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## SEC-035: Clery Act Compliance

Date: 08/28/2015 Status: Final Last Revised: 07/22/2021

Policy Type: University

Contact Office: [Assistant Vice President for Clery Act Compliance \(Office of the\), Compliance Office](#)

Oversight Executive: Executive Vice President and Chief Operating Officer, Executive Vice President and Provost, Executive Vice President for Health Affairs

Applies To:

Academic Division, the Medical Center, and University-Associated Organizations.

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Reason for Policy:

The University of Virginia is committed to maintaining a safe and secure environment for its faculty, staff, employees, students, patients, and visitors. Requirements have been established to assist the University in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, (commonly referred to as the Clery Act) thereby facilitating compliance with the Clery Act and increasing overall safety on and near Grounds.

Definition of Terms in Statement:

- **Campus Community:**  
Refers to faculty, staff, employees, students, patients, and visitors on or near campus; consisting of the administrative units and eleven Schools in Charlottesville, the Medical Center, and all Academic Centers.
  
- **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. 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, who 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.

**Official:** Any person who has the authority and the duty to take action or respond to particular issues on behalf of the University.

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

Police and Security personnel  
Athletic Directors  
Athletic Coaches  
Faculty advisors to student organizations  
Housing & Residence Life Staff  
Director of Emergency Management  
Medical Center Risk Management  
Directors of Women's Center  
Coordinators of Fraternity & Sorority Life  
Title IX Coordinators  
Medical Center Employee Relations

CSA's are determined by criteria established in United States Department of Education's [The Handbook for Campus Safety and Security Reporting](#), pgs. 74-81 (Feb. 28, 2011).

- **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 or possessing illegal weapons.
  
- **Clery Reportable Location:**  
Property that is owned, leased, or controlled by the University which includes: (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-

campus buildings or property that the University owns, controls, or leases, is frequented by students and used in support of educational purposes.

- **Emergency Notification:**  
An announcement triggered by a significant emergency event or dangerous situation involving an *immediate* threat to the health or safety of the University’s faculty, staff, employees, students, patients, or visitors on University Grounds. This expands upon the definition of “Timely Warning” to include both Clery Act crimes and other types of emergencies or events that pose an imminent threat to the campus community.
- **Emergency Notification System:**  
A mechanism established for the purpose of and dedicated to enabling University officials to quickly contact or send messages to faculty, staff, employees and students in the event of an emergency. Examples include but are not limited to, fire alarms, sirens, UVA alerts via email/text message, digital screens, etc.
- **Timely Warning:**  
An alert triggered when the University determines that a crime which has already been committed but presents a serious or continuous threat (e.g., a homicide, sex offense or robbery) must be reported to the campus community.

#### Policy Statement:

To maintain a safe and secure environment for its faculty, staff, employees, students, patients and visitors, the University will comply with the provisions of the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998,” (Clery Act) as amended. The Clery Act requires the University to report specified crime statistics on and near the Grounds and to provide other safety and crime information to the campus community.

#### I. Requirements of the Clery Act:

Specifically, the University will:

1.

##### **Publish an Annual Security Report (ASR):**

By October 1<sup>st</sup> each year, the Assistant Vice President for Clery Compliance will publish an ASR documenting three calendar years of Clery crime statistics, security policies and procedures, and information on the basic rights guaranteed victims of sexual assault [refer to [HRM-041: Policy on Sexual and Gender-based Harassment and Other Forms of Interpersonal Violence](#)]. All crime statistics must be provided to the U.S. Department of Education. [Refer to the on-line [ASR](#).]

This report must be made available to all current faculty, staff, employees and students. In addition, prospective faculty, staff, employees and students must be notified of the ASR’s existence and provided a copy upon request. Paper copies of the report will be available upon request from the University Police Department. In addition, the Office of Admission, University Human Resources, and Medical Center Human Resources will publish a link to the ASR with a brief description on their respective web sites.

2.

##### **Identify, Notify, and Train Campus Security Authorities (CSAs):**

The University will identify positions which meet the definition of a CSA on an ongoing basis, and notify individuals in these roles of their obligations under the Clery Act to

report any and all Clery Crimes that they witness, or are reported to them, which may have occurred in a Clery reportable location. The University requires that all CSAs complete training on their responsibilities and reporting requirements under the Clery Act. The University will provide such training on a regular basis.

3.

**Disclose Crime Statistics:**

Crime Statistics for incidents that occur in Clery reportable locations must be disclosed.

The Assistant Vice President for Clery Compliance is responsible for gathering crime statistics from University Police, the Office of the Dean of Students, local law enforcement and other Campus Security Authorities (CSAs).

