University Policy 12000

Clery Act Compliance

Effective Date

June 2013

Responsible Party

Department of Public Safety, (208) 426-6911
Office of Environmental Health and Safety, (208) 426-3999

Scope and Audience

This policy applies to all student, staff, faculty, and visitors.

Additional Authority

- The Violence Against Women Reauthorization Act of 2013, (Public Law 113-4)
- The Violence Against Women Act of 1994, 42 U.S.C. §13925(a)
- 34 CFR 668.41, Reporting and Disclosure of Information
- 34 CFR 668.49, Institutional Fire Safety Policies and Fire Statistics
- 34 CFR 600.2

1. Policy Purpose

To promote safety and security on campus by complying with the Jeanne Clery Act.
2. Policy Statement

Part of keeping Boise State safe and secure is to allow the campus community to stay informed and therefore alert. Federal laws, including the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) and the Higher Education Opportunity Act (HEOA), require colleges and universities to inform campus communities and prospective members of crimes that occurred on campus and thereby necessitate caution on the part of students and employees. To this end, the Clery Act and the HEOA require colleges and universities to produce and disclose security and fire policies as well as security and fire statistics.

Students, employees, and visitors should report emergencies, criminal actions, and suspicious behavior to the Department of Public Safety by dialing 9-1-1, calling (208) 426-6911, or by activating a blue emergency phone located on campus. If 9-1-1 is dialed, the call will be routed to an off-campus police department or dispatch center. If this should occur, the caller should describe the nature of the emergency to the dispatcher and ask to have the information sent to the Campus Security and Police Services’ dispatch center.

All non-emergency calls to the Department of Public Safety should also be directed to (208) 426-6911.

3. Definitions

3.1 Campus Security Authorities (CSAs)

University personnel who have a responsibility for an aspect of campus security, and offices and individuals with significant responsibility for student and campus activities.

4. Responsibilities and Procedures

4.1 Clery Compliance Officer (CCO)

The Department of Public Safety’s Manager of Threat Assessment and Security Analysis is the CCO for Boise State University. This individual is responsible for publishing the Annual Security and Fire Safety Report (ASFSR).

4.2 Annual Security and Fire Safety Report (ASFSR)

Every year, the CCO prepares the ASFSR. The full text of the ASFSR can be located at security.boisestate.edu.
4.2.1 Participating Entities

The ASFSR is prepared in cooperation with the local law enforcement agencies surrounding the Boise campus and other campuses, the Office of Environmental Health and Safety, Housing and Residence Life, and the Office of the Dean of Students. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act and HEOA.

4.2.2 Components

The ASFSR shall include, at minimum:

a. Annual statistics on criminal offenses for murder/non-negligent manslaughter, negligent murder, forcible sex offenses (rape, forcible sodomy, sexual assault with an object, and forcible fondling), non-forcible sex offenses (incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson;

b. Annual statistics on criminal offenses for domestic violence, dating violence, and stalking incidents;

c. Annual statistics on liquor law violations, drug law violations, and illegal weapons violations;

d. Annual statistics on hate and bias crimes for larcenies, vandalisms, simple assaults and intimidation, as well as any other crime involving bodily injury to a person in which the victim is intentionally selected because of the actual or perceived gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability;

e. Data from a log of fire related events over the last three years and other campus fire safety information required by the HEOA; and

f. Boise State’s security and fire policies including those on crime prevention, crime reporting, missing people, emergency notification, timely warning, etc.

4.2.3 Availability

a. This ASFSR is available to any prospective student or employee. Crime statistics are available for both the main Boise campus and other Boise State campuses. This information is available in hard-copy (upon request) and on the Department of Public Safety’s website at https://www.boisestate.edu/publicsafety-security/.
b. Each year, the ASFSR is published and distributed by October 1st. The ASFSR is distributed to all currently enrolled students and employees at https://www.boisestate.edu/publicsafety-security/campus-crime/annual-security-report/. Also, upon request and without fee, Boise State will provide a paper copy of the ASFSR, written or otherwise, to anyone who requests it. Current students and employees are provided an email notice that states the ASFSRs annual availability, and:

(i.) A list and brief description of the information contained in the ASFSR;

(ii.) A URL link to the exact address of the website at which the ASFSR is posted.

