



BOISE STATE UNIVERSITY

University Policy 12000

Clery Act Compliance

Effective Date

June 2013

Last Revision Date

June 30, 2021

Responsible Party

Vice President for University Affairs and Chief of Staff, (208) 426-1417

Department of Public Safety, (208) 426-6911

Environmental Health, Safety and Sustainability (208) 426-3906

Scope and Audience

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

Additional Authority

- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. §1092(f)
- The Higher Education Opportunity Act of 2008 (HEOA), (Public Law 110-315), 20 U.S.C. §1092(i)-(j)
- 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 668.46, Institutional Security Policies and Crime Statistic

- 34 CFR 668.49, Institutional Fire Safety Policies and Fire Statistics
 - 34 CFR 600.2
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1. Policy Purpose

To promote safety and security on campus by disclosing security and fire policies and crime and fire statistics.

2. Policy Statement

Boise State University is committed to the safety and well-being of all members of the campus community. 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 those communities, of crimes that occurred on campus that necessitate caution on the part of their students and employees. The Clery Act and the HEOA require colleges and universities to produce and disclose security and fire policies as well as crime and fire statistics. This policy provides guidance to maximize Boise State University's efforts in complying with these requirements and to demonstrate its commitment to campus safety and security.

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 Assistant Director for Compliance and Crime Analysis is the CCO for Boise State University. This individual is responsible for publishing the Annual Security and Fire Safety Report (ASFSR) under the guidance and direction of the Associate Vice President for Public Safety and the Chief of Staff and Vice President for University Affairs.

4.2 Annual Security and Fire Safety Report (ASFSR)

Every year, the CCO will prepare the ASFSR. The full text of the ASFSR is located at <https://www.boisestate.edu/publicsafety-security/campus-crime/annual-security-report/>.

4.2.1 Participating Entities

The ASFSR is prepared in cooperation with the local law enforcement agencies serving the Boise State University main campus and other campuses; Environmental Health, Safety and Sustainability; 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 must include, at a minimum:

- a. Annual statistics on criminal offenses for murder, manslaughter, sex offenses, 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 their 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 (3) 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. Each year, the ASFSR is published by October 1st to the Department of Public Safety website at <https://www.boisestate.edu/publicsafety-security/campus-crime/annual-security-report/>.
- b. When published, the ASFSR is distributed to all currently enrolled students and current employees via email notifying them of availability of the ASFSR, along with a list and brief

description of the information contained in the ASF SR including a URL link to the exact address of the website at which the ASF SR is posted.

- c. The ASF SR is available to all prospective students and employees as well as any member of the public on the website or upon request.

4.3 Gathering Statistics

Statistics for the ASF SR are gathered based on reports provided to Campus Security Authorities (CSAs), Environmental Health, Safety and Sustainability, and 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 which 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:
 - 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;

- Faculty/Staff advisors to student organizations;
 - Athletic Directors (ADs) and Coaches (including Assistant ADs, Assistant Coaches, and Club Coaches);
 - Administrators at branch, satellite, and separate campuses;
 - The University President; and
 - Vice Presidents.
- e. University vice presidents, deans, and department directors must assist the CCO annually 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 an individual 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 crime reported to them. 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. Licensed Master Social Workers (LMSW) who perform services that include crisis support, case management, resources and referrals, and advocacy in navigating systems or processes are considered exempt from disclosing offenses reported to them in the course and scope of such capacity for the purposes of Clery Act compliance. LMSWs are, however, required to provide victims of crime with resources for reporting documentation form(s) as provided by the Department of Public Safety.
- d. CSAs must receive Clery Act training on a regular basis through the Department of Public Safety. Annually, CSAs must be provided with instructions on Clery Act requirements and

University procedures for implementing them. Professional counselors and pastoral counselors should be advised of any procedures the University 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/campus-crime/campus-crime-log/>. A log of reported criminal incidents older than 60 days is available at the Department of Public Safety upon request within two (2) University business days.

4.6 Records Retention

The records included in the ASFSR will be retained for seven (7) years from the latest publication of the ASFSR to which they apply. Support records will also be retained. All documentation should be dated. These records include, but are not limited to:

- Arrest records and referrals for disciplinary action;
- Timely warning and emergency notification reports;
- Correspondences to and from local police, CSAs, and the Department of Education having to do with Clery Act compliance; and
- Copies of notices to students and employees about the availability of the ASFSR.

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/>

Department of Public Safety log of reported incidents

<https://www.boisestate.edu/publicsafety-security/campus-crime/campus-crime-log/>

Revision History

June 30, 2021