Northern Michigan University

Clery Act Compliance Policy

Purpose

Northern Michigan University (NMU) is committed to the safety and well-being of all members of the University community.   The purpose of this policy is to ensure NMU’s compliance with the Clery Act (Clery) and the Violence Against Women Act (VAWA) Amendments to the Clery Act.  Pursuant to Clery and VAWA, the University is required, in part, to:

* Compile and disclose statistics of reports of the types of crimes specified in Clery ("Clery Crimes") for its campus, 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 Northern Michigan University’s Police Department, local law enforcement, school officials, and others associated with the University who have "significant responsibility for student and campus activities", commonly called Campus Security Authorities (CSA);
* Make an annual report to the U.S. Department of Education with statistics of Clery Crimes for the last three years and University policy statements and procedures addressing campus security, safety, and programs to prevent dating violence, domestic violence, sexual assault and stalking ("Annual Security Report");
* Issue timely warnings of Clery Crimes that may be an ongoing threat to the campus 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, to include primary prevention and awareness programs to prevent dating violence, domestic violence, sexual assault and stalking.

Policy

Northern Michigan University is committed to complying with all requirements of Clery and VAWA.  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, security and safety policy statements as prescribed by the law.

Pursuant to the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”, Northern Michigan University publishes an annual report on campus crime statistics from the previous three calendar years.

The Annual Security Report is available for viewing on the University website; https://www.nmu.edu/policedepartment/annual-campus-security-report. A printed copy may be requested by contacting the Northern Michigan University Clery Officer at (906) 227-2151.

**Applicability**

This policy applies to all University personnel who have responsibility for an aspect of campus security, and offices and individuals with “significant responsibility for student and campus activities.” Individuals responsible for student and campus activities and others who, as a result of their role at the University, may be classified as Campus Security Authorities (“CSA”) under Clery and VAWA and have specific crime reporting obligations under the law.

The following is a non-exhaustive list of University offices and individuals with an obligation to assist with the Universities Clery compliance: NMU Police Department; Title IX Coordinator; Student Affairs; Human Resources; Student Conduct Officer; Residence Life; Health Center; Counseling Center; Admission Offices; Provost; Deans; Director of Athletics and coaching staff; Student organization faculty affiliates and advisors.  The Universities Police Department (Clery Officer) informs individuals who are CSAs and conducts training.

There are four general categories of CSA’S:

* Campus police department or a campus security department of an institution - the Office of Campus Safety is the University’s campus security department and all of its members are CSAs.
* Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
* Any individual or organization specified in an institution's statement of security policy as an individual or organization to which students and employees should report criminal offenses.
* An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. The Clery Act broadly defines "official" as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.
* PROCEDURES
* CSA Reporting — CSAs shall make reports to the NMU Police Department of all reported crimes. CSAs who are unsure whether an incident is a Clery crime should report it. CSAs are not responsible for determining whether or not a crime took place.
* CSA Training — CSAs receive Clery training on a regular basis through the NMU Police Department Clery Officer.

**Definitions**

Annual Security Report — Clery requires the University to submit a report annually to the Department of Education 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; 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; campus evacuation procedures; and policy statements, procedures, and programs to prevent dating violence, domestic violence, sexual assault and stalking.

Arrest — Persons processed by arrest, citation or summons. Northern Michigan University will compile statistics for and specifically disclose arrests related to weapons and, drug and alcohol violations. If an individual is both arrested and referred for disciplinary action for an offense, only the arrest will be included in the statistics. .

Referral for Disciplinary Action — Northern Michigan University shall compile statistics and disclose students’ referrals for disciplinary action related to weapons; drug and alcohol violations. . If an individual is both arrested and referred for disciplinary action for an offense, only the arrest will be included in the statistics. .

Emergency Notification — Requirement to make notifications of emergency situations and dangerous conditions which are occurring on campus or that present an imminent threat to the campus and surrounding community.

Daily Crime Log — NMU’s Police Department maintains for public inspection a Daily Crime Log of alleged criminal incidents that are reported. 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 description, if available.

Fire Log — NMU’s Police Department 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.

Clery Crime Statistic — Northern Michigan University must compile statistics of reports made to the NMU Police Department, CSAs and local law enforcement of the following types of crimes:

* Criminal offenses — Criminal homicide, including murder and non-negligent manslaughter, and manslaughter by negligence; sexual assault, including rape, fondling, incest and statutory rape; robbery, aggravated assault, burglary, motor vehicle theft; and arson.
* Hate Crimes — Any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.
* VAWA Offenses — Any incidents of sexual assault, domestic violence, dating violence and stalking.
* Sexual Assault (Sex Offenses) — any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
* Rape — the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
* Fondling — the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
* Incest — sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
* Statutory Rape — sexual intercourse with a person who is under the age of consent.
* Stalking — engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Dating Violence — Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

* Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
* Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence — Felony or misdemeanor crime of violence committed:

* By a current or former spouse or intimate partner of the victim.
* By a person with whom the victim shares a child in common.
* By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
* By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
* By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
* Arrests and Referrals — weapons (carrying, possessing, etc.), law violations, drug abuse violations and liquor law violations.

