



# California Health Sciences University

## CHSU POLICY REGARDING CRIME REPORTING, CRIME STATISTICS, AND SECURITY PRACTICES

### I. Purpose

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“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. It is the policy of the University to comply with its obligations under the Clery Act and California law. The University is committed to providing a safe and secure learning and working environment for University students and employees consistent with the Clery Act. In accordance with statutory requirements, the University strives to ensure students and employees have access to accurate information about crimes committed on and around the University; access to University wide security policies and related procedures; and a confidential reporting process for victims and witnesses. This Policy describes roles and responsibilities for University students and employees related to compliance with legal requirements regarding crime reporting, crime statistics, and security related practices, awareness, and prevention. The University will conduct periodic self-audits to ensure compliance with this Policy and any related procedures.

### II. Definitions

- a. **Campus Security Authorities (CSA)**—As defined by the University’s Clery Act Campus Security Authorities Policy.
- b. **Annual Security Report (ASR)** – The Clery Act requires those postsecondary institutions participating in the Higher Education Act’s Title IV student financial assistance programs and each of their separate campuses to annually publish by October 1 a report containing the campus safety policy statements and Clery Crime statistics for the three most recent calendar years. This annual report is known as the Annual Security Report (ASR).

*The below definitions are for purposes of only this policy and are not applicable to any other University policy, unless this policy is expressly referenced in such policy. For example, these definitions do not apply to the University’s Unlawful Discrimination, Sexual Misconduct and Title IX Policy and Procedures.*

- c. **Clery Crimes and Definitions** – The Clery Act requires that certain crimes occurring in the Clery Geography (as defined below) be tracked and reported annually by the University to the U.S. Department of Education and shared with University students and employees. Attempts at these crimes also are included in “Clery Crimes” reporting. The following offenses are Clery Crimes: criminal homicide (murder and non-negligent manslaughter and manslaughter by



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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. Other types of crimes are not covered by this Policy, which may nonetheless require reporting to the University through other policies (e.g., mandatory Responsible Employee reporting to the University of violations of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy).

### i. Part 1—Primary Crimes

1. **Murder and Non-Negligent Manslaughter**—The willful (non-negligent) killing of one human being by another.
2. **Negligent Manslaughter**—The killing of another person through gross negligence.
3. **Aggravated Assault**—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.
4. **Arson**—Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Note that only fires determined through investigation to have been willfully or maliciously set are classified as arsons. Arson is therefore the only Clery Act offense that must be investigated before it can be disclosed. If other Clery Act offenses were committed during the arson incident, the most serious is counted in addition to the arson.
5. **Burglary**—The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.
6. **Robbery**—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.
7. **Motor Vehicle Theft**—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 category.
8. **Sex Offenses**
  - a. **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



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victim.

- b. Fondling**—The touching of the private body parts of another person for the purpose 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 and/or because of the victim’s temporary or permanent mental incapacity.
- c. Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent.

### ii. Part 2 – Alcohol, drug and weapon violations

- 1. Liquor Law Violations**— The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
- 2. Weapons Possession**— The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- 3. Drug Abuse Violations**— The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

- iii. Part 3 – Hate Crimes:** A crime reported to local police agencies or to a Campus Security Authority (“CSA”) as defined in the University’s Campus Security Authorities Policy, that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. 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-



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theft, simple assault, intimidation, or destruction/damage/vandalism of property. Below are the definitions of Larceny-Theft; Simple Assault; Intimidation; Destruction, damage or vandalism of property.

1. **Larceny-Theft**—The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
2. **Simple Assault**—An unlawful physical attack by one person on another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
3. **Intimidation**—To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
4. **Destruction, damage or vandalism of property**—To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property.

### iv. Part 4: Violence Against Women Act (2013) Offenses

1. **Domestic Violence**— A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of California, or 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 California.
2. **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; where the existence of such a relationship shall be determined 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. Dating Violence is not limited to sexual or physical abuse or the threat of such abuse. (If an act of violence meets the definition of domestic violence, then the act is classified as Domestic Violence rather than Dating Violence).
3. **Stalking**— Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the



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person's safety or the safety of others; or (2) suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

- d. Clery Geography** – The campus geographic areas, as defined by the Clery Act, for which Clery Crimes are required to be reported are defined by law below. Based on the below Clery Geography definitions, the University's Clery Geography contains the following boundaries and is shown in a University Clery Map attached as Appendix A and made part of this Policy.<sup>1</sup>

The geographic categories include the following under the Clery Act:

- i. On-Campus** – Any building or property (i) owned or controlled by the University 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; (ii) that is within or reasonably contiguous to the campus that is owned by the University but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

This includes the following: The buildings located at 120 N. Clovis Avenue, 45 N. Clovis Avenue, 65 N. Clovis Avenue, and 2500 Alluvial Avenue including the adjacent University parking lots.

