



University Policy 533: Public Safety, Response, and Reporting

Category: Operating Policies

Subcategory: General

Covered Individuals: USU Students, Staff, Faculty, and Campus Visitors

Responsible Executive: Vice President of Operational Strategy

Policy Custodian: Executive Director of Public Safety

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533.1 PURPOSE AND SCOPE

The purpose of the Public Safety, Response, and Reporting policy is to provide the framework for creating a safe and secure environment for students, faculty, staff, and campus visitors. This Policy also outlines the University's response to reports of crime and defines reporting guidelines while complying with federal and state laws regarding safety on campus.

533.2 POLICY

2.1 Reporting of Crimes and Other Emergencies

2.1.1 Student Reporting of Crimes

Students and others who become aware of criminal actions or other emergencies on campus should report these activities for assistance, to prevent crime, to help the University make timely warning reports, to improve safety, and for purposes of including the activities in the Annual Security Report ("ASR"). Reports may be in any form desired, including via telephone, in writing, or in person.

To report an emergency, individuals should call 911.

Logan Campus: To report a non-emergency crime, individuals should call the Utah State University Police Department at (435) 797-1939. Additionally, individuals may report an emergency or a crime using an emergency phone located in select parking lots and public areas on campus, located in select parking lots and public areas on campus, or in person at the USU Police Department located at 1250 North 800 East, Logan, Utah. USU Police respond to reports in accordance with law enforcement protocol and may make referrals to other USU organizations when appropriate.

Price Campus: To report a non-emergency crime, individuals should call the USU Police Department at (435)-637-0893. Individuals may also report an emergency or crime in person at the USU Police Department located at 530 N. 300 E., Price, Utah. USU Police respond to reports in accordance with law enforcement protocol and may make referrals to other USU organizations when appropriate.

Statewide Campuses: To report crimes on or near any other USU statewide campus, contact the local law enforcement agency with jurisdiction for the area where the crime occurred. For a more complete list, see the Annual Security Report.

Criminal actions and other prohibited conduct may also be reported to the individuals or offices listed below:

- USU Office of Student Affairs;
- USU Department of Human Resources;
- USU Residence Life;
- Campus Security Authorities (CSAs); and
- USU Office of Equity.

Information on how to report to these offices can be found online or by contacting each office directly. Reports made to these persons or offices and not made to the USU Police may be included in the statistical report in the ASR but may not necessarily be investigated by USU Police.

Although the University strongly encourages all members of the University community to report crimes to law enforcement, it is the victim's choice whether or not to make such a report, and the victim has a right to decline involvement with law enforcement or other campus officials, subject to reporting requirements in Section 2.1.2. The University will assist any victim in notifying law enforcement if the victim desires to do so.

2.1.2 Campus Security Authority's Responsibility to Report

Any Campus Security Authority who becomes aware of an alleged or actual crime that is required to be reported under the Clery Act and which occurs within the Clery Geography must report all information known about the crime to USU Police in accordance with his/her Clery Act obligations.

2.1.3 Reporting Crimes on a Voluntary, Confidential Basis

To the greatest extent possible, the University seeks to support individuals who have been the victim of or witnessed a crime and who may be concerned about identifying information being shared with others. The University encourages those who have been the victim of sexual violence or other crimes to talk to someone about what happened to get needed support. However, certain policies and laws may prevent the University from guaranteeing confidentiality, as more fully described below.

1. Under USU Policies 305 – Discrimination based on Protected Characteristics, 339 – Title IX Sexual Misconduct in an Employment or Education Program or Activity, and 339A – Non-Title IX Sexual Misconduct, unless specifically exempted, all employees are Reporting Employees and are required to report information to the Office of Equity regarding discriminatory harassment, which includes reports of sexual assault, dating violence, domestic violence, stalking, etc.
2. All employees who are Campus Security Authorities, as defined herein, must report criminal activities in accordance with this Policy and the Clery Act.
3. The USU Police Department, the Office of Equity, and other University authorities must comply with applicable law to determine whether certain crimes must be investigated or disclosed to others. The University may be required to disclose information beyond the University under federal law, state law, or court order.
4. Disclosure of information is always limited to those who need to know to keep the campus community safe and comply with the applicable laws.
5. Individuals who witness or are the victim of a crime but are concerned about identifying information being shared with others should make those concerns known before reporting to a University employee. Reporting Employees who are responsible for reporting such

