

Utah Tech University Policy

423: Campus Safety and Security



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I. Purpose

- 1.1 The safety and security of the Utah Tech University ("the University") campus and the students, employees, and visitors who use it are of paramount importance to the University's administration. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery Act), 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46, requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crimes that occur on their campuses. Various amendments since 1990 have enlarged the scope of the Clery Act to include campus emergencies, missing student notifications, and sexual offenses.
- 1.2 Implementation of this and other policies, especially 152 Drug-Free Workplace; 154 Title IX, Sex-Based Discrimination, Sexual Harassment and Retaliation; and 155 Alcohol, Tobacco, and Other Drugs, demonstrates the University's compliance with the Clery Act.
- 1.3 This policy describes the roles and responsibilities of the University Community in campus safety and security.
- 1.4 This policy is designed to ensure compliance with federal laws regarding campus safety, including the Clery Act and the Higher Education Opportunity Act. The policy enhances campus safety by ensuring that students, prospective students, employees, prospective employees, and visitors are informed about campus safety and security.

II. Scope

- 2.1 This policy applies to all of the University, but involves particular stakeholders, including, but not limited to: Clery Coordinator/Director,

Utah Tech University Police Department (UTPD), Campus Security Authorities, Emergency Alert Team, Executive Director of Events Services and Risk Management, University Fire Marshal, and the Housing and Residential Life Department. There are no exclusions to this policy.

III. Definitions

- 3.1 ***Annual Fire Safety Report (AFSR)***: Each college campus that maintains an on-campus student housing facility must publish and distribute annually by October 1, an Annual Fire Safety Report. 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 AFSR may be filed separately or combined with the Annual Security Report (see below).
- 3.2 ***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 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).
- 3.3 ***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 (at the University, the UTPD) of alleged Clery Crimes that are reported to or witnessed by the CSA. CSAs include UTPD employees and other persons who:
 - 3.3.1 Have responsibility for campus security, but who are not employees of the UTPD, nor the Campus Security department.
 - 3.3.2 Are specified in the campus ASR as an individual to whom students and employees should report criminal offenses; or
 - 3.3.3 Have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. The policies and procedures required to be listed in the ASR can be found in the Code of Federal Regulations, Title 34, Section 668.46 (b, c, q-k) and US Code Title 20, Section 1092(f)(1) and 1092(f)(8). These policies can also be found in the DOE Handbook for Campus Safety and Security Reporting.
- 3.4 ***Clery Committee***: The mission of the University Clery Committee is to solidify that necessary processes are followed to ensure the University's

compliance with the Clery Act.

3.5 ***Clery Crimes:*** The Clery Act requires that certain crimes occurring on campus (“Clery Geography” as defined below) be tracked by the University, reported annually each October to the Department of Education, and shared with the University Community. The following offenses are Clery Crimes:

3.5.1 Criminal homicide (murder and non-negligent manslaughter and manslaughter by negligence)

3.5.2 Sex offenses (rape, fondling, incest, and statutory rape)

3.5.3 Robbery

3.5.4 Aggravated assault

3.5.5 Arson

3.5.6 Burglary

3.5.7 Motor vehicle theft

3.5.8 Domestic violence

3.5.9 Dating violence

3.5.10 Stalking

3.5.11 Hate crimes (as defined in Utah Code Annotated 76-3-203.3)

3.5.12 Arrests or referrals for disciplinary action for drug abuse, liquor, and or weapons law violations.

3.6 ***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:

3.6.1 ***On-campus:*** Any building or property

3.6.1.1 Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in any manner related to, the University’s educational purposes, including residence halls.

3.6.1.2 Any building or property 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.

- 3.6.2 **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.
- 3.6.3 **Non-campus Property:** Buildings or property that meet the following criteria:
 - 3.6.3.1 Owned or controlled by the University; and
 - 3.6.3.2 Used in direct support of, or in relation to, the University's educational purposes, and
 - 3.6.3.3 Frequently used by students, and
 - 3.6.3.4 Not within the same reasonably contiguous geographic area of the University campus; or
 - 3.6.3.5 Any building or properties owned or controlled by a student organization that is officially recognized by the University, or
 - 3.6.3.6 Any property outside of the United States if the property otherwise meets the definition of non-campus property described above.
- 3.7 **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.
- 3.8 **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 updated on at least an annual basis and must include Emergency Notification and an evacuation component for a significant portion of the campus.
- 3.9 **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:

- 3.9.1 Race
- 3.9.2 Religion
- 3.9.3 Gender
- 3.9.4 Gender identity
- 3.9.5 Sexual orientation
- 3.9.6 Ethnicity
- 3.9.7 National origin, and
- 3.9.8 Disability

3.10 ***Hate Crime Offenses:*** For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias:

- 3.10.1 Murder and non-negligent manslaughter, and manslaughter by negligence
- 3.10.2 Sex offenses (rape, fondling, incest, and statutory rape)
- 3.10.3 Robbery
- 3.10.4 Aggravated assault
- 3.10.5 Burglary
- 3.10.6 Motor vehicle theft
- 3.10.7 Arson
- 3.10.8 Larceny-theft
- 3.10.9 Simple assault
- 3.10.10 Intimidation, or
- 3.10.11 Destruction/damage/vandalism of property

3.11 ***Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery Act):*** Also known as the 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.