- ii. Public Property** – All public properties, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

This includes the following:

1. 120 N. Clovis Avenue building is bordered on the east by a four-lane roadway (Clovis Avenue), on the west by a portion of the walking trail that is adjacent to the building maintained by the City of Clovis, on the south by the Fairfield Inn & Suites Hotel located at 50 N. Clovis Avenue, and on the north by an open field.

This includes the following: Clovis Avenue and Alluvial Avenue thoroughfares and sidewalks that border University property. The

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<sup>1</sup> Currently, the University does not have any student or employee housing.



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portion of the walking trail that is adjacent to 120 N. Clovis Avenue.

2. 45 and 65 N. Clovis Avenue buildings are bordered on the west by a four-lane roadway (Clovis Avenue), on the east by a residential area, on the south by Vineyard Pools located at 1 N. Clovis Avenue, and on the north by a single residence.
3. 2500 Alluvial Avenue building is bordered on the north by a four-lane roadway (Alluvial Avenue), on the south by the freeway 168 onramp, on the east by City of Clovis Fire Station #5, and on the west by an open field.

### iii. Non-Campus Property

1. Buildings or property that are:
  - a. owned or controlled by the University; and
  - b. used in direct support of, or in relation to, the University's educational purposes, and
  - c. frequently used by students, and
  - d. not within the same reasonably contiguous geographic area of the University campus; or
  - e. Any building or properties owned or controlled by a student organization that is officially recognized by the University, or any property outside of the United States if the property otherwise meets the definition of Non-Campus Property described above in subsections i or ii above.

The University does not have any Non-Campus Property.

- e. **Clery Coordinator**—The employee appointed by the President, or designee, at the University to coordinate the gathering of all data and policies necessary for the timely filing and distribution of the Annual Security Report.

### III. Programs for Crime Preventions

The University offers a variety of primary crime prevention programs to inform students and employees about safety/security procedures and protocols both for new and existing, students and employees. Specifically, the University will require students and employees to attend annual trainings provided by law enforcement and the University will provide annual: safety information sessions, presentations, workshops, posters throughout campus, and trainings. Presentation topics will include general, personal and workplace safety and property theft prevention and alcohol/drug awareness. These programs encourage students and employees to be responsible for their own safety and the safety of others.



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### IV. Reporting a Crime or Emergency

The University encourages accurate and prompt reporting of all crimes by students/employees to local law enforcement when the victim of a crime elects to, or is unable to, make such a report. In the case of imminent danger or while a crime is in progress, call 911 immediately to make a report to local law enforcement. The person calling to report a crime or incident, should be ready to give information such as: a brief description of the occurrence, when and where the incident occurred, weapons the suspect(s) carried, where and when the suspect(s) was last seen, description of the suspect(s) and any other relevant information. In addition to the importance of reporting, timely information assists in developing information and warnings for the campus.

Reporting Clery crimes to the University is also important and may be required for employees by policy. When crimes are reported to the Clery Coordinator, the University's Title IX, Equity and Diversity Coordinator ("Title IX Coordinator") (for crimes that are prohibited by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy) and/or the CSAs the University can:

- a) Provide a Timely Warning (as defined by the University's Timely Warning and Emergency Notification Policy) to students and employees if there is a crime posing an ongoing threat to the safety of students or employees,
- b) Notify law enforcement so that they can investigate the reported crime if warranted; and
- c) Accurately disclose crime statistics as required by the Clery Act.

The contact information for reporting a crime is as follows:

- As of the effective date of this policy, Ms. Carlita Romero-Begley, PHR, SHRM-CP, is Vice President of Human Resources and Title IX Coordinator, and may be contacted by phone at 559-282-8747 (direct line), via email at [cromerobegley@chsu.edu](mailto:cromerobegley@chsu.edu) or in person at Room 310B, 65 N. Clovis Avenue, Clovis, CA 93612.
- As of the effective date of this policy, the University's Clery Coordinator is Tim Bos, Director of Security. Mr. Bos may be contacted by phone at 559-701-2131 (direct line) or via email at [tbos@chsu.edu](mailto:tbos@chsu.edu) or in person at 2500 Alluvial Avenue Clovis, California 93611.
- CSA contact information can be found in the University's Clery Act Campus Security Authorities Policy.

