

UAM OPERATING PROCEDURE 260.2
RE: Clery Act

July 1, 2011

Revised: August 6, 2013

Revised: January 27, 2020

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990* (Title II of Public Law 101-542), which amended the *Higher Education Act of 1965 (HEA)*. This act required all postsecondary institutions participating in *HEA's* Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the *Clery Act*. On Aug. 14, 2008, the *Higher Education Opportunity Act* or *HEOA* (Public Law 110-315) reauthorized and expanded the *Higher Education Act of 1965*, as amended. *HEOA* amended the *Clery Act* and created additional safety and security related requirements for institutions.

The University will comply with all safety and security related requirements of the *Clery Act*, *HEOA*, and *Violence Against Women Reauthorization Act of 2013 (VAWA)* and the three campuses of the University of Arkansas at Monticello (Monticello, Crossett, McGehee) will provide current and prospective students and employees with accurate, complete and timely information about safety on each campus.

Each year the mandatory activities and/or the various components of campus safety and security compliance (*Clery Act*, *HEOA*, and *VAWA*) shall be addressed separately by each of the three campuses of the University of Arkansas at Monticello. The University Police Department, Office of the Vice Chancellor for the UAM College of Technology-Crossett (UAM-CTC), and Office of the Vice Chancellor for the UAM College of Technology-McGehee (UAM-CTM) are responsible for the components of campus security and safety indicated below:

1. Geography – Disclose statistics for *Clery Act* crimes that occur on campus, in or on non-campus buildings or property and public property.
2. Crime Statistics – Collect statistics for reported crimes on “Clery geography” and disclose the statistics in the annual security report and the annual Web-based data collection. The institution must disclose crimes regardless of whether the crimes have been investigated by the UPD or local police, and regardless of whether a finding of guilt or responsibility has been assigned. University officials have a duty to report sexual misconduct for federal statistical reporting purposes. In such instances, all personally identifiable information is kept private, but statistical information must be

- passed along to campus law enforcement regarding the type of incident and its general location.
3. Campus Security Authorities – All faculty and staff are considered campus security authorities. Campus security authorities, as defined by the *Clery Act*, have an obligation to report allegations of Clery Act-defined crimes that are made in good faith. These crime allegations should be reported to the University Police Department or to the local police. The *Clery Act* definition of a campus security authority includes UAM personnel beyond university police officers and watchmen.
 4. Statistics From Local Law Enforcement Agencies – Make a good-faith effort to collect crime statistics for all *Clery Act* crimes committed in applicable geographic locations from all law enforcement agencies with jurisdiction for the campus.
 5. The Daily Crime Log – Maintain a daily crime log for the campus and update the crime log at UPD within two business days of receiving a crime report. The daily crime log for each campus is open to public inspection on the UAM website.

UAM Police Department:

<http://www.uamont.edu/pages/university-police/>

UAM - College of Technology - Crossett:

<http://www.uamont.edu/pages/uam-college-of-technology-crossett/public-safety/>

UAM - College of Technology – McGehee:

<http://www.uamont.edu/pages/uam-college-of-technology-mcgehee/public-safety/>

The daily crime log discloses all alleged criminal incidents, including non-Clery Act crimes, reported to the University Police Department and the Vice Chancellors for UAM-CTC and UAM-CTM regardless of how much time has passed since the alleged incident occurred. Specific categories of information included in the daily crime log are: 1) the nature of the crime; 2) the date and time the crime occurred; 3) the general location of the crime; 4) the disposition of the complaint, if known; and 5) date reported.

University Police Department and the Vice Chancellors for UAM-CTC and UAM-CTM may temporarily withhold information from the daily crime log in cases where there is clear and convincing evidence that the release of information would: 1) jeopardize an ongoing investigation; 2) jeopardize the safety of an individual; 3) cause a suspect to flee or evade detection; or 4) result in the destruction of evidence.

