed by, or reported to them by another individual. A campus security authority is not responsible for determining authoritatively whether a crime took place - that is the function of the Rutgers University Police Department (RUPD). These individuals typically fall under one of the following categories:

1. A member of a campus police/security department.
2. Individuals having responsibility for campus security in some capacity, but are not members of a campus police/security department (e.g., an individual who is responsible for monitoring the entrance to University property).
3. People or offices that are not members of a campus police/security department, but where policy directs individuals to report criminal offenses to them or their office.
4. Officials having significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, and campus judicial proceedings.

Common examples of CSAs include (but are not limited to):

- Police and security personnel
- Dean of Students
- Student Conduct Officer
- Athletics Directors
- Athletic Coaches
- Athletic Trainers
- Director of Residence Life and Student Housing
- Director of Student Activities
- Faculty/staff advisors to chartered student organizations
- Coordinator of Greek Life
- Residence Life and Student Housing including Resident Advisors and Assistants
- Victim Advocates including Sexual Assault Response Team Members

**Clery Act Crimes ("Clery Crimes"):** Crimes required by the Clery Act to be reported annually to the University community, including: criminal homicide (murder and negligent/non-negligent manslaughter); sex offenses (rape, fondling, statutory rape, and incest); robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes (including larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that are motivated by bias); dating violence; domestic violence; stalking; and arrests and referrals for disciplinary action for any of the following: (a) liquor law violations, (b) drug law violations, and (c) carrying and possessing illegal weapons. For the purposes of this policy, the term "drug law violation" does not include possession of a small amount, 6 oz. or less, of cannabis or hashish within University owned or controlled facilities within the State of New Jersey as New Jersey has decriminalized this conduct effective February 22, 2021 and therefore referrals which occur for this decriminalized conduct are not counted for Clery Act reporting purposes.

**Emergency Notification:** An announcement to inform the campus community about a "significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus." An emergency response expands upon the definition of "timely warning" (see below), as it includes both Clery Act crimes and other types of emergencies (examples: a fire, infectious disease outbreak, terrorist attack, natural disaster, weather emergency).

**Missing Student Notification:** The University has provided a list of titles of persons and offices to which students, employees, or others, can contact if they have reason to believe a student who lives in on-campus student housing has been missing for 24 hours. The intent of this notification process is to direct others who believe a Rutgers University student is missing to immediately notify specific staff in the University administration, University Police and Public Safety, and local law enforcement.

**Pastoral Counselors:** Individuals who are associated with a religious order or denomination, 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. Pastoral Counselors, when acting within the scope of the official responsibilities are not Campus Security Authorities.

**Professional Counselors:** Individuals whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. Professional Counselors, when acting within the scope of the official responsibilities are not Campus Security Authorities.

**"Reasonably Contiguous" (as pertaining to a college campus):** Buildings or property owned or controlled by the institution, located in an area that is considered and treated as an integral part of campus and covered by the same security policies as the main campus.

**Timely Warning (commonly referred to as Crime Alert):** An announcement made to alert the campus community about Clery Crimes and other serious incidents in the event that a reported crime may pose a serious or continuing threat to the campus and surrounding community.

**Clery Compliance Officer (CCO):** A member of University Public Safety responsible for coordinating the University's compliance with the Clery Act. The CCO works collaboratively with various offices at the University to develop, implement, and oversee programs that ensure the University's overall compliance with the Clery Act and associated regulations at all University locations and serves as the institution's designated "Campus Safety Survey Administrator."

## 6. The Policy

### I. Introduction

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act that requires colleges and universities across the United States to disclose information about enumerated criminal offenses which occur on and around their campuses.

Because the law is tied to participation in federal student financial aid programs it applies to most institutions of higher education both public and private. It is enforced by the United States Department of Education.

The "Clery Act" is named in memory of 19 year old Lehigh University freshman Jeanne Ann Clery who was raped and murdered while asleep in her residence hall room on April 5, 1986.

On August 14, 2008, the Higher Education Opportunity Act (HEAO) reauthorized and expanded the Higher Education Act of 1965, as amended. HEAO amended the Clery Act and created additional safety and security related requirements for institutions.

The purpose of the Clery Act is to provide current and prospective students (and their families) and employees with accurate, complete, and timely information about campus safety so that they can make informed decisions.

