

Oregon Tech Policy
OIT-01-011
Clery Act Policy – Campus Safety and Security Reporting

1. Policy Statement

Oregon Institute of Technology (Oregon Tech) is committed to creating and maintaining a safe, respectful, and welcoming environment in which to study, live, work, research, and visit. Compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, section 485 of the Higher Education Act, codified at 20 U.S.C. 1092 (f) (the Clery Act) and Oregon state laws further Oregon Tech's ability to provide a safe and secure learning and working environment for Oregon Tech students and employees.

2. Reason for Policy/Purpose

The Clery Act is a federal law requiring colleges and universities across the United States that receive Title IV funding to disclose information about particular crimes on and around their campuses and safety related policies. Part of the Clery Act's purpose is to assure students, prospective students, parents, and employees have access to accurate information about crimes committed on campus and campus security procedure.

Oregon Tech is committed to providing a safe and secure learning and working environment for its students and employees consistent with the obligations under the Clery Act and Oregon law. It is the Policy of Oregon Tech to assure students, prospective students, parents, and employees:

- Have access to accurate information about crimes committed on and around Oregon Tech's campuses;
- Have access to University wide security policies and related university procedures;
- Have a confidential reporting process for victims and witnesses; and
- Understand their roles and responsibilities related to compliance with legal requirements regarding crime reporting, awareness, and prevention.

3. Applicability/Scope

This Policy applies to any individual who is on Oregon Tech Premises or property constituting Clery Geography (as defined below), including, without limitation, current and prospective students and parents, employees, visitors, volunteers, contractors, and collaborators (collectively, the Oregon Tech Community).

4. Definitions and Terms

Annual Fire Safety Report (AFSR): Oregon Tech maintains on-campus student housing and, as such, must publish and distribute annually by October 1 an Annual Fire Safety Report (AFSR). The AFSR includes the fire statistics and the fire safety policies and procedures for each on-campus student housing facility for the four (4) most recent calendar years. The report also includes information and policy statements regarding campus security and safety, for example, crime prevention, security awareness, fire safety, alcohol and substance abuse, sexual assault, procedures for reporting a crime and emergency and evacuation procedures, as well as other matters of importance to the Oregon Tech Community. The AFSR may be filed separately or combined with the Annual Security Report (see below).

Annual Security Report (ASR): The Clery Act requires those postsecondary institutions participating in the Higher Education Act's Title IV student financial assistance programs to annually publish by October 1 a report containing its campus safety policy statements and Clery Crime statistics for the four (4) most recent calendar years. This annual report is known as the Annual Security Report (ASR).

Campus Security Authority (CSA): Individuals at the University who, because of their functional role, have an obligation to notify Campus Safety of alleged Clery Crimes which are reported to or witnessed by the CSA. CSAs include Campus Safety employees and other persons who: (1) have responsibility for campus security but who are not employees of Campus Safety; (2) are specified in Oregon Tech's ASR as individuals to whom students and employees should report criminal offenses; or (3) have significant responsibility for student and campus activities, including, but not limited to, student housing and student conduct proceedings.

Clery Act: Commonly abbreviated name for the federal law formally known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, section 485 of the Higher Education Act, codified at 20 U.S.C. 1092 (f). This is a federal law requiring colleges and universities that receive Title IV funding to disclose information about Clery Crimes occurring on Clery Geography and safety related policies.

Confidential Advisors: Oregon Tech employees who are professionally trained and certified to provide services related to the intake and referral of cases and providing accommodations to victims of sexual violence, sexual assault, domestic violence, dating violence or stalking. Under this Policy, Confidential Advisors are not analogous to CSAs. Confidential Advisors are privileged and confidential resources in accordance with state law and are also not designated as responsible employees who are legally obligated to act on a formal or informal notice of violation of law or policy regarding sexual violence and other covered forms of discrimination. Confidential Advisors work in Oregon Tech's Integrated Student Health Center. See Oregon Tech's policy on Sexual Misconduct.

