



HLC Accreditation Evidence Document

Title: UAPPM Policy 2745: Clery Act Compliance

Office of Origin: University Administrative Policies and Procedures Manual

Description: The policy as it appear in the UAPPM concerning the university's compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998.

Date: 2016



University Administrative Policies

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Administrative Policies and Procedures Manual - Policy 2745: Clery Act Compliance

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Authorized by [RPM 3.1 \("Responsibilities of the President"\)](#)

Process Owner: Clery Act Compliance Officer

1. General

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 ("Clery Act") is a federal law requiring institutions of higher education that receive federal funding to collect and publish statistics about reports of certain crimes that occur on or adjacent to campus, or in other areas owned or controlled by the institution and frequently used by students. In addition, institutions are required to adopt and publish policies related to campus safety and security. The purpose of this policy is to ensure UNM's compliance with the requirements of the Clery Act. Any changes in the Clery Act requirements will supersede the relevant provisions of this policy.

Many UNM offices and individuals are tasked with helping the University to comply with the requirements of the Clery Act, including, but not limited to: UNM Police Department and Campus Security, Clery Act Compliance Officer, Athletics, Dean of Students Office, Residence Life and Student Housing, Vice Presidents, Deans, University Hospitals, Human Resources, Office of Equal Opportunity, Admissions Office, Student Health and Counseling, chartered student organization advisors, and other offices or individuals with significant responsibility for student and campus activities.

The Clery Act requires the University to separately collect and publish statistics for the Albuquerque campus; branch campuses; and UNM West (collectively "UNM campuses" or "campuses"). The Clery Act Compliance Officer oversees the Clery Act compliance of all UNM campuses, including the branch campuses and UNM West. Branch campuses and UNM West, which are addressed specifically in Section 6, have designated staff members ("Clery staff") who are responsible for fulfilling the requirements of the Clery Act on their respective campuses.

2. Requirements of the Clery Act

In order to comply with the requirements of the Clery Act, UNM must:

- Compile statistics of reported Clery Act crimes (see Section 3) that occur on the UNM campuses, the immediately adjacent streets and sidewalks surrounding the campuses, and in remote classroom and other facilities some distance away from the campuses that are owned or controlled by UNM and frequently used by students for educational purposes. These areas constitute the "Clery geography."
- Collect reports of Clery Act crimes made to the UNM Police Department (which for the purposes of this policy includes the UNM Gallup Police Department and UNM Valencia Police Department unless indicated otherwise) other local law enforcement agencies, and, as defined in Section 4, Campus Security Authorities (CSAs).
- Publish and distribute to all students and employees by October 1st of each year an Annual Security and Fire Safety Report (Clery Report) which includes crime data for reports of Clery Act crimes, fire incident data for UNM residential facilities, security policies, and procedures in place to protect the UNM community and information on the handling of threats, emergencies, and dangerous situations on campuses.
- On an annual basis, report Clery Act crime statistics and fire incident statistics to the U.S. Department of Education as required.
- Identify CSAs on a regular and ongoing basis and notify these individuals of their obligations under the Clery Act to report any and all Clery Act crimes that they witness, or are reported to them.
- Provide mandatory training for all CSAs during the first year they serve as CSAs.
- Maintain a daily crime log that includes all criminal incidents and alleged criminal incidents that are reported to the UNM Police Department. This log will be available for public inspection, upon request.
- Maintain a fire log that records all reported fires occurring in UNM student housing facilities on the Albuquerque campus and branch campuses. This log will be available for public inspection, upon request.
- Issue timely warnings to alert the campuses of Clery Act crimes that occur in Clery geography and pose a serious or continuing threat to the applicable campus community. Timely warnings will be disseminated throughout the community as soon as pertinent information is available and will provide information that will allow members of the campus community to protect themselves and prevent similar crimes from occurring.
- Issue emergency notifications for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the applicable UNM campus.
- In the event that a student residing in UNM student housing is reported as missing, the UNM Police Department shall be notified as well as the persons designated by the allegedly missing student as his or her missing student contacts within 24 hours (see the UNM Pathfinder ["Missing Resident Student Notification Policy and Procedure"](#)).

3. Clery Act Crimes

The crimes identified by the Clery Act to be reported annually to the UNM community include: murder and manslaughter; forcible and non-forcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; arson; dating violence; domestic violence; and stalking.

