



Susan Cochran
Telephone: (510) 987-0887
Email: susan.cochran@ucop.edu

Chair of the Assembly of the Academic Senate
Faculty Representative to the Regents
University of California
1111 Franklin Street, 12th Floor
Oakland, California 94607-5200

June 6, 2023

DOUGLAS HAYNES, VICE PROVOST
ACADEMIC PERSONNEL & PROGRAMS

Re: Systemwide Review of Presidential Clery Act Policy – Campus Safety and Security Reporting

Dear Vice Provost Haynes:

As requested, I distributed for systemwide Senate review the UC Presidential Clery Act Policy. Nine Academic Senate divisions submitted comments. These were discussed at the Academic Council's May 24 meeting and are attached for your reference.

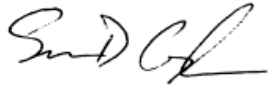
The proposed revisions amend the interim UC Clery Act Policy, which was issued in July 2022 to address UC's compliance with the federal Clery Act requirement that colleges and universities disclose data on specific crimes occurring on and around their campuses.

The Senate supports the goals of these policies to increase the accuracy and transparency of campus crime and safety reporting. Senate reviewers also offer several recommendations to further clarify and strengthen the policy. Many of these pertain to the authority and reporting role of the Campus Security Authority (CSA), and specifically which UC employees and campus volunteers are obligated to report as CSAs; what criteria determine a faculty member's eligibility to be a CSA; the distinction between the roles and jurisdictions of a CSA, a Confidential Resource, and a Responsible Employee; the process by which individuals are designated as CSAs and informed of their responsibilities; and the circumstances under which a CSA who is also a Confidential Resource must break confidence and report a crime to law enforcement.

In addition, reviewers recommend that the policy clarify the reporting responsibilities of unlicensed CARE advocates, detail the specific geographic conditions under which the policy applies, add a requirement for CSAs to inform victims about available confidential resources, expand the definition of hate crime to include more examples, and clarify the timing of the release of Clery Act notifications.

We appreciate the opportunity to comment. Please do not hesitate to contact me if there are additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Cochran', with a stylized flourish at the end.

Susan Cochran, Chair
Academic Council

Cc: Academic Council
Executive Vice President Nava
Senior Vice President and Chief Compliance & Audit Officer Bustamante
Chief of Staff Levintov
Campus Senate Executive Directors
Executive Director Lin

Encl.



May 16, 2023

SUSAN COCHRAN
Chair, Academic Council

Subject: Systemwide Proposed Presidential Policy – Interim Clery Act Policy

Dear Chair Cochran:

On May 8, 2023, the Council of the Berkeley Division (DIVCO) discussed the proposed Presidential *Interim Clery Act Policy – Campus Safety and Security Reporting*, informed by written comments from the Undergraduate Council (UGC), which DIVCO endorsed in full. Please see the enclosed letter.

Sincerely,

Mary Ann Smart
Professor of Music
Chair, Berkeley Division of the Academic Senate

Enclosure

cc: Maximilian Auffhammer, Vice Chair, Berkeley Division of the Academic Senate
Robert Ashmore, Chair, Undergraduate Council
Jocelyn Surla Banaria, Executive Director
Sumei Quiggle, Associate Director staffing Undergraduate Council



May 5, 2023

PROFESSOR MARY ANN SMART
Chair, Berkeley Division of the Academic Senate

Re: UGC comments on interim Clery Act Policy

Dear Chair Smart:

At its meeting on April 5, the Undergraduate Council (UGC) reviewed the interim Clery Act Policy – Campus Safety and Security Reporting. UGC endorses the policy. UGC is concerned about underreporting of some crimes, and supports increased transparency, which we take to be a chief aim of this policy.

At the same time, however, members noted that some of the categories are defined in ways that might be misleading in the absence of clarifying or contextual information. We learned, for example, that while data reflect a significant increase in “motor vehicle theft,” most of these thefts have been of electric scooters. Given the way in which such data may predictably be used to make large generalizations about the state of crime and public safety on our campus, while we support the general aims of this interim policy, we also urge that attention be paid to the potential dangers of decontextualized statistics of this sort.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Ashmore', written over a light blue circular stamp.