information should alert individuals of their reporting responsibilities as soon as possible. If the employee is required to make a report to other University officials, Reporting Employees should communicate the desires of the witness or victim regarding confidentiality. Additionally, USU has designated certain employees as Confidential Resources, and those employees are not required to report to the University and can be connected to an individual who is a witness of or a victim of a crime that is concerned about identifying information being shared.

6. Even if confidentiality or no action on a report of a crime is requested, the occurrence of a crime (which does not contain personal identifying information) will be included in the University's Annual Security Report, and the information available will be evaluated to determine if there is a pattern of crime with regard to a particular location, method, or suspect. In appropriate circumstances, USU Public Safety will alert the campus community of the occurrence of the crime (but not personal identifying information) pursuant to Section 2.7 of this Policy.
7. Individuals may file an anonymous report of a crime. However, such anonymous reports are not considered notice by the University and may limit the ability of the USU Public Safety to provide specific assistance or to investigate or solve a crime.
8. Professional and pastoral counselors are not required to report crimes disclosed to them for inclusion in USU's Annual Security Report when acting in their profession or pastoral counseling capacity. However, professional and pastoral counselors are encouraged, if and when they deem it appropriate, to inform the individuals they are counseling of how to report crimes on a voluntary, confidential basis for inclusion in USU's Annual Security Report and disclosure of crime statistics.

2.1.4 Preservation of Evidence

It is important to preserve evidence that may assist in proving the alleged criminal offense occurred or may help obtain a protective order. As time passes, evidence may dissipate, become lost, or unavailable, thereby making investigations, possible prosecutions, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding the incident, the victim nevertheless should consider speaking with the USU Police Department or other law enforcement to preserve evidence if the victim changes the victim's mind at a later date.

2.1.5 False Accusations

Individuals who intentionally and knowingly make false accusations of criminal activity or provide false information to University officials in connection with an accusation and/or investigation of criminal activity are subject to discipline under University policy as well as criminal and/or civil penalties under applicable law.

2.2 Daily Crime Log and Annual Security Report

2.2.1 Daily Crime Log

The USU Police Department shall keep a daily crime log in accordance with the requirements of the Clery Act for the University.

2.2.2 The Annual Security Report (ASR)

In order to comply with the Clery Act and Utah Code, the University prepares and distributes the ASR, which also acts as the University's annual campus safety plan. The Executive Director of Public Safety or appointed designee will fill the role of Chief Clery Compliance Officer and shall prepare and distribute the ASR, which include a disclosure of crime statistics, disciplinary referrals, and other information required by the Clery Act for the most recent calendar years. The Clery Committee prepares this report in cooperation with the USU Public Safety Department, Campus Security Authorities, and local law enforcement agencies.

The Chief Clery Compliance Officer will carefully analyze all crimes reported. All crimes subject to the Clery Act will be accurately reported and published annually in the ASR. The ASR will include statistics by location for the three most recent calendar years that occurred on USU's Clery Geography.

2.2.2.1 Collection of Statistics from Local Law Enforcement Agencies

Prior to the preparation of the ASR, the Chief Clery Compliance Officer will undertake a good faith effort to collect crime statistics from any law enforcement agency having jurisdiction over Non-Campus Property that is subject to reporting under the Clery Act. This includes any criminal activity by students at non-campus locations of student organizations officially recognized by the University, including student organizations with non-campus housing.

2.2.2.2 Distribution of the ASR

The Chief Clery Compliance Officer shall distribute the ASR annually in accordance with the requirements of the Clery Act. Appropriate notice will be provided to current students and employees, incoming students and employees, and prospective students and employees.

