

Clery Act Compliance

UA-16

About This Policy

Effective Dates:

03-05-2019

Last Updated:

09-13-2022

Responsible University Administrator:

Executive Vice President for Finance and Administration

Policy Contact:

Tanner Thimling

Director of Compliance

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Scope

This policy applies to all members of the university community on each campus of Indiana University.

Policy Statement

- A. Indiana University will comply with all obligations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, also known as the Clery Act, and related procedures established by the US Department of Education as outlined in The Handbook for Campus Safety and Security Reporting.
- B. References to IUPD will refer to the IUPD division on each university campus.

Reason For Policy

To help ensure the safety of students, prospective students, employees, prospective employees, visitors, and guests by making available notices and information about campus safety and security.

Procedure

- A. General Expectations on Reporting
 - 1. All members of the university community, including students, faculty, staff, visitors, and guests, are encouraged to accurately and promptly report all criminal or suspicious actions and any potential emergencies to the Indiana University Police Department (IUPD) or to an appropriate law enforcement agency.
 - 2. All witnesses to a crime and crime victims, including crime victims who elect not to or are unable to make a formal complaint or who do not want to pursue action within the university system or the criminal justice system, are encouraged to report crimes on a voluntary, confidential basis to IUPD. An IUPD officer can file a confidential report detailing the incident without revealing the identity of a victim or witness, to the extent allowed by state and federal laws. The Indiana Access to Public Record Act (Indiana Code 5-14-3 et seq.) governs what information is required to be disclosed by Indiana University. Confidential reports filed pursuant to this paragraph must be counted and included in the university's Annual Security and Fire Safety Report ("Annual Report") and included in the Daily Crime Log, and will be used for the assessment of whether a Crime Notice should be issued without using any personally identifiable information.
- B. Reporting Related to Student Travel:
 - a. All faculty and staff who make arrangements for student travel that is either funded or sponsored by the university must report the location(s) where university students have stayed for more than one night or

where there is repeated use of the same location funded or sponsored by the university. Instructions for reporting are available at <https://protect.iu.edu/iu-police-department/campus-security-reports/jeanne-clery/off-campus/index.html>, and the report must be made using following portal: <https://protect.iu.edu/iu-police-department/campus-security-reports/jeanne-clery/off-campus/non-campus-property.html>.

C. Campus Security Authorities (CSAs):

1. CSAs will complete mandatory training. Online training is available, or units may request in-person training by emailing iups@iu.edu.
2. CSAs will report to IUPD specific information regarding any crimes of which they are made aware, regardless of the university affiliation of the parties involved, by completing and submitting the electronic [CSA Crime Report Form](#) as soon as practicable after they are made aware of any crime. CSAs are not responsible for investigating crimes, unless otherwise within the scope of a particular CSA's duties.
3. CSAs will complete a verification form that will be provided to them at least annually by IU Public Safety. The form will request each CSA to verify that all known crimes have been reported as required in accordance with Paragraph C.2. above or that the CSA has no incidents to report for that reporting period.
4. CSAs who deliberately fail to report crimes they are aware of or who fail to complete the IU Public Safety verification form referenced in Paragraph C.3. above may be subject to appropriate discipline, including being barred from holding any CSA position at any campus in the future.