Criminal acts may also be reported by using an online form found at this link:

<https://chsu.edu/safety/>

### V. Campus Security



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The University contracts with private security personnel to patrol campus, respond to calls for non-emergency assistance, and respond to alarm notifications, among other services. Uniformed security officers provide a visual presence, secure University buildings and adjacent parking lots, and monitor access to University buildings and respond to emergencies and alarms. The private security company also monitors admittance of University employees, students, and authorized visitors into University buildings. The private security company also routinely inspects doors, fences, and gates, and ensures that all areas are properly secured. They report unsafe or hazardous conditions that come to their attention to the Vice President of Operations, or designee, or to local law enforcement in the event of criminal activity. Private security officers at the University operate as private citizens and not as public law enforcement officers. As such, the private security personnel do not have the authority to make arrests. The security company with which the University contracts will also coordinate with local, state, and federal law enforcement agencies.

### **VI. Policies for Preparing the Annual Disclosure of Crime Statistics**

Annually, the Clery Coordinator shall collect and compile statistics regarding Clery Crimes from CSAs, Title IX Coordinator and local law enforcement for the University's ASR regarding crimes that happen in the University's Clery Geography.<sup>2</sup>

The ASR provides students and employees of CHSU with information regarding University safety. The ASR also contains information related to the University's security policies and procedures, crime awareness educational programs, and the procedures the University will take to issue emergency notifications. The report will include information provided by the Vice President of Operations, Office of Student Affairs, Office of the Title IX Equity and Diversity Coordinator, Office of Human Resources, local law enforcement, the University's CSAs and various other stakeholders.

### **VII. Voluntary Confidential Reporting**

The University will protect the privacy of individuals involved in a report of prohibited conduct to the extent permitted by law and University policy and procedures. However, depending on the circumstances an investigation may be necessary as described by University policies.

Although the University encourages persons reporting crimes to identify themselves to enable the University to take appropriate action and prevent future crimes, victims of crime who do not want to pursue action within the University or the criminal justice systems may still want to consider making a confidential report to the Clery Coordinator, only for purposes of collecting statistical information (for inclusion in the ASR) and to help prevent future crimes.

Additionally, when students report crimes to Confidential Resources, as defined by the University's Unlawful Discrimination, Sexual Misconduct and Title IX Policy and Procedures, such persons designated as Confidential Resources are not required to report crimes for inclusion in the ASR. However, such persons designated as Confidential Resources, will encourage students to

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<sup>2</sup> The University will routinely audit its Clery crime log to ensure that incidents are not double counted in the annual crime statistics.



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report crimes on a voluntary, confidential basis, for inclusion in ASR.

### **VIII. Monitoring Off-Campus Locations of Recognized Student Organizations**

The University does not have any officially recognized student organizations with off-campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **IX. Security of and Access to Campus Facilities**

All campus buildings are equipped with electronic key card access control on exterior entrances. Students and employees are issued key cards that are programmed with the appropriate permissions that allow access to appropriate entrances at appropriate times of the day and week depending on the needs of the University. Certain employees and students are granted after-hours access on an as needed basis. Exterior doors are kept locked except to facilitate daily business during hours of operation. The University contracts with private security personnel who are required to check exterior and interior doors during their patrols. The University's front desk receptionist also monitors access to University buildings during the day.

### **X. Security Considerations in the Maintenance of Facilities**

The Vice President of Operations or designee maintains campus facilities, routinely inspecting the facilities for safety and security related concerns. The Vice President of Operations or designee also schedules repairs affecting safety and security. The Vice President of Operations or designee also responds to potential safety and security hazards reported by students, employees, and private security personnel such as broken windows, locks, or lighting deficiencies.

### **XI. University Coordination with Law Enforcement**

The University works with state, county, and local law enforcement agencies to prevent and respond to crime and emergencies that occur on campus. Although the University does not have a written MOU with state, county, or local law enforcement, the University maintains a working relationship with the Clovis Police department for crime awareness training on campus, investigation of criminal incidents, and emergency response.

### **XII. Retaliation**

This Policy prohibits retaliation against a person who makes a Clery Act report. Retaliation includes, but is not limited to, threats, intimidation, coercion, reprisals, and/or harmful (adverse) actions related to employment or education. Any student or employee retaliating against another student/employee may be subject to disciplinary action, up to and including dismissal or termination from the University, according to the University's policies and procedures.



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## Appendix A Campus Safety Patrol Jurisdiction Current On-Campus Geography and Public Property

Aerial view of Clery Geography at 120 N. Clovis Avenue, 65 N. Clovis Avenue, and 45 N. Clovis Avenue





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Aerial view of Clery Geography at 2500 Alluvial Avenue



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