

POLICY #5.67

SUBJECT: Clery Act

I. PURPOSE

The purpose of this Policy is to articulate how the University implements the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (the "Clery Act"), a federal law primarily about crime reporting, safety-related disclosures, and relevant education.

II. REFERENCES

- A. [Americans with Disabilities Act \(ADA\)](#) (as amended)
- B. *Campus Sexual Violence Elimination Act (SaVE)* - Reauthorization of the [Violence Against Women Act of 2013](#) (VAWA)
- C. *Violence Against Women Act Reauthorization Act of 2022*
- D. [Family Education Rights and Privacy Act \(FERPA\)](#), 20 U.S.C. § 1232g
- E. [Firearms -- Definitions](#), 18 U.S.C. § 921
- F. [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(Clery Act\)](#), 20 U.S.C 1092
- G. Southern Utah University [Policy 5.0 Threat Management and Safety Intervention](#)
- H. Southern Utah University [Policy 5.9 Drug-Free Workplace](#)
- I. Southern Utah University [Policy 5.27 Non-Discrimination / Anti-Harassment](#)
- J. Southern Utah University [Policy 5.60 Sexual Misconduct](#)
- K. Southern Utah University [Policy 5.64 Minors on Campus and at University-Sponsored Events](#)

- L. Southern Utah University [Policy 11.2 Student Conduct Code](#)
 - M. [Title VII of the Civil Rights Act](#) of 1964, 42 U.S.C. § 2000d et seq.
 - N. [Title IX of the Higher Education Amendments Act](#) of 1972, 20 U.S.C. § 1681 et seq.
 - O. Utah Code [§ 53B-28-101 et seq. Student Rights and Responsibilities](#)
 - P. Utah Code [§ 63G-2 Government Records Access and Management Act \(GRAMA\)](#)
 - Q. Utah Code [§ 76-5 Offenses Against the Person](#)
 - R. Utah Code [§ 76-9 Offenses Against Public Order and Decency](#)
 - S. Utah Code [§ 77-36 Cohabitant Abuse Procedures Act](#)
 - T. Utah Code [§ 77-41 Sex and Kidnap Offender Registry](#)
 - U. Utah Code [§ 78B-7 Protective Orders and Stalking Injunctions](#)
 - V. Utah System of Higher Education [Policy R256 Student Disciplinary Processes](#)
 - W. Utah System of Higher Education [Policy R262 Student Safety](#)
-

III. DEFINITIONS

- A. **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
- B. **Alcohol 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.
- C. **Annual Security Report (ASR):** The annual report of crime statistics and other campus information that the University must prepare and distribute in accordance with the Clery Act.

- D. **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.
- E. **Awareness Programs:** The term Awareness Programs refers to programs, campaigns, or initiatives that increase audience knowledge of the issues of Sexual Assault, Domestic Violence, Dating Violence and Stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration. These efforts can include campus community-wide mobilizations as well as targeted audience-specific programming (including both students and employees).
- F. **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
- G. **Campus Security Authority (CSA):** Individuals serving in positions identified by the Director of the Office of Equal Opportunity and Clery Compliance that have significant responsibility for student and campus activities. These individuals may not always be University employees. Pastoral or professional counselors are not considered a Campus Security Authority when acting as a pastoral or professional counselor.
- H. **Clery Compliance Officer:** The Director of the Office of Equal Opportunity and Clery Compliance ("Director") will serve as the Clery Compliance Officer for the University. The Director may assign duties to other staff, faculty, or administrators as necessary to ensure compliance with the University's Clery Act obligations.
- I. **Clery Geography:** Any location on which the University is required to report crime statistics for purposes of the Clery Act, including:
1. Campus property. Any building or property owned or controlled by the University within the same reasonably contiguous geographic area of the University and used by the University in direct support of, or in a manner related to, the University's educational purposes, including any building or property within the same reasonably contiguous geographic area of the University 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);

2. Non-campus building or property. Any building or property owned or controlled by an officially sponsored student organization recognized by the University and any building or property (other than a branch campus) owned or controlled by the University that is frequently 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 University; and
3. Public property within or immediately adjacent to the campus. The term "public property" means all public property that is within the same reasonably contiguous geographic area of the University, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the University if the facility is used by the University in direct support of, or in a manner related to, the University's educational purposes.