- 3.12 ***Licensed Mental Health Counselors***: Individuals whose official responsibilities include providing mental health counselling to members of the University Community and whom function within the scope of the counselor's license certification. When acting within the scope of responsibilities, licensed mental health counselors are not CSAs.
- 3.13 ***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 campus official when a student who lives in on-campus housing has been missing for 24 hours.
- 3.14 ***Pastoral Counselors***: Individuals associated with and recognized by a religious order or denomination as someone who provides confidential counseling and is functioning within the scope of the recognition. Pastoral Counselors do not have CSA responsibilities.
- 3.15 ***Safety Notices***: Safety notices are communications to the University Community for crimes that do not occur on the University's Clery geography, but are determined to require the awareness of campus for safety purposes, or for situations that are not deemed an emergency or dangerous situation, but are determined to require the awareness of campus for notification reasons. Distribution of a Safety Notice is generally broadcast by email from UTPD, but could also include text message or social media if determined appropriate.
- 3.16 ***Timely Warning***: A notification issued by the Emergency Alert Team or by UTPD to alert the University Community about Clery Crimes occurring within the campus' Clery Geography that are:
- 3.16.1 Reported to, or observed by a CSA; and
 - 3.16.2 Considered to represent a serious or continuing threat to the University Community.
- 3.17 ***Uniform Crime Reporting (UCR)***: The Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program is a nationwide, cooperative statistical effort of nearly 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention.
- 3.17.1 The UCR program provides definitions of Clery Crimes. The definitions of murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, weapons carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the Summary Reporting System (SRS) User Manual from the FBI's UCR

program. The definitions of fondling, incest and statutory rape are from the FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual.

- 3.18 ***Violence Against Women Act*** (VAWA): The Violence Against Women Act was originally signed into law in 1994. Subsequent VAWA amendments to the Clery Act expanded the rights afforded to campus survivors of sexual assault, domestic violence, dating violence, and stalking, and created the requirement for the collections of Clery Crime statistics related to those offenses.

IV. Policy

- 4.1 Emergency Procedures: The University has a comprehensive emergency plan located at http://www.utahtech.edu/safety/emergency_operation_plan.php. Emergency and evacuation procedures can be found online at <https://safety.utahtech.edu/wp-content/uploads/sites/48/2015/07/Emergency-Procedures-booklet4.pdf> and in print format across campus.
- 4.1.1 Emergency procedures include, but are not limited to, actions in the event of fire, medical emergency, crime, bomb threat, utility failure, earthquake, and/or hazardous spill.
- 4.1.2 Emergency procedures also include information about sheltering in place or evacuating, Building Evacuation Coordinators, and an evacuation map.
- 4.1.3 At least once each year, the University will conduct a minimum of one Emergency Response and Evacuation Procedure Test. This test may be either an announced or unannounced test of the emergency plan in the form of a scheduled drill or exercise with appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. A response to an actual emergency cannot substitute for the test.
- 4.1.3.1 In conjunction with at least one such test, the emergency and evacuation procedures are publicized on an annual basis in a manner designed to reach all University students and employees.
- 4.1.3.2 The Office of Events Services and Risk Management

documents each year's annual test and the result, and retains such documentation for at least seven (7) years.

- 4.2 Emergency Notification: the University employs an extensive Emergency Alert System (EAS) encompassing an outdoor public address system, the University website, email messages, cellular and landline telephones, text messages, digital bulletin boards throughout campus, and alerts pushed to campus computers. All students and employees are urged to add their cellular telephone numbers to the EAS. Alerts can be issued to a specific segment of the University Community or to a specific category of devices, as warranted.
 - 4.2.1 Emergency notifications are issued upon confirmation of a significant emergency or a dangerous situation occurring on the University campus that involves an immediate threat endangering the health or safety of University students or employees.
 - 4.2.2 Confirmation means that an institution official, or officials, has verified that a legitimate emergency or dangerous situation exists. Confirmation does not mean that all of the pertinent details are known or even available.
 - 4.2.3 Emergency and dangerous situations may include, but are not limited to: fire, earthquake, flood, building collapse, weather-related situations, power outages, gas leaks, water emergencies, threat of violent crime, situations where the identity or location of a suspect is not known, Clery Act crimes, and crimes not covered under the Clery Act.
 - 4.2.3.1 The University will, without delay, and taking into account the safety of the University Community, determine the content of the notification and whether the notification goes to a segment of the University Community or the entire University Community. The University will then initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
 - 4.2.3.2 The phrase "Campus Alert" will be used prominently in all emergency notifications.
- 4.3 The University Emergency Alert Team: When time permits, this team may make decisions about when to issue an emergency notification, including the method of distribution, message content, and intended audience of

the notification. However, many emergency situations require immediate notification of the University Community. In such situations, the UTPD Chief of Police, the Executive Director of Events Services and Risk Management, or the on-duty police supervisor have the responsibility and authority to initiate an emergency notification. In such circumstances, the initiator of the emergency notification will ensure that the other members of the University Emergency Alert Team are notified of the details of the emergency as soon as possible.