The Clery Act requires reporting of crimes in the following categories:

1. Criminal Homicide
  - i. Murder & Non-Negligent Manslaughter
  - ii. Negligent Manslaughter
2. Sex Offenses
  - i. Rape
  - ii. Fondling
  - iii. Statutory Rape
  - iv. Incest
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson
8. Domestic Violence
9. Dating Violence
10. Stalking

In addition to the aforementioned Clery Act crimes, statistics must be gathered for the following categories of arrests or referrals for disciplinary action if an arrest was not made:

1. Liquor Law Violations
2. Drug Law Violations
3. Carrying or Possessing Illegal Weapons

Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime:

1. Larceny/Theft
2. Simple Assault
3. Intimidation
4. Destruction/Damage/Vandalism of Property

4.

**Issue Timely Warnings:**

The University must provide timely warnings about Clery Act crimes which pose a serious or ongoing threat to the campus community. This is determined by one (or more) University official(s) who has been pre-identified in the University's Annual Safety Report. Because the nature of criminal threats is often not limited to a single location, timely warnings must be issued in a manner likely to reach the entire campus community. Timely warnings may be issued for Clery crimes occurring in Clery reportable locations. [Refer to policy [IRM-018: Issuance of a Timely Warning.](#)]

*Exception: Crimes that would otherwise be reportable but are reported to a licensed mental health counselor or pastoral counselor, in the context of a privileged (confidential) communication, are not subject to the timely warning requirement.*

5.

**Issue Emergency Notifications:**

The University is required to inform the campus community about a significant emergency event or dangerous situation involving an immediate threat to the health or safety of University faculty, staff, employees, students, patients and visitors occurring on or near Grounds. An emergency notification expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (e.g., fire, infectious disease outbreak, etc.). Emergency events may be localized; therefore notifications may be tailored exclusively to the segment of the campus community at risk.

The University also must have emergency response and evacuation procedures in place specific to its on campus facilities. A summary of these procedures must be disclosed in the ASR. Additionally, the emergency response procedures must be tested at least once, annually. [Refer to policy [IRM-018: Issuance of a Timely Warning.](#)]

*Exception: Emergencies where issuing a notification would compromise efforts to assist a victim, contain the emergency, respond to the emergency or mitigate the emergency are not subject to the emergency notification requirement.*

6.

**Responding to Reports of Missing Students:**

The University provides every student living in University housing the opportunity and means to identify an individual to be contacted in an emergency, including whenever the University determines that a student is missing.

The University Police Department shall investigate all reports of missing students and will notify and cooperate with other law enforcement agencies, as necessary, to further the investigation. [Refer to policy [STU-003: Missing Student Notifications for Students Residing in On-Grounds Housing.](#)]

7.

**Compile, Report, and Publish Fire Data:**

The Higher Education Opportunity Act of 1998 (HEOA) amended the Clery Act to include fire statistics. The Office of Environmental Health and Safety (EHS) will produce an Annual Fire Safety Report (AFSR). EHS must collect and disclose fire statistics for each on-Grounds student housing facility separately for the three most recent calendar years for which data are available in accordance with HEOA regulations. Each such facility must be identified in the statistics by name and street address, regardless of whether any fires have occurred.

Additionally, EHS will provide a description of the fire safety system in each student housing facility that is included in the AFSR. These descriptions should include mechanisms (e.g., fire extinguishers, fire doors, posted evacuation routes, etc.) or systems related to the detection, warning and control of a fire. EHS will submit the AFSR to the Assistant Vice President for Clery Compliance for inclusion in the statistics reported to the U.S. Department of Education. [Refer to [Fire Safety Report.](#)]

8.

**Maintain a Daily Crime Log:**

The University must maintain a daily crime log documenting the "nature, date, time and general location of each crime" reported to the University Police Department within the last 60 days, and the disposition, if known, of the reported crimes.

Incidents must be entered into the log within two business days of receiving the report. The Daily Crime Log is available at the University of Virginia Police department located at 2304 Ivy Road, during normal business hours. [Refer to [Crime Reports](#).] Requests for public inspection of daily crime log entries beyond 60 days must be made in writing and will be made available within two business days of the request.

9.

**Maintain a Daily Fire Log:**

The University must maintain a daily fire log documenting the nature of the fire, date the fire occurred, date and time the fire was reported and general location of each fire-related incident in an on-campus student housing facility reported to any University official. Incidents must be entered into the log within two business days of receiving the report and the previous 60 days of fire log entries must be available for public inspection during normal business hours. The Daily Fire Log is available at the University of Virginia Office of Environmental Health and Safety located at One Morton Drive, Suite 320 Charlottesville, VA 22903, during normal business hours. Requests for public inspection of daily crime log entries beyond 60 days will be made available within two business days of the request.