J. Clery Reportable Crime:

1. Murder/Non-Negligent Manslaughter, Negligent Manslaughter, Sexual Assault offenses (forcible and non-forcible), Domestic Violence, Dating Violence, Stalking, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson;
2. Hate crimes: any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias based on race, ethnicity, national origin, religion, sex/gender, sexual orientation, gender identity, or disability;
3. Arrests and referrals for disciplinary action for weapons (carrying, possessing, etc.), Drug Abuse Violations, and Alcohol Law Violation; and
4. VAWA Crimes: Dating Violence, Domestic Violence, and Stalking.

K. **Daily Crime Log:** A daily record maintained by SUU Police that records all reported alleged criminal activity in accordance with the Clery Act.

L. **Dating Violence:**

1. As defined in the Clery Act, Dating Violence means violence committed by a person who is or has been in a relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on the reporting party's statement and with consideration of the length of the relationship, type of relationship, and frequency of interaction between the parties. It includes, but is not limited, to sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of Domestic Violence. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting, though criminal prosecution of crimes must meet the definition of Utah law;
2. Under Utah law, any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against their dating partner; or any attempt, conspiracy, or solicitation by a person to commit a criminal offense involving violence or physical harm against their dating partner. "Dating partner" means a person who: (a) is an emancipated person as defined by Utah statute; or (b) is 18 years of age or older; and is, or has been, in a dating relationship with the other party. "Dating partner" does not include an intimate partner, as defined in federal law (18 U.S.C. § 921). "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship that has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy. "Dating relationship" does not mean casual fraternization in a business, educational, or social context. In determining, based on a totality of the circumstances, whether a dating relationship exists, all relevant factors shall be considered, including: (a) whether the parties developed

interpersonal bonding above a mere casual fraternization; (b) the length of the parties' relationship; (c) the nature and the frequency of the parties' interactions, including communications indicating that the parties intended to begin a dating relationship; (d) the ongoing expectations of the parties, individual or jointly, with respect to the relationship; (e) whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to others; and (f) whether other reasons exist that support or detract from a finding that a dating relationship exists. It is not necessary that all, or a particular number, of the factors described herein are found to support the existence of a dating relationship (Utah Code Ann. § 78B-7402).

M. **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.

N. **Director:** The Director of the Office of Equal Opportunity and Clery Compliance, as name may be amended from time to time.

O. **Domestic Violence:**

1. As defined in the Violence Against Women Act Reauthorization Act of 2022, Domestic Violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or Domestic Violence laws of the jurisdiction receiving grant funding by a person who:
 - a. is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim;
 - b. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - c. shares a child in common with the victim; or
 - d. commits acts against a youth or adult victim who is protected from those acts under the family or Domestic Violence laws of the jurisdiction.

2. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting, though criminal prosecution of crimes must meet the definition of Utah law.
3. Under Utah law, any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic Violence" also means commission or attempt to commit, any of the following offenses by one cohabitant against another: Aggravated Assault, assault, criminal homicide, harassment, electronic communication harassment, kidnapping, child kidnapping, or aggravated kidnapping, mayhem, sexual offenses, Stalking, unlawful detention, violation of protective order, any offense against property, possession of a deadly weapon with intent to assault, discharge of a firearm (Utah Code Ann. § 77-36- 1(4)).

P. **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 is also a drug abuse violation. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs are also violations.