If any of the above offenses were reportedly committed as "hate crimes," that must be separately indicated in the annual Clery Report statistics. A hate crime occurs when the offender is motivated by bias against the victim. Under the Clery Act, "bias" is a preformed negative attitude or opinion towards a group of persons based on their race, gender, religion, disability, sexual orientation, or ethnicity/national origin. In addition to the above crimes, if any of the following offenses were motivated by the offender's bias against the victim, they must be included in the annual Clery Act statistics: larceny--theft, simple assault, intimidation, or destruction/damage/vandalism of property.

Reports of attempts of any of these types of crimes are also considered to be Clery Act crimes; for example, an attempted sexual assault must be included in the statistics for forcible sex offenses.

The final element of Clery Act crimes that must be reported in the annual Clery Report are arrests and referrals for UNM disciplinary action for any of the following: liquor law violations, drug law violations, and weapons law violations.

For more information and definitions of Clery Act crimes, see pages 34-72 of the [US Department of Education's "The Handbook for Campus Safety and Security Reporting."](#)

4. Campus Security Authorities

CSAs are defined under the Clery Act as individuals at UNM who, because of their function for the University, have an obligation to notify the UNM Police Department of alleged Clery Act crimes that are reported to them in good faith, or alleged Clery Act crimes that they may personally witness. CSAs are defined by their University function, not by job title.

The Clery Act defines four categories of CSAs:

- Campus police or security department. All members of the UNM Police Department are CSAs. Security officers at branch campuses and UNM West are also CSAs.
- Any individual who is responsible for campus security in some capacity, but who is not a member of a UNM Police Department. This includes parking facility attendants; persons monitoring access to UNM events; UNM Hospital security; and student security.
- Any individual or office at UNM identified in a University policy as an individual or office to which crimes should be reported.
- University officials and others who have significant responsibility for student and campus activities. The Clery Act rules specifically designate the following as CSAs:
 - Police and security personnel
 - Dean of Students
 - Student Conduct Officer
 - Athletics Directors
 - Athletics Coaches
 - Director of Residence Life and Student Housing
 - General Manager of American Campus Communities
 - Director of Student Activities
 - Faculty/staff advisors to chartered student organizations
 - Coordinator of Greek Life
 - Residence Life and Student Housing/American Campus Communities Resident Advisors and Assistants
 - Sexual Assault Response Team

Many other UNM officials, such as Deans, are also CSAs based on their job duties. The idea behind CSAs is that not all crimes on campus are reported to the police department. A student, for example, who is the victim of a crime may feel more comfortable telling his or her resident advisor or athletics team coach. The Clery Act requires colleges and universities to collect crime reports from all individuals and offices who are CSAs in order to present complete and accurate data to the campus community and respond to safety issues.

The role of CSAs is to record any information of alleged Clery Act crimes that are reported to them or that they may personally witness and promptly submit that information through the online reporting form on the [CSA website](#).

Once a year when the annual Clery Act crime statistics are being compiled for publication, CSAs will receive a survey form asking whether any crimes were reported to the CSAs. The Clery Act Compliance Officer will distribute the survey form to CSAs from the Albuquerque campus and the Clery staff will distribute the survey form to CSAs not from the Albuquerque campus. CSAs must complete and return the survey form as directed.

The role of a CSA is not to investigate the allegation and decide whether a crime took place—that is the function of law enforcement. A campus CSA should not try to apprehend the alleged perpetrator of the crime. That, too, is the responsibility of law enforcement. It is also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so. A CSA's charge is to transmit information about alleged crimes to the Clery Act Compliance Officer and, if not from the Albuquerque campus, to Clery staff for appropriate follow-up. A CSA may also provide information to a victim of an alleged crime about resources available to assist him or her.

CSAs are required to complete Clery Act training during the first year they serve as CSAs. The training is coordinated by the Clery Act Compliance Officer and can be taken via an online module through Learning Central or at the Albuquerque campus's UNM Police Department website. The Clery Act Compliance Officer also offers in-person training classes for CSAs. In particular, the Clery Act Compliance Officer will coordinate an annual mandatory training on counting, collecting, and classifying crime statistics for designated staff from the Dean of Students Office, Health Sciences Center, Residence Life, and American Campus Communities.

Identifying CSAs will be coordinated by the Clery Act Compliance Officer and Clery staff. Because personnel and job duties change, someone who is a CSA one year may not be a CSA the following year, and vice versa. Identifying CSAs requires knowledge of the functions performed by employees in each department. Therefore, all UNM vice presidents, deans, department chairs, and other unit heads shall assist the Clery Act Compliance Officer and Clery staff in identifying persons within their areas who may be characterized as a CSA for purposes of the Clery Act.

UNM's compliance with the Clery Act depends on the cooperation of CSAs. A CSA who fails to fulfill his or her responsibilities in that role is violating this policy and may be subject to disciplinary action.

