

Clery Act Compliance Procedures

Many units throughout the University of Denver (University) have responsibilities for compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, 20 U.S.C. 1092 (Clery Act). These procedures set forth the specific responsibilities of different campus units pursuant to the Clery Act.

I. DEFINITIONS

The following terms are used in these procedures and/or in the University's [Clery Act Compliance Policy](#) (SAFE 7.10.010):

Annual Security and Fire Safety Report: A required annual report setting forth statistics for Clery Act Crimes and disciplinary referrals for drug, alcohol, and weapon offenses by type, location, and year; campus security and safety policy statements; procedures for issuing to the University community Timely Warnings of potentially dangerous criminal and emergency situations; campus evacuation procedures; locations for obtaining information concerning registered sex offenders from state law enforcement agencies; and fire safety policies and procedures for on-campus student housing, and statistics for fires in on-campus student housing.

Campus Security Authority (CSA): an individual at the University who, because of their function for the University, has an obligation under the Clery Act to notify the University of alleged Clery Act Crimes that are reported to them in good faith, or alleged Clery Act Crimes that they may personally witness. CSAs include:

1. The Department of Campus Safety.
2. Any individual or individuals who have responsibility for campus security but who are not Campus Safety personnel.
3. Any individual or organization specified in the University's campus security statements as an individual or organization to which students and employees should report crimes.
4. An official of the University who has significant responsibility for student and campus activities, including, but not limited to, student housing, student conduct, and conferences and events, and who has the authority and the duty to take action or respond to particular issues on behalf of the University.

Examples of CSAs include, but are not limited to:

- a. Campus Safety personnel
- b. Athletic Directors
- c. Athletic coaches
- d. Title IX Coordinators
- e. Faculty advisors to student organizations
- f. Fraternity and Sorority Life personnel who are University employees

Clery Act Crimes: Crimes specified in the Clery Act, and further described in Appendix A, on which the University must compile statistics of reports made to the Department of Campus Safety, CSAs and law enforcement and publish those statistics annually to the University community, including: criminal homicide (murder, non-negligent manslaughter, and manslaughter by Negligence, Sex Offenses (Rape, Fondling, Incest, and Statutory Rape),

Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Dating Violence, Domestic Violence, Stalking, Weapon Law Violations, Drug Law Violations, Liquor Law Violations, and Hate Crimes.

Clery Compliance Committee: A committee comprised of the following University officials who meet to review the University's Clery Act compliance efforts and make recommendations to the Clery and Compliance Coordinator regarding the University's Clery Act obligations: the Chancellor or designee; the Provost or designee; the General Counsel or designee; the Vice Chancellor of Marketing and Communications; the Vice Chancellor for Human Resources; the Vice Chancellor of Enrollment Management; the Associate Vice Chancellor for Equal Opportunity & Title IX/Title IX Coordinator; the Associate Vice Chancellor of Financial Aid; the Vice Provost for Internationalization; the Dean of Students; the Director of Student Rights & Responsibilities; the Director of Campus Safety; the Executive Director of Housing & Residential Education; the Associate Athletic Director/Compliance; the Executive Director of the Health and Counseling Center; and the Manager of Emergency Preparedness.

Clery and Compliance Coordinator: The position within the Department of Campus Safety (DCS) designated to coordinate the University's Clery Act compliance program.

Clery Geography Map: A map depicting the Core Campus and surrounding area that identifies On-Campus Property, Non-Campus Property, and Public Property.

Core Campus: The same reasonably contiguous area of buildings or property owned or controlled by the University that the campus and its students consider to be, and treat as, an integral part of the University Park campus; and that are directly supported by, or related to, the University's educational purposes.

Daily Crime Log: A log maintained by the Department of Campus Safety of any and all alleged criminal incidents reported to Campus Safety.

Emergency Notification: An announcement to inform the University community of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the campus.

Fire Log: A log maintained by the Department of Campus Safety, Manager of Emergency Preparedness of any report to a campus official of a fire occurring in on-campus student housing.

Missing Student Notification: Following a report that a student who resides in University owned or operated housing is missing, the University will follow its [Missing Student Notification Policy](#) (SAFE 7.10.011).

Non-Campus Property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the University; or (2) any building or property owned or controlled by the University that is used in direct support of, or in relation to, the University's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the campus. Non-Campus Property includes, for example, fraternities and sororities occupying buildings not owned by the University; University

owned buildings outside of the Core Campus (e.g., Kennedy Mountain Campus and Yegge Peak House); university-leased buildings outside the Core Campus (e.g., East Range).

