

DISCLOSURE OF CAMPUS SECURITY & CRIME STATISTICS

POLICY NUMBER: ADM-DISCOFCAMPUSSECCRIMESTATS

POLICY TYPE: ADMINISTRATIVE

RESPONSIBLE OFFICIAL TITLE: VICE PRESIDENT FOR STUDENT AFFAIRS

RESPONSIBLE OFFICE: UNIVERSITY POLICE DEPARTMENT

EFFECTIVE DATE: UPON BOARD OF REGENTS APPROVAL – 9/15/2022

NEXT REVIEW DATE: PREVIOUS REVIEW PLUS FOUR (4) YEARS – 9/15/2026

SUPERSEDES POLICY DATED: 01/10/2018

REQUIRES BOARD OF REGENTS REPORTING (CHECK ONE):

PRESIDENTIAL RECOMMENDATION (CONSENT AGENDA/VOTING ITEM)

PRESIDENTIAL REPORT (INFORMATION ONLY)

I. POLICY STATEMENT

Northern Kentucky University (NKU) is required by federal and state law to provide information to the public about campus crime statistics and statements of security policy. Failure to provide the required information or the inclusion of inaccurate information can result in fines up to \$67,544 per violation or the suspension of NKU's participation in federal student financial aid programs.

This policy establishes the parameters for compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the state Michael Minger Act (Minger Act).

II. ENTITIES AFFECTED

This policy applies to

- All NKU employees (faculty, staff, administrators, and student workers);
- The NKU Police Department (University Police); and
- Individuals designated as campus security authorities (CSAs)

III. AUTHORITY

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ([20 USC 1092 \(f\)](#), [34 CFR Part 668.46](#))

Michael Minger Act ([KRS 164.948 to 164.9489](#); [KRS 164.993](#))

IV. DEFINITIONS

Campus Security Authority (CSA): Broadly defined for this policy as an official of an institution who has significant responsibility for student and campus activities or monitoring University property, or an individual who a student could reasonably believe has this authority or responsibility.

Examples of CSAs at NKU include, but are not limited to, the following:

- The President, Provost, Vice Presidents, Sr. Vice Presidents, Vice Provosts, Deans, Department Chairs, and Directors

- Assistant and Associate Vice Presidents, and Assistant and Associate Vice Provosts
- Resident Assistants/Advisors
- Employees in the Athletics Department
- Employees of Parking Services
- Employees of the Vice President for Student Affairs
- Employees in the Office of Fraternity and Sorority Life
- Employees in Norse Violence Prevention
- Title IX Coordinator(s) and Deputy Title IX Coordinator(s)
- Any employee in a supervisory or management role
- Any faculty member responsible for supervising any activities or programs that include direct contact with students outside the classroom (this includes faculty advisors)
- Employees of the NKU Police Department

Exceptions regarding CSAs:

When a professional mental health counselor, pastoral counselor, or any other licensed counselor is functioning in those capacities, they are not considered to be a CSA. Maintenance, support, and clerical staff are not considered CSAs.

Clery Act Crimes (“Clery Crimes”): Crimes that are required by the Clery Act to be reported annually to the University community. Please see the list included in Section VI below. The identity of the individuals involved in the incident is not relevant, and crimes that involve individuals with no affiliation to NKU are still subject to reporting requirements as long as they occurred on the University’s Clery geography as identified in Section VIII below.

Emergency Notification: NKU’s [Timely Warning and Emergency Notification](#) policy establishes parameters and procedures for issuing emergency notifications in accordance with the Clery Act and the Minger Act.

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

[Missing Student Notification for On-Campus Housing Residents](#) policy: NKU’s [Missing Student Notification for On-Campus Housing Residents](#) policy is designed to comply with the Higher Education Opportunity Act of 2008, which requires universities to establish such a policy for on-campus residents. The policy describes the procedures to be followed when a student is determined to be missing for 24 hours by the NKU Police Department or other Police Department.

Official: Any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Pastoral Counselor: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides private counseling, and is functioning within the scope of that recognition as a pastoral counselor. This includes individuals who are not yet licensed or certified as a counselor but are acting under the supervision of a licensed or certified professional counselor.