D. IUPD and Environmental Health & Safety as Units of IU Public Safety:

1. IUPD on each campus will publish reports of crimes that have been reported to it in the Daily Crime Log for that campus.
2. IUPD will also maintain a fire log for each campus that operates an on campus student housing facility. The fire log is combined with the crime log and contains certain information about reported fires occurring within or on any on-campus student housing facility. Any member of the campus community who has knowledge of a fire that occurs within or on any on campus student housing facilities is required to report the incident to IUPD and INLOCC.
3. IU Public Safety will collect reports of Clery Act Crimes made to IUPD on each campus, to local law enforcement, and to CSAs.
4. IU Public Safety will, by October 1st of each year, publish an Annual Security and Fire Safety Report, which is available to the university community and the public and which includes:
 - a. Clery Act Crimes data by type;
 - b. Security policies and procedures in place to protect the university community; and
 - c. Information on the handling of threats, emergencies and dangerous situations.
5. Indiana University's Superintendent of Public Safety will notify via e-mail all currently enrolled students and all university employees of the availability of the Annual Security and Fire Safety Report, providing: (i) a statement of the report's availability; (ii) a list and brief description of the information contained in the report; (iii) the exact URL (a direct link) for the website at which the report is available; and (iv) a statement that a paper copy of the Annual and Fire Safety Security Report is available without fee upon request. Requests may be made in writing (including email), by phone, or in person.
6. IU Public Safety will complete the Department of Education annual Campus Safety and Security Survey on behalf of Indiana University. Any university unit that receives the survey directly from ED should forward it to IU Public Safety for completion.
7. IUPD on each campus will determine, on a case-by-case basis, whether and when to issue a Crime Notice (designated in the federal regulations as "timely warnings") through the IU Notify system to inform the affected campus community about Clery Act Crimes such as murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic and dating violence, stalking, and weapons, drug and liquor law violations and hate crimes as defined by the Clery Act. IUPD's determination will be based on when and where the incident occurred, when it was reported, and the amount of information known by IUPD. IUPD on an affected campus may issue a Crime Notice whenever a serious crime or series of crimes that occurs on campus, in certain non-campus buildings, or on property owned or controlled by

the university, or on public property on or immediately adjacent to the affected campus poses a serious or continuing threat to the campus community.

8. IU Public Safety will determine, on a case-by-case basis, whether and when to issue an Emergency Alert (designated in the federal regulations as “emergency notifications”) through the IU Notify system to the affected campus community. IU Public Safety may issue an Emergency Alert if a situation poses a confirmed significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus community.
9. IUPD will implement Missing Student Notifications as follows:
 - a. Within two hours of its receipt of a report that a student is missing, and irrespective of who makes the report, IUPD at the affected campus will enter information about the missing student into the National Crime Information Center (NCIC) and will provide this information to any police department near the location where the missing student was last seen (the local law enforcement) and to any law enforcement agency reasonably requested by the reporting party.
 - b. Within 24 hours of receiving the report, IUPD at the affected campus will:
 - i. coordinate with student affairs officials at the affected campus to issue a Missing Student Notification;
 - ii. initiate an investigation;
 - iii. notify local law enforcement and inform the student’s designated contact person(s).
 - c. All university employees are required to immediately report missing students to IUPD by contacting IUPD at (812) 855-4111 (any campus) or by filing a report in person at IUPD on the affected campus.
10. Each calendar year, IU Public Safety will conduct at least one announced test of emergency response and evacuation procedures. IU Public Safety will document a description of the test/drill/exercise, the date held, the time started and ended, whether the test/drill/exercise was announced or unannounced, and includes any follow-through activities designed for assessment and evaluation of emergency plans and capabilities.
11. IU Public Safety will maintain the security of and access to campus facilities, including on-campus residences via the following:
 - a. Campus academic and administrative security and access controls include adherence to building hours (including classroom, administrative, and library buildings) set by each campus.
 - b. On those campuses with on-campus housing, campus residence security and access controls include:
 - i. Access to residence halls is restricted to residents, their guests, and other approved members of the university community. Residents gain entry by use of assigned key or key cards in the card access readers 24 hours a day.
 - ii. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their assigned key or key cards.
 - iii. IUPD officers conduct security patrols in and around common areas of the residence halls and university apartments on a regular basis. IUPD officers conduct security patrols in the vicinity of residence halls, university apartments, and university rental houses on a regular basis.
12. IUPD will patrol campus buildings and grounds regularly and, if IUPD officers notice any conditions during their regular patrols that may pose a safety or security issue, they will report such conditions to the appropriate campus administrators for correction. IU Public Safety will coordinate with campus Facilities Operations to address security considerations in the maintenance of campus facilities, including but not limited to the following:
 - Lighting, particularly exterior lighting
 - Locks, particularly exterior doors and locking hardware
 - Security equipment
 - Emergency telephones
 - Vegetative landscaping features that may pose a security concern