On-Campus Property: (1) Any building or property owned or controlled the University within the same reasonably contiguous geographic area (the Core Campus) and used by the University in direct support of, or in a manner related to, the University’s educational purposes, including residence halls; and (2) any building or property on the Core Campus that is owned by the University but controlled by another person, is frequently used by students, and supports University purposes (such as a food or retail vendor). On-Campus Property includes, for example, University buildings (e.g., Margery Reed Hall, Joy Burns Center); University owned or operated housing (e.g., Dimond Family Residential Village, Nelson Hall); University owned land/property (e.g., Chamberlin Observatory); University streets, sidewalks, and parking lots (e.g., Lot E, red brick sidewalks throughout the campus); property leased by the University (e.g., University Lofts); properties owned by the University but controlled by a third party (e.g., Carousel Apartments).

Pastoral Counselor: An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. The University currently has no Pastoral Counselors.

Professional Counselor: A University employee whose official responsibilities include providing psychological counseling to members of the University community and who is functioning within the scope of his or her license or certification.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the Core Campus or immediately adjacent to and accessible from the Core Campus. Public Property includes, for example, city streets (e.g., Evans Ave between S High St and S University Blvd), and sidewalks in front of private businesses (e.g., sidewalks outside Tokyo Bowl).

Timely Warning: An announcement called a “Campus Safety Alert” to inform the University community of Clery Act Crimes and other serious incidents when a reported crime may pose a serious or continuing threat to the campus and surrounding community.

II. RESPONSIBILITIES

A. General Responsibilities

1. Students, employees, and visitors are encouraged to promptly and accurately report all suspected crimes and significant emergencies or dangerous situations occurring on On-Campus Property, Non-Campus Property, and Public Property to DCS, a CSA, or the appropriate law enforcement agency, when the victim of a crime elects to, or is unable to, make such a report.
2. For the sole purpose of the inclusion of a Clery Act crime in the annual disclosure of crime statistics, victims or witnesses may report crimes to a CSA on a voluntary, confidential basis, by withholding their personally identifiable information.

3. Pastoral and Professional Counselors are encouraged, if and when deemed appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
4. All campus units and divisions with designated responsibilities under these procedures must provide a contact name to DCS to serve as a “Clery Liaison.” The Clery Liaison shall be responsible for providing the following information to the Clery and Compliance Coordinator:
 - a. Identifying and registering CSAs within the unit/division;
 - b. Reporting all Non-Campus Property used by the unit/division;
5. All University units must maintain for seven (7) years all Clery Act-related documentation.

B. Athletics Responsibilities:

1. Athletics must promptly report any Clery Act crimes to DCS.
2. Athletics must identify positions within its department that qualify as a CSA and update the Clery Compliance Coordinator with the names of employees who are identified as CSAs.

C. Campus Security Authorities (CSA) Responsibilities:

1. CSAs must complete mandatory training.
2. CSAs must report suspected Clery Act Crimes that are brought to their attention or that they personally witness, regardless whether the victim or alleged suspect are associated with the University.
3. CSAs must complete and submit electronically a [CSA Incident Report Form](#), which is available on the My DU website. The CSA must sign in using their My DU ID and password.
4. CSAs will provide written notification to the victim which includes the following information and can be found at <https://www.du.edu/equalopportunity/title-ix-sexual-misconduct>:
 - a. Information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community;
 - b. Information about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures;
 - c. Explanation of the victim’s rights and options.

C. Office of Student Rights and Responsibilities (SRR) Responsibilities:

1. SRR must promptly report any Clery Act Crimes to DCS.
2. SRR must gather disciplinary referral information from University units that have their own disciplinary systems for student code violations (e.g. College of Law) to determine if such referrals include Clery Act Crimes.
3. SRR must provide any liquor, drug, or weapon law violations resulting in discipline to DCS for inclusion in the Annual Security and Fire Safety Report.

D. Housing & Residential Education (HRE) Responsibilities:

1. HRE must notify all University Housing residents annually that they may enter a Missing Student Notification contact into the StarRez Housing Portal when they re-apply for housing.
2. HRE must coordinate with DCS to issue a Missing Student Notification within 24 hours of a student determined to be missing.

E. Office of Facilities Planning and Management (OFPM) Responsibilities:

1. OFPM must provide the Clery and Compliance Coordinator annually each January a list of all active properties leased from third parties on behalf of the University, including the specific address information, a contract number for referral, and contact information.
2. OFPM must annually review the Clery Geography Map and building list with representatives of the DCS and the Office of General Counsel.
3. OFPM must provide the Clery and Compliance Coordinator annually each January a list of all buildings or property owned or controlled by the university, including specific address information and a notation of those properties that fall within the Core Campus.
4. OFPM must notify the Clery and Compliance Coordinator when buildings or property owned or controlled by the university are bought, sold, or the use of such property changes, to allow updates to the Clery Geography Map and building list.