Confidential Advocates: Oregon Tech employees who have received a minimum of forty (40) hours of comprehensive training to provide support services to victims of sexual violence, sexual assault, domestic violence, dating violence, or stalking. Under this Policy, Confidential Advocates are not analogous to CSAs. Confidential Advocates are privileged and confidential resources in accordance with state law and are also not designated as responsible employees who are legally

obligated to act on a formal or informal notice of violation of law or policy regarding sexual violence and other covered forms of discrimination. Confidential Advocates work in Oregon Tech's Integrated Student Health Center. Though both Confidential Advisors and Confidential Advocates provide confidential services to survivors of sexual violence, the services provided by Confidential Advocates are devoted primarily to providing initial intake and referral to other long-term and comprehensive support services, including the comprehensive services provided by Confidential Advisors. See Oregon Tech's policy addressing Sexual Misconduct.

Clery Crimes: The Clery Act requires that certain crimes occurring on campus and on Clery Geography (as defined below) be tracked and annually reported to the U.S. Department of Education and shared with the Oregon Tech Community. The following offenses constitute Clery Crimes: criminal homicide (murder and non-negligent manslaughter and manslaughter by negligence), sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, arson, burglary, motor vehicle theft, domestic violence, dating violence, stalking, Hate Crimes (as defined below), and arrests or referrals for disciplinary action for drug abuse, liquor, and/or weapons law violations. Willful homicide, forcible rape, robbery, or aggravated assaults are collectively referred to as "Part 1 Violent Crimes."

Clery Geography: The campus geographic areas, as defined by the Clery Act, for which Clery Crimes are required to be reported. For a full description, see below Section 5(e).

Clery Coordinator: The employee appointed by the Oregon Tech President, or designee, at the Campus to coordinate the gathering of all data and policies necessary for the timely filing and distribution of the Annual Security Report and the Annual Fire Safety Report.

Oregon Tech's Clery Coordinator is:

Edward Daniels, Director of Campus Safety Patrol and Parking Services
3201 Campus Drive, Cornett Hall 231
Klamath Falls, OR 97601

Ph: 541.885.1117; Email: Edward.Daniels@oit.edu

Campus Safety Website: <https://www.oit.edu/faculty-staff/campus-safety>

Emergency Notification: A notification issued by a designated campus official promptly informing the Oregon Tech Community, upon confirmation, of a significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of the Oregon Tech Community.

Emergency Response and Evacuation Procedure Test: Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. Oregon Tech's procedures to test the emergency response and evacuation procedures are on at least an annual basis and must include an Emergency Notification and an evacuation component for a significant portion of the campus.

Hate Crime: A crime reported to local police agencies or to a CSA that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias: murder and non-negligent manslaughter, manslaughter by negligence, sex offenses (rape, fondling, incest, and

statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property.

For Clery Act purposes, the categories of bias include the victim's actual or perceived race, religion, biological sex, gender identity, sexual orientation, ethnicity, national origin, and disability. Note that bias crimes prohibited under Oregon state law offer broader protections than the term Hate Crime, as it pertains to Clery Compliance. See Prohibited Discrimination and Harassment for additional information on what constitutes bias crimes under state law.

Missing Student Notification: A notification issued to an emergency contact, and/or a parent/legal guardian and the local law enforcement agency by a designated Oregon Tech official when a student who lives in on-campus housing has been missing for 24 hours.

Professional Counselors: Individuals whose official responsibilities include providing mental health counseling to members of the Oregon Tech Community and who function within the scope of the counselor's license or certification. When acting within the scope of these responsibilities, Professional Counselors are not CSAs.

Timely Warning: A notification issued by the University to advise the Oregon Tech Community about Clery Crimes occurring within Oregon Tech's Clery Geography, that are: (1) reported to, or observed by a CSA; and (2) considered by the campus to represent a serious or continuing threat to the Oregon Tech Community.

