



University of Wisconsin–Madison Police

Policy: 91.2

SUBJECT: CLERY REPORTING

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POLICY:

The University of Wisconsin–Madison Police Department maintains guidelines for keeping the community informed about safety and security matters on campus and maintain compliance with applicable features of the Clery Act (20 USC 1092(f)).

DEFINITIONS:

The “Clery Act” requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

PROCEDURE:

91.2.1 CLERY ACT

The following shall provide guidelines for Clery Act reporting:

- A. The Clery Program Director shall be responsible for compliance with the Clery Act.
- B. By October 1 of each year, the Clery Program Director must coordinate publishing and distribution of the Annual Security and Fire Safety Report (A.S.R.). Report data shall be submitted to the U.S. Department of Education annually. This report is required to provide crime and residential housing fire statistics for the prior three calendar years, policy statements regarding various safety and security measures, residential housing fire safety policies and procedures, and campus crime reporting, response and prevention program policies and descriptions.
- C. The following offenses are required to be included in the institution's A.S.R. and be sent to the U.S. Department of Education:
 - 1. Murder and Non- negligent manslaughter
 - 2. Manslaughter by negligence
 - 3. Rape
 - 4. Fondling
 - 5. Incest
 - 6. Statutory rape
 - 7. Robbery
 - 8. Aggravated assault
 - 9. Burglary
 - 10. Arson
 - 11. Motor vehicle theft
 - 12. Dating and Domestic Violence
 - 13. Stalking
 - 14. Hate Crimes
 - a. Larceny/theft
 - b. Simple Assault
 - c. Intimidation
 - d. Destruction / Damage / Vandalism of Property
 - 15. Arrest and/or disciplinary referrals for
 - a. Arrest or referral for Liquor-law violations
 - b. Arrest or referral for Drug-law violations

c. Arrest or referral for Weapons-law violations

D. The Clery Act requires the following offenses to be reported under a separate heading in the institution's A.S.R. and be sent to the Department of Education if they are motivated in whole or in part by the offender's bias toward a person's race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, or disability; and occur on Clery Act defined "on campus property" "non-campus property" and "public property"

1. Murder and Non-negligent manslaughter
2. Manslaughter by negligence
3. Rape
4. Fondling
5. Incest
6. Statutory rape
7. Robbery
8. Aggravated assault
9. Burglary
10. Arson
11. Motor vehicle theft
12. Dating/Domestic Violence
13. Stalking
14. Larceny-theft
15. Simple assault
16. Intimidation
17. Destruction/damage/vandalism of property

91.2.2 TIMELY WARNING/CRIME WARNING

Timely warnings shall be known as "Crime Warnings" and distributed as such. The following shall provide guidelines for providing crime warnings to the campus community:

- A. The Clery Act requires institutions to distribute crime warnings regarding Clery reportable crimes that represent a serious or continuing threat to the safety of students or employees. Institutions are required to publish their policies regarding timely warnings in their Annual Security Report. Crime warnings will typically be issued for the following offenses that occur on Clery designated geography:
1. Murder or Non Negligent Manslaughter
 2. Rape
 3. Robbery
 4. Burglary
 5. Aggravated Assault
 6. Major Cases of Arson
 7. Other crime categories will be assessed on a case by case basis and crime warnings will be distributed as deemed necessary.
- B. The following factors should be considered when determining whether to issue a crime warning:
1. The nature of the crime (serious/non-serious, violent/non-violent)
 2. The nature of the threat (general threat versus limited threat to a specific person)
 3. Whether or not there is a continuing danger to the community or a continuing crime pattern.
- C. When issuing a crime warning, some information may be withheld if there is a possible risk of compromising law enforcement efforts to investigate and/or solve the crime.
- D. When the University of Wisconsin – Madison Police Department becomes aware of a situation that meets the criteria for a crime warning, the Manager on Call (MOC) or designee develops the content of the warning and has the authority to authorize the distribution of a crime warning to the community.
- E. A crime warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts or would identify the victim:
1. Date and time or timeframe of the incident
 2. A brief description of the incident

3. Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
 4. Suspect description(s) when deemed appropriate and if there is sufficient detail
 5. Police agency contact information if relevant
 6. Other information as deemed appropriate by the Chief or designee
- F. Other Campus Security Authorities on campus learning of an incident in which a crime warning may be needed, will share the information with the Department or Clery Program Director for the purpose of determining if the incident meets the criteria for a crime warning.
- G. In the event a crime warning is needed, consideration must be given to the most appropriate means to be used to disseminate the information to the affected community. The following methods of communication may be used:
1. A campus-wide email blast to the UW community;
 2. Message posted through the University of Wisconsin Facebook page;
 3. Message distributed by building managers;
 4. Message posted on the Department website;
 5. Press release with pertinent warning information;
 6. Department electronic signboards;
 7. Message distributed through the University of Wisconsin – Madison Parent Program.
 8. Text message to students and employees who have signed up for text message alerts.
- H. The department does not issue crime warning notice for the above listed crimes if:
1. The subject(s) is/are apprehended by law enforcement and the threat of imminent danger to members of the UW community has been mitigated by the apprehension.
 2. The subject(s) has/have not been apprehended by law enforcement but the MOC or designee determines there is no threat of imminent danger to the members of the UW community.
 3. If a report was not filed with the Department or if the Department was not notified of the crime in a manner that would allow the Department to post a “timely” warning for the community. A general guideline will include that a report filed more than 7 days after the date of the alleged incident may not allow the Department to post a “timely” warning to the community. This type of situation will be evaluated on a case by case basis.
- I. The University of Wisconsin – Madison Police Department will generally not issue crime warnings for crimes occurring beyond the immediate Clery-designated geographical area. The same procedures for determining whether to issue a Clery geography Crime Warning are used for determining whether to issue a non-Clery geography crime warning and will be evaluated on a case-by-case basis.

91.2.3 PUBLIC CRIME LOG

The following shall provide guidelines for providing pertinent crime information to the campus community:

- A. The Department shall maintain a public log of all crimes reported that occur on Clery designated geography and within UWPD’s patrol jurisdiction, entering every new report into the log within two business days of initial report. The Clery Program Director or designee is responsible for providing the information to the public via the Internet.
- B. The public crime log is required to have the most recent 60 days of information. Each entry in the log must contain the nature, date, time and general location of each crime, date reported, and disposition of the complaint, if known. If a change in disposition occurs within 60 days of the initial entry, the updated disposition shall be entered in the log. Information in the log older than 60 days must be made available within two business days.
- C. The 60 day public log shall contain the following information regarding fires on campus:
 1. The date the fire was reported;
 2. The nature, date and time of the fire; and
 3. The general location of the fire
- D. The Clery crime log shall be immediately available in paper copy for inspection upon request from any member of the public. Crime logs shall be archived for 7 years and shall be made available for public inspection upon request within 2 business days of the request. The Department may charge the requestor for a personal copy of the documents if the requestor wants a personal copy of the archived logs, consistent with the Department’s current policy on open-records

requests. The Department may not charge for the labor to retrieve the documents. In-house inspection of the crime log archives shall be available free of charge.