Professional Counselor: A person licensed or certified pursuant to Kentucky statute whose official University responsibilities include providing mental health counseling to members of the University community and who is functioning within the scope of the counselor's license or certification.

Timely Warning: NKU's [Timely Warning and Emergency Notification](#) policy establishes parameters and procedures for issuing timely warnings in accordance with the Clery Act and the Minger Act.

V. RESPONSIBILITIES

The NKU Police Department has been designated as the entity responsible for ensuring that the requirements of the Clery and Minger Acts are met by CSAs and the University as an entity. The NKU Police Department will identify the individual(s) responsible for overseeing the University's overall compliance with the Clery and Minger Acts.

A. The NKU Police Department is responsible for

- 1) Collection of data and statistics for the annual campus security report, which includes crime and fire data as required in the Clery and Minger Acts by October 1 of each year;
- 2) Preparing and submitting the annual campus security report by October 1 of each year;
- 3) Creating and posting the [Daily Crime and Fire Log](#) so that information about all fire, criminal incidents, and alleged criminal incidents that are reported to the NKU Police Department is available to the public;
- 4) Reporting any fire that occurs in an on-campus student housing facility;
- 5) Distributing the Annual Campus Security Report as required by the Clery and Minger Acts to the University's Office of Marketing and Communications;
- 6) Issuance of timely warnings and emergency notifications as appropriate;
- 7) Posting the [Annual Campus Security Report](#) on the NKU Police Department website.
- 8) Compiling and maintaining a list of NKU CSAs in conjunction with the Office of Compliance and Institutional Ethics; and
- 9) Reporting on the completion of training for CSAs in conjunction with the Office of Compliance and Institutional Ethics.

B. The Office of Marketing and Communications is responsible for

- 1) Distributing the Annual Campus Security Report to faculty, staff, students, prospective students, and prospective employees.

C. All Administrators, Vice Presidents, Vice Provosts, Department Heads, Directors, and Supervisors/Managers shall fully cooperate with University Police and the Vice President for Student Affairs to ensure that the employees in their areas comply with the requirements of this policy and the Clery Act and Minger Act. They are also responsible for

- 1) Completing the University-offered/approved training regarding the Clery and Minger Acts;
- 2) Assisting in identification of the applicable CSAs in their respective units;
- 3) Ensuring those designated as CSAs in their units complete appropriate training in order to understand their role and responsibilities as a CSA; and
- 4) Ensuring those designated as CSAs in their units report Clery crimes to the police and provide the University Police the correct Clery Act and Minger Act data.

D. CSAs are responsible for

- 1) Receiving and promptly reporting allegations of Clery Act crimes that occur in the geographic locations outlined in Section VIII below to University Police. The reporting requirement is triggered by the geographical location. It is important for CSAs to make their reports so that
 - The University can issue a Timely Warning if there is a crime that poses a serious or continuing threat to the safety of University members;
 - Police can investigate the reported crime if warranted; and
 - NKU can accurately disclose crime statistics as required by the Clery Act and Minger Act

To report information to University Police about a crime reported to them, CSAs must complete a [Campus Security Authority Incident Form](#) (available online), or contact University Police in person or at 859-572-5500. Even if a CSA is unsure of whether an incident is a Clery crime, the incident must still be reported to University Police.

Under the Clery Act, a crime is considered “reported” when it is brought to the attention of a CSA or local law enforcement personnel by a victim, witness, or other third party – including the offender.

- 2) Submitting all completed [Campus Security Authority Incident Forms](#) and any other reports or data requested by the University Police in order to allow the creation of the annual campus security report; and
- 3) Completing annual training regarding the Clery and Minger Acts in order to understand their role and responsibilities as a CSA

E. The [Dean of Students Office](#) is responsible for

- 1) Working with students to promote compliance with the NKU [Code of Community Standards and Student Rights](#);
- 2) Promptly reporting alleged Clery Crimes to the University Police. If unsure that the incident meets the criteria, contact the University Police for guidance; and
- 3) Annually, providing all conduct referral data to the University Police for inclusion in the Annual Campus Security Report

F. The [Office of Compliance and Institutional Ethics](#) is responsible for

- 1) Compiling and maintaining a list of NKU CSAs in conjunction with University Police;
- 2) Annually notifying NKU CSAs of their designation via email; and
- 3) Facilitating, tracking, and reporting data regarding the completion of CSA training in conjunction with University Police.