13. Environmental Health & Safety will conduct safety inspections of facilities including, but not limited to: laboratories, clinical areas, high hazard maintenance areas, construction sites, food service areas, swimming areas, AEDs, fall protection areas, etc.
 14. IU Public Safety will work with campus units to establish educational programs related to the Clery Act and to promote safety awareness programs.
- E. Campus Student Affairs Officials:
1. Student affairs officials on each campus will promptly report any Clery Act Crimes of which they become aware to IUPD.
 2. Student affairs officials on each campus will provide statistics reflecting referrals for violations of any liquor, drug, or weapon laws that occur within the Clery reportable geography for that campus to IU Public Safety for inclusion in the crime statistics for the Annual Security and Fire Safety Report. A referral means that a report has been made, a record has been created, and a case has been reviewed for potential disciplinary action that may result in the imposition of a sanction.
 3. Student affairs officials on each campus will coordinate with IUPD to issue a Missing Student notification in accordance with Paragraph D.8. above.
 4. Student affairs officials on each campus will coordinate with IUPD and with local police agencies to monitor criminal activity involving students and student organizations occurring at non-campus property.
- F. Campus Housing Officials: On those campuses with on-campus housing, housing officials will notify all residents in the university's residence halls, apartments, and rental units of how to file a Missing Student Notification on their campus.
- G. Real Estate Administration (REA):
1. REA will provide IU Public Safety annually each January a list of all buildings or property owned or controlled by the university, including specific address information and a notation of those properties that fall within a university campus.
 2. REA will provide annually each January a list of all active properties leased from third parties on behalf of each campus, including the specific address information, a contract number for referral, and contact information.
 3. REA will notify the IU Public Safety Director of Compliance when buildings or property owned or controlled by the university are bought or sold, or if the use of such property changes, to allow updates to the Clery Geography Map and building list.
 4. REA will annually review the Clery Geography Maps and building lists with IU Public Safety.
 5. REA will provide an electronic version and printed versions of the Clery Geography Map to IU Public Safety.
- H. Office of Overseas Studies (OOS):
1. OOS will provide IUPD annually each March a list of all student travel to foreign countries for the preceding calendar year.
 2. IUPD will send a Request for Crime Statistics letter to law enforcement agencies in foreign countries.
- I. IU Public Safety:
1. INLOCC will work with IU Public Safety to provide the required Annual Fire Safety Report for inclusion in the Annual Security and Fire Safety Report.
 2. INLOCC will work with the IU Public Safety to provide annual fire statistics for the Department of Education survey.
- J. Human Resources (IUHR); Campus Office for Academic Affairs:
1. IUHR, the Human Resources office on each campus, and the office for Academic Affairs on each campus will provide electronic notice of availability of the Annual Security and Fire Safety Report to all prospective employees on the "apply" website in the exact wording set forth in [Appendix B](#).

2. IUHR, the Human Resources office on each campus, and the office for Academic Affairs on each campus will annually provide to IU Public Safety statistics reflecting violations of any Clery Act crimes as defined in this policy by employees that occur within the Clery reportable geography for that campus and that result in arrest or referral for disciplinary action.
- K. Admissions Office Responsibilities: The Office of Admissions on each campus will provide electronic notice of availability of the Annual Security and Fire Safety Report to all prospective students on the “apply” website in the exact wording set forth in [Appendix B](#).
- L. Office Institutional Equity: The University Title IX Coordinator in the Office of Institutional Equity will coordinate with IU Public Safety, Human Resources, and other appropriate university offices to ensure that all new employees are provided the university’s then-current primary prevention and awareness training in compliance with the Clery Act. The designated Title IX officials on each campus will annually provide IU Public Safety with statistics for the Annual Security Report.

Definitions

Annual Security and Fire Safety Report (“Annual Report”): Annual report required by 34 CFR 668.41(e) setting forth statistics on a rolling three-year basis for Clery Act Crimes and disciplinary referrals for drug, alcohol, and weapon offenses by type, location, and year; campus security and safety policy statements. Also included are procedures for issuing to the campus community Crime Notices (Timely Warnings) and Emergency Alerts (Emergency Notifications); Title IX information, drug and alcohol abuse programs, as well as fire safety policies and procedures for on-campus student housing, and statistics for fires in on-campus student housing.