## **II. Responsibilities:**

The **Assistant Vice President for Clery Compliance** is responsible for:

- Monitoring the University's compliance with the Clery Act;
- Updating the requirements in this policy as necessary when the federal legislation has been amended;
- Annually reviewing geographic categories for inclusion;
- Establishing a procedure for processing instances of short-stay away trips in order to designate a CSA to disclose any Clery crimes reported during the trip to be included in the ASR;
- Identifying those positions with CSA responsibilities and notifying those individuals;
- Maintaining a list of University CSAs;
- Developing procedures for reporting crime statistics by CSAs;
- Educating and training CSAs, and personnel within UPD, EHS, the Medical Center, and Student Affairs as necessary;
- Publishing the ASR and disclosing statistics of Clery Crimes reported over the past three years;
- Annually, requesting in writing crime statistics from local law enforcement with jurisdiction over the University's Clery geography;
- Maintaining and publishing University policies and procedures addressing campus security and safety; and
- Submitting the crime and fire statistics to the U.S. Department of Education.

The **University Police Department** is responsible for:

- Reporting crime statistics (as specified in the Clery Act);
- Issuing timely warning alerts to the campus community about Clery Crimes;
- Compiling and providing to the Assistant Vice President for Clery Compliance, statistics of reports of Clery Crimes reported to the University Police;
- Monitoring criminal activity at off-campus locations of student organizations officially recognized by the University;
- Investigating all reports of missing students by notifying and cooperating with other law enforcement agencies, as necessary;
- Providing paper copies of the Annual Security Report upon request; and
- Maintaining the daily crime log.

**Campus Security Authorities** are responsible for:

- Understanding the requirements of the Clery Act pertaining to reportable crimes;
- Undergoing training and education as determined by the Assistant Vice President for Clery Compliance; and
- Immediately reporting Clery crimes to the University Police Department.

The **Office of the Dean of Students/Student Affairs** is responsible for:

- Immediately reporting any Clery Act related crime to University Police or the Assistant Vice President for Clery Compliance for a Timely Warning consideration; and
- Annually, providing all conduct referral data to the Assistant Vice President for Clery Compliance for inclusion in the Annual Security Report.

The **Office of Emergency Management** is responsible for:

- Coordinating emergency notifications to the campus community when deemed necessary and appropriate; and
- Conducting an annual emergency alert exercise and test the emergency alert system in conjunction with the exercise.

The **Office of Environmental Health and Safety (EHS)** is responsible for:

- Collecting fire statistics relative to each on-Grounds student housing facility;
- Updating the AFSR language to reflect legislative updates and interpretations;
- Providing AFSR statistics to the Assistant Vice President for Clery Compliance;
- Maintaining fire statistics gathered in compliance with University policy [IRM-017: Records Management](#); and
- Maintaining the daily fire log.

The **Office of Admissions (Undergraduate and Graduate)** is responsible for:

- Notifying and providing the on-line location of the ASR and a brief description of the report to prospective or current students; and
- Providing a paper copy of the ASR upon request to a prospective or current student.

**University Human Resources** is responsible for:

- Notifying and providing to prospective faculty and staff the on-line location of the ASR and a brief description of the report;
- Providing a paper copy of the ASR upon request to a prospective or current faculty or staff member;
- Immediately reporting any Clery Act related crime to University Police or the Assistant Vice President for Clery Compliance for a Timely Warning consideration; and
- Annually, providing all conduct referral data to the Assistant Vice President for Clery Compliance for inclusion in the Annual Security Report.

**Medical Center Human Resources** is responsible for:

- Notifying and providing to prospective employees the on-line location of the ASR and a brief description of the report;
- Providing a paper copy of the ASR upon request to a prospective or current employee;
- Immediately reporting any Clery Act related crime to University Police or the Assistant Vice President for Clery Compliance for a Timely Warning consideration; and

- Annually, providing all conduct referral data to the Assistant Vice President for Clery Compliance for inclusion in the Annual Security Report.

**Medical Center Risk Management** is responsible for:

- Immediately reporting any Clery Act related crime to University Police or the Assistant Vice President for Clery Compliance for a Timely Warning consideration; and
- Annually, providing aggregate Clery reportable data to the Assistant Vice President for Clery Compliance for inclusion in the Annual Security Report.

The **Athletic Department** is responsible for:

- Immediately reporting any Clery Act related crime to University Police or the Assistant Vice President for Clery Compliance for a Timely Warning consideration; and
- Annually, providing all conduct referral data to the Assistant Vice President for Clery Compliance for inclusion in the Annual Security Report.

The **Office of the Provost** is responsible for:

- Immediately reporting any Clery Act related crime to University Police or the Assistant Vice President for Clery Compliance for a Timely Warning consideration; and
- Annually, providing all faculty conduct referral data to the Assistant Vice President for Clery Compliance for inclusion in the Annual Security Report.

