



XAVIER UNIVERSITY

Jeanne Clery Act

Compliance Policy

Effective: November 14, 2013

Last Updated: August 27, 2024

Last Review: August 27, 2024

Responsible University Office: Risk Management

Responsible Executive: Vice President of Risk Management/ General Counsel

Scope: Risk Management/Title IX Office

A. REASON FOR POLICY

The Jeanne Clery Disclosure of Campus Crime Security Policy and Campus Crime Statistics Act of 1998, a part of the Higher Education Act of 1965, was extended by the Higher Education Opportunity Act of 2008 (collectively known as the “Clery Act”) and requires colleges and universities receiving federal financial assistance to gather and make public information about certain crimes on or near their campuses and publish policy statements concerning campus safety and security.

B. POLICY

Xavier University shall comply with all requirements of the Clery Act. This policy sets forth guidelines and procedures intended to ensure the University’s ongoing compliance with the Clery Act’s crime and fire reporting and disclosure obligations, and its obligation to make available to the campus community and the public, campus security and safety policy statements as prescribed by the law.

The purpose of this policy is to ensure the University’s compliance with the Clery Act. Compliance requires that the University:

- Compile and disclose statistics of reports of the types of crimes specified in the Clery Act (“Clery Crimes”) for its campuses, the immediately adjacent public areas and public areas running through the campuses, remote classroom facilities and certain non-campus facilities;

- Collect reports of Clery Crimes made to campus security, local law enforcement, school officials, and others associated with the University who have “significant responsibility for student and campus activities”;
- Make an annual report to the Department of Education with statistics of Clery Crimes for the last three years and University policy statements addressing campus security and safety (“Clery Report”);
- Issue warnings of Clery Crimes that may be an ongoing threat to the campus in a timely manner, so that individuals may take steps to protect themselves and to aid in the prevention of similar crimes;
- Maintain a daily crime log, available to the public, of all crimes reported to campus security;
- Maintain a daily fire log, available to the public, of incidents occurring in on-campus student housing; and
- Conduct educational programs to promote awareness.

C. DEFINITIONS

Annual Security Reports (ASR) - The Clery Act requires the University to annually release a report to the general public containing the following: statistics for Clery Crimes by type location and year; statistics of fires in on-campus student housing; campus safety and security related policy statements that address crime reporting and prevention; the location of law enforcement data bases of registered sex offenders; drug, alcohol and sex offenses; procedures for issuing timely warning to the campus of potentially dangerous criminal and emergency situations; and campus evacuation procedures.

Arrest – Persons processed by arrest, citation or summons. The University shall compile statistics for and specifically disclose arrests related to weapons and, drug and alcohol abuse. If an individual is both arrested and referred for disciplinary action for an offense, only the arrest will be disclosed.

Referral for Disciplinary Action – The University shall compile statistics for and specifically disclose students’ referrals for disciplinary action related to weapons’ and drug or alcohol abuse. If an individual is both arrested and referred for disciplinary action for an offense, only the arrest will be disclosed.

Emergency (Immediate) Notification – Requirement that the University make emergency notifications of incidents and dangerous conditions then occurring on campus that present an imminent threat to the campus.

Campus Security Authority (“CSA”) – Used in the Clery Act to identify persons at the University who, as a result of their functions at the University, have significant responsibility assisting students or campus activities. CSAs have an obligation under the law to notify the primary reporting party of the institution (in this case the Xavier University Police Department (XUPD)) of alleged Clery Crimes, which the CSA has concluded was been made in good faith. Examples of CSAs include but are not limited to:

- Members of the police department
- Deans and directors
- Title IX staff
- Office of Student Integrity staff
- Athletic team coaches
- Residence Life staff
- Faculty and staff advisors to student organizations
- Study abroad faculty and staff
- Volunteers
- Summer Camp Counselors

Clery Crimes – The University must compile statistics of reports made to XUPD, CSAs, local law enforcement, and law enforcement where our students have stayed overnight in University-controlled housing while traveling nationally, of the following types of crimes: aggravated assault; arson; burglary, motor vehicle theft, murder and non-negligent manslaughter, negligent manslaughter, robbery, forcible and non-forcible sex offenses, and hate crimes.

Daily Crime Log – XUPD maintains for public inspection a Daily Crime Log of any and all alleged criminal incidents that are reported to the XUPD. Incidents are recorded in the Daily Crime Log with the date and time the alleged crime is reported, the date and time the alleged crime occurred, the nature of the alleged crime, and general location.

Fire Log – XUPD maintains for public inspection a fire log. Any report to a University official of a fire occurring in on-campus student housing must be documented in the Daily Fire Log with the following information: date the incident was reported; time and date of the incident; nature of the fire, and general location.

Hate Crime – Clery Crimes and any incidents of larceny-theft, simple assault, intimidation, of destruction/damage/vandalism of property that are motivated by bias toward race, gender, religion, sexual orientation, ethnicity/national origin, and disability.

