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.

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

Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f) (1)(F); 34 C.F.R. § 668.46(c)(1)(i)(A)

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*

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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.

1. Murder/Non-Negligent Manslaughter, Negligent Manslaughter, Sexual Assault offenses (forcible and non-

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. 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. 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.

T. The willful (non-negligent) killing of one human being by another.

U. The killing of another person through gross negligence.

V. 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. 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.

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

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. 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,

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indirectly, or through third parties, by any action, method,

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

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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 Equal35 ,[.145 rg 352j ET7.4T0 13.5 Tf 612 792 re W* 216

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

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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

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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

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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

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Statements of policy pertaining to

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

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

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;

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- Campus Security Authority Reporting Form
- Reporting a Concern