2.2.3 The Clery Committee

As part of USU's commitment to compliance with the Clery Act and campus safety, the Clery Committee has been formed to advise the Chief Clery Compliance Officer. Membership of the Clery Committee shall include, at minimum, a representative from each of the following:

- USU Police Department/Public Safety;
- USU's Clery Compliance Officer;
- Office of Student Conduct;
- Office of Residence Life;
- Office of General Counsel;
- Student Health and Wellness Center;
- Emergency Management;
- Office of Equity; and
- Human Resources.

The Chief Clery Compliance Officer or designee shall chair the Clery Committee and can add or remove members from other areas and departments of the University on an as-needed basis.

2.3 Security of and Access to Campus Facilities Building Access

Utah State University manages building access according to the building type and purpose and

considers security in the maintenance of campus facilities. Residence halls are locked twenty-four hours per day, except for some common areas open to the general public. Access to the residence halls is restricted to residents, their guest(s), and other approved campus community members.

2.4 Campus Law Enforcement

2.4.1 Enforcement Authority

USU Police Department officers are fully trained and certified peace officers in the State of Utah and have the same arrest, detention, and police authority as any other peace officer in the State of Utah. See Utah Code Ann. § 53-13-101, *et seq.* Additionally, USU Police Department officers have the authority to enforce USU regulations and policies. See Utah Code Ann. § 53B-3-105.

2.4.2 University Police and Other Law Enforcement Agencies' Relationship

USU Police Department works closely with the Logan City, North Park, Smithfield, Price, Carbon County, and Cache County law enforcement agencies. The USU Police Department has primary jurisdiction over USU campuses, including University housing and various event centers. USU Police Department shares responsibilities with local law enforcement agencies for roadways adjoining the Logan campus. Off-campus offices, clinics, and remote campus sites receive police services from the local jurisdictions in which the sites are located. The University endeavors, where possible, to enter into Memoranda of Understanding with state and local law enforcement agencies regarding reporting and investigation of alleged criminal offenses.

2.5 Alcoholic Beverages and Illegal Drugs

Possession, use, and sale of alcoholic beverages and illegal drugs by students and employees is addressed in USU's Student Code and USU Policy 313 – Drug and Alcohol-Free Workplace; Drug and Alcohol Testing. USU Police Department enforces state alcohol laws—including those regarding underage drinking—and federal and state drug laws.

2.6 Emergency Response and Evacuation

First responders, the first responders' on-duty supervisor, the USU Police Chief, and/or University Communications are responsible for carrying out the actions described in the Public Safety Emergency Response & Evacuation procedures located in the Public Safety building.

2.6.1 Confirmation Process

In the event of a significant emergency or dangerous situation on campus involving an immediate threat to the health or safety of students or employees, those with immediate information regarding the event (First Responders) will contact the Chief of Police or designee, who will confirm the existence of the emergency situation. In consultation with First Responders, as needed, the Chief of Police or designee will determine the appropriate segment or segments of the campus community to receive a notification and will determine the content of the notification.

2.6.2 Campus Alerts

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus, the University will utilize multiple avenues

for alerting the campus community. These may include but are not limited to contacting media, posting alerts on the USU homepage (<http://www.usu.edu>), other websites, electronic bulletin boards on campus, and/or sending alerts through phone, email, and text messaging via the Aggie Alert campus alert system. Students, faculty, and staff should update their notification settings in myid.usu.edu.

The University Emergency Team, without delay and taking into account the safety of the community, will determine the content of the notification and initiate the campus alert systems unless issuing such a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

2.6.3 Disseminating Information to the Larger Community

USU may disseminate emergency information to the larger community in a variety of ways. Some non-university organizations located in close proximity to USU's campus may receive notifications sent via the campus alert systems. Additionally, information received by USU Police Dispatch may be shared with Cache County Dispatch Services or the Price Communications Center. The University may also place information about emergencies online on its homepage (<http://www.usu.edu>). University Media and Communications Department may disseminate information to various news media outlets.

2.6.4 Follow-up Messages/Notifications

Follow-up messages/notifications will be disseminated in the same manner the original message/notification was administered. Follow-up messages/notifications will occur during the emergency and when the emergency is terminated.