Robert Ashmore
Chair, Undergraduate Council



DAVIS DIVISION OF THE ACADEMIC SENATE
ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8502
(530) 752-2220
academicsenate.ucdavis.edu

May 17, 2023

Susan Cochran
Chair, Academic Council

RE: Proposed Presidential Clery Act Policy

Dear Susan,

The proposed Presidential Clery Act Policy was forwarded to all standing committees of the Davis Division of the Academic Senate. Two committees responded: Faculty Welfare (FWC) and the Faculty Executive Committee of the College of Letters and Science (L&S).

Committees support the proposed revisions but expressed a few concerns. Per FWC:

“The committee expressed concern about the definition and role of a Campus Security Authority (CSA). This could be made clearer with a sentence or so listing people who would not be expected to report these crimes. In the policy, individuals in residence halls are given as an example of those who might be a CSA because they might have oversight of ‘campus functions’ but this left the committee unclear when a faculty member would be considered to have oversight of a campus activity and therefore be a CSA. For those who are not a CSA, it could also be beneficial to provide some guidance on the process or related policy on how they should report these crimes if they choose to. Finally, page 6 of the policy lists volunteers (paid or unpaid) as potentially having the responsibility of being a CSA based on their function but does not clearly identify what would qualify them as a CSA.”

The Davis Division appreciates the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Palazoglu", is written over a light blue horizontal line.

Ahmet Palazoglu
Chair, Davis Division of the Academic Senate
Distinguished Professor of Chemical Engineering
University of California, Davis

May 11, 2023

Ahmet Palazoglu

Chair, Davis Division of the Academic Senate

RE: Request for Consultation – Proposed Presidential Clery Act Policy

Dear Ahmet:

The Committee on Faculty Welfare has reviewed the RFC – Proposed Presidential Clery Act Policy and showed some support for it. The committee expressed concern about the definition and role of a Campus Security Authority (CSA). This could be made clearer with a sentence or so listing people who would not be expected to report these crimes. In the policy, individuals in residence halls are given as an example of those who might be a CSA because they might have oversight of "campus functions" but this left the committee unclear when a faculty member would be considered to have oversight of a campus activity and therefore be a CSA. For those who are not a CSA, it could also be beneficial to provide some guidance on the process or related policy on how they should report these crimes if they choose to. Finally, page 6 of the policy lists volunteers (paid or unpaid) as potentially having the responsibility of being a CSA based on their function, but does not clearly identify what would qualify them as a CSA.

Sincerely,



Janet Foley

Chair, Committee on Faculty Welfare

c: Edwin M. Arevalo, Executive Director, Davis Division of the Academic Senate

May 17, 2023

Susan Cochran, Chair
Academic Council

Re: Systemwide Review of Proposed Presidential Policy – Interim Clery Act Policy

Dear Chair Cochran,

The Irvine Division discussed the Interim Clery Act Policy – Campus Safety and Security Reporting at its Cabinet meeting on May 16, 2023. The Council on Teaching, Learning, and Student Experience (CTLSE) and Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) also reviewed the proposal. Their feedback is attached for your review.

Cabinet members agreed with the councils' feedback and suggested one revision to the policy language. Section IV.C.2. (page seven) states that the CSA (Campus Security Authority) is not a confidential resource and that, therefore, the CSA is "encouraged to inform victims of crimes of their confidential resources." In order to ensure consistency and avoid arbitrary application, members recommended that instead the CSA should be *required* to inform victims of crimes of their confidential resources.

The Irvine Division appreciates the opportunity to comment.

Sincerely,



Georg Striedter, Chair
Academic Senate, Irvine Division

Enclosures: CTLSE, CFW memos

Cc: Arvind Rajaraman, Chair Elect-Secretary
Jisoo Kim, Executive Director
Gina Anzivino, Associate Director

April 25, 2023

**GEORG STRIEDTER, CHAIR
ACADEMIC SENATE – IRVINE DIVISION**

Re: Proposed Presidential Policy – Interim Clery Act Policy

Systemwide Senate Chair Susan Cochran distributed for review prior to finalization the Interim Clery Act Policy – Campus Safety and Security Reporting as currently posted publicly. After the policy's interim issuance in July 2022, a systemwide working group was formed to gather feedback on the interim policy from key stakeholder groups and to begin the development of implementation guidance. In addition to feedback received from stakeholders, the working group will consider feedback collected through this systemwide review.