4.3.1 The Emergency Alert Team, co/led by the Executive Director of Events Services and Risk Management and the UTPD Chief of Police, is comprised of the following positions, and others as appropriate:

4.3.1.1 UTPD Chief of Police

4.3.1.2 Executive Director of Events Services and Risk Management

4.3.1.3 Dean of Students

4.3.1.4 UTPD Representative

4.3.1.5 Vice President of Marketing and Communication

4.3.1.6 Title IX Coordinator

4.3.1.7 Assistant Vice President of Facilities Management

4.3.1.8 Chief Information Officer

4.3.1.9 Information Security Officer

4.3.1.10 Fire/Life Safety Officer

4.3.2 Determinations about emergency notifications are made in the professional judgment of responsible authorities with emergency response expertise.

4.3.3 In evaluating emergency situations, the following criteria will be applied to determine if an emergency notification should be issued and to whom it should be issued:

4.3.3.1 The nature of the threat.

4.3.3.2 The mitigation that emergency notification might provide.

4.3.3.3 Whether emergency notification would compromise law enforcement or other efforts to resolve the emergency.

- 4.3.4 Additional updates will be sent to the University Community when the emergency situation is resolved or when there is additional information that needs to be relayed.
- 4.4 The University Campus Alert System is tested at least once each year, either separately or in conjunction with the annual emergency response test. The test may be announced or unannounced, and documentation of the date and results of the test will be retained by the Executive Director of Events Services and Risk Management for seven (7) years. This documentation will include the following items:
 - 4.4.1 A description of the exercise or test;
 - 4.4.2 The date of the test;
 - 4.4.3 The time the test began and ended; and,
 - 4.4.4 Whether the test was announced or unannounced.
- 4.5 In conjunction with the annual test of the Campus Alert System, the University's emergency procedures and evacuation procedures will be publicized to all students and employees to inform the University Community of what to expect and what they should do in the event of an emergency.
- 4.6 The University Campus Alert System annual test will have the following objectives:
 - 4.6.1 Contain follow-through activities: A follow-through activity is an activity designed to review the test. Examples of follow-through activities include a survey, debriefings, or interviews to obtain feedback from participants.
 - 4.6.2 Have clearly defined, measured goals that are designed for assessment of emergency plans and capabilities. An example of one such goal could be similar to this: "Everyone involved in the emergency response and notification procedures will understand their role and responsibility." The goals will be evaluated at the conclusion of the test.
 - 4.6.3 Be designed for evaluation of emergency plans and capabilities and utilized to make any changes necessary: The test will be designed so that, using the assessments, it can be determined whether or not the test met its goals. As a result of the tests, the emergency procedures and evacuation procedures will be reviewed and any changes will be made as necessary.

4.7 Utah Tech University Police Department (UTPD) Scope and Authority: Utah Tech University (UTU) has an authorized police agency established by Utah Code Annotated (UCA) § 53B-3-105, which states that UTPD officers “have all the powers possessed by policemen in cities and by sheriffs, including the power to make arrests on view or on warrant of violation of state statutes and city or county ordinances . . . [and]also have the power to enforce all rules and regulations promulgated by the board as related to the institution.” UCA § 53-13-102 adds that UTPD officers are “sworn and certified peace officers whose primary and principal duties consist of the prevention and detention of crime and the enforcement of criminal statutes or ordinances.” UTPD officers are also tasked with enforcing University policies.

4.7.1 The UTPD works with other local law enforcement agencies. According to the UCA § 76-8-716, “If, in the judgment of the chief administrative officer of any school or institution of higher education, his agent, or representative, the police or security department of that institution lacks sufficient manpower to deal effectively with any condition of unrest existing or developing on a campus or facility of the institution, he may request assistance from state and local law enforcement authorities. All state and local law enforcement officers, while rendering assistance, shall serve in cooperation with the chief administrative officer of the institution or his agent or representative and without expense to the institution.”

4.7.2 UTPD undertakes all investigations of crimes that occur on campus, and other local law enforcement agencies can be called upon to assist as needed. All campus crimes are investigated by UTPD unless the University determines that outside assistance is needed.

4.8 Reporting Crimes: In case of an emergency, call 911. All members of the University Community are asked to promptly report any criminal or suspicious activity, any emergency or potential emergency, or any dangerous situation as accurately and promptly as possible to UTPD, other local law enforcement, or a Campus Security Authority. Specific reporting procedures for sex-based discrimination, sexual harassment and retaliation are covered in a separate policy (154: Title IX, Sex-Based Discrimination, Sexual Harassment and Retaliation).

4.8.1 At least once each year, University students and employees will receive notification of the process for reporting crimes and crime prevention measures, including practices to encourage students and employees to be responsible for their own safety and the safety of others in the Annual Security Report (ASR).

