

# Mandatory Reporting: Clery Act & OIEC

	Clery Act	OIEC Related Policies	Important Notes
	Campus Security Authorities (CSAs)	Responsible Employee	
WHO <sup>1</sup>	<ol style="list-style-type: none"> <li>1. Campus Police (CUPD)</li> <li>2. Those responsible for campus security – Student and Professional Staff, Contracted Security</li> <li>3. Offices/Personnel who are the preferred receivers of reports (HR, OIEC, SCCR, SSCM, etc.)</li> <li>4. Officials with significant responsibility for student or campus activities (Athletic Trainers, Coaches, Hall Directors, Resident Advisors, Unit Directors, etc.)</li> </ol>	<ul style="list-style-type: none"> <li>• Any employee who has the authority to hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff, or students</li> <li>• Any employee who has the authority to take action to redress sexual misconduct</li> <li>• Any employee who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator</li> </ul>	<p>There is overlap between these groups, so a person may be one or both.</p> <p>For guidance in determining whether you are a CSA, contact the Clery Compliance Program at <a href="mailto:Clery@Colorado.EDU">Clery@Colorado.EDU</a>.</p> <p>For guidance in determining whether you are a responsible employee, contact the OIEC at <a href="mailto:OIEC@Colorado.EDU">OIEC@Colorado.EDU</a> or (303)-492-2127.</p>
WHAT	<b>Clery Act Crimes</b>	<b>Prohibited Conduct Under University Policy</b>	
	<p><i>Any of the following crimes, as defined by law:<sup>2</sup></i></p> <p><b><u>Criminal Offenses:</u></b></p> <ul style="list-style-type: none"> <li>• Murder &amp; Non-Negligent Manslaughter</li> <li>• Negligent Manslaughter</li> <li>• Robbery</li> <li>• Aggravated Assault</li> <li>• Burglary</li> <li>• Motor Vehicle Theft</li> <li>• Arson</li> </ul> <p><b><u>Hate Crimes:</u></b></p> <ul style="list-style-type: none"> <li>• Larceny Theft</li> <li>• Simple Assault</li> <li>• Intimidation</li> <li>• Destruction, Damage, Vandalism</li> </ul> <p>+ Any Criminal Offenses with Bias Factor</p> <p><b><u>Violence Against Women Act (VAWA):</u></b></p> <ul style="list-style-type: none"> <li>• Sex Offenses (Rape, Fondling, Incest, Statutory Rape)</li> <li>• Stalking</li> <li>• Dating &amp; Domestic Violence</li> </ul> <p><b><u>Hazing Offenses:</u></b></p> <ul style="list-style-type: none"> <li>• Any Hazing related behaviors in a Student Org.</li> </ul>	<p><i>Any of the following unwelcome, offensive, or nonconsensual conduct, as defined by university policy:<sup>3</sup></i></p> <ul style="list-style-type: none"> <li>• Intimate partner abuse (including dating &amp; domestic violence)</li> <li>• Sexual assault (including non-consensual sexual intercourse and sexual contact)</li> <li>• Stalking</li> <li>• Sexual exploitation</li> <li>• Sexual harassment</li> <li>• Protected-class discrimination and harassment</li> </ul>	<p>Despite similar terminology, the definitions of crimes that must be reported by a CSA are not identical to the definitions of misconduct that must be reported by responsible employees.</p> <p>All Clery sex offenses are considered sexual misconduct under university policy and must be reported to OIEC.</p>

<sup>1</sup> Notwithstanding anything in this document, ALL members of the University community are encouraged to report crimes or misconduct.

<sup>2</sup> For the definitions of each of these criminal offenses, see 34 C.F.R. § 668.46(a).

<sup>3</sup> For the definitions of each of these classes of misconduct, see related university policies available at [Colorado.EDU/OIEC/Policies](https://colorado.edu/oiec/policies)