Q. **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.

R. **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

S. **Motor Vehicle Theft:** The theft of attempted theft of a motor vehicle.

- T. **Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- U. **Negligent Manslaughter:** The killing of another person through gross negligence.
- V. **Primary Prevention:** The term Primary Prevention refers to programming, initiatives and strategies intended to stop Domestic Violence, Dating Violence, Sexual Assault, or Stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of Primary Prevention.
- W. **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 or violence and/or by putting the victim in fear.
- X. **Sexual Assault:**
1. As defined in the Clery Act, Sexual Assault is an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting systems of the Federal Bureau of Investigation, including forcible or non-forcible sex offense or actual or attempted sexual contact with another person without that person's consent. Sexual Assault includes but is not limited to involvement in any sexual contact when the victim is unable to consent or intentional and unwelcome touching, however slight, of any body part or object, by any person upon another person, that is without consent and/or by force or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breast). Sexual intercourse without consent includes acts commonly referred to as rape, statutory rape, or incest. Intercourse includes vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; and oral copulation (mouth-to-

genital contact or genital-to-mouth contact) no matter how slight the penetration or contact. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting, though criminal prosecution of crimes must meet the definition of Utah law.

2. Under Utah law, a person is guilty of rape if that person has sexual intercourse with the victim without the victim's consent (Utah Code Ann. § 76-5-402). A person is guilty of object rape if the actor, without the victim's consent, causes the penetration, however slight, of the genital or anal opening of another person who is 14 years of age or older, by any foreign object, substance, instrument, or device, including a part of the human body other than the mouth or genitals, with intent to cause substantial emotional or bodily pain to the victim or with the intent to arouse or gratify the sexual desire of any person (Utah Code Ann. §§ 76-5-402 and 76-5-402.2). A person is guilty of sexual battery if the person, under circumstances not amounting to rape, sodomy, forcible sex abuse, or aggravated sexual abuse, intentionally touches, whether or not through the clothing, the anus, buttocks, or any part of the genitals of another person, or the breast of a female person, and the person's conduct is under circumstances the person knows or should know will likely cause affront or alarm to the person touched (Utah Code Ann. § 76-9-702.1).

Y. **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.

Z. Stalking:

1. As defined in the Clery Act, Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition, course of conduct means two or more acts that 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. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting, though criminal prosecution of crimes must meet the definition of Utah law.

2. Under Utah law, a person is guilty of Stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to fear for the person's own safety or the safety of a third person, or to suffer other emotional distress. A person is guilty of Stalking who intentionally or knowingly violates a Stalking injunction issued pursuant to Utah Code Ann. § 78B-7-701, or a permanent criminal Stalking injunction issued pursuant to Utah Code Ann. § 78B-7-902.

AA. **Timely Warning:** A message or communication to the campus community intended to warn them about a crime that represents a serious or continuing threat to the campus's safety. Timely Warnings occur infrequently as most reports do not identify criminal activity that poses a serious or continuing threat. The purpose of a Timely Warning is to aid campus community members in taking reasonable precautions to prevent further crime and reduce their personal risk of victimization.

IV. POLICY

- A. **Scope of Policy.** This Policy applies to reporting and other obligations required under the Clery Act, namely of CSAs who must report Clery Reportable Crimes that are reported to have occurred within Clery Geography. This Policy also sets out obligations of other administrators designated within this Policy.
- B. **Reporting Encouraged by All Students and Employees.** The University encourages all members of the University community who become aware of alleged crimes, other emergencies, or

suspicious or criminal activity to report such actions or activity to SUU Police as soon as possible. In the event of a crime in progress or at any time there is a risk of harm to persons or property, call 911 or SUU Police at 435-586-1911. Any employee or student may also report non-emergency Clery Reportable Crimes to the Director.

C. Reporting Obligations for CSAs. Information about any incident that may constitute a Clery Reportable Crime must be reported by CSAs to the Director or SUU Police, as follows:

1. Who Must Report. Any CSA who has knowledge of a Clery Reportable Crime. The CSA or the person reporting to the CSA does not have to witness the reported crime nor be affiliated with the University. CSAs include but are not limited to:
 - a. Director of the Office of Equal Opportunity and Clery Compliance;
 - b. SUU Police: any commissioned police officer employed by the University;
 - c. Any individual responsible for security who is not a member of SUU Police (for example, individuals responsible for monitoring entrances to buildings or specified areas are responsible for security even on a temporary basis); and
 - d. Any University official who has significant responsibility for student and campus activities, including but not limited to administrators, academic deans, student resident leaders and assistant leaders, other student housing administrators; student and employee discipline and campus judicial proceedings; athletics administration and coaches and coaching staff; faculty or staff who lead or supervise travel groups, and advisors to university sponsored organizations and student organizations.
 - e. Exemption: Pastoral or professional counselors are not considered Campus Security Authorities when acting as a pastoral or professional counselor. The professional or pastoral

counselors' exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may have learned about through their work as a pastoral or professional counselor. This exemption is intended to protect the counselor-client role. However, even these legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are in fact under a legal obligation to report a crime. Crimes reported to a pastoral or professional counselor shall not initiate a Timely Warning.

2. What to Report. CSAs must report any Clery Reportable Crime that is reported to them in their capacity as a CSA and that is reported to have occurred within the University's Clery Geography (see Section IV.D.). CSAs should disclose as much information as they have about the Clery Reportable Crime including the names of involved parties, the location, date, and time of the crime, and a detailed and accurate description of the criminal acts reported to have occurred. CSAs should not promise reports confidentiality.
3. When to Report. CSAs must report as soon as possible and no later than 24 hours after receiving the information to the extent possible.
4. How to Report. CSAs must report the Clery Reportable Crime to the Director or SUU Police. Please see the relevant links below for reporting pages and other relevant resources.
5. Reporting the absence of any Clery Reportable Crimes. Within the Director's discretion, CSAs may be required to report the absence of any Clery Reportable Crimes on a semesterly or longer basis. In other words, CSAs may be asked to confirm that they have not received information regarding any Clery Reportable Crimes in a given interval of time.

6. For all Sexual Assault offenses (forcible and non-forcible), Domestic Violence, Dating Violence, and Stalking reports, SUU Police are required to notify the Title IX Coordinator or designee of such reports. If a victim reports such crimes to the Title IX Office and requests confidentiality, the Title IX Coordinator or designee will safeguard the identity of the victim and it shall remain confidential except in instances when the victim is a minor or vulnerable adult, or there is imminent danger to the victim or others in the community. In such cases, identification to law enforcement is required for safety and protection.

D. Geographic Scope of Reportable Clery Crime. Conduct subject to this Policy is defined by the Clery Act. Conduct that occurs in one (1) of the following is within "Clery Geography":

1. Campus property. Any building or property owned or controlled by the University within the same reasonably contiguous geographic area of the University and used by the University in direct support of, or in a manner related to, the University's educational purposes, including any building or property within the same reasonably contiguous geographic area of the University 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);
2. Non-campus building or property. Any building or property owned or controlled by an officially sponsored student organization recognized by the University and any building or property (other than a branch campus) owned or controlled by the University that is frequently 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 University; and
3. Public property within or immediately adjacent to the campus. The term "public property" means all public property that is within the same reasonably contiguous geographic area of the University, such as a sidewalk, a street, other thoroughfare, or parking facility, and is

adjacent to a facility owned or controlled by the University if the facility is used by the University in direct support of, or in a manner related to, the University's educational purposes.

E. Other Reporting Avenues and Obligations

1. University employees, including CSAs, may have multiple reporting obligations and/or avenues.
2. For example, a CSA who learned of a reported Sexual Assault on campus property may have a reporting obligation under this Policy, [Policy 5.0](#), and [Policy 5.60](#).
3. Several policies prohibit certain conduct with the aim of keeping the University campus safe and conducive to learning. In addition to reports under this Policy to the Director, several other offices administer policies related to misconduct, including:
 - a. Division of Student Affairs / Dean of Students Office ([Policy 11.2](#));
 - b. Department of Human Resources ([Policies 5.61](#), [8.3.5](#), and [8.4](#));
 - c. University Housing ([Policy 11.2](#) and Resident Handbook);
 - d. Office of Equal Opportunity and Clery Compliance ([Policies 5.27](#) and [5.60](#));
 - e. Office of Enterprise Risk Management ([Policy 5.0](#)).