2.6.5 Testing Emergency Response and Evacuation Procedures

USU will test the emergency response and evacuation procedures on at least an annual basis. USU will publicize its emergency response and evacuation procedures in conjunction with this test and will document, for each test, a description of the exercise, the date and time of the exercise, and whether the exercise was announced or unannounced. The documentation will be published with the ASR. Emergency response and evacuation procedures are also published in the Public Safety Policies and Procedures, available in the Public Safety building.

2.7 Timely Warnings

USU shall provide timely warnings to the campus community when certain crimes (as defined within the Clery Act and federal law) are reported to Campus Security Authorities or local law enforcement agencies, considered by USU to represent a threat to students and employees, and where notification will aid in the prevention of similar crimes. Anyone with information warranting a timely warning should report the circumstances to the USU Police Department. USU may issue these warnings but is not limited to via postings on campus, through the campus alert systems, local news media, or other ways. Timely Warnings will withhold personally identifying information (*i.e.*, names and identifying information of victims).

Determinations regarding the need for a Timely Warning will be made by the USU Police Chief or designee on a case-by-case basis. The USU Police Chief will create procedures to guide when and how Timely Warnings are made. Timely Warnings may not need to be made when USU follows its emergency notification procedures, as described herein, regarding the same circumstances. USU will provide adequate follow-up notifications to the community as needed.

2.8 Missing Student Notification

If a member of the campus community has reason to believe that a student who resides in on-campus

housing is missing, the individual should immediately notify the USU Police Department at (435)-797-1939 (Logan) or (435)-637-0890 (Price). USU Police will generate a missing person report and initiate an investigation. If someone believes a student living in off-campus housing is missing, they should notify local law enforcement agencies.

2.8.1 Reporting a Missing Student

When a student has been missing for twenty-four (24) hours, students, employees, or other individuals must report this to the USU Police Department at (435)-797-1939 (Logan) or (435) 637-0890 (Price). Any other person to whom a missing student report is made should immediately refer the matter to the USU Police Department.

2.8.2 Emergency Contact

Students who reside in on-campus student housing facilities may designate an emergency contact of their choice. USU will notify this contact person within twenty-four (24) hours of the disappearance of the student. This emergency contact is confidentially registered and accessible only to authorized campus officials and law enforcement personnel in furtherance of a missing person investigation.

2.8.3. Students Under 18

If a student is under eighteen years of age and not emancipated, the law requires USU to notify a custodial parent or guardian within twenty-four (24) hours of determining that the student is missing. In addition to the custodial parent or guardian notice, USU will notify any contact person designated by the student.

2.9 Fire Safety

USU has created fire safety education and training programs for students and employees, including procedures that students and employees should follow in the case of a fire. Fire safety policy and procedures are located in the Public Safety building and in the Housing and Resident Life buildings.

The USU Fire Marshal and Housing and Residence Life staff provide training to employees and housing residents regarding emergency evacuation procedures and general fire safety and conduct fire drills or fire safety programs. When requested and/or mandated, all occupants must immediately evacuate a residence hall. Interfering with or noncompliance with the fire drill may result in disciplinary action, including a monetary fine. The USU Fire Marshal also requires employees and on-campus residents to keep hallways, stairwells, and balconies clear of obstructions at all times to facilitate proper access and egress.

2.10 Dating Violence, Domestic Violence, Sexual Assault, and Stalking

2.10.1 Procedures for Reporting a Complaint

Reports of Dating Violence, Domestic Violence, Sexual Assault, or Stalking should be reported as described above, and the complainant should consider seeking medical attention and other help as needed. Reports of Dating Violence, Domestic Violence, Sexual Assault, and Stalking should also be reported to the Office of Equity.

2.10.2 Written Explanation of Procedures

When Dating Violence, Domestic Violence, Sexual Assault, or Stalking is reported to USU, whether the offense has occurred oncampus or off campus, USU will provide the student or employee with a written explanation of the reporting options, services, and accommodations that may be available for victims and procedures for University disciplinary action, if applicable.