5. Policy

a. Local Implementation Responsibilities

Under this Policy, Oregon Tech has responsibilities to: (1) establish procedures allowing students and employees to voluntarily and anonymously report crimes on and around campus; (2) designate, notify and train a Clery Coordinator; (3) identify, notify and train all Campus Security Authorities (CSAs); (4) ensure there are local implementing procedures in place to comply with the Clery Act; (5) assure Oregon Tech's crime log for the most recent 60-day period is open to public inspection during normal business hours; and (6) assure any portion of the log older than 60 days available within two (2) business days of a request for public inspection.

b. Campus Clery Coordinator

The Clery Coordinator is the employee appointed by the Oregon Tech President, or designee, at Oregon Tech to coordinate the gathering of all data and policies necessary for the timely filing and distribution of the Annual Security Report and the Annual Fire Safety Report.

The Clery Coordinator is responsible for, among other things, reporting information about a crime within Oregon Tech's Clery Geography in accordance to the Clery Act; preparing, publishing, and distributing the ASR and AFSR; gathering and tracking crime and disciplinary referral data from internal and external sources such as the Division of Student Affairs and local law enforcement agencies; maintaining compliance documentation; providing Clery training; and collaborating with others on providing related trainings, such as Student Affairs, Human Resources, and Title IX. The

Clery Coordinator will submit an annual report to the President and make a presentation to the Board of Trustees, if so requested.

c. Clery Compliance Committee

The Clery Compliance Committee includes an interdisciplinary team of stakeholders charged with overseeing the Oregon Tech's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [20 USC § 1092(f)]. The Committee will review and make recommendations regarding university policies and procedures to ensure compliance with the Clery Act. Recommendations will be made to the Oregon Tech Clery Coordinator, and the Office of General Counsel as needed. The Committee will be convened by the Oregon Tech Clery Coordinator at least once each quarter and more regularly as needed. Complying with applicable laws, regulations and policies is a shared responsibility of each member of the university community and is central to the advancement of Oregon Tech's mission and core values.

Membership of the Clery Compliance Committee includes the following departments: TBD

Subcommittees may be created on an as needed basis to facilitate the functions of the Committee. Additional campus members may be added to the Clery Compliance Committee and various subcommittees on an ad hoc basis.

d. Campus Security Authority (CSA)

Using the functional duties of a position, rather than the job title, Oregon Tech will identify and inform students, employees, and volunteers (paid or unpaid, if deemed to be a CSA based on their function) of CSA reporting responsibilities and provide the CSAs with appropriate training.

The CSA, other than members of Campus Safety, may not investigate any crime or seek to apprehend any perpetrator. Nothing contained herein is intended to preclude a CSA from conducting appropriate investigations pursuant to other Oregon Tech policies.

The CSAs' responsibilities include, but are not limited to, the following:

- Reporting, immediately, or as soon as reasonably practicable, to, as appropriate: Campus Safety, the Title IX Coordinator, the Division of Student Affairs, and/or the Office of Human Resources any Clery Act crimes or incidents which they have been made aware, or witnessed, including information regarding: (1) when the crime or incident occurred, (2) when the crime or incident was reported, (3) where the crime or incident occurred, and (4) the nature or description of the crime or incident.
- The CSA is not a confidential resource. Therefore, the CSA is encouraged to inform victims of crimes of their confidential resources, including Confidential Advisors and Confidential Advocates, which provide confidential advising and support for victims of sexual assault, domestic and dating violence, and stalking. Confidential Advisors also provide information about available campus and community resources and the rights and options regarding reporting the crime to local law enforcement.

- Oregon Tech will protect the confidentiality of victims/survivors of sexual assault, dating violence, domestic violence, stalking, and other forms of sexual harassment and sexual violence in accordance with federal and state laws. By law, information reported by victims to Confidential Advisors and Confidential Advocates is confidential and privileged.