F. Emergency Management (EM) Responsibilities:

1. EM must maintain the University's Fire Log and make the Fire Log available, upon request, for public inspection.
2. EM must work with DCS to provide the required Annual Fire Safety Report portion for inclusion in the Annual Security and Fire Safety Report that is disclosed to the University community and the public by October 1st of each year. This report shall include:
 - a. Descriptions of each University housing facility fire safety system
 - b. Number of fire drills held during previous calendar year
 - c. Policies or rules on portable electrical appliances, smoking and open flames in a student housing facility
 - d. Procedures for student housing evacuation in the case of a fire
 - e. Policies regarding fire safety education and training programs provided to students and employees
 - f. For purposes of including a fire in the statistics in the annual fire safety report, a list of the titles of each person or organization to which students and employees should report that a fire occurred
 - g. Plans for future improvements in fire safety
 - h. Fire statistics
3. EM must work with DCS to provide annual fire statistics for the Department of Education survey, which is available at <http://ope.ed.gov/security>.

G. Human Resources and Inclusive Community (HRIC) Responsibilities:

1. HRIC must provide the electronic notice of availability of the Annual Security and Fire Safety Report to all prospective employees on the Pioneer Jobs website in the exact wording set forth in Appendix B.
2. HRIC shall annually provide to the DCS any liquor, drug, or weapon law violations resulting in discipline for any University employee.
3. HRIC will maintain documentation that all new employees complete the “Preventing Harassment and Discrimination” on-line training which is the Primary Prevention and Awareness program for new employees in accordance with the Clery Act.
4. HRIC will assist DCS with identifying job descriptions for positions that meet the definition of CSA.

H. Admissions Office Responsibilities:

1. Each office of admissions (Undergraduate, Graduate, College of Law, and any other college with its own admissions process) must provide the electronic notice of availability of the Annual Security and Fire Safety Report to all prospective students on the Admissions websites in the exact wording set forth in Appendix B.

I. Health and Counseling Center (HCC) Responsibilities:

1. HCC will provide to DCS in February, a list of all programs and campaigns to prevent dating violence, domestic violence, sexual assault, and stalking that were conducted by HCC during the previous calendar year.
2. HCC’s Health Promotion unit will administer and maintain documentation for the University’s Sexual Assault Prevention and Awareness Program for new students. In addition, they will administer and oversee the University’s Sexual Assault Prevention and Awareness Program for returning undergrad and graduate students, as well as the training for faculty and staff.
3. This training should include the following information:
 - a. A statement that the University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking;
 - b. The definitions for dating violence, domestic violence, sexual assault, and stalking according to the State of Colorado and local laws/codes;
 - c. The definition of consent, in reference to sexual activity, in the State of Colorado and the University’s Discrimination and Harassment Policy;
 - d. A description of safe and positive options for bystander intervention;
 - e. Information on risk reduction (to recognize warning signs of abusive behavior and how to avoid potential attacks); and
 - f. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking has occurred.

J. Department of Campus Safety (DCS) Responsibilities:

1. DCS must compile and disclose statistics of reports on the types of Clery Act Crimes that occurred on On-Campus Property, Non-Campus Property, and Public Property.
2. DCS must collect reports of Clery Act Crimes made to DCS, local law enforcement, and CSAs.