The Council on Faculty Welfare, Diversity, and Academic Freedom (CFW) discussed this issue at its meeting on April 11, 2023, and submits the following comments:

1. Members were unsure whether University Hills incidents were included in the Clery Act reporting. Some members expressed concern that, if so, there could be a privacy concern. However, other members stated that since UCIPD responds to incidents in University Hills, it should be included in the Clery Act reporting. The Council requests clarification on whether University Hills is, in fact, part of the Clery Act reporting for UCI.
2. Members suggested that the "Hate Crime" definition should include categories like age, pregnancy, marriage and civil partnership.

Sincerely,



Lisa Naugle, Chair
Council on Faculty Welfare, Diversity, and Academic Freedom

C: Jisoo Kim, Executive Director
Academic Senate

Gina Anzivino, Associate Director
Academic Senate

Stephanie Makhoulouf, Cabinet Analyst
Academic Senate



May 2, 2023

**GEORGE STRIEDTER, CHAIR
ACADEMIC SENATE – IRVINE DIVISION**

Re: Proposed Presidential Policy – Interim Clery Act Policy

Systemwide Senate Chair Susan Cochran distributed for review prior to finalization the Interim Clery Act Policy – Campus Safety and Security Reporting as currently posted publicly. After the policy's interim issuance in July 2022, a systemwide working group was formed to gather feedback on the interim policy from key stakeholder groups and to begin the development of implementation guidance. In addition to feedback received from stakeholders, the working group will consider feedback collected through this systemwide review.

The Council on Teaching, Learning, and Student Experience (CTLSE) discussed this issue at its meeting on May 1, 2023, and submits the following comments:

1. The Council would like to affirm the comments from the Council on Faculty Welfare, Diversity, and Academic Freedom (CFW), specifically regarding the definitions of a "hate crime."
2. It is recommended that additional clarity be provided regarding reporting guidelines and roles.
3. Members expressed concern regarding when specific alerts or announcements are disseminated to campus constituents versus when they do not. There seem to be more incidents in the Annual Security Report than number of announcements throughout the year. It would be helpful if there was clarification on what exactly prompts an alert or incident information to campus.

Sincerely,

Mary McThomas

Mary McThomas, Chair
Council on Teaching, Learning, and Student Experience

C: Jisoo Kim, Executive Director
Academic Senate



May 15, 2023

Susan Cochran
Chair, UC Academic Senate

Re: (Systemwide Senate Review) Proposed Presidential Policy – Clery Act Policy

Dear Chair Cochran,

The divisional Executive Board appreciated the opportunity to review the Proposed Presidential Policy – Clery Act Policy. The Executive Board (EB) reviewed the proposal and divisional committee and council responses at its meeting on May 11, 2023.

EB members voted unanimously to approve a motion to express appreciation for the clarity provided by the proposed policy and to urge the university to respectfully reconsider the removal of the Ombuds office from the Campus Security Authority reporting exemption, while adhering to applicable legal constraints.

Sincerely,



Jessica Cattelino
Chair
UCLA Academic Senate

Encl.

Cc: April de Stefano, Executive Director, UCLA Academic Senate
Andrea Kasko, Vice Chair/Chair Elect, UCLA Academic Senate
Shane White, Immediate Past Chair, UCLA Academic Senate

To: Jessica Cattelino, Chair, Academic Senate

From: Sandra Graham, Chair, Committee on Privilege and Tenure

CC: Andrea M. Kasko, Vice Chair/Chair-Elect, Academic Senate
Shane White, Immediate Past Chair, Academic Senate
April de Stefano, Executive Director, Academic Senate
Marian M. Olivas, Principal Policy Analyst, Academic Senate
Members of the Committee on Privilege and Tenure

Date: May 4, 2023

Re: Clery Act Policy – Campus Safety and Security Reporting

As part of an informational/asynchronous review, the Committee on Privilege and Tenure reviewed the recommendation to make permanent the UCOP Policy “Interim Clery Act Policy – Campus Safety and Security Reporting.” The changes appear to be required by law and do not seem to have encountered any concerns during the months it was in place. Clarity about what resources are confidential appears to support the rights of faculty and other community members.