91.2.4 ADDITIONAL CLERY-RELATED POLICY STATEMENTS

- A. Students and members of the community should report crimes, including sexual assault, domestic violence, dating violence and stalking, to the following offices:
 - 1. University of Wisconsin-Madison Police Department
 - 2. Office of Workforce Relations in the Office of Human Resources
 - 3. Dean of Students Office
 - 4. Title IX Coordinator in the Office of Compliance
- B. UW-Madison encourages accurate and prompt reporting of all crimes to university police and appropriate police agencies when the victim of crimes elects to or is unable to do so.
- C. UW-Madison prohibits the crimes of sexual assault, domestic violence, dating violence and stalking.
- D. UW-Madison will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration services, student financial aid and other services available to victims, both within UW-Madison and in the community.
- E. Following a report of sexual assault, domestic violence, dating violence or stalking, whether the events occurred on or off campus, UW-Madison will provide the student or employee with a written explanation of the student's or employee's rights and options.
- F. UW-Madison will provide written notification to sexual assault, domestic violence, dating violence or stalking victims about available options and assistance in the following, including how to request these changes and who to contact at the institution:
 - 1. Academic situations
 - 2. Living situations
 - 3. Transportation situations
 - 4. Working situations
 - 5. Protective measures
- G. Accommodations or protective measures will be provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to university police or local law enforcement.
- H. Sexual Assault Victim Bill of Rights – The following shall provide rights to the victims of sexual assault:
 - 1. The United States Congress enacted the “Campus Sexual Assault Victims' Bill of Rights” in 1992 as a part of the Higher Education Amendments of 1992 (Public Law: 102-325, section 486(c)). This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. It also requires the school to notify victims of their option to report their assault to the proper law enforcement authorities.
 - 2. The “Campus Sexual Assault Victims' Bill of Rights” provides for the following:
 - a. Disciplinary proceedings shall provide a prompt, fair and impartial investigation and resolution.
 - b. Be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
 - c. Accuser and accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and.
 - d. Both the accuser and the accused shall be simultaneously informed in writing, of:
 - 1. The outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking.
 - 2. The institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding.
 - 3. Of any change to the results that occurs prior to the time that such results become final; and
 - 4. When such results become final.

3. Survivors shall be informed of their options to notify law enforcement or to decline to report to law enforcement.
4. Survivors shall be notified of existing resources for counseling, mental and physical health, victim-advocacy, financial aid, visa and immigration assistance, student financial aid, legal assistance services, both within the institution and in the community.
5. Survivors shall be notified of options for changing academic, transportation, work, and living situations or protective measures.
6. Survivors can obtain a free forensic exam from a Forensic Nurse Examiner without filing a police report or involving the police in any way. Other hospital charges may apply if additional treatment is sought.

91.2.5 DEPARTMENT PROCEDURES FOR DISCIPLINARY REFERRALS TO THE OFFICE OF STUDENT CONDUCT AND COMMUNITY STANDARDS (OSCCS)

The following shall provide guidelines for providing disciplinary referral information to the OSCCS. The following procedures are not a requirement of the Clery Act, however the Department will provide referrals to the OSCCS for all reported violations listed below:

- A. The Investigative Services Captain or designee shall be responsible for referring violations of law or institutional policies to the OSCCS.
- B. Wisconsin Administrative Code UWS 17.09 lists the below conduct subject to disciplinary action. When the Department becomes aware of a violation, referrals will include, but not be limited to:
 1. Liquor Law Violations
 2. Drug Law Violations
 3. Weapons Law Violations
 4. Illegal Weapons Possessions
 5. Dangerous Conduct
 6. Sexual Assault
 7. Stalking
 8. Harassment
 9. Hazing
 10. Unauthorized Use of or Damage to Property
 11. Violations of criminal law
 12. Serious and repeated violations of municipal law.
 13. Violations of Wisconsin Administrative Code Chapter UWS 18.
- C. Information, Evidence, or Documents to be included in non-criminal referrals are:
 1. Officer notes
 2. Investigative Reports
 3. Case dispositions
- D. Information, Evidence, or Documents to be included in criminal case referrals to the OSCCS include:
 1. Public Record Daily Log information
 2. After Initial Court Appearance:
 - a. Officer notes
 - b. Investigative Reports
 - c. Case Dispositions
- E. Initial administrative referrals are provided to the ODOS each weekday via the daily log. Administrative referrals shall not be delayed because of criminal proceedings.