### 4.3 Gathering Statistics

Statistics for the ASFSR are gathered based on reports provided to Campus Security Authorities (CSAs), the Office of Environmental Health and Safety, law enforcement agencies in jurisdictions where Boise State owns, leases, or controls property, or those with jurisdiction on adjacent property. The CCO requests, gathers, and reports the university’s crime statistics from CSAs and other sources as defined in the Act.

### 4.4 Campus Security Authorities (CSAs)

As defined above, those with responsibility for campus security in whole or part are CSAs. Individuals responsible for student and campus activities and others, as a result of their role at the university, may also be classified as CSAs under the Clery Act; this means they may have specific crime reporting obligations under the law.

#### 4.4.1 Individual Responsibilities

The following individuals must assist with the university’s Clery Act compliance:

a. Individuals who work for the Department of Public Safety;

b. Any individual with responsibility for an aspect of campus security but who does not constitute or is not a member of the Department of Public Safety, such as Contract Security Officers and Event Security Staff;

c. Any individual or organizational unit identified in a university policy as one to which students and employees should report criminal offenses; and
d. Any official with significant responsibility for student and campus activities, including but not limited to:

(i.) Professional staff in the Office of the Dean of Students, including leaders in Student Affairs and Housing such as Resident Assistants/Advisors and Resident and Community Directors;

(ii.) Faculty/Staff advisors to student organizations;

(iii.) Athletic Directors (ADs) and Coaches (including Assistant ADs, Assistant Coaches, and Club Coaches);

(iv.) Administrators at Branch, Satellite, and Separate Campuses;

(v.) The University President; and

(vi.) Vice Presidents.

e. University vice presidents, deans, and department directors shall assist, annually, the CCO in identifying people within their units who may be CSAs for purposes of the Clery Act. Because personnel and job positions change, someone who is a CSA one year might not be a CSA the following year. To determine which individuals are CSAs, the function served by that individual must be considered. If someone has significant responsibility for student and campus activities, that individual is a CSA.

4.4.2 Responsibilities

a. CSAs must immediately notify the CCO of any reported crime. CSAs are not responsible for determining whether a crime actually took place.

b. Professional and pastoral counselors may be exempt from disclosing offenses reported to them in the course and scope of such capacity for the purposes of Clery Act compliance. Such exemptions, which are protected by state and federal evidence laws, are intended to ensure these individuals can provide appropriate counseling services without an obligation to report crimes about which they may have learned.

c. CSAs shall receive Clery Act training on a regular basis through the Department of Public Safety. Annually, CSAs must be provided with instructions regarding Clery Act requirements and campus procedures for implementing them. Professional counselors and pastoral
counselors should be advised of any procedures the campus has created for confidential reporting of crimes, such as anonymous tip lines, and should be encouraged to inform victims/clients of these procedures should they deem it appropriate.

4.5 Campus Crime Log

The Department of Public Safety maintains a log of reported criminal incidents available upon request. The crime log contains the nature, date, time, general location of each crime, and disposition of the complaint, if known. A 60-day log is available at the Department of Public Safety and also at https://www.boisestate.edu/publicsafety-security/. A log of reported criminal incidents older than 60 days is available at the Department of Public Safety upon request within two business days.

4.6 Records Retention

The records included in the ASFSR shall be retained for seven years from the latest publication of the ASFSR to which they apply. Support records shall also be retained. These records include, but are not limited to:

a. Arrest records and referrals for disciplinary action;

b. Timely warning and emergency notification reports;

c. Correspondences to and from local police, CSAs, and the Department of Education having to do with Clery Act compliance;

d. Copies of notices to students and employees about the availability of the ASFSR.

e. All documentation should be dated.

5. Related Information

Annual Security and Fire Safety Report
https://www.boisestate.edu/publicsafety-security/campus-crime/annual-security-report/

Department of Public Safety
https://www.boisestate.edu/publicsafety-security/

Revision History