



# University of New Haven

## POLICIES AND PROCEDURES

**Policy Title:**

**Clery Act Timely Warning Policy**

<b>Policy No.:</b>	8609
<b>Rev.:</b>	N/A
<b>Effective Date:</b>	February 25, 2022
<b>Last Revision:</b>	N/A

**Responsible Office:** Public Safety and Administrative Services

**Responsible Official:** Associate VP for Public Safety and Administrative Services

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### Purpose

This policy outlines the procedures the UNIVERSITY OF NEW HAVEN (the University) will use to determine whether to issue Timely Warnings in response to a reported Clery Act crime, in compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act (20 U.S.C. § 1092(f)) (“Clery Act”) and its implementing regulations.

### Scope of Policy

This policy is distributed in accordance with the UNIVERSITY OF NEW HAVEN Clery Act Policy (Policy 8601) and is applicable to all UNIVERSITY OF NEW HAVEN campuses and departments located within the University’s Clery geography.

### Why We Have This Policy

In the event of a Clery Act crime that may pose a serious or ongoing threat to members of the

UNIVERSITY OF NEW HAVEN community, the University of New Haven Police Department (UNHPD) or its designee, may issue a “Timely Warning” generally for the following crimes: arson; aggravated assault; criminal homicide; robbery; burglary; rape, fondling, incest, statutory rape; and hate crimes. Timely Warnings also may be issued for other Clery Act and non-Clery Act crimes as deemed necessary.

The purpose of a Timely Warning is to notify the campus community of the incident and to provide information that may enable community members to better protect themselves from similar incidents.

## Definitions

**Clery Act Crimes (Clery Crimes):** Crimes required by the Clery Act to be reported annually to the University community, including: criminal homicide (murder and negligent/non-negligent manslaughter); sex offenses (rape, fondling, statutory rape, and incest); robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes (including larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that are motivated by bias); dating violence; domestic violence; stalking; and arrests and referrals for disciplinary action for any of the following: (a) liquor law violations, (b) drug law violations, and (c) carrying or possessing illegal weapons.

**Clery Reportable Location:** Property that is owned, leased, or controlled by the University which includes: (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that the University owns, controls, or leases, is frequented by students and used in support of educational purposes.

**Physical Violence:** Exerting control over another person through the use of physical force, including hitting, punching, slapping, kicking, restraining, choking and brandishing or using any weapon.

**Timely Warning:** An alert triggered when the University determines that a crime which has already been committed but presents a serious or continuous threat (e.g., a homicide, sex offense or robbery) must be reported to the campus community.

**Campus Security Authority (CSA):** Individuals at the University who, because of their function for the University, have an obligation under the Clery Act to notify the University of alleged Clery Crimes that are reported to them in good faith, or alleged Clery Crimes that they may personally witness. These individuals, by virtue of their position due to official job duties, ad hoc responsibilities, or volunteer engagements, are required by federal law to report crime when it has been observed by, or reported to them by another individual. These individuals typically fall under one of the following categories:

1. A member of a campus police/security department.
2. Individuals having responsibility for campus security in some capacity, who are not members of a campus police/security department (e.g., an individual who is responsible for monitoring the entrance to University property).

3. People or offices that are not members of a campus police/security department, but where policy directs individuals to report criminal offenses to them or their office.
4. Officials having significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings.

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

**Common examples of CSAs include (but are not limited to):**

- Associate VP for Public Safety and Administrative Services
- Police and Security personnel
- Fire Marshal
- Athletic Directors
- Athletic Coaches
- Faculty advisors to student organizations
- Office of Residence Life Staff
- Center for Diversity and Inclusion staff
- Coordinators of Fraternity & Sorority Life
- Title IX Coordinators
- Dean of Students office

CSA's are determined by criteria established in 2016 Edition of the Handbook for Police Department and Security Reporting, pgs. 4.2 - 4.5.

## **Procedures**

### **Criteria for Issuing a Timely Warning**

The University of New Haven Police Department will issue a Timely Warning whenever the following criteria are met: 1) a Clery Act crime is reported to a Campus Security Authorities (CSA) or local law enforcement; 2) the crime occurred in a Clery reportable location; 3) the perpetrator has not been apprehended; and 4) there is a serious or ongoing threat to the campus community because of this crime. The decision to issue a Timely Warning shall be made on a case-by-case basis using the following criteria:

- Was the suspect identified?
- Was the suspect apprehended?
- Did the incident involve physical violence?
- Has the suspect threatened to commit physical violence?
- Did the incident involve multiple victims?
- Does it appear to be an isolated incident involving a specifically “targeted” victim?
- Does the reported incident reveal a pattern of behavior (e.g., by suspect, by a particular group or organization, around a particular recurring event or activity, or at a particular location)?
- Did the suspect use “date-rape” or similar drugs or intoxicants to perpetrate the crime?