### II. Clery Act Requirements

1. Clery Act requirements must be met individually for each of the University's campuses.
2. Compliance with the Clery Act is not a once-a-year event. Many requirements are ongoing, such as crime information collecting, campus alerts, and log updating, while other requirements are less frequent, such as the annual reports and submission of data.
3. The basic requirements of the Clery Act are:
  - **Have emergency notification and evacuation procedures** for alerting the campus community about significant emergencies or dangerous situations; and
  - **Issue timely warnings** to alert the campus community about crimes that pose a serious or continuing threat to safety; and
  - **Keep a crime log** that records, by date reported, all crimes reported to this department; and

- **Keep a fire log** that records by date reported, all fires in on-campus student housing facilities; and
  - **Collect crime reports from campus security authorities** within the institution; and
  - **Request crime statistics from local law enforcement** in the jurisdiction where the institution is located; and
  - **Submit crime and fire statistics to Education** via a Web-based data collection; and
  - **Have missing student notification procedures** to aid in determining if a student is missing and in notifying law enforcement personnel; and
  - **Publish an annual security report** containing campus security policy disclosures and crime statistics for the previous three years; and
  - **Publish an annual fire safety report** containing policy disclosures and fire statistics for on-campus student housing facilities for the previous three years.
4. Pursuant to 20 United States Code section 1092(f), the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," and the Code of Federal Regulations (CFR) each institution of higher education in the United States which participates in federal student aid programs must produce and distribute an annual report containing crime statistics and statements of security policy.
  5. The comprehensive Annual Security and Fire Safety Report (ASFR) published for the Rutgers University Community is called "Safety Matters."
  6. Safety Matters shall be published each year by October 1 which shall be announced by a comprehensive announcement to the University Community.

### **III. Compliance**

Compliance with the Clery Act is a Universitywide responsibility which requires the concerted efforts of nearly every University Department.

1. The Executive Director of Public Safety / Chief of University Police (EDPS/CUPD), through the Deputy Chief of University Police (CCO), is responsible for coordinating the University's compliance with all aspects of the Clery Act.
2. Several University Departments (student affairs, housing, athletics, etc.) have unique responsibilities relative to each of their functional areas.
3. All University Departments shall, on a regular and ongoing basis, identify CSAs and notify these individuals of their obligations under the Clery Act to report any and all Clery Crimes that they witness, or are reported to them.
4. The EDPS/CUPD shall coordinate regular training on the Clery Act specific to the unique responsibilities of Campus Security Authorities.
5. Under the Clery Act, a crime is "reported" when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, other third party, or even the offender. It does not matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the University.

6. Campus Security Authorities (CSAs) are responsible for reporting allegations of Clery Act related crimes that are reported to them in their capacity as a CSA to the University Police Department.
7. Office of Student Conduct, Student Affairs, Human Resources, and the Division of Intercollegiate Athletics shall, annually, provide all conduct and employee referral data to the University Police for inclusion in the Annual Security and Fire Safety Report.
8. University Police shall, via issuance of timely warnings (Crime Alerts), alert the campus community of Clery Crimes that pose a serious or continuing threat to the campus and surrounding community. Timely warnings will be disseminated throughout the community as soon as pertinent information is available and will provide information that will allow the community to take precautions to protect themselves and prevent similar crimes from occurring.
9. University Police shall, via issuance of emergency notifications, alert and inform the campus community about a "significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus."
10. In the event that a person is reported as missing, contact the appropriate University Police in accordance with [University Policy 30.1.6: Missing Student Notification](#).
11. The following individuals, when acting within the scope of their official responsibilities, are not Campus Security Authorities, and as such, are exempt from the mandates of this policy: (a) Pastoral Counselors and (b) Professional Counselors.

#### **IV. Data Collection**

The Police Department shall annually collect statistical data from the University community in accordance with the requirements of the Clery Act.

All members of the University community shall fully comply with a request by the Executive Director of Public Safety / Chief of University Police, or designee, by responding in the format prescribed by the Police Department by the deadline specified.

#### **V. Records Retention**

All supporting records must be kept for three years following the publication of the last Annual Security and Fire Safety Report (ASFR) to which they apply.- Thus, the records retention period is seven years after the date an incident was reported because each ASFR includes data from the past three years.- Records to be maintained include, but are not limited to, copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from CSAs; correspondence with the United States Department of Education regarding Clery Act compliance; and copies of notices to students and employees about the availability of the annual ASFR Report.