Separately, information reported to CSAs may also be protected by Family Educational Rights and Privacy Act (FERPA), which means that Oregon Tech cannot disclose confidential information outside of an educational need to know basis without the written consent of the victim/survivor, as required by law (e.g., mandatory child abuse reporting), or upon receipt of a legally valid court order, subpoena or similar legal process. While these protections are not as strong as the privileged relationship afforded to Confidential Advisors and Confidential Advocates, Oregon Tech is committed to protecting victims'/survivors' confidentiality regarding these reports to the extent allowed by law.

For reports of crimes involving sexual assault, domestic violence, dating violence, or stalking, and other instances of Prohibited Behavior as detailed in Oregon Tech's policies on Sexual Misconduct, Prohibited Discrimination and Harassment, and Violence Free Campus. A CSA who is designated as a Responsible Employee under Oregon Tech's Sexual Misconduct policy shall also notify the Title IX Coordinator of such reports in accordance with that policy and related procedures. Any CSA who knowingly fails to report a crime may be subject to disciplinary action.

Campus Security Authority (CSA) training is an annual requirement. Those with responsibility for campus security in whole or part are identified by their division heads as CSAs. Individuals responsible for student and campus activities and others, as a result of their role at the university, may also be classified as CSAs under the Clery Act; this means they have specific crime reporting obligations under the law.

The Oregon Tech Clery Coordinator, or delegate, will manage university-wide annual CSA trainings. This duty includes development of compliance-related coursework, and knowledge testing upon completion of coursework. Further, the Oregon Tech Clery Coordinator will be responsible for maintaining all records of completed training for each CSA, and be accountable for follow-up to any cases of non-compliance to the annual CSA training requirement.

e. Role of Campus Safety

Oregon Tech's Campus Safety Patrol and Parking Services (Campus Safety) will maintain a public crime log, recording criminal incidents within two business days in accordance with regulatory requirements. Campus Safety or other designated departments are responsible for providing Timely Warnings/Emergency Notifications and Missing Student Notifications in accordance with the Clery Act.

f. Clery Act Geography

The Clery Act requires institutions to report crimes based on the following geographical specifications.

On Campus includes buildings and properties that are owned or controlled by the institution, that are reasonably contiguous to one another, and directly supports or relates to Oregon Tech's educational purposes. This includes buildings and properties within Oregon Tech's campuses, or reasonably contiguous to it, that Oregon Tech owns but does not control; are frequently used by students; and are used to support the institution's educational purposes.

Residential Facilities are a subset of the On Campus category that must be separately disclosed and counted. It includes the following types of housing:

- Undergraduate, graduate, and married student housing;
- Single family houses that are used for student housing;
- Summer school student housing;
- Buildings that are used for student housing, but also have faculty, staff or any other individuals living there;
- Buildings that are owned by a third party that has a written agreement with Oregon Tech to provide student housing (it does not matter whether the rent is paid to the third party by the institution on behalf of the students or paid directly by the students); and
- Housing for officially and not officially recognized student groups, including fraternity or sorority houses, that are owned or controlled by Oregon Tech or are located on property that Oregon Tech owns or controls.

Public Property refers to property owned by a public entity, such as a state or city government. It includes thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non Campus includes 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 Oregon Tech that is used in direct support of, or in relation to, Oregon Tech's educational purposes, is frequently used by students, and is not within Oregon Tech's reasonably contiguous geographic area.

g. Confidential Resources

All confidential resources are exempt from CSA reporting requirements and include but are not limited to designated personnel in the Integrated Student Health Center.

Disclosures made to professional counselors and licensed psychologists are privileged and confidential and are exempt from the CSA reporting requirements, except that such persons will report aggregated and de-identified data for Clery Act purposes.