- 4.8.2 University employees are required to report campus crimes they witness and/or of which they have knowledge.
- 4.8.2.1 Members of the University community can make a report of a crime and request that it remain confidential. The UTPD officer will comply with the request to keep the reporter's identity confidential to the extent allowed by law. Reporting the crime may provide information that helps keep the University campus safe, provide accurate records of the number of on-campus incidents, contribute to determining if there is a pattern of crime, and alert the University Community to potential dangers. Reports of crimes filed with a request for confidentiality are included in the Daily Crime Log and ASR.
 - 4.8.2.2 Crimes that would be included in the ASR report but are reported in the context of privileged or confidential information to an employee working as a licensed mental health counselor or a pastoral counselor are exempt from the employee reporting requirement. Crimes in that manner are not subject to the timely warning requirement if the licensed mental health counselor or pastoral counselor was acting in a professional counseling capacity. And, the information was offered in the context of privileged (confidential) communication. Professional mental health and pastoral counselors are encouraged to exercise reasonable care to protect a foreseeable victim from danger and to urge the individual being counseled to report the crime to a law enforcement agency.
- 4.8.3 A crime is considered as having been officially reported to the institution when it is brought to the attention of an individual or organization designated as a Campus Security Authority (CSA), according to the standards of the Clery Act, or when it has been reported to local law enforcement.
- 4.8.3.1 Campus Security Authorities include, but are not limited to, the following individuals and organizations:
 - 4.8.3.1.1 UTPD Officers
 - 4.8.3.1.2 Executive Director of Auxiliaries/Director of Housing and Resident Life
 - 4.8.3.1.3 Resident Managers and Resident Assistants

- 4.8.3.1.4 Student Conduct Committee
- 4.8.3.1.5 Dean of Students
- 4.8.3.1.6 Athletics Director
- 4.8.3.1.7 All Athletic Coaches
- 4.8.3.1.8 Athletic Trainers
- 4.8.3.1.9 Advisors to Student Groups
- 4.8.3.1.10 Booth Wellness Center Director
- 4.8.3.1.11 Title IX Coordinator
- 4.8.3.1.12 Ombuds Personnel
- 4.8.3.1.13 Executive Director of Human Resources
- 4.8.3.1.14 General Counsel
- 4.8.3.1.15 Executive Director of Events Services and Risk Management
- 4.8.3.1.16 Study Abroad Coordinator
- 4.8.3.1.17 Director of Internal Audit
- 4.8.3.1.18 Any individual (or organization) having responsibility for campus security but not constituting or a member of the UTPD.
- 4.8.3.1.19 Any individual to whom or any organization to which students and/or employees may report crimes.
- 4.8.3.1.20 Any official of the institution who has significant responsibility for student and campus activities.

4.8.4 Identification and Training of Campus Security Authorities (CSAs)

- 4.8.4.1 The Chief of Police for the UTPD or assigned designee will send out a memorandum prior to July 1, of each year to University Administrators who have CSAs that report up their respective chains of command. The memorandum will provide details on how to identify CSAs under their respective commands and will provide instructions for how to enter the

names of the identified CSAs in the University's CSA Training Registration. Each administrator will be expected to identify their CSAs under their command and ensure they are registered for CSA Training.

- 4.8.4.2 The Chief of Police for the UTPD, or assigned designee, will also send information to all CSAs outlining their responsibilities as CSAs and how to report Clery Crimes utilizing the University CSA Reporting Form (online). CSAs are required to report all Clery offenses utilizing the online form. If an emergency situation requires immediate assistance, CSAs should follow normal reporting procedures by calling 911, as appropriate.
- 4.8.4.3 All CSAs are required to complete annual CSA Training. The UTPD Chief of Police, or a designee, will check periodically to ensure training has been completed. Notification will be sent to University Administrators relating to their respective employees who have not completed the mandatory training.
- 4.8.4.4 Administrators with CSAs under their chain of command are required to update their lists on a regular basis, at least once per semester, deleting CSAs no longer meeting criteria for being a CSA and adding additional CSAs who have become CSAs since the last update.

4.8.5 Reporting Responsibilities of CSAs:

- 4.8.5.1 When a crime is reported to a CSA, first ask the person if they would like to report it to UTPD. If so, contact UTPD immediately.
- 4.8.5.2 If the CSA has firsthand knowledge and confirmation that the reporting party filed a police report with UTPD, then the CSA is not required to submit a Campus Security Crime Online Reporting Form (See UTPD website for link to the form: <https://publicsafety.utahtech.edu>).
- 4.8.5.3 However, if the reporting party says they will file a police report, but have not yet done so, leaving the CSA with no confirmation that a police report was filed, then the CSA must still complete and submit a Campus Security Authority Crime Reporting Form.
- 4.8.5.4 CSAs, when interacting with the reporting party, need to

gather incident information that would provide sufficient detail to properly classify the incident. This means CSAs need to document reporting party responses, or lack thereof, to the following questions:

