Jeanne Clery Act Compliance Policy

Version Number: 2.0

Effective Date: September 18, 2014

Responsible University Official: Vice President and Chief Financial Officer

1.0 INTRODUCTION

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, a part of the Higher Education Act of 1965, was extended by the Higher Education Opportunity Act of 2008 and the Violence Against Women Reauthorization Act of 2013 (collectively known as the “Clery Act”) and requires colleges and universities receiving federal financial assistance to gather and make public information about certain crimes on or near their campuses and publish policy statements concerning campus safety and security.

2.0 POLICY

Saint Louis University shall comply with all requirements of the Clery Act. This policy sets forth guidelines and procedures intended to ensure the University’s ongoing compliance with the Clery Act’s crime and fire reporting and disclosure obligations, and its obligation to make available to the campus community and the public, campus security and safety policy statements as prescribed by the law.

3.0 PURPOSE

The purpose of this policy is to ensure the University’s compliance with the Clery Act. Compliance requires that the University:

- Compile and disclose statistics of reports of the types of crimes specified in the Clery Act (“Clery Crimes”) for its campuses, the immediately adjacent public areas and public areas running through the campuses, remote classroom facilities and certain non-campus facilities;

    Collect reports of Clery Crimes made to campus security, local law enforcement, school officials, and others associated with the University who have “significant responsibility for student and campus activities”;
Make an annual report to the Department of Education with statistics of Clery Crimes for the last three years and University policy statements addressing campus security and safety (“Clery Report”);

Issue warnings of Clery Crimes that may be an ongoing threat to the campus in a timely manner, so that individuals may take steps to protect themselves and to aid in the prevention of similar crimes;

Maintain a daily crime log, available to the public, of all crimes reported to campus security;

Maintain a daily fire log, available to the public, of incidents occurring in on-campus student housing; and

Conduct educational programs to promote awareness.

4.0 PERSONNEL AFFECTED

This policy applies to all University personnel who have responsibility for an aspect of campus security, and offices and individuals with “significant responsibility for student and campus activities.” Individuals responsible for student and campus activities and others who, as a result of their role at the University, may be classified as Campus Security Authorities (“CSA”) under the Clery Act have specific crime reporting obligations under the law.

The following is a list of some University offices and individuals with an obligation to assist with the University’s Clery Act compliance: Department of Public Safety & Emergency Preparedness; Educational and International Services; Student Development; Office of Student Responsibility and Community Standards; Housing and Residence Life; Office of Institutional Equity and Diversity; Human Resources; Student Health Center; University Counseling Center; Admission Offices; Campus Vice Presidents; Deans; Director of Athletics and coaching staff; Directors of Campus Recreation Centers; Student organization faculty affiliates and advisors; Director of the Busch Student Center; Parking and Card Services.

5.0 DEFINITIONS

Clery Reports - The Clery Act requires the University to annually submit a report to the Department of Education containing the following: statistics for Clery Crimes by type location and year; statistics of fires in on-campus student housing; campus safety and security related policy statements that address crime reporting and prevention; law enforcement data bases of registered sex offenders; drug, alcohol and sex offenses; procedures for issuing timely warning to the campus of potentially dangerous criminal and emergency situations; and campus evacuation procedures.
**Arrest** – Persons processed by arrest, citation or summons. The University shall compile statistics for and specifically disclose arrests related to weapons and, drug and alcohol abuse. If an individual is both arrested and referred for disciplinary action for an offense, only the arrest will be disclosed.

**Referral for Disciplinary Action** – The University shall compile statistics for and specifically disclose students’ referrals for disciplinary action related to weapons’ and drug and alcohol abuse. If an individual is both arrested and referred for disciplinary action for an offense, only the arrest will be disclosed.

**Emergency Notification** – Requirement to make emergency notifications of emergency events and dangerous conditions then occurring on campus or that present an imminent threat to the campus.

**Campus Security Authority (“CSA”)** – Used in the Clery Act to identify persons at the University who, as a result of their functions at the University, have an obligation under the law to notify DPS of alleged Clery Crimes that are reported to them, which they conclude have been made in good faith. Such persons need not be an employee of the University, such as students and outside volunteers. CSA’s are defined by their University function; not by job title. While an individual’s ordinary responsibilities and functions at the University would not classify them as a CSA, the individual may take on a responsibility which would then qualify them as a CSA, for example, if an employee or volunteer who organizes or helps lead a student trip or outing.

There are four general categories of CSA:

1. **Campus Police or Security Department** – The Department of Public Safety & Emergency Preparedness is the University’s *Campus Security Department* and all of its members are CSA’s.

2. **Any individual(s) who is responsible for an aspect of campus security but who does not constitute or is not a member of DPS** – These individuals are responsible for monitoring access to University property including, without limitation; front desk workers; parking facility attendants; persons monitoring access to University events, Safety Escorts and SLU Ride.

3. **Any individual or organizational unit at the University identified in a University campus safety or security policy as an individual or organizational unit to which students and employees should report criminal offenses.** Only representatives of DPS have been so designated.