The **Women-s Center** is responsible for:

- Immediately reporting any Clery Act related crime to University Police or the Assistant Vice President for Clery Compliance for a Timely Warning consideration; and
- Annually, providing aggregate Clery reportable data to the Assistant Vice President for Clery Compliance for inclusion in the Annual Security Report.

**Medical Center Emergency Management** is responsible for:

- Immediately reporting any Clery Act related crime to University Police or the Assistant Vice President for Clery Compliance for a Timely Warning consideration; and
- Annually, providing aggregate Clery reportable data to the Assistant Vice President for Clery Compliance for inclusion in the Annual Security Report.

III.

**Compliance with Policy:**

Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination or expulsion in accordance with relevant University policies. The U.S. Department of Education may impose penalties per each violation.

Questions about this policy should be directed to the [Office of the Assistant Vice President for Clery Act Compliance](#) or the [Compliance Office](#).

Procedures:

[How to Report a Crime](#)

Related Information:

For additional terms not defined, refer to [The Handbook for Campus Safety and Security Reporting](#), as published by the U.S. Department of Education.



University Policies:

[HRM-028: Preventing and Addressing Threats or Acts of Violence](#)

[HRM-032: Disruption of Normal University Operations Resulting from Weather or Emergency Events](#)

[HRM-040: Reporting by University Employees of Disclosures Relating to the Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence and the Preventing and Addressing Discrimination and Harassment, and Preventing and Addressing Retaliation Policies](#)

[HRM-041: Policy on Sexual and Gender-based Harassment and Other Forms of Interpersonal Violence](#)

[IRM-013: Issuance of an Emergency Notification](#)

[IRM-017: Records Management](#)

[IRM-018: Issuance of a Timely Warning](#)

[SEC-030: Regulation of Weapons, Fireworks, Explosives, and Other Prohibited Items](#)

[STU-001: Use of Alcoholic Beverages and Prohibition of Other Drugs](#)

[STU-003: Notifications Regarding Students Missing from University Housing](#)

[University Security Policy](#): The Police Department is charged with providing security regulations by which faculty, staff, students, patients, and visitors are required to abide.

Safety:

[Crime Prevention](#)

[Student Safety Guide](#)

[Safe Ride](#)

[University Police Department Safety Tips](#)

Outside Sources:

[Clery Center for Security on Campus](#)

[Summary of the Jeanne Clery Act](#)

[The Handbook for Campus Safety and Security Reporting](#)

Policy Background:

Jeanne Clery was a 19-year-old Lehigh University freshman who was raped and murdered while asleep in her resident hall room on April 5, 1986. After her murder, it was discovered that students had not been told about 38 violent crimes that occurred on the Lehigh campus in the three years before her murder. Thus Congress enacted the Crime Awareness and Campus Security Act of 1990.

In 1992, Congress amended the Act to:

1. Exclude campus law enforcement records from coverage under the Family Educational Rights and Privacy Act of 1974 (FERPA).<sup>1</sup> Law enforcement records are not protected from disclosure on privacy grounds as educational records. Additionally, disclosure of the outcome of campus disciplinary proceedings concerning sexual assault to the victim and accused is not a violation of FERPA.
2. Incorporate the Campus Sexual Assault Victims' Bill of Rights, which requires campus security policies to specifically address sex offense prevention and specifies procedures that must be included in a campus disciplinary proceeding.<sup>2</sup>

These laws became effective September 1, 1992.

In 1998, expanded reporting requirement and formally renamed it the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.<sup>3</sup>

In 2000, a provision, modeled after Megan's Law, was added that requires institutions to include in their annual campus security reports where information about registered sex offenders on campus can be obtained.

In 2008, implemented the Higher Education Opportunity Act<sup>4</sup> which:

- Expanded hate crime reporting;

- Specific disclosure of inter-agency MOUs;
- New emergency notification, response and evacuation procedures;
- New missing student notification policy;
- Clarification of what is on-campus housing; and
- Reinforced crime of violence/sex offense disciplinary procedure disclosure requirements.

In 2013, the Violence Against Women Act<sup>5</sup>, as reauthorized amended the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. It requires institutions to begin including in their annual security reports incidents of domestic violence, dating violence and stalking reported to campus security authorities or local police agencies.

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<sup>1</sup> 20 U.S.C. § 1232g; 34 C.F.R. Part 991

<sup>2</sup> 20 U.S.C. § 1092(f)(8) and 34 C.F.R. § 668.46(b)(11)

<sup>3</sup> 20 U.S.C. § 1092(f)

<sup>4</sup> 20 U.S.C. § 1000, et seq.

<sup>5</sup> 42 U.S.C. § 13925(a)

Major Category: Safety, Security and Environmental Quality

Next Scheduled Review: 08/28/2018

Approved by, Date: Executive Vice President & Chief Operating Officer, 08/28/2015

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