F. Director Obligations after Receiving Report of Clery Reportable Crime. Upon receiving a report of a Clery Reportable Crime, the Director:

1. Considers the need for a Timely Warning (see Section IV.R.);
2. Analyzes the application of the Clery reporting requirements for the ASR and follow up as necessary to complete information (see more below);
3. Reconciles any duplicate reporting for ASR purposes;

4. Determines whether disciplinary referrals are needed to other offices or roles that administer misconduct-related policies;
 5. Determines whether a report will be made to the police on behalf of the University, if the police are not already aware of the reported circumstances. At a minimum, the Director will share reports from CSAs or the Title IX Coordinator to include necessary information within the Daily Crime Log;
 6. Consider any broader training and education needs or opportunities demonstrated by the circumstances; and
 7. Maintain statistics of Clery Reportable Crimes to include in the ASR as required under the Clery Act.
- G. Reported Victim's Choice to Make a Police Report. Although the University strongly encourages all members of the University community to report crime to law enforcement, it is the reported victim's choice whether that person will make such a report, and the reported victim has the right to decline involvement with the police. The University will assist reported victims with notifying the police if they so desire. The University may in its discretion also make a report to the police directly.
- H. Persons Exempted as CSAs, Providing Information. When acting as Pastoral or Professional Counselors under their professional licenses or certificates, counselors are not required to report crimes disclosed to them for inclusion in the annual disclosure of crime statistics. However, Pastoral and Professional Counselors are encouraged, if and when they deem it appropriate, to inform the persons they are counseling of how to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. They should also inform individuals of their right to file a complaint with the University and their right to file a complaint with campus or local law enforcement, campus resources for counseling, and academic support, and retaliation and safety protections available.
- I. False Information. Individuals who intentionally and knowingly make false accusations of criminal activity or provide false information to SUU Police or University officials in connection with

an accusation and/or investigation of criminal activity are subject to discipline under University Policy (see [Policies 5.60](#), [6.28](#), [8.3.5](#), and [11.2](#)) as well as criminal and/or civil penalties under applicable law.

- J. No personally identifying information related to reports is included with statistics listed in the ASR or the Daily Crime Log.
- K. Incidents reported to SUU Police will be investigated when the victim files a report, when there is no identifiable victim, or when the University is the victim for the purpose of reducing crime, improving safety, making disciplinary referrals, and imposing criminal sanctions as appropriate. Additionally, SUU Police shall refer reports of Clery Reportable Crimes to the Director, with enough information for the Director to evaluate the applicability of the Clery Act requirements.
- L. Procedures to report Clery Reportable Crimes on a voluntary, confidential basis. Persons wanting to make a confidential and anonymous report of a Clery Reportable Crime to be included in the ASR may make the report via the University's reporting system (currently EthicsPoint). Persons making such reports should be aware that the University may have to respond to the information reported, but also may be limited in its ability to manage risk or take other steps if reporters are anonymous. Filing an anonymous report also may limit the ability of SUU Police to provide specific assistance or to investigate or solve a crime. Anonymous reports may also lead to duplicate counts of crimes in the ASR statistics. CSAs may not make reports confidentially. Individuals may also talk to professional or pastoral counselors on a confidential basis about any incidents.
- M. Procedures for Professional Counselors to Encourage Reporting
 1. Pastoral and professional counselors may elect to report crimes they learn about in their counseling capacity, as long as they are able to describe the nature of the crime and the location of the crime with sufficient specificity for the Director to classify/categorize the crime. It may be possible to achieve this without disclosing the identity of the reported victim. In those circumstances, pastoral and professional counselors may report to the Director for the

purpose of including the reported crime in the University's annual crime statistics.

2. Pastoral and professional counselors can also counsel parishioners and clients about reporting crimes they may have experienced or perpetrated. This counseling may take the form of informing parishioners and clients about anonymous reporting options, law enforcement agencies, and University administrators charged with providing resources and supporting victims.