4. **University officials who have significant responsibility for student and campus activities.** The Clery Act broadly defines the term “official” as “any person who
has the authority and duty to take action or respond to a particular issue on behalf of the institution.”

**Clergy Crimes** – The University must compile statistics of reports made to DPS, CSA’s and local law enforcement of the following types of crimes: aggravated assault; arson; burglary, motor vehicle theft, murder and non-negligent manslaughter, negligent manslaughter, robbery, forcible and non-forcible sex offenses, stalking, domestic violence, dating violence, and hate crimes.

**Daily Crime Log** – DPS maintains for public inspection a Daily Crime Log of any and all alleged criminal incidents that are reported to the DPS. Incidents are recorded in the Daily Crime Log with the date and time the alleged crime is reported, the date and time the alleged crime occurred, the nature of the alleged crime, and general location.

**Dating Violence** – Violence committed by a person who has been in a romantic or intimate relationship with the victim. Whether a relationship exists will depend on the length, type, and frequency of interaction.

**Domestic Violence** – Felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner, current or former cohabitant, a person with whom a victim shares a child in common, a person similarly situated to a spouse under domestic or family violence law, or anyone else protected under domestic or family violence law.

**Fire Log** – DPS maintains for public inspection a fire log. Any report to a University official of a fire occurring in on-campus student housing must be documented in the Daily Fire Log with the following information: date the incident was reported; time and date of the incident; nature of the fire, and general location.

**Hate Crime** – Clery Crimes and any incidents of larceny-theft, simple assault, intimidation, of destruction/damage/vandalism of property that are motivated by bias toward race, gender, religion, sexual orientation, ethnicity/national origin, and disability.

**Missing Student Notification** - If a student who resides in on-campus student housing is determined to have been missing for 24 hours, the University has 24 hours following the receipt of a report of a missing student to initiate specified notification procedures to notify the student’s designated contact, parent or legal guardian, and the law enforcement agency with jurisdiction. The University is not precluded from initiating Missing Student Notification procedures if the student has been missing less than 24 hours or as soon it determines the student is missing.

**Non Campus Property** - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
**On Campus Property** - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to that described in the first part of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Pastoral Counselor** - 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. Pastoral Counselors, when acting within the scope of the official responsibilities are not Campus Security Authorities.

**Professional Counselor** - A person 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.

**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 campus.

**Reported Crime** – The University shall compile and publish statistics of “reported” Clery Crimes. For purposes of the Clery Act a crime is reported when it is brought to the attention of a CSA or local law enforcement by a victim, witness, other third party or even the offender. Information about the crime does not need to be explicit. It does not matter whether the persons involved with the crime or making a report are associated with the University. If a CSA believes that there is a reasonable basis to conclude the information is not just rumor or hearsay (the information about the crime was provided in “good faith”) he or she should document the reported information pursuant to University procedure.

**Sex Offenses (Forcible)** – Any sexual act directed against another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent (e.g. forcible rape, forcible sodomy (oral or anal intercourse), sexual assault with an object, and forcible fondling (touching of the private body parts of another person for the purpose of sexual gratification). Disclosure of reported offenses is required.

**Sex Offenses (non-forcible)** – Unlawful non-forcible sexual assault (e.g. incest, statutory rape). Disclosure of reported offenses is required.
**Stalking** - When any person purposely and repeatedly engages in an unwanted course of conduct directed at a specific person that would cause a reasonable person to fear for his, her, or others’ safety, or to suffer substantial emotional distress.

**Timely Warning** - The University must timely alert the campus community to Clery Crimes. Even if all of the facts surrounding the criminal incident(s) are not yet available a warning will be issued as soon as pertinent information is available, to enable individuals to take precautions to protect themselves and to prevent similar crimes from occurring.

### 6.0 RESPONSIBILITIES

**Department of Public Safety & Emergency Preparedness (DPS):**

DPS compiles statistics of Reported Crimes from CSA’s and local law enforcement for the University’s annual crime report to the Department of Education. DPS provides copies of the annual report to Human Resources, Student Life, and Admissions offices for distribution to current and prospective employees and students.

DPS coordinates with University divisions, departments, offices and individuals to identify individuals whose functions qualify as a CSA and informs the University and personnel of their Clery Act obligations, and the University’s procedures for collecting information about Reported Crimes.

DPS maintains the Daily Crime Log and Fire Log.

DPS issues Timely Warnings and Emergency Notifications to the campus community.

DPS assists in the development of procedures for the University community to follow when a sex offense or alleged sex offense occurs and assists the Student Development Division in notifying students of on and off campus counseling and other services available to victims of sex offenses. DPS may assist appropriate University divisions to develop and present educational programs to promote the awareness of rape, acquaintance rape and other forcible and non-forcible sex offenses.

DPS provides University officials information concerning the State of Missouri’s registered sex offender data base for them to disseminate to the campus community.

DPS directly supports and advise appropriate University officials in developing procedures to disclose Missing Student Notification procedures pertaining to the University’s students residing in on campus student housing facilities.