6. Emergency Response and Evacuation Procedures – Immediately notify the campus community (or a segment or segments of the campus community directly affected by the emergency) upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The types of incidents that may cause an immediate threat to the community could include but are not limited to emergencies

such as: an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a tornado, a fire/explosion, suspicious death, structural damage to University owned or controlled facility, biological threat (anthrax, etc), significant flooding, a gas leak, hazardous materials spill, etc.

In the event of a serious incident that poses an immediate threat to members of the UAM community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the UAM, UAM-CTC, or UAM-CTM campus community. These methods of communication include network emails, voice messages and emergency text messages that can be sent to a phone or PDA. All employees and students are automatically enrolled in the UAMAlert emergency notification system and may choose to opt out. The University will post updates during a critical incident on the UAM website at <http://www.uamont.edu/>

Additional information and details pertaining to emergency response and evacuation procedures can be located in the UAM Emergency Procedures Manual at: <http://uam-web2.uamont.edu/pdfs/Student%20Affairs/EmergencyProceduresGuide.pdf>

7. Timely Warnings – Alert the campus community regarding any *Clery Act* crime committed on the Clery geography that has been reported to the University Police Department, campus security authorities or local police agencies and is considered to represent a serious or continuing threat to students and employees.

Timely warnings are triggered as soon as pertinent information is available about *Clery Act* crimes which have already occurred but represent an ongoing threat. The decision to issue a timely warning shall be decided, on a case-by-case basis considering all available facts, by the Vice Chancellor for Student Engagement, Dean of Students and/or University Police Chief for the Monticello campus and the CT Vice Chancellors for the Crossett and McGehee campus.

Timely warnings are issued for the following incidents that represent a serious or continuing threat to students and employees:

- Murder and non-negligent manslaughter
- Manslaughter by negligence
- Sexual assault
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Domestic violence, dating violence, and stalking
- Other crimes as determined necessary

A timely warning may be distributed to the campuses through any one or more of the following mechanisms:

- a. WeevilNet email system
- b. Flyers posted on bulletin boards, exterior doors in academic buildings, residence halls, outdoor boards and administrative buildings.
- c. UAM Police Department website:
<http://www.uamont.edu/pages/university-police/>
- d. UAM - College of Technology - Crossett website:
<http://www.uamont.edu/pages/uam-college-of-technology-crossett/public-safety/>
- e. UAM - College of Technology - McGehee website:
<http://www.uamont.edu/pages/uam-college-of-technology-mcgehee/public-safety/>

Information which **must be included** in each timely warning includes: 1) specific information about the crime that prompted the alert (date/time/location and nature of the crime); 2) information promoting safety (crime prevention and safety tips); and 3) information that will assist individuals in protecting themselves (what action to take OR not take).

NOTE: According to Federal timely warning reporting obligations, University administrators must issue timely warnings for incidents involving sexual misconduct that pose a substantial threat of bodily harm or danger to members of the campus community. The University will not disclose a victim's name and other identifying information when issuing a timely warning. To the extent possible by law, the institution will also protect the confidentiality of victims by not including identifying information about the victim when publicly-available recordkeeping is requested and released under the Freedom of Information Act.

FERPA does not preclude an institution's compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA. [34 CFR.99.31(b)(6) and 99.36]

8. Annual Security Report – Publish and distribute an annual security report by October 1st to all enrolled students and employees. In addition, each campus shall provide notice, as appropriate, to all prospective students and employees. The report will contain crime statistics for the previous three (3) years (reported by calendar year and geographic location) and various policy statements which accurately reflect how the policies are currently implemented.

Crime statistics which must be reported in the annual security report include:

Offenses:

- a. Murder and non-negligent manslaughter
- b. Manslaughter by negligence
- c. Sexual assault (rape, fondling, incest and statutory rape)
- e. Robbery
- f. Aggravated assault
- g. Burglary
- h. Motor vehicle theft
- i. Arson
- j. Domestic violence, dating violence and stalking

Hate crimes: A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, gender, religion, disability, sexual orientation, or ethnicity/national origin.

