



# University of Northern Colorado Police Department

## Requirements for Reporting Crimes at UNC

# Why are we here today?

- To discuss the legal requirements for reporting crime that occurs on and around campus.
- To help you
  - answer questions pertaining to State law requiring reporting of crimes to the University Police Department
  - understand the requirements of the Federal law (The Clery Act). .

# Legal Requirements and Crime Reporting

Both Colorado and Federal statutes  
mandate crime reporting on college  
campuses

# State Law

Colorado Revised Statutes § 18-8-115

## Duty to Report a Crime

Every individual or corporation who has reasonable grounds to believe a crime has been committed has a duty to report the suspected crime to law enforcement authorities

Duty to Report a Crime carries important safeguards that protect the individual reporting the crime. The law shields the reporting person from all liability so long as the suspected crime was reported in “good faith.”

“Good faith” just means the reporting person reasonably believed what he or she was told about the crime, the reporting person did not deliberately embellish the facts, and he or she did not just “make up” the crime being reported

# Federal Law

§ 20 United States Code 1092(f)  
Higher Education Act of 1965 (as amended)  
(Also known as the Crime Awareness and  
Campus Security Act of 1990  
or the Clery Act)

“All public and private institutions of postsecondary education receiving federal financial aid must provide timely warnings of campus crime and publish an annual campus crime report.”

# What is the Clery Act and how did it come about?

- Jeanne Clery was raped and murdered in her dorm room at Lehigh University in 1986. The law enacted in her memory is intended to ensure that students and others are informed about violent campus crimes so they can make informed decisions.
- The Clery Act requires that universities report crime statistics to current and prospective students and employees.

The Clery Act is very specific about which campus offices must report crimes. Certain campus offices are considered “Campus Security Authorities” under the Clery Act.

“Campus Security Authority” is defined by **function**, not title. You may be a campus Security Authority if you or your office:

- Have significant responsibility for student and campus activities
- Have routine contact with students

# Some examples of “Campus Security Authorities” include:

- University Police
- Non-police security staff who:
  - Monitor or control entrance to property
  - Residence Hall desk staff
  - Parking staff
  - Building security staff

- People or offices designated under UNC policy as those to whom/which crimes should be reported
  - Residence Life Professional and Resident Assistant staff
  - Dean of Students staff

- Officials with significant responsibility for student and campus activities
  - Coaches
  - Greek Life advisors
  - Student activities coordinators
  - Faculty advisors to student organizations

# Who is not a “Campus Security Authority” under the Clery Act”

- Administrative staff not responsible for students (e.g., payroll, facilities)
- Clerical staff
- Individual faculty member who does NOT serve as an advisor to a registered student organization
- Doctors in the Student Health Center, or Counselors in the Counseling Center, who only provide care to individual students.

Certain members of the campus community are **Exempt** from reporting under the Clery Act

**Licensed professional mental health counselors** (including doctoral interns and ASAP Advocates)

and

**Pastoral counselors** (employed by a religious organization to provide confidential counseling)

**Who are working within the scope of their license or religious assignment at the time they receive the crime report.**

# I think I'm a Campus Security Authority.

## What do I need to do?

If someone tells you about a crime or an incident that may be a crime, you must record the information and submit a report.

- Just get the facts, experts will do the analysis
- Do not worry about duplicate reporting. Those issues will be addressed by staff members compiling the final report.

**When in doubt, report it.**

# What crimes do I need to report?

Most Part I UCR crime (that really helped, didn't it?)

Basically Part I UCR crimes are serious crimes you should be calling the police on anyway

- Homicide
- Sexual Assault
- Aggravated Assault
- Robbery
- Arson
- Burglary
- Motor Vehicle Theft

Larceny/Theft reporting isn't currently required but UNC reports it anyway

“Hate crimes” must also be reported even if they are not UCR Part I crimes.

Let’s look at what constitutes a reportable crime under the Clery Act.

# Definitions of reportable UCR Part I crimes

- **Criminal Homicide:** murder, non-negligent manslaughter, and negligent manslaughter (including vehicular manslaughter)
- **Aggravated Assault:** unlawful attack upon another with intent to inflict severe injury, using weapon or means likely to produce death or great bodily harm

- **Sex offenses, forcible and non-forcible**
  - Forcible sex offenses: rape, sodomy, sexual fondling, sexual assault with object
  - Non-forcible: statutory rape and incest

### **Questions concerning sex offenses:**

- Was crime committed forcibly/against victim's will?
- Was victim incapable of giving consent because of temporary/permanent mental/physical incapacity, or because underage?
- Was assault facilitated by giving drugs/alcohol?

# What about Sexual Harassment?

Sexual Harassment does not need to be reported under the Clery Act. However:

- In Colorado the line between sexual harassment and unlawful sexual contact is very thin.
- Any unwanted touching **MAY** be illegal.

**When in doubt, report the behavior.  
Let the experts decide.**

- **Robbery:** taking/attempting to take something by force, violence, threat, or by putting victim in fear

### **Questions concerning robbery:**

- Was force or a weapon used or threatened?
- Was victim injured?
- Did victim feel fearful, threatened or endangered?

- **Burglary:** unlawful entry into a structure to commit a theft or other crime.

### **Questions concerning Burglary:**

- Was item taken from inside dorm room, office, store, lab, or other structure?
- Was structure, room, store, or office open, closed, or locked?
- Did the thief have permission or a legal right to be in the room, store or office? If the suspect is unidentified the crime gets classified as a burglary.

- **Motor vehicle theft:** theft of automobiles, trucks, etc., including “joyriding” (taking by person without lawful access)
- **Arson:** willful or malicious burning/attempt to burn structure, vehicle, or personal property of another

- **Hate crimes directed at individuals**

- A hate crime is any UCR Part I crime, or any other crime causing bodily injury (e.g. simple assault) where there is evidence both
  - bias or hate motivation and
  - that the victim was selected because of an actual or perceived race, gender, religion, national origin, disability, or sexual orientation

- **Hate crimes can also be directed towards property**
  - The target can be vandalism of personal property, a personal residence, a house of worship, or an ethnic organization.
  - The incident may involve any expression of bias or hatred (e.g. graffiti, symbols, comments) re: race, gender, ethnicity, religion, sexual orientation, or disability.
  - Personal injury may also result from the incident.

**Report any vandalism to property of a religious, ethnic, gay or lesbian organization as a hate crime**

# Certain “minor” crimes must also be reported

- Alcohol violations
- Drug violations
- Weapons violations

These crimes **MUST** be reported regardless of whether the police are called or the offense is handled administratively within your work unit.

- **Liquor, drug, and weapon law violations:**
  - Police report statistics on arrests, including tickets written for liquor, drug, and weapons-related crimes
  - Dean of Students and Residence Life reports statistics on disciplinary referrals for drug, liquor, and weapon law violations (except when the student was also arrested for the same act)
  - Statistics must reflect number of persons involved (head count), not just number of incidents

# Location also influences reporting

## **A crime must be reported if it occurred:**

- On campus
- In campus controlled student residences  
(even if privately owned & operated such as Arlington Park Apartments)
- On certain off-campus property . . .  
(fraternities, sororities, *The Mirror* office, “satellite” campuses)
- On public property adjacent to campus

# Have any questions?

Where to get more information:

- UNC Police - (970) 351-2245
- Dean of Students - (970) 351-2796
- Counseling Center - (970) 351-2496
- ASAP - (970) 351-1490  
(Assault Survivors Advocacy Program)
- DATE - (970) 351-1136  
(Drug, Alcohol and Tobacco Education)