N. Referrals to Other SUU Departments

1. The Title IX Coordinator or designee will report crime numbers to the Clery Compliance Officer for yearly for inclusion in the ASR and will keep confidentiality when requested. In instances when the University is notified of a request for information, personally identifiable information contained in University records shall remain private or protected as allowed by law and shall not generally be accessible to the public. SUU [Policy 5.60](#) and [Policy 5.64](#) provide specific Policy and procedure regarding minors.
2. Incidents involving employee misconduct may be referred to Human Resources for possible disciplinary action (see SUU [Policies 6.28](#) and [8.3.5](#)). Under University Policy, the University is a drug-free workplace. It is a violation of SUU [Policy 5.9](#) for employees to engage in the unlawful manufacture, distribution, dispensation, possession, and/or use of a controlled substance or alcohol at University workplace or while engaged in University business off campus. Employees are subject to discipline for violating this Policy.

O. Registered Sex Offenders

In accordance with the Clery Act (20 U.S.C. § 1092(f)(1)(I)) and the Utah Sex and Kidnap Offender Registry (Utah Code Ann. § 77-41-104), the Utah Department of Corrections Sex Offender Registration Program Office informs SUU Police of registered sex offenders who are affiliated with SUU through employment or enrollment. This

information will be available at the SUU Police Office at 36 North 300 West, Cedar City, Utah. Individuals seeking additional information about registered sex offenders may go to the [Utah Department of Corrections Sex Offender Registry](#).

P. Prevention, Education, and Training

1. The University will make available educational programs and campaigns on a regular basis, and at a minimum annually, regarding campus security in general. In addition, focused programming will be available to prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking. Educational programming consists of Primary Prevention and Awareness Programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty as described by the Clery Act. These programs and campaigns will be designed to:
 - a. Inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others;
 - b. Inform students and employees about the prevention of crimes;
 - c. Identify and promote awareness of acquaintance rape, Domestic Violence, Dating Violence, Sexual Assault, and Stalking a prohibited conduct;
 - d. Define what behavior constitutes Domestic Violence, Dating Violence, Sexual Assault, and Stalking according to federal and state law.
 - e. Define what behavior and actions constitute consent to sexual activity;
 - f. Describe safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Domestic Violence, Dating

Violence, Sexual Assault, or Stalking against a person other than the bystander;

- g. Provide information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;
- h. Provide an overview of information contained in the Annual Security Report in compliance with the Clery Act; and
- i. Describe procedures the University will follow when Dating Violence, Domestic Violence Sexual Assault, and Stalking is reported, rights and options regarding procedures victims should follow, confidentiality, services and accommodations that may be available for victims, and procedures for institutional disciplinary action.

2. The University shall monitor the effectiveness of its awareness, prevention, and risk reduction programs and services based on the scope and frequency of programming, quantitative data collected from student self-reports of safety on institutional surveys, and qualitative data received by campus administrators (e.g. focus groups, student leader reports, safety walks, etc.).

3. The University's education and prevention programs include Awareness Programs, bystander interventions, ongoing prevention and awareness campaigns, Primary Prevention programs, and education on risk reduction.

Q. Annual Security Report

- 1. The Director of the Office of Equal Opportunity and Clery Compliance, or appointed designee, is the Clery Compliance Officer. Duties of the Clery Compliance Officer include:
 - a. Prepare and distribute crime statistics for the three (3) most recent calendar years that are

reported to have occurred on or within the University's Clery Geography.

- b. Collaborate with the SUU Police, Campus Security Authorities, Title IX Coordinator, and local law enforcement agencies in compiling statistics for the ASR.
- c. Undertake a good faith effort to collect crime statistics from any law enforcement agency having jurisdiction over Non-Campus Property that is subject to reporting under the Clery Act. This may include any criminal activity by students at Non-Campus locations of student organizations officially recognized by the University, including student organizations with non-campus housing.
- d. Complete and submit the ASR to the U.S. Department of Education.
- e. Publish the ASR by October 1 of each year, or such other date as designated by the U.S. Department of Education. In conjunction with SUU Police and Student Affairs, the Office of Equal Opportunity and Clery Compliance shall compile and disclose:
 - i. Crime statistics described above (Section IV.Q.1.a.);
 - ii. Statements of policy regarding procedures for students and others to report criminal actions and campus emergencies;
 - iii. Statements of policy concerning security and access to campus facilities;
 - iv. Statements of policy concerning the operations of campus law enforcement

and their relationships with local law enforcement agencies;