2.10.3 University Policies and Processes

Acts of violence, including Sexual Assault, Dating Violence, Domestic Violence, Stalking, and other violent, threatening, or destructive acts, may violate one or more of USU policies, including but not limited to USU Policy 303 – Affirmative Action/Equal Opportunity, USU Policy 305 – Discrimination based on Protected Characteristics, USU Policy 339 – Title IX Sexual Misconduct in an Employment or Education Program or Activity, USU Policy 339A – Non-Title IX Sexual Misconduct, USU Policy 342 – Violence in the Workplace, and USU Policy 407 – Academic Due Process: Sanctions and Hearing Procedures.

These policies set standards of conduct for students, faculty, and staff and describe the processes for responding to claims that violate these standards.

Acts that are claimed to be motivated by discriminatory intent (animus based on sex/gender/sexual orientation/gender identity, race/ethnicity, religion, age disability, and other protected classifications) follow the rights and processes described in the aforementioned policies regardless of the status of the accused as staff, faculty, or student, with appeal rights through the policies described above. In all instances, informal procedures may be used, but ultimately, formal hearings are available to resolve these disputes. The steps involved, including how to make a complaint, anticipated timelines, and decision-making processes, are described in said policies.

In addition, standards of review, time frames, supportive measures, accommodations, individual protective orders, resources, and retaliation processes and procedures related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking are found within USU Policies 303 – Affirmative Action/Equal Opportunity, 305 – Discrimination based on Protected Characteristics, 339 – Title IX Sexual Misconduct in an Employment or Education Program or Activity, 339A – Non-Title IX Sexual Misconduct, 342 – Violence in the Workplace, and 407 – Academic Due Process: Sanctions and Hearing Procedures.

2.11 Education and Prevention Programs

USU will make available educational programs and campaigns regarding campus security that are designed to prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking, in accordance with the Clery Act, on a regular basis and, at a minimum, annually. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, as well as ongoing awareness and prevention campaigns for students and employees as described by the Clery Act. These programs and campaigns are designed to:

1. inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others;
2. inform students and employees about the prevention of crimes;
3. identify and promote awareness of domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;
4. define what behavior constitutes domestic violence, dating violence, sexual assault, and stalking according to federal and state law;
5. define what behavior and actions constitute consent to sexual activity;
6. describe safe and positive options for bystander intervention that an individual may carry out to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
7. provide information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;
8. provide an overview of information contained in the ASR in compliance with the Clery Act and
9. describe procedures the University will follow when dating violence, domestic violence, sexual assault, and stalking are reported, rights and options regarding procedures victims should follow, confidentiality, services, and accommodations that may be available to victims, and procedures for University disciplinary actions, if applicable.

2.12 Sex Offender Registry

The Federal Sex Offender Registration and Notification Act (“SORNA”), enacted in 2006, requires convicted sex offenders to register with the jurisdiction in which they reside. Offenders are required to submit to the registry if they are working, volunteering, or attending Utah State University. For additional information relating to the sex offender registry requirements in Utah, please see the Utah Department of Corrections.

533.3 RESPONSIBILITIES

3.1 Chief Clery Compliance Officer

The Chief Clery Compliance Officer is responsible for chairing the Clery Committee, under the direction of the Executive Director of Public Safety, and ensuring the annual ASR and campus safety plan is appropriately prepared in accordance with the Clery Act and federal and state laws. The Chief Clery Compliance Officer has the ability to add or remove members, not from the minimum group but from other departments or agencies, as needed.

3.2 Clery Committee

As part of USU's commitment to compliance with the Clery Act and campus safety, the Clery Committee has been formed to advise the Chief Clery Compliance Officer. The Clery Committee is responsible for:

- reporting and review of Clery-reportable offenses;
- review of campus safety alerts and procedures;
- review and compilation of the annual ASR;
- review of policies relating to Clery compliance;
- review of Campus Security Authority designations; and
- review of Campus Security Authority training materials.

The Clery Committee, at minimum, will receive annual training to stay abreast of best practices and current issues involving campus safety.

