

Mandatory Reporting Under the Clery Act and OIEC: A Matrix of the Who, What, When, Where, Why, and How¹

	Clery Act	OIEC Related Policies	Helpful Pointers
WHO²	<p style="text-align: center;">Campus Security Authority (CSA)</p> <ul style="list-style-type: none"> • Campus police • Others responsible for campus security, such as those who monitor building entrances • Anyone designated by policy as a person who should be contacted to report a crime • An official with significant responsibility for student and campus activities <ul style="list-style-type: none"> • <i>For example, athletic trainers and coaches, residence hall directors and advisors, Student Affairs staff, and others</i> 	<p style="text-align: center;">Responsible Employee</p> <ul style="list-style-type: none"> • Any employee who has the authority to hire, promote, discipline, evaluate, grade, formally advise or direct faculty, staff, or students • Any employee who has the authority to take action to redress sexual misconduct • 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 	<p><i>There is overlap between these groups, so a person may be one or both of these types of mandatory reporters. Note that if you are a CSA on campus, you are also a responsible employee (though the inverse is not necessarily true).</i></p> <p><i>For guidance in determining whether you are a CSA, contact Clery Compliance at 303-492-7697. For guidance in determining whether you are a responsible employee, contact OIEC at 303-492-2127.</i></p>
	<p style="text-align: center;">Certain criminal offenses under law</p> <p>Any of the following crimes, as defined by law:³</p> <ul style="list-style-type: none"> • Dating & domestic violence • Sex offenses (rape & fondling) • Stalking • Aggravated assault • Criminal homicide (murder, manslaughter) • Robbery, burglary, motor vehicle theft, arson • Hate crimes & Intimidation 	<p style="text-align: center;">Prohibited conduct under university policy</p> <p>Any of the following unwelcome or nonconsensual conduct, as defined by university policy:⁴</p> <ul style="list-style-type: none"> • Intimate partner abuse (including dating & domestic violence) • Sexual assault (including non-consensual sexual intercourse and sexual contact) • Stalking • Sexual exploitation • Sexual harassment • Protected-class discrimination and harassment 	<p><i>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.</i></p> <p><i>All Clery sex offenses are considered sexual misconduct under university policy. Additionally, sexual exploitation and sexual harassment are sexual misconduct that must be reported by responsible employees but are typically not crimes that must be reported by CSAs.</i></p>
WHAT information must be reported	<p style="text-align: center;">Location and type of crime, and whether it poses a serious or continuing threat to the campus community</p> <ul style="list-style-type: none"> • Enough information to determine the type of criminal offense and the general location for the purpose of reporting statistics • Information to help determine whether the crime poses any serious or continuing threat⁵ 	<p style="text-align: center;">All known details</p> <ul style="list-style-type: none"> • Name of alleged victim and alleged perpetrator • Name of any alleged witnesses • Any other relevant facts, including date, time, and specific location of alleged incident 	<p><i>The Clery Act focuses on sharing information to allow the public to make informed decisions regarding campus safety and security. Typically, the information required to be reported by a CSA is narrower than that required of a responsible employee.</i></p> <p><i>Reporting to OIEC is fundamental to the university's ability to provide a campus environment that allows equal access to educational and employment opportunities.</i></p>

¹ This document discusses mandatory reporting obligations you may have as a CSA and/or as a responsible employee as defined by university policy. You may have additional mandatory reporting obligations outside of the limited obligations discussed in this document (for example, as a healthcare professional). This document should be read in conjunction with, and not as a replacement for, applicable University policies and procedures.

² Notwithstanding anything in this document, ALL members of the University community are encouraged to report crimes or misconduct to the appropriate office.

³ For the definitions of each of these criminal offenses, see 34 C.F.R. § 668.46(a).

⁴ For the definitions of each of these classes of misconduct, see related university policies available at <https://www.colorado.edu/oiec/policies>

⁵ 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.

WHEN	Report should be made promptly	Report must be made promptly	<p><i>University policies require responsible employees to report promptly. CSAs must also report promptly, particularly if a crime poses an ongoing threat.</i></p> <p><i>Prompt reports of these incidents allow the university to take appropriate actions.</i></p>
	<ul style="list-style-type: none"> • If a crime may pose a serious or continuing threat to the campus community, the incident should be reported promptly after learning about it • All other relevant crime must still be reported upon learning about it 	<ul style="list-style-type: none"> • 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. 	
WHERE	On or around campus or off-campus locations owned or controlled by CU	All locations	<p><i>The CSA reporting obligation focuses on the location of the incident. If an incident occurred within certain geography, it must be reported and included in our Annual Security & Fire Safety Report.</i></p> <p><i>The responsible employee reporting obligation is broader than the CSA reporting obligation. Once the information has been reported to OIEC, a preliminary inquiry can occur to determine the next steps. When in doubt about whether reporting is required, contact OIEC for guidance.</i></p>
	<ul style="list-style-type: none"> • On campus • Most public property within or immediately adjacent to campus • Noncampus buildings or property owned or used by the university under agreement (such as leases or shorter-term contracts) <p><i>Because these can be nuanced determinations, CSAs are encouraged to report if there is any doubt about whether the crime must be reported.</i></p>	<ul style="list-style-type: none"> • On campus • 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 <p><i>The obligation to report exists independently of whether the involved individual(s) subjected to or engaging in prohibited conduct is currently employed or enrolled at the university.</i></p>	
WHY	Reporting allows the university to provide support and keep the community informed	Prompt reporting allows the university to provide support and to help maintain a safe and nondiscriminatory environment	<p><i>When OIEC receives a report of sexual misconduct, discrimination or harassment, the university needs to take certain steps to help keep the alleged parties and community safe. The ultimate goals are to ensure the persons impacted by behavior are safe and receive support, to understand the nature and scope of any concerns, and to get the behavior to stop. Prompt reporting allows the university to do these things in a timely manner.</i></p>
	<ul style="list-style-type: none"> • A prompt report allows the university to notify the victim of available resources • A prompt report allows the university to determine whether a “timely warning” must be issued to alert the community of a serious or continuing threat • Reporting allows the university to keep accurate crime statistics to keep the community informed 	<ul style="list-style-type: none"> • A prompt report allows the university to notify involved individuals of available resources • 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 	
HOW	Contact CUPD	Contact the OIEC	<p><i>You can also contact these offices if you have a question about your reporting obligation.</i></p>
	<ul style="list-style-type: none"> • 303-492-6666, or 911 for emergencies • clery@colorado.edu • http://www.colorado.edu/police/content/csa-reporting-form 	<ul style="list-style-type: none"> • cureport@colorado.edu • 303-492-2127 • http://www.colorado.edu/oiec 	
WHAT IF someone wishes to remain anonymous	Confidential resources are available		<p><i>If you are a mandatory reporter, you cannot remain anonymous while fulfilling your reporting obligation. Individuals impacted can remain anonymous or report anonymously.</i></p> <p><i>Information about reporting options and resources is available at www.colorado.edu/dontignoreit.</i></p>
	<p>If a reporting individual informs a mandatory reporter that he or she wants to share information but wishes to remain anonymous, you should explain your obligation to report and give the individual a chance to consider talking to a confidential resource before the individual provides further information to you. The Office of Victim Assistance (OVA), 303-492-8855, is a confidential resource on campus that can provide information and support.</p> <p>However, if the individual has already disclosed information to you that triggers your reporting obligation as a CSA or as a responsible employee, you must report the incident and all required information that you know.</p>		