- v. Descriptions of programs that are representative of and designed to inform campus about crime prevention;
- vi. Statements of policy pertaining to alcohol on campus, in the workplace, and at University sponsored programs and activities;
- vii. Statements of policy regarding illegal drugs and controlled substances on campus, in the workplace, and at University sponsored programs and activities;
- viii. Descriptions of programs the University operates to comply with the Drug-Free Schools and Communities Act of 1989; and
- ix. Statements of policy and descriptions of programs about the prevention of Dating Violence, Domestic Violence, Sexual Assault and Stalking.

2. The Director shall include the following in the ASR, as well as any other information required by law or deemed prudent by the Director:

- a. Statistics of reported Clery Act crimes on its campuses, immediately adjacent public areas, remote classroom facilities, and non-campus facilities that support educational services (Clery Geography). Information about each crime shall include the date, location, and disposition (if known) of the crime.
- b. Disclosure of crime statistics, disciplinary referrals, and other information required by the Clery Act.

- c. The number of students who are referred for disciplinary action due to Clery Act crimes. If an individual is both arrested and referred for disciplinary action, only the arrest will be reported. For weapons, drug, and/or liquor law violations, both the referral and the arrest must be reported in Clery Act crime statistics.
- 3. Clery Compliance Advisory Committee. The Director may convene, from time to time, a committee of staff members that have employment responsibilities related to the implementation of this policy. The committee is responsible for assisting the Director in the responsibilities and tasks outlined above, as well as advising on changes to this and other related policies. Members of the committee may include representatives from the following departments:
 - a. Vice President for Student Affairs / Dean of Students
 - b. SUU Police Department
 - c. Athletics
 - d. Housing
 - e. Human Resources
 - f. Enterprise Risk Management
 - g. Health and Wellness
 - h. General Counsel (as an advisor)
- 4. Record Retention for ASR. The University keeps all records used in compiling the ASR for three (3) years from the latest publication of the report, including the following: copies of crime reports; Daily Crime Logs; records for arrests and/or referrals for disciplinary action; Timely Warning and emergency notification reports; documentation and/or correspondence regarding Clery Act compliance; and notices to students/employees

regarding the availability of the ASR. All documentation shall be dated.

5. Distribution. Each year, the Director sends the ASR by email or other means to all enrolled students, staff, and faculty. In addition, paper copies of the report may be obtained from SUU Police at 36 North 300 West, Cedar City, Utah, or by calling (435) 586-7793. Prospective students and employees may also obtain copies from the SUU website or SUU Police.

R. Timely Warnings and Emergency Notifications. Upon receiving a plausible report of a Clery-Reportable Crime that may represent a serious or continuing threat, Campus Security Authorities must report the relevant information to the Director of SUU Police Chief. When circumstances permit, the Director or Chief, whomever initially received the report, will attempt to contact the other official and collaboratively evaluate the report to determine if there is a serious or continuing threat to campus. When timely collaboration is not possible, the Chief or the Director may make the determination alone. The following procedures establish the factors used to evaluate reports and the probable content of warning notifications.

1. Evaluation of Reports potentially necessitating a Timely Warning. Each report is evaluated on a case-by-case basis. The Director and/or Police Chief assesses the relevant historical and contemporaneous facts surrounding the reported crime and uses the following factors to decide whether to issue a Timely Warning; the list is illustrative, not exhaustive, and additional factors may be relevant and appropriate depending on the reported facts:
 - a. The ascertainable harm of the reported crime.
 - b. The potential harm of the reported crime.
 - c. Evidence of the perpetrator's motivation and thought process.
 - d. The extent to which a likely motive for perpetrating is based on temporary circumstances that have resolved or remain.