- 4.8.5.4.1 Where did the incident take place? (Be specific: include room numbers, cross streets, city, and state data)
- 4.8.5.4.2 When did the incident take place? (Provide date and time)
- 4.8.5.4.3 Who was involved, or what did the person or persons look like?
- 4.8.5.4.4 What specifically are the allegations made to the CSA? (Examples: my purse was stolen; I was robbed; I was raped; etc.)
- 4.8.5.4.5 Have you reported this matter to police?
- 4.8.5.5 CSAs should not investigate the crime or attempt to determine where a crime, in fact, took place. When in doubt, a Campus Safety Authority Reporting Form should be completed and submitted.
- 4.8.5.6 CSAs must provide resources to those making them aware of any situation.
- 4.8.6 Anonymity versus Confidentiality: Due to their federally-mandated responsibilities, CSAs cannot guarantee any person confidentiality. By Federal Law, CSAs are required to provide the following information about crimes that are reported to them:
 - 4.8.6.1 Date and time the offense occurred
 - 4.8.6.2 Location where the offense occurred
 - 4.8.6.3 Date and time the offense was reported to CSA
 - 4.8.6.4 All relevant information reported to the CSA
- 4.8.7 Persons reporting a crime to a CSA may wish to remain anonymous. To submit a CSA Report Form anonymously, please confirm with the reporting person directly that they do not wish their name to be included in the report. If that is the reporting party's choice, the reporting party should be made aware that electing to remain

anonymous may greatly limit the University's ability to stop the prohibited conduct, collect evidence, or take action against an individual or organization. Regardless of the reporting party's wishes with respect to reporting an incident, survivors of crimes are afforded rights and interim measures for offenses involving sexual assault, dating violence, domestic violence, and stalking. In most cases, it is possible for a CSA to fulfill his or her responsibilities while maintaining victim confidentiality. A CSA report does not need to automatically result in the initiation of a police or disciplinary investigation if the victim does not want to pursue this action.

4.9 Timely Warning: Timely warnings are issued in response to the specific crimes covered by the Clery Act and included in the ASR, which include but are not limited to, offenses such as criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, and hate crimes that represent an ongoing threat to student and employee safety or a threat that may be repeated. The purpose of a timely warning is to enable people to protect themselves.

4.9.1 A timely warning is issued by UTPD in response to a serious or continuing threat related to a Clery Act crime that is endangering the health or safety of University students and/or employees. In an extraordinary circumstance, a timely warning can be issued at the direction of the President or any Vice-President.

4.9.2 Clery Act crimes that occur on-campus, on public property immediately accessible to campus, or at University premises outside the immediate campus, must be evaluated for a possible timely warning.

4.9.3 All crimes that must be reported under the Clery Act must be evaluated on a case-by-case basis to determine whether a timely warning is appropriate. Information used to decide whether a timely warning is appropriate includes, but is not limited to, the nature of the crime, location of the crime, frequency of the offense, likelihood for additional occurrence(s), continuing danger to the University community, and risk of compromising law enforcement efforts to resolve the case in a timely manner. A timely warning may be issued for a non-Clery Act crime when warranted.

4.9.4 In evaluating crimes, the following criteria will be applied to determine if a timely warning should be issued:

4.9.4.1 Has the incident been reported to UTPD, any other local law enforcement authority, or a Campus Security Authority (CSA)

as defined above?

- 4.9.4.2 Has the incident been identified as a crime included in the Clery Act?
- 4.9.4.3 Is the crime considered to represent a serious or continuing threat to University students, employees, and/or campus visitors?
- 4.9.5 A timely warning is issued as soon as the pertinent information is available. Generally, a timely warning will include information to promote safety and enable members of the University Community to protect themselves. Timely warnings are disseminated to the entire University Community.
- 4.9.6 The phrase “Crime Alert” will be used prominently in all timely warnings. The warning will include but is not limited to a short description of the crime; time, date, and location of the incident; reported offense; weapon used (if any); suspect vehicle (if any); and method of operation used to facilitate the crime. In no case will a timely warning identify a crime victim. The notifications should also include personal safety and/or crime prevention information as appropriate.
 - 4.9.6.1 Status updates as to the resolution or disposition of the crime will be similarly disseminated when appropriate.
- 4.9.7 Timely warnings can be issued using the Campus Alert System (CAS) described in the Emergency Notifications section above or through other appropriate distribution channels.
- 4.10 Safety Notices: Safety Notices are communications to the University Community for crimes that do not occur on the University’s Clery Geography, but they are determined to require the awareness of the University Community for safety purposes, or for situations that are not deemed an emergency or dangerous situation but are determined to require the awareness of the University Community for notification reasons. Distribution of a Safety Notice is generally broadcast by email by UTPD, but could also include text message or social media if determined appropriate.
 - 4.10.1 Safety Notices are not mandatory requirements, as Emergency Notifications and Timely Warnings are. However, there are certain events and situations that do not meet the requirements for sending either an Emergency Notification or a Timely Warning, but that

would be beneficial for the University Community to receive notification. For example, if a homicide or another serious crime occurred off of the University's Clery Geography, but was in an area where numerous University students live or frequent, a Safety Notice could be sent for safety purposes.

4.10.2 The phrase "Safety Notice" will be used prominently in all Safety Notices.

4.10.3 The UTPD Chief of Police, the Executive Director of Events Services and Risk Management, and the on-duty UTPD Supervisor are authorized to send Safety Notices.

4.10.4 Safety Notices can be issued using the Campus Alert System (CAS) described in the Emergency Notifications section above or through other appropriate distribution channels.