CONTENT	All Known Details		<p>The Clery Act requires the sharing of information to allow the public to make informed decisions regarding campus safety. The Clery Act further requires that all CSAs report Clery Act crimes that were reported to them in a timely manner.</p> <p>Reporting to OIEC is to ensure the person impacted is contacted and receives information about resolution options and support and safety resources. Reporting is fundamental to the university's ability to provide a campus environment that allows equal access to educational and employment opportunities.</p> <p>Reporting all known details does not require further inquiry by the person receiving the information. Both reporting structures (OIEC &amp; Clery) follow-up on reports and work to ensure safety and support on campus.</p>
	<ul style="list-style-type: none"><li>• Report all known details that were reported to a CSA (Thinking about the Who, What, Where, When, Why, How can be helpful in drafting your report.)</li><li>• Information to help determine whether the crime poses any serious or continuing threat<sup>4</sup></li></ul>	<ul style="list-style-type: none"><li>• Name of alleged victim and alleged perpetrator</li><li>• Name of any alleged witnesses</li><li>• Any relevant facts, including date, location, and incident description</li></ul>	
WHEN	Prompt Reporting		<p>University policies require responsible employees and CSAs to report promptly.</p> <p>Prompt reports of these incidents allow the university to take appropriate actions and ensure safety.</p>
	<ul style="list-style-type: none"><li>• If a crime may pose a serious or continuing threat to the campus community, the incident should be reported promptly after learning about it.</li><li>• All other relevant crime must still be reported upon learning about it.</li></ul>	<ul style="list-style-type: none"><li>• Reports must be made promptly in any instance in order to allow the university to respond appropriately, including informing those involved of available support measures and resources and undertaking additional action to ensure safety.</li></ul>	
WHERE	CU Clery Geography	All Locations	<p>CSAs are asked to report any alleged crime that was reported to them and allow the proper officials to determine location specifics.</p> <p>The responsible employee reporting obligation is broader than the CSA reporting obligation. Once the information has been reported to OIEC, a preliminary inquiry can</p>
	<ul style="list-style-type: none"><li>• On Campus</li><li>• Public Property (within or adjacent to campus)</li><li>• On Campus, Residential</li><li>• Non-Campus Buildings or Property Owned or Controlled by the University</li></ul>	<ul style="list-style-type: none"><li>• Regardless of location, if a responsible employee receives a report alleging that a member of the university community has been subjected to or has engaged in conduct prohibited by university policies addressed by OIEC, even if all parties are not affiliated with the university.</li></ul>	

<sup>4</sup> A CSA is not responsible for making the determination of whether a serious or continuing threat *actually* exists. In the event such a threat *may* exist, the CSA must report the information to allow appropriate personnel to make the determination. If there is an immediate threat, please call 911.

WHY	Because locations can be nuanced or unknown, CSAs are encouraged to report all Clery Act Crimes that are reported to them in their role as a CSA.		occur to determine the next steps. When in doubt about whether reporting is required, contact OIEC for guidance.
	<b>Provide Support, Informed Campus Safety, Federal Requirements</b>	<b>Prompt Reporting Aids in Providing Support and Helping Maintain a Safe and Nondiscriminatory Environment</b>	When OIEC receives a report of sexual misconduct, discrimination or harassment, they reach out to the impacted party to make them aware of resolution options and support resources.
	<ul style="list-style-type: none"> <li>Allows the university to notify victims of available resources, options, and procedures.</li> <li>Allows the university to determine whether a CU Safety Alert (Timely Warning) or Emergency Alert needs to be issued.</li> <li>Ensure accurate crime statistics are collected and reported for consumer protection.</li> </ul>	<ul style="list-style-type: none"> <li>A prompt report allows the university to notify involved individuals of available resources.</li> <li>A prompt report allows the university to determine whether other steps must be taken to maintain a safe environment that allows equal access to educational and employment opportunities.</li> </ul>	Prompt reporting to OIEC or Clery is critical for the timeliness of response to those impacted and for campus alerts and CU Safety Alerts (Timely Warnings).
HOW	<b>Contacts</b>		
	<ul style="list-style-type: none"> <li>CUPD: (303)-492-6666 or <b>911 for emergencies</b></li> <li><a href="mailto:Clery@Colorado.EDU">Clery@Colorado.EDU</a></li> <li><a href="https://Colorado.EDU/Clery/">Colorado.EDU/Clery/</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="mailto:OIEC@Colorado.EDU">OIEC@Colorado.EDU</a></li> <li>(303)-492-2127</li> <li><a href="https://Colorado.EDU/OIEC/">Colorado.EDU/OIEC/</a></li> </ul>	Please reach out to these offices if you have a question about your reporting obligation(s).
	<b>Confidential Resource</b>		
	<p>The Office of Victim Assistance (OVA) provides confidential support services (information, advocacy, short-term counseling) for students, staff, and faculty in the aftermath of a traumatic, disturbing, or disruptive life event, recently or in the past. OVA can be reached at <b>(303)-492-8855</b>.</p> <p><a href="#">OVA</a> and other <a href="#">confidential resources</a><sup>5</sup> are exempt from reporting under these policies. <a href="#">CSAs</a> and <a href="#">responsible employees</a> are <b>not</b> exempt from reporting.</p>		<p>If you are a responsible employee or CSA, you cannot remain anonymous while fulfilling your reporting obligation. Individuals impacted may report anonymously to OIEC.</p> <p>Information about reporting options and resources is available at <a href="https://Colorado.EDU/OIEC">Colorado.EDU/OIEC</a>.</p>

<sup>5</sup> Confidential Resources at CU Boulder Include: CAPS, FSAP, PHP, OVA, Ombuds, Legal Services and Medical services.