Confidential Advisors and Confidential Advocates are confidential resources for victims seeking assistance for crimes of a sexual nature and are exempt from reporting such crimes. Disclosures

about sexual violence incidents to such employees do not constitute filing a complaint and will not trigger a University investigation.

h. Annual Security Report (ASR) and Annual Fire Safety Report (AFSR)

By October 1 of each year, Oregon Tech will publish and disseminate the ASR and the AFSR that are compliant with the Clery Act. Oregon Tech will submit the web-based crime statistics to the U.S. Department of Education by a date set annually by the Department of Education.

Oregon Tech is required to distribute the ASR and AFSR to current employees, enrolled students, prospective employees, and prospective students with a notice that includes a statement of the reports' availability, the exact electronic address at which the report is posted, a brief description of the reports' contents, and a statement that Oregon Tech will provide a paper copy of the report upon request.

ASRs, AFSRs, and supporting documents will be retained for as long as designated in Oregon's Secretary of State Records Retention Schedule for public universities. All records pertaining to pending, foreseeable or ongoing litigation, an investigation, an ongoing audit, or a request for records cannot be destroyed until these actions have been completed or resolved. These records will be maintained according to instructions from Oregon Tech's Office of General Counsel.

i. Procedures and Supplementary Clery Compliance Measures

The Oregon Tech President, or designee, is authorized and responsible for developing procedures or other supplementary information to support the implementation of this Policy. All related Clery Compliance procedures and measures must be consistent with this Policy.

j. Retaliation

This Policy, Oregon Tech's policy addressing Reporting Misconduct and Prohibiting Retaliation, and 34 CFR 668.46(m), prohibit retaliation against any person who makes a Clery Act report. As used in this Policy, retaliation includes, but is not limited to, threats, intimidation, coercion, reprisals, and/or harmful (adverse) actions related to employment or education. See also Reporting Misconduct and Prohibiting Retaliation.

k. Policy Violations

A violation of this Policy constitutes serious misconduct. Failure to comply with this Policy, including engaging in acts of retaliation, could result in disciplinary action, up to and including termination for employees and expulsion for students.

Violations of this Policy may also constitute violation of state law. Where appropriate, Oregon Tech may pursue criminal and/or civil remedies. Violators may be subject to a temporary or on-going ban from Oregon Tech Premises.

6. Links to Related Procedures, Forms, or Information

Policies

[Prohibited Discrimination and Discriminatory Harassment](#)

[Prohibited Sexual Misconduct](#)

[Reporting Misconduct and Prohibited Retaliation](#)

Violence-Free Campus (*forthcoming*)

[Weapons on Campus](#)

Websites

[Oregon Tech Campus Safety](#)

[Security & Fire Safety Reports](#)

Related State and Federal Law

Family Educational Rights and Privacy Act (FERPA)

Higher Education Act, Section 485

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Title IX of the Education Amendments Act of 1972

Violence Against Women Act of 1994 (VAWA)

34 CFR 668.46(m), addressing institutional security policies and crime statistics

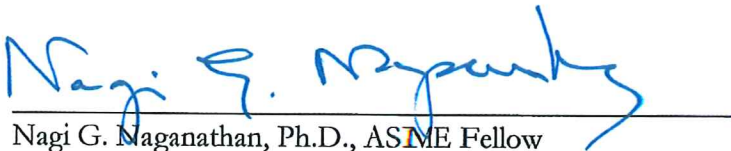
Oregon Senate Bill 577 (Eff. Jan. 1, 2020), amending Oregon Revised Statutes (ORS) 30.198, 30.200, 90.396, 137.225, 137.712, 163.707, 166.155, 166.165, 166.715 and 181A.225

7. Policy Review/Consultation/Responsible Officer

This Policy was adopted pursuant to Oregon Tech's policy review and making process. The Responsible Officer for this Policy is the Director of Campus Safety (ph: 541.885.1117; email: Edward.Daniels@oit.edu).

8. Policy Approval

Approved by the President on August 17, 2022.



Nagi G. Manganathan, Ph.D., ASME Fellow
President

Adoption Date

June 9, 2022

Revision Dates