- a. Murder and non-negligent manslaughter
- b. Forcible sex offenses
- c. Non-forcible sex offenses
- d. Robbery
- e. Aggravated assault
- f. Burglary
- g. Motor vehicle theft
- h. Arson
- i. Larceny-Theft
- j. Simple assault
- k. Intimidation
- l. Destruction/Damage/Vandalism of property
- m. Domestic violence/dating violence/stalking

Arrests and referrals for disciplinary action:

- a. Weapons: Carrying, Possessing, Etc...
- b. Drug abuse violations
- c. Liquor law violations

9. Report to US Department of Education (ED) via the Web-based Data Collection

The University Police Department shall submit the crime statistics for all three campuses from the annual security reports to ED via an annual Web-based data collection.

NOTE: For campuses having on-campus residential facilities, the fire log, annual fire safety report, disclosure of fire statistics and missing student notification procedures are mandatory and submitted by the University Police Department to ED via an annual Web-based data collection.

10. Missing Student Notification Procedures – If a member of the University community has reason to believe that a student is missing, he or she should immediately notify University Police at (870)-460-1083 or (870)-460-1000. University Police will generate a missing person report and initiate an investigation.

A student shall be officially classified as "missing" when University Police has completed its investigation and determined that the reported information is credible and circumstances warrant declaring the person missing. The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include:

Should University Police determine that a residential student is a missing person, the Dean of Students will be immediately notified to verify the appropriate missing person contact information. The Monticello Police Department or the law enforcement agency with jurisdiction in the area that the student went missing, will be notified immediately after making the determination that the student is missing (regardless of the age of the missing student). Contact will then be made with the listed contact person(s) within 24 hours by the Dean of Students. If the missing student is under the age of 18 and is not an emancipated individual, the Dean of Students will notify the student's parent or legal guardian, in addition to the confidential missing person contact that has been identified, within 24 hours of making the determination that the student has been missing for more than 24 hours. University Police will provide the Dean of Students timely and continuous notification of the status of the investigation until the case is closed.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by UAM in the event the student is determined to be missing for more than 24 hours. A student who wishes to identify a confidential contact may do so by completing the Missing Student Notification Form at the time a student checks-in the residential facility.

A student's confidential contact information will be accessible only by authorized campus officials and law enforcement as appropriate and it may not be disclosed outside of a missing person investigation.

11. Fire Safety Log - The University Police Department shall maintain a written, easily understood fire log that records, by the date reported, any fire that occurs in an on-campus student housing facility. The fire safety log will be updated within two business days of receiving a fire report and the fire safety log can be made available by contacting the University Police Department at 460-1083.
12. Fire Safety Statistics - The University Police Department shall collect statistics for reported fires in on-campus student housing facilities and disclose the statistics in the annual fire safety report and to the ED via the annual Web-based data collection.

13. Annual Fire Safety Report – The University Police Department shall publish and distribute an annual fire safety report by October 1st to all enrolled students and employees. In addition, each campus will provide notice, as appropriate, to all prospective students and employees. The report will contain fire statistics for the previous three (3) years (reported by calendar year and location) and various policy statements which accurately reflect how the policies are currently implemented.

14. Domestic violence, dating violence, sexual assault, and stalking

The Title IX Coordinator, in collaboration with the University Police Department and other campus offices, shall conduct ongoing prevention campaigns for students and faculty which promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. The Title IX Coordinator, Title IX Investigator, and UPD officers will receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The U.S. Department of Education (ED) is responsible for monitoring *Clery Act*, *VAWA*, and *HEOA* compliance. ED can issue civil fines of up to \$55,907 per violation for a substantial misrepresentation of the number, location or nature of the crimes required to be reported or for a violation of any other provision of the safety and security related *HEA* regulations. The *HEOA* makes it clear that nothing in the law shall be construed to permit an officer, employee, or agent of an institution to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the regulations.