- e. The extent to which evidence supports the perpetrators selection of the victim(s) was premeditated/fixated or indiscriminate.
- f. The extent to which multiple individuals were involved in perpetrating the crime.
- g. Evidence that suggests there is a pattern of crimes or modus operandi of the perpetrator(s) (commonality or nexus of facts across reports/incidents).
- h. The ease or difficulty of future perpetration.
- i. The extent to which information being released will compromise detection or apprehension efforts.

2. Content of Timely Warnings. The Director and/or Police Chief will determine what information is most likely to enable members of the campus community to take precautionary and preventive measures to reduce their risk of being victimized. The following principles guide what information to include; the following list is illustrative not exhaustive, and additional principles may be relevant and appropriate depending on the reported facts:

- a. Describing the reported crime with sufficient detail to assist campus community members in appreciating the seriousness and probability of recurrence for the crime;
- b. If location and time seem to be determinative factors in perpetration, sufficient detail about locations and times that should be avoided or subject to increased vigilance;
- c. If there is sufficient information about the identity of the perpetrator, that information will be conveyed in a manner that avoids prejudice and stereotyping on the basis of protected class;

- d. Risk reduction strategies that may prove effective in deterring a perpetrator will be conveyed in a manner that avoids assigning blame on prospective victims; and
 - e. Resources for reporting and receiving support.
- 3. Method of Conveying the Timely Warning. Timely warnings may be conveyed to the campus community using the [Emergency Notification System](#). Campus community members can opt-in to receive text messages informing them of Timely Warnings and emergency notifications. Most often, Timely Warnings will be distributed by email to campus community members' preferred email address.
- 4. Post-Warning Review. Within 24 hours after a Timely Warning has been distributed, the Director will convene a review team of the following officials, or their designees, who are available, to consider updates or improvements to the Timely Warning:
 - a. Director of Equal Opportunity and Clery Compliance
 - b. Chief of SUU Police
 - c. General Counsel (as an advisor)
 - d. Executive Director of Enterprise Risk Management
 - e. Assistant Vice President for Human Resources
 - f. Assistant Vice President for Marketing and Communication
- 5. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the University shall notify the campus community using the procedures found at www.suu.edu/ad/em. The University shall determine the appropriate segment or segments of the campus community to receive a notification, determine the content of the notification,

and initiate the notification system. The University shall, without delay and considering the safety of the community, determine the content of the notification and initiate the notification system, unless responsible authorities determine that such notification will compromise efforts to contain, respond to, or otherwise mitigate the emergency.

6. The University shall biannually test the University's emergency response and evacuation procedures, which can be found at www.suu.edu/ad/em under emergency procedures.

S. Missing Student Notification. This section applies only to students residing in on-campus student housing facilities.

1. Reporting a Missing Student. When a student residing in an on-campus housing facility has been missing for 24 hours, students, employees, and other individuals must report this to SUU Police (435-586-1911). Any person to whom a missing student report is made should immediately refer the matter to SUU Police.
2. Emergency Contact. Students who reside in on-campus student housing facilities have the option of identifying a contact person or persons whom the University shall notify within 24 hours of a determination that the student is missing, if the student has been determined missing by SUU Police. This contact information will be registered confidentially and will be accessible only to authorized campus officials. The information may not be disclosed outside the University except to law enforcement personnel in furtherance of a missing person investigation.
3. Students under 18. If a student is under 18 years of age and is not emancipated, the University is required by law to notify a custodial parent or guardian within 24 hours of the determination that the student is missing. This will be done in addition to notifying any contact person designated by the students.

V. RELEVANT FORMS/LINKS

- [Campus Security Authority Reporting Form](#)
 - [Reporting a Concern](#) (including Clery Reportable Crimes)
 - [SUU Police Statistics](#)
-

VI. QUESTIONS/RESPONSIBLE OFFICE

The responsible office for this Policy is the [Vice President for Finance](#). Questions about this Policy should be directed to the Director of the [Office of Equal Opportunity and Clery Compliance](#).

VII. POLICY ADOPTION AND AMENDMENT DATES

Date Approved: December 13, 2021 [temporary authorization]; [January 21, 2022](#) [full authorization]

Amended: September 23, 2022