533.4 REFERENCES

- [20 USC § 1092\(f\), Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(“Clery Act”\)](#)
- [34 C.F.R. Part 668, Violence Against Women \(“VAWA”\), Final Rule & VAWA Reauthorization Act of 2013](#)
- [FBI UCR Program: National Incident-Based Reporting System](#)
- [Higher Education Opportunity Act \(Public Law 110-315\) \(“HEOA”\)](#)
- [Utah Code Ann. § 76-5-106, Harassment](#)
- [Utah Code Ann. § 76-5-406, Sexual offenses against the victim without consent of victim— Circumstances](#)
- [Utah Code Ann. § 76-9-702.1, Sexual Battery](#)
- [Utah Code Ann. § 77-36-1 et seq., Cohabitant Abuse Procedures Act](#)
- [Utah Code Ann. §78B-7-401 et seq., Dating Violence Protective orders](#)

533.5 RELATED USU POLICIES

- USU Student Code Article II-1, [Responsibility of Students](#)

- USU Student Code Article II-3, [Confidential Resources and Requests for Confidentiality](#)
- USU Student Code Article II-4, [Amnesty for Seeking Medical Attention and Reporting Sexual Misconduct](#)
- USU Student Code Article V, Section V-3, [University Standards of Student Conduct](#)
- USU Policy 305: [Discrimination based on Protected Characteristics](#)
- USU Policy 311: [Setting Expectations and Managing Performance](#)
- USU Policy 313: [Drug and Alcohol-Free Workplace; Drug and Alcohol Testing](#)
- USU Policy 321: [Respectful Workplace](#)
- USU Policy 500: [Threat Assessment Management Plan](#)

533.6 DEFINITIONS

- **Aggravated Assault.** Means an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

This definition is based upon federal law contained or referenced within the Clery Act and may differ from Utah law. For purposes of complying with this Policy and the Clery Act, any incident meeting this definition is considered a crime for purposes of Clery Act Reporting.

- **Annual Security Report (“ASR”).** The annual report of crime statistics and other campus information must be prepared and distributed in accordance with the Clery Act.
- **Arson.** Means any willful or malicious burning or attempt to burn, with or without intent, to defraud a dwelling house, public building, motor vehicle, aircraft, personal property of another, etc. Only fires determined through investigation to have been willfully or maliciously set are classified as arson. Once an investigation is completed, for purposes of complying with this Policy and the Clery Act, any incident meeting this definition is considered a crime for purposes of Clery Act Reporting.
- **Burglary.** Means the unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is also included. This definition is based upon the federal laws contained or referenced within the Clery Act and may differ from Utah law. For purposes of complying with this Policy and the Clery Act, any incident meeting this definition is considered a crime for purposes of Clery Act Reporting.
- **Business Day.** Means Monday through Friday, excluding any day when the University is closed.
- **Bystander Intervention.** A bystander is an individual who observes violence or witnesses the conditions that perpetuate violence.
- **Campus.** Means:
 - a. Any building or property owned or controlled by the University and within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University’s educational purposes, including residence halls; and
 - b. Any building or property that is within or reasonably contiguous to the area identified in paragraph (a), that is owned by the University but controlled by another person, is frequently used by students and supports University purposes (such as food or another retail vendor).
- **Campus Security Authority (“CSA”).** Means:
 - a. any employee of Utah State University’s Public Safety Department;
 - b. any individual or individuals who have responsibility for campus security but who are

not employees of the Public Safety Department, such as an individual who is responsible for monitoring entrance into University property;

- c. any individual or organization specified in Section 2.1 of this Policy as individuals to which students and employees should report criminal offenses; and
 - d. an official of the University who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined herein, the official is not considered a CSA when acting as a Pastoral or Professional Counselor.
- **Clery Geography.** For the purpose of collecting statistics on the crimes required for submission to the U.S. Department of Education and inclusion in the University's Annual Security Report, Clery Geography includes:
 - a. buildings and property that are part of the University's campus;
 - b. the University's non-campus buildings and property; and
 - c. public property within or immediately adjacent to and accessible from the campus.