Thank you for the opportunity to review and comment. If you have any questions, please do not hesitate to contact me at graham@gseis.ucla.edu or via the Committee’s analyst, Marian Olivas, at molivas@senate.ucla.edu.

May 4, 2023

To: Jessica Cattelino, Chair
Academic Senate

From: Norweeta Milburn, Chair
Committee on Charges

Re: Clery Act Policy – Campus Safety and Security Reporting

An Interim “Clery Act Policy” was issued in July, 2022 to “address immediate Department of Education compliance concerns.” The interim revisions expanded who should be considered a confidential resource and therefore not considered a Campus Security Authority (CSA). Under Clery policy anyone who is a Campus Security Authority (CSA) is obligated to report to the campus police department “Clery crimes” that they witness or are reported to them.

Specifically, the interim changes in UCOP policy exempt any “CARE advocate” employee whose “official responsibilities include providing professional or pastoral counseling to members of the UC community and who is functioning within the scope of their license or certification.” These individuals are not CSA for the purposed of Clery Policy.

The Charges Committee had an opportunity to review this policy at their May 4, 2023 meeting. The cover letter suggests that the Ombuds Office also falls under the same exemption as CARE advocates. However, the policy does not specifically name the Ombuds as exempt from CSA reporting. It seems like that office should be specifically cited as exempt.

The Committee has no other comments.

cc: April de Stefano, Academic Senate Executive Director
/mmo



OFFICE OF THE ACADEMIC SENATE
PATTI LIWANG, CHAIR, ACADEMIC SENATE
senatechair@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

May 17, 2023

To: Susan Cochran, Chair, Academic Council

Re: Systemwide Review of Proposed Presidential Policy – Clery Act Policy

The proposed Presidential Policy – Clery Act Policy was distributed for comment to the Merced Division Senate Committees and the School Executive Committees. The following Committees offered comments for consideration. Their comments are appended to this memo.

- Committee for Equity, Diversity, and Inclusion (EDI)
- Committee on Faculty Welfare and Academic Freedom (FWAF)

EDI pointed out that under Section VIII. Revision History, the policy states “The interim policy is issued to remove the specific language identified by the Department of Education so that the CARE and Ombuds employees are no longer categorically exempt as a CSA.” EDI wondered if the exemption of both the Ombuds employee and the CARE officer as a Campus Security Authority (CSA) will compromise the advocacy and role of these individuals. While EDI understood that this may be a legal requirement, EDI believed that some rationale for this exemption would be valuable.

FWAF endorsed the proposed Presidential Policy with no additional comments.

Divisional Council reviewed the committees’ comments via email and supports their various points and suggestions.

The Merced Division thanks you for the opportunity to comment on this proposed policy.

CC: Divisional Council
Monica Lin, Executive Director, Systemwide Academic Senate
Michael LaBriola, Assistant Director, Systemwide Academic Senate
Senate Office

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SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION
COMMITTEE FOR EQUITY, DIVERSITY AND INCLUSION (EDI)

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

April 21, 2023

To: Patti LiWang, Chair, Divisional Council

From: [Committee for Equity, Diversity and Inclusion \(EDI\)](#)

Re: [Proposed Revisions to Presidential Policy – Clery Act Policy](#)

EDI reviewed the proposed revisions to the Presidential Policy – Clery Act Policy and offers its comments below.

Under Section VIII. Revision History, the policy states “The interim policy is issued to remove the specific language identified by the Department of Education so that the CARE and Ombuds employees are no longer categorically exempt as a CSA.”

EDI wonders if the exemption of both the Ombuds employee and the CARE officer as a Campus Security Authority (CSA) will compromise the advocacy and role of these individuals. While EDI understands that this may be a legal requirement, EDI believes that some rationale for this exemption would be valuable.

We thank you for the opportunity to review this policy.