VI. CRIMES AND DATA TO BE REPORTED BY CAMPUS SECURITY AUTHORITIES (CSAS)

The following crimes shall be reported immediately to the University Police:

- 1) Murder and non-negligent manslaughter
- 2) Manslaughter by negligence
- 3) Sexual offenses (forcible and non-forcible sex offenses)
- 4) Robbery
- 5) Aggravated assault
- 6) Burglary
- 7) Motor vehicle theft
- 8) Arson
- 9) Dating violence
- 10) Domestic violence
- 11) Stalking
- 12) Incidents where students are referred for campus disciplinary action related to liquor laws, drug laws, or illegal weapons violations shall be noted on the Daily Crime Log and be reported at least annually in the Campus Security Report.
- 13) Hate crimes: In addition to the above listed crimes, the following must be reported if it appears the victim was intentionally selected because of their actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability:
 - Larceny
 - Simple assault
 - Intimidation
 - Destruction/damage/vandalism of property
 - Any other crime involving bodily injury if it appears the victim was intentionally selected because of their actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

CSAs must report the incident even if it was shared with them in confidence (although the CSA may report the information without identifying the people involved in the incident), **and cannot wait for criminal charges to be brought, arrests to be made, or determinations of guilt or misconduct to be made.** Even if a CSA is unsure of whether an incident is a Clery crime, the incident must still be reported to University Police.

Please note: Kentucky law ([KRS 620.030](#)) requires that any person who suspects or is aware that a minor child (under the age of 18) is the victim of abuse or neglect must immediately contact a local law enforcement agency or other agency authorized by statute. The NKU Police department constitutes a local law enforcement agency.

VII. FIRES, FIRE ALARMS, AND THREATS OF FIRES TO BE REPORTED TO UNIVERSITY POLICE

Every fire, fire alarm, or threat of fire in on-campus student housing shall immediately be reported to the University Police. University Police will in turn report the incident to the State Fire Marshal.

University Police shall also report all threats or actual alarms to the local fire department.

VIII. GEOGRAPHIC DEFINITIONS FOR REPORTING REQUIREMENTS

For the purposes of this policy, the geographic areas for reporting are defined as follows:

- A. All buildings or property owned, leased, rented, controlled, or managed by NKU, including on-campus housing facilities both owned by the University and on-campus housing facilities that are privately owned/operated.
- B. All public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus, or immediately adjacent to the campus;
- C. All buildings or property owned, leased, rented, or controlled by any registered student organization including fraternities and sororities; and
- D. Any other buildings or properties owned, leased, or controlled by the University that are used in direct support of, or in relation to, the University's educational purposes and are frequently used by students.

IX. COOPERATION WITH OTHER AGENCIES

The NKU Police Department maintains a close working relationship with local, state, and federal law enforcement agencies. The NKU Police Department shall make reasonable, good faith efforts to obtain the required statistics from local police agencies and the State Police concerning campus crimes reported to those agencies.

X. REPORTS AND NOTIFICATIONS

A. Timely Warning Reports

The requirements for Timely Warning reports are described in the [Timely Warning and Emergency Notification](#) policy.

B. Emergency Notification

The requirements for Emergency Notifications are described in the [Timely Warning and Emergency Notification](#) policy.

C. Missing Student Notification

The University has a [Missing Student Notification for On-Campus Housing Residents](#) policy that was adopted as required by the Higher Education Opportunity Act of 2008. The policy can be found in the Annual Campus Security Report as well as on the [NKU policy site](#).

D. Crime Log

1. The University shall make available to the public, an easily understood Daily Crime Log. The Log may either be a hard copy or available electronically and must contain the following information:

- The date the crime was reported
- The date and time the crime occurred
- The nature of the crime
- The general location of the crime
- The disposition of the complaint (if known)

The [Daily Crime Log](#) can be viewed at the University Police office or on the University Police website.