**Campus Security Authorities (CSA):**

The University Campus Security Authorities must record information about Reported Crimes and submit the information to the Department of Public Safety & Emergency
Preparedness in accordance with University procedure for inclusion in the annual security report. The University encourages all students, employees, volunteers and guests of the University to report promptly any and all crimes to the Department of Public Safety & Emergency Preparedness and/or local law enforcement as soon as possible.

CSA’s are required to notify the Department of Public Safety & Emergency Preparedness in writing (e.g. e-mail, memo or letter) of all reports of Clery Act Crimes. Notice to the Department should be made orally where circumstances demand but shall be followed with written notice.

University Vice Presidents, deans and department chairs shall assist the Department of Public Safety & Emergency Preparedness in identifying persons within their areas who may be characterized as a CSA for purposes of the Clery Act.

Professional and Pastoral Counselors are exempt from disclosing offenses reported to them for the purposes of Clery Act compliance. The Professional and Pastoral Counselor exemptions are intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes about which they may have learned.

**Student Development:**

Student Development is responsible for the publication and disclosure of Missing Student Notification procedures.

Student Development coordinates with the DPS to establish and support educational programs to promote awareness of sex offenses, establish procedures to follow when a sex offense or alleged sex offense occurs, and notify students of on-campus and off-campus counseling and other services available to victims of sex offenses.

Student Development ensures that required supporting records used in compiling the Clery Report are maintained for three years from the latest publication of the report to which they apply. Records to be kept include referrals for disciplinary action.

### 7.0 PROCEDURES

**CSA Identification:**

Because personnel and job positions change, someone who is a CSA one year may not be a CSA the following year. To determine which individuals are CSAs, the function served by that individual must be considered. If someone has significant responsibility for student and campus activities, he or she is a CSA. To ensure, that the University maintains its list of CSA’s current, DPS will conduct an annual canvass of Vice Presidents, Deans, Departments and other University divisions.
CSA Reporting:

CSA’s shall make written reports to the DPS all Reported Crimes. CSA’s who are unsure whether an incident is a Clery Act crime should report it. CSA’s are not responsible for determining authoritatively whether a crime took place.

CSA Training:

CSAs shall receive Clery Act training on a regular basis through DPS.

Gathering and Compiling Statistics of Clery Crimes:

DPS will collect and compile statistics regarding Clery Crimes. The Department of Public Safety & Emergency Preparedness will coordinate with the University’s Madrid, Spain campus to collect information from Spanish authorities.

Clery Report:

The Clery Report will be published and distributed by October 1st of each year. The Clery must be distributed to all currently enrolled students and all employees in one of two ways: 1) Directly by publications and mailings via the US Postal Service; campus mail, email, or a combination of these methods; or 2) Posting the Annual Security and Fire Safety Report on an Internet or Intranet website that is reasonably accessible to enrolled students and to current employees. This method may be used only if individual notices about the Clery Report are distributed to each student and employee by October 1. The notice should include: a statement of the report’s availability; a list and brief description of the information contained in the report; the exact address (URL) of the Internet or Intranet website at which the report is posted (a direct link to the annual security report must be provided); and a statement that the school will provide a paper copy of the annual security report without fee upon request, written or otherwise.

The Clery Report must also be provided to prospective students and prospective employees upon request. If the Annual Security and Fire Report is provided to prospective students and prospective employees by posting the report on an Internet site, the notice provided to each individual must include: the exact URL where the report is posted; a brief description of the report; and a statement that the institution will provide a paper copy of the report upon request.

Records Retention:

The supporting records used in compiling the report shall be retained for three years from the latest publication of the report to which they apply. Records to be kept 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 Campus Security Authorities; correspondence with the
Department of Education regarding Clery Act compliance; and copies of notices to students and employees about the availability of the annual security report. All documentation should be dated.

**Submitting Crime Statistics to the Department of Education (DOE):**

Saint Louis University is not required to send the Clery Report to the DOE; the University is required to submit the crime statistics from the Clery Report. During late summer, DOE conducts the annual Campus Safety and Security Survey. This Web-based survey is used to collect the statistical data from the Annual Security and Fire Safety Report. The data is then posted on the DOE public website for use by higher education consumers. The site is located at http://www.ope.ed.gov/security. Each year a few weeks prior to the collection, DOE sends a letter and a registration certificate to the Chief Executive Officer of Saint Louis University. The certificate contains information necessary to access the survey and enter data. The letter and registration certificate will be routed to the Assistant Vice President, Department of Public Safety & Emergency Preparedness, for appropriate handling.

8.0 REFERENCES

Higher Education Act
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
Higher Education Opportunity Act
Violence Against Women Reauthorization Act of 2013

9.0 REVIEW AND APPROVAL

Changes to this policy may be necessary from time to time. This Policy has been reviewed and approved by the Vice President and Chief Financial Officer and the Office of the General Counsel. This Policy has been approved by the President’s Coordinating Counsel.