For the purposes of maintaining the crime log, Clery Geography includes locations identified in this definition and areas within the patrol jurisdiction of the Public Safety Department.

- **Coercion.** Means the act of pressuring another person into doing something against their will without physical force, whether through manipulation, intimidation, or the use of alcohol and drugs.
- **Consent.** For the purposes of this Policy, Consent is an affirmative agreement to do the same thing at the same time in the same way. An affirmative agreement includes an informed, freely and actively given, mutually understandable exchange of unmistakable words or actions, which indicate an affirmative willingness to participate in mutually agreed upon sexual activity. Consent can be withdrawn or modified at any time, so long as such withdrawal or modification is clearly communicated.

Consent cannot be assumed based on silence, the absence of "no" or "stop," the existence of a prior or current relationship, or prior sexual activity. There is no Consent when there is force, coercion, or incapacitation.

This definition differs from the definition provided in Utah criminal law, which can be found in Utah Code Ann. § 76-5-406.

- **Course of Conduct.** Means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- **Daily Crime Log.** A log maintained by campus police that records the date, time, general location, nature of the incident, and status of reported criminal activity in accordance with the Clery Act. Entries do not include personally identifying or specific enough information that could reveal a victim's name.
- **Dating Partner.** Means a person who is:
 - a. an emancipated person under Utah Code Section 15-2-1 or Section 80-7-101 *et seq.*; or
 - b. is 16 years of age or older; and is, or has been, in a dating relationship with the other party. A Dating Partner does not include an intimate partner, as defined herein. See Utah Code Ann. § 78B-7-102(5).

- **Dating Relationship.** Means a social relationship of a romantic or intimate nature, or a relationship, that has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy. Dating Relationship does not mean casual fraternization in a business, educational, or social context. In determining, based on a totality of the circumstances, whether a dating relationship exists, all relevant factors shall be considered, including:
 - a. whether the parties developed interpersonal bonding above a mere casual fraternization;
 - b. the length of the parties' relationship;
 - c. the nature and the frequency of the parties' interactions, including communications indicating that the parties intended to begin a dating relationship;
 - d. the ongoing expectations of the parties, individual or jointly, with respect to the relationship;
 - e. whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to others; and
 - f. whether other reasons exist that support or detract from finding that a dating relationship exists, and it is not necessary that all, or a particular number, of the factors described herein are found to support the existence of a dating relationship.

See Utah Code Ann. § 78B-7-102(11).

- **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.
 - a. The existence of such a relationship shall be 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.
 - b. For the purposes of this definition:
 - i. Dating Violence includes but is not limited to, sexual or physical abuse or the threat of such abuse.
 - ii. Dating Violence does not include acts covered under the definition of Domestic Violence.

For purposes of complying with the requirements of this Policy and the Clery Act, any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting.

- **Disciplinary Referral.** Means the referral of any person to a University official who initiates a disciplinary action of which record is kept and which may result in the imposition of a sanction.
- **Domestic Violence.** A felony or misdemeanor crime of violence committed:
 - a. by a current or former spouse or intimate partner of the victim;
 - b. by a person with whom the victim shares a child in common;
 - c. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - d. 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; or
 - e. 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.

This definition is based upon federal law contained within the Clery Act, and differs from the definition found in Utah law. See Utah Code Ann. § 77-36-1. For the purposes of complying with this Policy and the Clery Act, any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting.