5. Annual Clery Report

By October 1st of each year the Clery Report must be published and distributed to all currently enrolled UNM students and employees. The Clery Act permits institutions to distribute the Clery Report by posting it online and sending individual notification to each student and employee announcing the availability of the report, briefly describing the information contained and the exact URL address where the complete Clery Report is posted. The UNM Police Department and Clery Compliance Officer are responsible for posting the annual Clery Report on the UNM Police Department's website for each of the UNM campuses. For the Albuquerque campus, the UNM Police Department fulfills the notification requirements by sending email to all UNM students and employees; for branch campuses and UNM West, the Clery staff fulfill the notification requirements. Any person requesting a paper copy of the Clery Report shall be provided one without charge.

The Clery Report must also be provided to prospective UNM students and employees upon request. Online and written materials for prospective students and employees should include the exact URL address where the Clery Report for the applicable campus is posted and a statement that UNM will provide a paper copy of the report upon request.

The Clery Act Compliance Officer and Clery staff, in collaboration with the UNM Police Department, are responsible for compiling statistics of the Clery Act crimes reported to CSAs, local law enforcement agencies and UNM Police Department. For the Albuquerque campus, the Dean of Students Office, UNM Residence Life and Student Housing, and American Campus Communities are responsible for providing statistics on referrals for disciplinary action for violations of state laws governing alcohol, drugs, and weapons use and possession to the Clery Act Compliance Officer. Corresponding offices, if any, at the branch campuses and UNM West provide such statistics to the Clery staff.

The annual Clery Report must also include information about any reported fires in University housing facilities. For the Albuquerque campus, Safety and Risk Services, UNM Residence Life and Student Housing will provide fire statistics to the Clery Act Compliance Coordinator for on-campus student housing and UNM Family Housing, and the American Campus Communities will do the same for the student housing facilities it operates for UNM. Safety and Risk Services and the UNM Activities Center will collect fire statistics information from UNM's Greek housing facilities and submit that information to the Clery Act Compliance Officer. Residence Life and Student Housing and American Campus Communities will also provide to the Clery Act Compliance Officer all of the information on their respective fire safety policies and procedures required to be included in the annual Clery Report. For branch campuses, the Clery staff will coordinate the compilation of fire statistics for campus housing.

The UNM Clery Act Compliance Officer and Clery staff are responsible for ensuring that the annual Clery Report contains all of the statistics, University policies and procedures, program descriptions, and other information required by the Clery Act. The Clery Act Compliance Officer and Clery staff are also responsible for fulfilling UNM's obligation to annually report crime and fire incident statistics to the U.S. Department of Education via its web-based data collection.

6. Separate Campuses

Under the Clery Act, if an institution has more than one campus, each separate campus must comply independently with all of the Act's requirements. UNM's branch campuses at Gallup, Los Alamos, Taos, and Valencia qualify as separate campuses under the Clery Act and so must fulfill independently all of the Clery Act requirements.

Although the UNM West campus is not a branch campus, UNM West still qualifies as a "separate campus" because it meets the Clery Act definition of an "other location," which requires UNM West to comply independently with the Act's requirements similar to the branch campuses. The Clery Handbook defines "other locations" as "noncontiguous sites that have an organized program of study and administrative personnel on-site."

Each branch campus director and the director of UNM West shall designate Clery staff to oversee the compilation, publication, and distribution of the annual Clery Report. The Clery Act Compliance Officer oversees the Clery staff's distribution of the branch campuses and UNM West's Clery Reports; reviews their Clery Reports before they are published and distributed; and reviews their crime and fire incident statistics before submission to the U.S. Department of Education.

7. Records Retention

All supporting records must be kept for three years following the publication of the last Clery Report to which they apply. Thus the records retention period is seven years after the date an incident was reported because each annual Clery Report includes data from the past three years. Records to be maintained include, but are not limited to, copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from CSAs; correspondence with the U.S. Department of Education regarding Clery Act compliance; and copies of notices to students and employees about the availability of the annual Clery Report.

8. References

- [US Department of Education's "The Handbook for Campus Safety and Security Reporting" and other resources](#)
- [Campus Security Authority Registration Portal](#)
- The Pathfinder, [Campus Security Authorities](#)
- [UAP 2710 \("Education Abroad Health and Safety"\)](#)
- [UAP 2740 \("Sexual Misconduct"\)](#)
- [UAP 6110 \("Safety and Risk Services"\)](#)
- [Missing Resident Student Notification Policy and Procedure](#)
- [Residence Hall Handbook](#)

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