2. University Police may temporarily withhold information only if there is clear and convincing evidence that release of the information would
 - Jeopardize an ongoing investigation;
 - Jeopardize the safety of an individual;
 - Cause a suspect to flee or evade detection; or
 - Result in the destruction of evidence.

This information shall be disclosed once the adverse effect is no longer likely to occur.

E. Fire Log

1. The University shall make available to the public an easily understood Fire Log. The log may either be a hard copy or available electronically and must contain the following information:
 - The nature of the fire
 - The date of the fire
 - The time of the fire
 - The general location of the fire

The [Fire Log](#) can be viewed at the University Police office or on the University Police website.

2. The University shall complete the Annual Fire Report and include the Report in the University's Annual Campus Security Report as required by the Clery Act.

XI. VIOLATION OF THIS POLICY

Violation of this policy, including CSAs who fail to report Clery incidents may be subject to discipline up to and including termination of employment. Adverse employment action will be taken pursuant to applicable institutional handbooks, policies, and procedures.

XII. REFERENCES AND RELATED MATERIALS

REFERENCES & FORMS

- [Campus Security Authority Incident Form](#)
- [NKU Annual Campus Security Report](#)
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ([20 USC 1092 \(f\)](#), [34 CFR Part 668.46](#))
- Michael Minger Act ([KRS 164.948 to 164.9489](#); [KRS 164.993](#))
- [NKU Title IX](#)
- [U.S. Department of Education, Office of Post-Secondary Education, The Handbook for Campus Safety and Security Reporting, Washington, D.C., 2016 Edition](#)
- [13 KAR 2:100 - Campus Security, public institutions](#)

RELATED POLICIES/PROTOCOL

[Mass Notification Protocol](#)

[Fire and Life Safety](#)

[Missing Student Notification for On-Campus Housing Residents](#)

[Sexual Harassment](#)

[Timely Warning and Emergency Notification](#)

REVISION HISTORY

| REVISION TYPE | MONTH/YEAR APPROVED |
|---|---|
| Edit to update fine amount to \$67,544 | May 16, 2023 |
| Revisions to reference the new Timely Warning and Emergency Notification policy; minor edits/formatting | September 15, 2022 |
| Formatting and editing to update links and fine amount (from \$58,328 to \$59,017) | March 8, 2021 |
| Edit to update DOE change to fine amount (from \$57,317 to \$58,328) | September 13, 2020 |
| Minor edits, including consistency, formatting, and updating links | July 1, 2020 |
| Edit to reflect Dept. of Education (DOE) inflation adjustment increase to fine amount in Part 1 (from \$55,907 to \$57,317) | February 2019 |
| New Policy | January 10, 2018 (NKU Board of Regents meeting) |
| New Policy (Interim) | May 12, 2017 |

DISCLOSURE OF CAMPUS SECURITY & CRIME STATISTICS

PRESIDENTIAL APPROVAL

| | |
|-----------------------------------|---------------------|
| PRESIDENT | |
| Signature <i>Ashish K. Vaidya</i> | Date <i>6/21/22</i> |
| Ashish K. Vaidya | |

BOARD OF REGENTS APPROVAL

| | |
|--|-----------------------|
| BOARD OF REGENTS (IF FORWARDED BY PRESIDENT) | |
| <input type="checkbox"/> This policy was forwarded to the Board of Regents on the Presidential Report (information only) . Date of Board of Regents meeting at which this policy was reported: ____/____/____. | |
| <input checked="" type="checkbox"/> This policy was forwarded to the Board of Regents as a Presidential Recommendation (consent agenda/voting item) . | |
| <input checked="" type="checkbox"/> The Board of Regents approved this policy on <u>9 / 14 / 2022</u> . (Attach a copy of Board of Regents meeting minutes showing approval of policy.) | |
| <input type="checkbox"/> The Board of Regents rejected this policy on ____/____/____. (Attach a copy of Board of Regents meeting minutes showing rejection of policy.) | |
| SECRETARY TO THE BOARD OF REGENTS | |
| Signature <i>Tammy Knochelmann</i> | Date <i>9/15/2022</i> |
| Tammy Knochelmann | |