- Did the incident occur while the victim was unconscious, physically helpless or unaware that it was occurring?
- Were there other aggravating circumstances or signs of predatory behavior that may constitute a serious or ongoing threat?

To facilitate UNIVERSITY OF NEW HAVEN's determination regarding a Timely Warning, all CSAs are directed to immediately report Clery Act crimes to the University of New Haven Police Department. The University of New Haven Police Department also works with appropriate local police agencies to ensure these agencies inform the UNHPD when they learn of a reported incident that may necessitate a Timely Warning.

The Associate VP for Public Safety and Administrative Services or their designee is responsible for making a Timely Warning using the aforementioned criteria. If the Timely Warning criteria are met, University of New Haven Police Department will draft a notice using crime-specific templates and issued by the UNHPD as soon as pertinent information is available. Timely Warnings are generally issued via email, but may also be distributed through press releases, the UNIVERSITY OF NEW HAVEN's Everbridge alert system, the UNIVERSITY OF NEW HAVEN's LiveSafe app, ALERTUS desktop software, and with messages on the UNIVERSITY OF NEW HAVEN's website, when appropriate. The University may not use all distribution methods for every incident.

### **Content of a Timely Warning**

Timely Warnings will ensure the following information is included when such information is available:

- a) A statement of the incident, including the nature and severity of the threat and the persons or locations that might be affected;
- b) Any connection to a previous incident(s);
- c) Physical description and/or composite drawing of the suspect;
- d) Date and time warning was released;
- e) Other relevant and important information (e.g., gender of the victim, student/non-student, etc.);
- f) Appropriate safety tips.

If the Timely Warning is an update on a previously issued Timely Warning, the notice should be captioned like "*UPDATED TIMELY WARNING./UPDATE*" etc that tells the community this is an update.

When issuing a Timely Warning, the UNHPD may elect to withhold some specific information if there is a possible risk of compromising law enforcement efforts to investigate and/or solve the crime.

### **Issuance of a Safety Advisory**

In certain circumstances, an incident may not meet the criteria of a Clery reportable crime occurring in Clery reportable location but may constitute a serious or ongoing threat to the campus community. For instances that a Timely Warning is not required, the Chief of Police (or designee) may choose to issue a "Safety Advisory" via email, notifying the campus community of the situation.

The content of a community alert may vary depending on the type of incident reported and the location in which it occurred.

In those cases where the UNIVERSITY OF NEW HAVEN issues an Emergency Notification in response to an incident on campus that represents a significant threat to the health and safety of the campus community, the University is not required to issue a Timely Warning, as long as it provides applicable updates regarding the nature of the situation.

## Responsibilities

- The Associate Vice President for Public Safety and Administrative Services has overall responsibility for distribution of Timely Warnings for the UNIVERSITY OF NEW HAVEN.
- The Associate VP's designee will generally perform the distribution of Timely Warnings for the University (Chief of Police, Deputy Chief of Police, Fire Marshal, etc.)
- Upon notification of a potentially Timely Warning qualifying event via the UNHPD dispatch center, or other CSA the on-duty Sergeant or Officer in Charge of the University of New Haven Police Department shall notify the UNHPD's Chief of Police, Deputy Chief of Police, or Fire Marshal of the event to facilitate the Timely Warning to the University community.
  - This notification is passed along as the duty supervisor will have immediate law enforcement responsibilities to deal with – life safety, evidence preservation, mutual aid, or other law enforcement items or student safety.
- Immediately after the above notification, the UNHPD's Chief of Police, Deputy Chief of Police, Fire Marshal, or designee shall prepare a Timely Warning notice for distribution to the University community utilizing appropriate templates or individually crafted according to the event in question.
  - The methods of distribution are explained in the "Procedures" section of this policy.

## Web Address for This Policy

<https://www.newhaven.edu/student-life/public-safety/police/clery-disclosure/clery-related-policies.php>

## Related Documents and Policies

- Clery Act Compliance Policy (UNH policy 8601)
- Policy and procedure for issuing emergency notifications (UNH policy 8610)

## Appendix

Timely Warning Decision Matrix

## Policy History – Created 02/24/2022