Missing Student Notification - If a student who resides in on-campus student housing is determined to have been missing for 24 hours, the University has 24 hours following the receipt of a report of a missing student to initiate specified notification procedures to notify the student's designated contact, parent or legal guardian, and the law enforcement agency with jurisdiction. The University is not precluded from initiating Missing Student Notification procedures if the student has been missing less than 24 hours or as soon it determines the student is missing.

Non-Campus Property - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

On Campus Property - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to that described in the first part of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Pastoral Counselor - A person, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. Pastoral Counselors, when acting within the scope of the official responsibilities are not Campus Security Authorities.

Professional Counselor - A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. Professional Counselors, when acting within the scope of the official responsibilities are not Campus Security Authorities.

Public Property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Reported Crime – The University shall compile and publish statistics of “reported” Clery Crimes. For purposes of the Clery Act a crime is reported when it is brought to the attention of a CSA or local law enforcement by a victim, witness, other third party or even the offender. Information about the crime does not need to be explicit. It does not matter whether the persons involved with the crime or making a report are associated with the University. If a CSA believes that there is a reasonable basis to conclude the information is not just rumor or hearsay (the information about the crime was provided in “good faith”) he or she should document the reported information pursuant to University procedure.

Sex Offenses (Forcible) – Any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent (e.g. forcible rape, forcible sodomy (oral or anal intercourse), sexual assault with an object, and forcible fondling (touching of the private body parts of another person for the purpose of sexual gratification). Disclosure of reported offenses is required.

Sex Offenses (non-forcible) – Unlawful non-forcible sexual assault (e.g. incest, statutory rape). Disclosure of reported offenses is required.

Timely Warning - The University must timely alert the campus community to Clery Crimes. Even if all of the facts surrounding the criminal incident(s) are not yet available a warning will be issued as soon as pertinent information is available, to enable individuals to take precautions to protect themselves and to prevent similar crimes from occurring.

D. PROCEDURES

CSA Identification:

Because personnel and job positions change, someone who is a CSA one year may 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, he or she is a CSA. To ensure, that the University maintains its list of CSAs current, XUPD will conduct an annual canvass (performed during the summer semester) of departments with significant responsibility assisting students or coordinating campus activities. Canvassing of Summer Camp counselors shall be performed in the Spring semester.

CSA Reporting:

CSAs shall make written reports to XUPD of all Reported Crimes. CSAs who are unsure whether an incident is a Clery Act crime should report it. CS's are not responsible for determining authoritatively whether a crime took place.

CSA Training:

CSAs shall receive annual on-line Clery Act training assigned by XUPD.

Gathering and Compiling Statistics of Clery Crimes:

XUPD will collect and compile statistics regarding Clery Crimes on main campus, all satellite campuses, areas adjacent to those campuses, and locations where students have traveled to and stayed overnight in the continental United States.

ASR:

The ASR will be electronically published by October 1st of each year. The ASR must be made available to all currently enrolled students and all employees. The publishing of the ASR should be accompanied by a public announcement. The announcement should include: a statement of the report's availability; a list and brief description of the information contained in the report; the exact address (URL) of the Internet or Intranet website at which the report is posted (a direct link to the annual security report must be provided); and a statement that the school will provide a paper copy of the annual security report without fee upon request, written or otherwise.

The Clery Report must also be provided to prospective students and prospective employees upon request. All renditions (electronic or print) of the ASR automatically include the Campus Fire Safety Report.

Records Retention:

The supporting records used in compiling the report shall be retained for three years from the latest publication of the report to which they apply, which equates to 7 years. Records to be kept 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 Campus Security Authorities; correspondence with the Department of Education regarding Clery Act compliance; and copies of notices to students and employees about the availability of the annual security report. Records will be maintained in electronic format. All documentation should be dated.

Submitting Crime Statistics to the Department of Education (ED):

Xavier University is not required to send the ASR Report to the ED; the University is required to submit the crime statistics from the ASR Report. During late summer, ED conducts the annual Campus Safety and Security Survey. This Web-based survey is used to collect the statistical data from the ASR. The data is then posted on the ED public website for use by higher education consumers. The site is located at <http://www.ope.ed.gov/security>. Each year a few weeks prior to the collection, the ED sends a letter and a registration certificate to the Chief Executive Officer of Xavier University. The certificate contains information necessary to access the survey and enter data. The letter and registration certificate will be routed to the Clery Compliance Officer, for appropriate handling.

E. Exhibits

Not Applicable

F. History

This policy was developed in November 2013 and reviewed as of August 2024.

G. Review Schedule

This policy should be reviewed every three years and is next scheduled for review in August of 2027.

<https://www.xavier.edu/clery/index>

https://www.xavier.edu/safety/documents/2023-asr_final.pdf