Campus Security Authority (“CSA”): Identified individuals and groups of individuals and organizations specified in the Clery Act and associated with a university campus, including: (1) the Indiana University Police Department (IUPD); (2) individual(s) who have responsibility for campus security, but who are not affiliated with IUPD; (3) any individual or organization specified in the security and safety policy statements as an individual or organization to which students and employees should report criminal offenses; and (4) any official of the campus who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings, and who has the authority and the duty to take action or respond to particular issues on behalf of the campus. When acting within the scope of their official responsibilities, Pastoral Counselors, Professional Counselors, and uncertified persons who are acting under the supervision of an exempt counselor, are not CSAs.

Clery Act Crimes: Certain crimes specified in the Clery Act, and further described in [Appendix A](#), on which each campus will compile statistics of reports made to campus IUPD, CSAs, and local law enforcement.

Daily Crime Log: The required Federal Clery Crime log maintained by IUPD at each campus of all alleged criminal incidents reported to IUPD having occurred within Clery geography.

Fire Log: A log maintained by the IUPD of any report to a campus official of a fire occurring within or on any on campus student housing facilities.

Emergency Notification: An announcement required by the Federal Clery Act, called an “Emergency Alert” at Indiana University, and issued via the IU Notify System to inform an affected campus community of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on the affected campus.

Timely Warning: An announcement required by the Federal Clery Act, called a “Crime Notice” at Indiana University, and issued via the IU Notify System to inform an affected campus community of Clery Act Crimes when a reported crime may pose a serious or continuing threat to the affected campus and surrounding community.

Missing Student Notification: A notification, following a determination by IUPD that a student has been missing for 24 hours, issued to a student’s designated confidential contact, parent or legal guardian, and the local law enforcement agency with jurisdiction. Although the Clery Act requires a Missing Student Notification only for students who reside in on-campus housing, Indiana University issues Missing Student Notifications and implements the protocol identified in Section D.7., irrespective of place of residence.

Clery Geography Map: For each Indiana University campus, a map depicting the Core Campus and surrounding area that identifies On-Campus Property, Non-Campus Property, Public Property, and Patrol Jurisdiction.

On-Campus Property: For each Indiana University campus, any building or property owned or controlled by the university within the same reasonably contiguous geographic area and used by the university in direct support of, or in a manner related to, its educational purposes; and any building or property that is within or reasonably contiguous to the area that is owned by Indiana University but controlled by another person or entity, is frequently used by students, and supports the university's institutional purposes (such as a food or other retail vendor). On-Campus Property includes, for example, university buildings; university residential facilities; university-owned land/property; university streets, sidewalks, and parking lots; property leased by the university; properties owned by the university but controlled by a third-party bookstore or coffee shop.

Non-Campus Property: For each Indiana University campus, (1) any building or property owned or controlled by a student organization that is officially recognized by the campus; or (2) any building or property owned or controlled by the campus that is used in direct support of, or in relation to, the campus' educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the campus. Non-campus property also includes all locations used by students during school-sponsored trips (see below) that are controlled by the university during the trip and used to support the university's educational purposes.

School-Sponsored Trips: All university-sponsored, short-stay "away" trips of more than one night for any of its students. If the university sponsors student travel on an overnight trip **every year** and the students stay in the **same hotel each year**, IU must include portions of the hotel in its report of non-campus geography.

Public Property: For each Indiana University campus, all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. Public property includes, for example, city streets (e.g., Third Street, West Street); and sidewalks in front of private businesses.

Pastoral Counselor: An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. As of the initial publication of this policy, Indiana University does not employ pastoral counselors.

Professional Counselor: A campus employee whose official responsibilities include providing psychological counseling to members of the campus community and who is functioning within the scope of his or her license or certification.

Sanctions

Violations of this policy and the Clery Act may result in fines levied against the university by the Department of Education.

Additional Contacts

Subject	Contact	Phone	Email
Director of Compliance	Tanner Thimling	812-855-7943	tannthim@iu.edu

History

This policy was first implemented in 2019.

Previous Versions

Effective Dates:

[03/05/2019-09/13/2022](#)

Related Information

[Appendix A](#)
[Appendix B](#)