- **Fondling.** The touching of the private parts of another person for the purposes of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim's age or because of the victim's temporary or permanent mental incapacity. This definition is based upon federal law contained within the Clery Act and may differ from the definition found in Utah law. For purposes of complying with this Policy and the Clery Act, any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting.
- **Hate Crime.** Means 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 purposes of this Policy, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. This definition is based upon federal laws contained or referenced within the Clery Act, and may differ from Utah law. For purposes of complying with this Policy and the Clery Act, any incident meeting this definition is considered a crime for purposes of Clery Act Reporting.
- **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. This definition is based upon federal law contained or referenced within the Clery Act and may differ from the definition found in Utah law. For purposes of complying with this Policy and the Clery Act, any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting.
- **Motor Vehicle Theft.** Means the theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this definition. This definition is based upon federal law contained or referenced within the Clery Act and may differ from the definition found in Utah law. For purposes of complying with this Policy and the Clery Act, any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting.
- **Murder and Non-Negligent Manslaughter.** The willful (non-negligent) killing of one human being by another. This definition is based upon federal law contained or referenced within the Clery Act and may differ from the definition found in Utah law. For purposes of complying with this Policy and the Clery Act, any incident meeting this definition is considered a crime for purposes of Clery Act Reporting.
- **Negligent Manslaughter.** Means the killing of another person through gross negligence. This definition is based upon federal law contained or referenced within the Clery Act and may differ from the definition found in Utah law. For purposes of complying with this Policy and the Clery Act, any incident meeting this definition is considered a crime for purposes of Clery Act Reporting.
- **Non-Campus Building or Property.** Means:
 - a. any building or property owned or controlled by an officially recognized student organization; or
 - b. any building or property owned or controlled by the University that is used in direct support of, or in relation to, the University's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the University.
- **Pastoral Counselor.** Means a person, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional Counselor.** Means a person whose official responsibilities include providing mental health counseling to members of the University's community and functioning within the

scope of the counselor's license or certification.

- **Public Property.** Means all public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus, or immediately adjacent to and accessible from the University's campus.
- **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 definition is based upon federal law contained within the Clery Act and differs from the definition found in Utah law.
- **Reasonable Person.** Means a reasonable person under similar circumstances and with similar identities to the victim.
- **Relationship Violence.** Includes Dating Violence and Domestic Violence.
- **Retaliation.** Means taking adverse action, including any action that might deter a Reasonable Person from engaging in protected activity, because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation or proceeding under the University's harassment or discrimination policies. This includes action taken against a bystander who intervened to stop or attempt to stop any crime or potential crime, including discrimination and/or harassment.

Retaliation also includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint, participation, or lack of participation. An action is generally deemed retaliatory if it would deter a Reasonable Person in the same circumstances from opposing practices prohibited by the University. USU will take immediate and responsive action to any report of Retaliation and may pursue any disciplinary action as appropriate.

- **Robbery.** Means the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear. This definition is based upon federal law contained or referenced within the Clery Act and differs from Utah law. For purposes of complying with this Policy and the Clery Act, any incident that meets this definition is considered a crime for purposes of Clery Act Reporting.
- **Sexual Assault.** An offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape as used in the FBI's Uniform Crime Reporting ("UCR") program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

This definition is based upon the federal laws contained or referenced within the Clery Act, and does differ from Utah law. Any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting, but criminal prosecution of crimes must meet the definition of Utah Law. See Utah Code Ann. § 76-9-702.1.

- **Stalking.** Engaging in a Course of Conduct directed at a specific person that would cause a Reasonable Person to:
 - a. fear for the person's safety or the safety of others; or
 - b. suffer Substantial Emotional Distress; and
 - c. a person who intentionally or knowingly violates a stalking injunction issued pursuant to Utah Code Section 77-3a or a permanent criminal stalking injunction issued pursuant to Utah Code Section 76-5-106.

For purposes of complying with this Policy and the Clery Act, any incidents meeting this definition is considered a crime for the purposes of Clery Act Reporting.

- **Statutory Rape.** Includes sexual intercourse with a person who is under the statutory age of consent. This definition is based upon the laws contained or referenced within the Clery Act and may differ from Utah law.
- **Substantial Emotional Distress.** Means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- **University Emergency Team.** Means the team that consists of the University President, Provost, Vice President for Business and Finance, Vice President for University Marketing and Communication, the General Counsel, University Police Chief, and the President's appointed designees that address emergencies on USU campuses.

Information below is not included as part of the contents of the official policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the president.

RESOURCES

Procedures

- None

Guidance

- None

Related Forms and Tools

- None

Contacts

- [Ellis Bruch, Executive Director of Public Safety](#)
- [Jason Brei, Chief of USU Police](#)

POLICY HISTORY

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