3. DCS must, using statistics of Clery Act Crimes reported over the past three years, complete the Department of Education annual Campus Safety and Security Survey, which is available at <http://ope.ed.gov/security>.
4. DCS must, by October 1st of each year, disclose to the University community and the public, an Annual Security and Fire Safety Report, including:
 - a. Clery Act Crimes data by type;
 - b. Security policies and procedures in place to protect the community; and
 - c. Information on the handling of threats, emergencies and dangerous situations.
 - d. The Director of Campus Safety must notify via e-mail all currently enrolled students and all employees of the availability of the Annual Security and Fire Safety Report, providing: (i) a statement of the report's availability; (ii) a list and brief description of the information contained in the report; (iii) the exact URL (a direct link) for the website at which the report is available; and (iv) a statement that a paper copy of the Annual Security and Fire Safety Report is available without fee upon request, written or otherwise.
6. DCS must provide mandatory training for all CSAs.
7. DCS determines, on a case-by-case basis, whether and when to issue Timely Warnings to inform the University community and surrounding community about Clery Act Crimes, depending on when and where the incident occurred, when it was reported, and the amount of information known by the DCS. DCS may issue a Campus Safety Alert whenever a serious crime or series of crimes –in the core campus – poses a continuing risk to students and employees. DCS may issue Campus Safety Alerts for Clery Crimes.
8. DCS determines on a case-by-case basis, whether and when to issue Emergency Notifications to the University community and surrounding community. DCS may issue an Emergency Notification if a situation poses a verified, imminent, or ongoing potential threat to the safety, security, or health of students or employees, and to expedite emergency response and/or evacuation procedures.
9. DCS will issue a Missing Student Notification within 24 hours of a student determined to be missing.
10. DCS must once per calendar year conduct at least one test of the campus' emergency response and evacuation procedures. DCS may publicize in advance the information regarding the test, including the date and time, and should send to the entire University community via a mass-mail, follow-up information regarding the results of the test, in summary form.
11. DCS must maintain a Daily Crime Log and make Daily Crime Log available for public review at the Campus Safety Center.
12. DCS will provide on its website information advising the University community where information concerning registered sex offenders for the State of Colorado can be found. This information will also be published in the Annual Security and Fire Safety Report.
13. DCS shall work with the campus units and divisions to establish Clery Act-related educational programs and promotion of safety awareness programs.
14. DCS will gather disciplinary referral information from HRIC on an annual basis to determine if such referrals include Clery Act Crimes.

- K. Office of Student Affairs and Inclusive Excellence (SAIE) Responsibilities:
1. SAIE will provide the DCS annually in October with a list of all the Student Organization (SO) primary contacts, to include the following information:
Name of SO, Name of Primary Contact, and Email for Primary Contact.
 2. SAIE shall work with local police agencies to monitor criminal activity involving student organizations occurring at Non-Campus Property locations.
 3. All Student Organizations primary contacts shall be responsible for providing the following information:
 - c. Identifying and registering any advisor to their SO who would qualify as a CSA;
 - d. Registering all Non-Campus Property used by the SO.
- L. Equal Opportunity and Title IX Office (EOIX) Responsibilities:
1. EOIX will promptly report all Clery Crimes to DCS.
- M. Kennedy Mountain Campus, Wellness & Recreation Responsibilities:
1. Kennedy Mountain Campus, Wellness & Recreation must identify positions within its division that qualify as a CSA and update the Clery Compliance Coordinator with the names of employees, including student employees, who are identified as CSAs. This list will encompass each of the following units:
 - a. Ritchie Center Operations
 - b. Student Programs (Club Sports, Intramurals, Alpine Club, Fitness & Wellness, etc.)
 - c. Youth Programs (Learn to Programs, School Days Off, PASS Camp, etc.)
 - d. Competitive Programs (Youth Hockey, Hilltoppers, Masters, Adult Hockey, etc.)
 - e. Outdoor Experiences and Programs
 - f. Kennedy Mountain Campus Operations
 2. For each academic quarter, a list of courses offered at the Kennedy Mountain Campus will be sent to the Clery Compliance Coordinator.

APPENDIX A

Definitions of Clery Act Crimes

Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes either gender of victim or offender.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.)

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding.)

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

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; (1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons

involved in the relationship. (2) For the purpose of this definition – (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; (ii) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: (1) A felony or misdemeanor crime of violence committed – (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom the victim shares a child in common; (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) By a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) 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 or the jurisdiction in which the crime of violence occurred.

Stalking: (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (i) Fear for the person’s safety or the safety of others; or (ii) Suffer substantial emotional distress. (2) For the purpose of this definition – (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property. (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Weapons Law Violations: Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Hate Crimes: A crime involving one or more of the above listed crimes, the crimes of theft, simple assault, intimidation and/or vandalism reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. The categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

- **Larceny-Theft (Except Motor Vehicle Theft):** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted

larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

APPENDIX B

Availability Notice of the Annual Security and Fire Safety Report

The Pioneer Jobs and Application websites for Human Resources and Graduate/Undergraduate Admissions to any college must contain the exact wording below to inform prospective employees and students about the availability of the Annual Security and Fire Safety Report:

*“The University of Denver Annual Security and Fire Safety Report is available. This report includes statistics from the previous three years concerning reported crime that occurred on campus, in certain off-campus buildings or property owned or controlled by the University of Denver campus and statistics for fires in University housing. The report also includes institutional policies concerning campus security and other safety information along with fire safety policies and procedures. You may obtain a hard copy of this report by contacting the Department of Campus Safety or by accessing the following website:
<https://www.du.edu/campussafety/clery-act>.”*