Hate Crime — Criminal offenses in which the victim was intentionally selected because of the perpetrator’s bias against the victim, specifically because of the following categories: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability. For Clery purposes, hate crimes include any of the following offenses that are motivated by bias: murder and non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.

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. The University is not precluded from initiating Missing Student Notification procedures if the student has been missing less than 24 hours or as soon as the student is missing.  Missing Student Policy (https://nmu.edu/policies).

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).

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 information pursuant to University procedure.

Timely Warning — The University shall issue a timely warning to the campus community for Clery Crimes which pose an imminent threat or danger. 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.

Retaliation

It is a violation of the University’s Retaliation Policy to intimidate, discipline, discharge, or harass any individual who has in good faith reported misconduct or fraud, filed a complaint, instituted proceedings, assisted in an investigation or compliance review, or formally or informally objected to sexual misconduct and/or discriminatory practices.

**Responsibilities**

The Clery Officer (NMU Police Department) collects and compiles statistics of Reported Crimes from CSAs and local law enforcement for the University’s Annual Security Report and submits the report to the Department of Education. The NMU Police Department ensures that the Annual Security Report(s) are linked to the University website in order to provide access to current and prospective employees and students. A printed copy can be requested to the NMU Police Department.

The NMU Police Department (Clery Officer) coordinates with departments, offices and individuals to identify individuals whose functions qualify as a CSA and informs the University and personnel of their Clery obligations, and the University’s procedures for collecting information about Reported Crimes.

The NMU Police Department maintains the Daily Crime Log and Fire Log.

The NMU Police Department issues Timely Warnings and Emergency Notifications to the campus community.

The NMU Police Department, Title IX Coordinator and other specified individuals assist in the development of procedures for the University community to follow when a VAWA related offense occurs or is alleged.  The Title IX Coordinator with assistance from the Dean of Students works to notify the University community of on and off campus counseling, health and other services that are available to victims of VAWA related offenses.  The Title IX Coordinator with assistance from the Dean of Students and the NMU Police Department develop and present primary prevention and awareness programs regarding such offenses.

The NMU Police Department provides the University community information concerning registered sex offenders that is available online located on the police department website.

The NMU Police Department, Housing and Residential Life and the Dean of Students working together advise the appropriate University officials in developing procedures to disclose Missing Student Notification procedures pertaining to the University students residing in on-campus student housing facilities.

The NMU Police Department, Dean of Student and Title IX Coordinator ensure that required supporting records used in compiling the Annual Security Report are maintained for three years from the latest publication of the report to which they apply. Records to be kept include referrals for disciplinary action.

Annual Security Report (ASR)

The ASR will be published and distributed by October 1st of each year. The ASR must be distributed to all currently enrolled students and all employees in one of two ways: 1) Directly by publications and mailings via the US Postal Service; campus mail, email, or a combination of these methods; or 2) Posting the ASR on an Internet or Intranet website that is reasonably accessible to enrolled students and to current employees. This method may be used only if individual notices about the ASR are distributed to each student and employee by October 1. The notice 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 ASR must also be provided to prospective students and prospective employees upon request. If the ASR is provided to prospective students and prospective employees by posting the report on an Internet site, the notice provided to each individual must include: the exact URL where the report is posted; a brief description of the report; and a statement that the institution will provide a paper copy of the report upon request.

Records Retention

The supporting records used in compiling the report shall be retained for three (3) years from the latest publication of the report to which they apply. 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 compliance; letters to and from Campus Security Authorities; 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 security report. All documentation should be dated.

Submitting Crime Statistics to the U.S. Department of Education (DOE)

The University is not required to send the ASR to the DOE; however, the University is required to submit the crime statistics from the ASR.  During late summer, DOE conducts the annual Campus Safety and Security Survey.  This survey is used to collect the statistical data from the ASR.  The data is then posted on the DOE public website for use by higher education consumers. Each year a few weeks prior to the collection, DOE sends a letter and a registration certificate to the Northern Michigan University President. The certificate contains information necessary to access the survey and enter data. The letter and registration certificate will be routed to the Chief of Police for appropriate handling. The Clery Officer enters the data on the DOE site.