4.11 ***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:

4.11.1 ***On-campus***:

4.11.1.1 Any building or property 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.

4.11.1.2 Any building or property 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.

4.11.2 ***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.

4.11.3 ***Non-campus Property***: Buildings or property that meet the following criteria:

4.11.3.1 Owned or controlled by the University; and

4.11.3.2 Used in direct support of, or in relation to, the University's educational purposes, and

- 4.11.3.3 Frequently used by students, and
 - 4.11.3.4 Not within the same reasonably contiguous geographic area of the University campus; or
 - 4.11.3.5 Any building or properties owned or controlled by a student organization that is officially recognized by the University, or
 - 4.11.3.6 Any property outside of the United States if the property otherwise meets the definition of non-campus property described above.
- 4.12 University Trips: Clery statistics are not required to be reported for field trips because the University does not control the property. Also, if a University-sponsored trip occupies a hotel for one night, Clery statistics are not required to be reported. However, Clery statistics are required to be collected for the following locations:
- 4.12.1 Repeated use of locations for University-sponsored trips: Any University-sponsored trip when students take an overnight trip and stay in the same hotel each year. Clery statistics must be gathered for the portions of the hotel used during the stay because it is used for repeated years. Clery statistics for the time that the students stayed there must be included as Non-Campus Clery Geography.
 - 4.12.2 Short stay-away trips: For any University-sponsored short stay-away trip of more than one night for its students, Clery statistics must be collected for all locations used by students, controlled by the University during the trip and used to support educational purposes. The Clery statistics must also be included as Non-Campus Clery Geography.
 - 4.12.3 Study Abroad Program: If the University sends students to study abroad at a location or facility that the University does not own or control, the University does not have to include statistics for Clery crimes that occur in those facilities. However, if the University rents or leases space for University students in a hotel or student housing facility, the University is in control of that space for the time period covered by the agreement, and Clery Crime Statistics must be included as Non-Campus Clery Geography.
 - 4.12.4 Tracking of University Trips: Any University entity that sponsors any trips as detailed in Sections 4.12.1, 4.12.2, and 4.12.3 is required to enter details of this trip on Utah Tech University's Clery Tracking Trip Form.

4.12.5 The University will maintain a map of the buildings and property that make up the University's Clery Geography, and this map will also document the patrol jurisdiction of the UTPD.

4.13 Daily Crime Log/Annual Security Report: UTPD is required to maintain a Daily Crime Log of all crimes committed on campus that are reported to UTPD. Data is entered as soon as possible after a crime is reported, including third hand reports. Entering data in the log does not mean an investigation must be performed.

4.13.1 The Daily Crime Log for the previous sixty (60) days is available for public inspection at the UTPD office during regular business hours. Portions of the Daily Crime Log older than sixty (60) days are made available within two (2) business days.

4.13.2 UTPD must make a good faith effort to obtain statistics for all crimes covered by the Clery Act occurring on campus, including outlying properties, and on public property surrounding campus from other local law enforcement agencies.

4.13.3 UTPD is required to gather statistics from the Daily Crime Log and elsewhere and to create an Annual Security Report (ASR), which is published on or before October 1, each year. In addition, Campus Crime Statistics focusing on specific crimes committed on the University campus are made available at the same time.

4.13.4 The ASR and Campus Crime Statistics are available on the University website, and all students and employees are annually made aware of the information's availability. Prior to October 1, each year, the ASR must be distributed to all University students and employees. Prospective students and employees must also be informed as to the availability of the report. Notices of the report's availability must be separate from any other notices and must include:

4.13.4.1 Availability of the report and a list of the report's contents with brief descriptions.

4.13.4.2 Exact URL of report.

4.13.4.3 Statement that the University will provide a paper copy of the ASR upon verbal or written request at no cost.

4.13.5 An ASR must be retained by the UTPD for at least seven (7) years and longer if required by public records retention law and policy.

4.13.6 The ASR will include the following Clery Crime Statistics for the

previous three (3) years for On-Campus Clery Geography, Clery Public Property, and Non-Campus Clery Property: Clery Crime Statistics for Criminal Offenses, Hate Crimes, Violence Against Women, Weapons, Drug Abuse, and Liquor Law Violations. When an incident meets the definition of more than one category, it must be reported in each category. The Uniform Crime Reporting (UCR) Definitions will be used for Criminal Offenses, Hate Crimes and Weapons, Drug Abuse, and Liquor Law Violations. Criminal Offenses will be counted using the Department of Education's Hierarchy Rule, which indicates that only the most serious offense will be counted for criminal offenses. The Criminal Offenses below in Section 4.13.6.1 are listed in order of most serious to least serious. The Hierarchy Rules do not apply to arson, sexual assaults, hate crimes, and VAWA offenses. The Violence Against Women Act of 1994 definitions will be used for the violations of violence against women offenses. Crime Statistics will be included in the ASR for all reported offenses, without regard to the findings of a court, coroner, or jury, or the decision of a prosecutor. Crime Statistics will be counted from calls for service, complaints, and investigations. These categories are detailed below.

4.13.6.1 Criminal Offenses:

- 4.13.6.1.1 Criminal homicide (murder and non-negligent manslaughter and manslaughter by negligence)
- 4.13.6.1.2 Sex offenses (rape, fondling, incest, and statutory rape)
- 4.13.6.1.3 Robbery (For robbery, one offense will be counted for each incident, regardless of the number of victims. Robbery attempts will also be counted as Robbery)
- 4.13.6.1.4 Aggravated Assault (For Aggravated Assault, one offense will be counted for each victim)
- 4.13.6.1.5 Arson (Always count Arson, regardless of which other offenses occurred during the same incident)
- 4.13.6.1.6 Burglary (For student rooms, the Burglary of each room is counted as a separate offense)
- 4.13.6.1.7 Motor vehicle theft (Count one offense for each stolen vehicle. Also, count attempts)

4.13.6.2 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:

- 4.13.6.2.1 Race
- 4.13.6.2.2 Religion
- 4.13.6.2.3 Gender
- 4.13.6.2.4 Gender identity
- 4.13.6.2.5 Sexual orientation
- 4.13.6.2.6 Ethnicity
- 4.13.6.2.7 National origin, and
- 4.13.6.2.8 Disability
- 4.13.6.2.9 Hate Crime Offenses: For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias:
 - 4.13.6.2.9.1 Murder and non-negligent manslaughter, and manslaughter by negligence
 - 4.13.6.2.9.2 Sex offenses (rape, fondling, incest, and statutory rape)
 - 4.13.6.2.9.3 Robbery
 - 4.13.6.2.9.4 Aggravated assault
 - 4.13.6.2.9.5 Burglary
 - 4.13.6.2.9.6 Motor vehicle theft
 - 4.13.6.2.9.7 Arson
 - 4.13.6.2.9.8 Larceny-theft
 - 4.13.6.2.9.9 Simple assault
 - 4.13.6.2.9.10 Intimidation, or
 - 4.13.6.2.9.11 Destruction/damage/vandalism of property

4.13.6.3 Violence Against Women Act Offenses (VAWAO): The Hierarchy Rule does not apply to VAWA Offenses.

4.13.6.3.1 Domestic violence: A felony or misdemeanor crime of violence committed:

4.13.6.3.1.1 By a current or former spouse or intimate partner of the victim;

4.13.6.3.1.2 By a person with whom the victim shares a child in common;

4.13.6.3.1.3 By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

4.13.6.3.1.4 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;

4.13.6.3.1.5 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.

4.13.6.3.2 Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with the consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

4.13.6.3.3 Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

4.13.6.3.3.1 Fear for the person's safety or the safety of others; or

4.13.6.3.3.2 Suffer substantial emotional distress.

4.13.6.3.4 Arrests and Referrals for Disciplinary Actions for weapons law violations, drug abuse violations, and liquor law violations.

4.14 Fire Log/Fire Safety Report: Fires on the University campus should be reported to the the University Fire Marshal and UTPD. A Fire Log of all reported fires occurring in on-campus housing facilities must be maintained by the Fire Marshal. The Fire Log is available for public inspection on the Risk Management and Safety website.

4.14.1 The annual Fire Safety Report includes descriptions of fire safety systems in residential facilities; rules regarding fire hazards, dangerous materials, smoking, and prohibited items; procedures for evacuation in case of a fire; fire safety education and training for Housing and Resident Life staff; plans for addressing future improvements in fire safety; and fire statistics for each on-campus housing facility.

4.14.1.1 The annual Fire Safety Report will be published each year on or before October 1. The annual Fire Safety Report includes statements from University policy, descriptions of fire safety systems in residential facilities; rules regarding fire hazards, dangerous materials, smoking, and prohibited items; procedures for evacuation in case of a fire; fire safety education and training for Housing and Residential Life staff; plans for addressing future improvements in fire safety; and fire statistics for each on-campus housing facility.

4.14.2 Current students and employees must be informed of the availability of the Fire Safety Report. Prospective students and employees must also be informed of the availability of the report. The Fire Safety Report can be combined with the Annual Security Report.

4.15 Security and Maintenance of Facilities. the University Facility Management maintains the safety of campus facilities. The University is committed to installing and maintaining a safe level of exterior lighting on campus. Exterior lighting deficiencies are corrected as soon as possible after being reported. Inspections of buildings are conducted to ensure safety and security, including a fire and life safety inspection and a risk management assessment, which are performed annually.

4.15.1 During business hours, most University academic and administrative buildings and facilities are open to the public.

- 4.15.1.1 A significant exception is the resident halls. Each University resident room and apartment has individually keyed exterior access doors. Residents are trained on the importance of keeping their doors locked when they are both present and absent from the residence. In the event that a resident's room or apartment is deemed unsecure or unsafe, University Facility Management makes repairs, replaces locks, or performs other maintenance as soon as possible.
 - 4.15.1.2 All University buildings are locked at the close of business or following the last class or activity in the evening. UTPD Officers perform patrols of the resident halls and other buildings, campus streets, parking areas, and grounds.
 - 4.15.2 University Policy 446: Key and Access Control addresses the issuance and use of keys to University buildings as well as building closing procedures.
- 4.16 Sex Offenders. The Campus Sex Crimes Prevention Act (CSCPA) provides for the tracking of convicted sex offenders enrolled, employed, working, or volunteering at institutions of higher education. In Utah, sex offender registrants are required by law to inform the Utah Department of Corrections of their enrollment or employment at an institution of higher education (UCA § 77-41-110), and the agency is required to notify University law enforcement officials when a convicted sex offender has enrolled or has been employed (UCA § 77-41-103).
 - 4.16.1 The Family Educational Rights and Privacy Act of 1974 (FERPA) allows institutions of higher education to disclose information concerning sex offenders.
 - 4.16.2 In addition, a list of all registered sex offenders in Utah is available from the Utah Department of Corrections online at http://www.communitynotification.com/cap_office_disclaimer.php?office=54438.
- 4.17 Missing Student Notification: The Housing and Resident Life Department maintains written, step-by-step procedures to be followed in the event a student residing in on-campus housing is reported as missing. The intent of a missing student notification process is to minimize confusion and potential delays and delineate responsibilities.
 - 4.17.1 When a student applies for on-campus housing at the University, the student is given the opportunity to designate a confidential emergency contact who will advocate for the student if the student

is missing. The emergency contact can be anyone of the student's choosing; the emergency contact does not have to be a relative.

- 4.17.1.1 By law, the emergency contact individual's identity and contact information will be kept confidential, accessible only to University personnel, and will only be disclosed to law enforcement officers conducting a missing person investigation.
- 4.17.1.2 Emergency contact data is kept confidential in a secure database according to University IT guidelines. Access is limited to trained and authorized Housing and Resident Life employees.
- 4.17.2 Students who reside in on-campus housing must be informed of the University's legal requirement to refer missing-student reports to law enforcement, and, if the missing student is under age 18, to inform the student's custodial parent or guardian, unless the student is emancipated.
- 4.17.3 All members of the University Community are encouraged to report as missing any student residing in on-campus housing who they believe has been missing for more than 24 hours.
 - 4.17.3.1 A report of a missing student who resides in on-campus housing can be submitted to any Resident Assistant, Resident Manager, or other Housing and Resident Life staff member.
 - 4.17.3.2 Any staff member other than the Director will inform the Director of Housing and Resident Life at the same time. The Director or his/her designee will refer the missing student report to either UTPD or the appropriate law enforcement agency within 24 hours of receiving that information.
 - 4.17.3.3 The Director of Housing and Resident Life or his/her designee is required by law to notify a custodial parent or guardian of a non-emancipated student under 18-years of age within 24 hours of the determination that the student is missing.
 - 4.17.3.4 If the missing student has designated a contact person, the Director or his/her designee will notify the contact person that the student is missing within 24 hours of the determination that the student is missing.
 - 4.17.3.5 Notification procedures can begin earlier than 24 hours if it is

determined that the student is missing.

4.18 Clery Committee: The Committee's mission is to solidify the necessary processes are followed to ensure the University's compliance with the Clery Act.

4.18.1 The committee's goals include but are not limited to the following objectives:

4.18.1.1 Ensuring the training of Campus Security Authorities (CSAs);

4.18.1.2 Tracking and compiling crime/student conduct statistics as required by the Clery Act;

4.18.1.3 Ensuring that Clery Act reportable domestic and international travel is appropriately documented;

4.18.1.4 Reviewing and providing needed information for the University's Annual Security Report (ASR); and

4.18.1.5 Ensuring other compliance requirements with the Clery Act.

4.18.2 The Clery Committee will meet at least quarterly to ensure that all respective units are working toward the Committee's goals.

4.18.3 The UTPD Chief of Police will be the Chair of the Clery Committee. The Committee will be composed of representatives from the following areas:

4.18.3.1 Academic Affairs

4.18.3.2 Athletics

4.18.3.3 Dean of Students

4.18.3.4 Faculty Representative

4.18.3.5 Housing and Resident Life

4.18.3.6 Human Resources

4.18.3.7 Office of the General Counsel

4.18.3.8 Executive Director of Events Services and Risk Management

4.18.3.9 Student Conduct Officer

4.18.3.10 Student Financial Aid

- 4.18.3.11 Study Abroad
- 4.18.3.12 Title IX Coordinator
- 4.18.3.13 Utah Tech Police Department (UTPD)
- 4.18.3.14 Office of the Multi-Cultural Inclusion Center Representative

V. References - N/A

VI. Procedures – N/A

VII. Addenda

- 7.1 University Emergency Plan: <https://safety.utahtech.edu/wp-content/uploads/sites/48/2019/09/DSU-EOP-Final-Promulgated.pdf>
- 7.2 University Emergency and Evacuation Procedure
<https://safety.utahtech.edu/wp-content/uploads/sites/48/2015/07/Emergency-Procedures-booklet4.pdf>
- 7.3 Utah Department of Corrections
http://www.communitynotification.com/cap_office_disclaimer.php?office=54438.

Policy Owner: Vice President for Administrative Affairs

Policy Steward: Clery Compliance Administrator and UTPD Chief of Police

History:

Approved 4/28/14

Revised 10/02/20

Editorial 07/01/22