Cc: EDI Members
Senate Office

UNIVERSITY OF CALIFORNIA, MERCED

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SANTA BARBARA • SANTA CRUZ

ACADEMIC SENATE, MERCED DIVISION
COMMITTEE ON FACULTY WELFARE AND ACADEMIC FREEDOM
DAVID JENNINGS, CHAIR
djennings3@ucmerced.edu

UNIVERSITY OF CALIFORNIA, MERCED
5200 NORTH LAKE ROAD
MERCED, CA 95343

April 17, 2023

To: Patti LiWang, Chair, Division Council

From: David Jennings, Chair, Committee on Faculty Welfare and Academic Freedom (FWAF)

Re: Proposed Presidential Policy – Clery Act Policy

FWAF reviewed the proposed Presidential Policy – Clery Act Policy. The committee endorses the policy and appreciates the opportunity to opine.

cc: Senate Office



CHAIR, ACADEMIC SENATE
RIVERSIDE DIVISION
UNIVERSITY OFFICE BUILDING, RM 225

SANG-HEE LEE
PROFESSOR OF ANTHROPOLOGY
RIVERSIDE, CA 92521-0217
TEL: (951) 827-4390
EMAIL: SANG-HEE.LEE@UCR.EDU

May 9, 2023

Susan Cochran, Chair, Academic Council
1111 Franklin Street, 12th Floor
Oakland, CA 94607-5200

RE: [Systemwide Review] Proposed Presidential Policy – Clery Act Policy

Dear Susan,

The Riverside Executive Council discussed the subject proposed policy during their May 8, 2023 meeting and had no additional comments to add to those attached from local committees that responded to the call for comments.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Sang-Hee Lee".


Sang-Hee Lee
Professor of Anthropology and Chair of the Riverside Division

CC: Monica Lin, Executive Director of the Academic Senate
Cherysa Cortez, Executive Director of UCR Academic Senate Office

FACULTY WELFARE

April 21, 2023

To: Sang-Hee Lee, Chair
Riverside Division

From: Robert Clare, Chair 
Committee on Faculty Welfare

RE: [Systemwide Review] *Proposed Presidential Policy – Clery Act Policy*

At our April 11, 2023 meeting, the Committee on Faculty Welfare (FW) discussed the proposed Clery Act Policy. FW appreciates the opportunity to evaluate this systemwide review item and commends the University of California's commitment to provide a safe and secure learning and working environment for UC students and employees.

The following captures our concerns and questions with respect to the proposed policy:

- To better analyze and understand the differences between this “interim” policy and the previous version of the policy, a highlighted “difference list” should be provided. In this same vein, all policies that are revised/updated and subsequently circulated for review should be presented with a difference list, with a first column containing a policy's “previous text” and a second column containing “current text.”
- The way the policy is written seems to blend *disclosing* information about safety/security/crimes and also *reporting* such information (i.e., *enforcing*). Is this policy intended to center around “disclosure” of information pertaining to campus security policies and crime statistics, or “enforcement” of proper practices related to reporting emergencies/crimes/incidents in a timely fashion to designated campus authorities?
- As it pertains to this policy and most importantly to providing a safe and secure learning and working environment, the responsibilities of the Campus Security Authority (CSA) are confusing and seemingly contradictory. The CSA must immediately or as soon as reasonably practicable report any Clery Act crimes or incidents which they have been made aware of or witnessed to the campus police department and/or Campus Clery Coordinator/Officer. It is even stressed that any CSA who knowingly fails to report a crime may be subject to disciplinary action. However, in accordance with California law, when reporting a crime the CSA is not permitted to disclose to local law enforcement the identity of the victim or alleged perpetrator, unless the victim consents to being identified after being informed of their right to remain anonymous or unless the victim is a minor which may trigger

separate mandated reporting obligations. If a CSA is unable to disclose the identity of a victim and perpetrator, how does this assist local law enforcement to investigate accordingly and resolve the matter expeditiously? In the case of a real crime being committed, how does the preservation of anonymity ensure the safety and security of a victim? Furthermore, when a CSA is the first person made aware of a crime, is the campus at large still notified in as close to real-time as possible of this crime (shortly after the crime has been committed and/or reported)? If not, a failure to notify the campus at large seems to contradict the UC's commitment to campus safety and security.

Despite what is stated in the policy with respect to the CSA keeping the identify of a victim and alleged perpetrator in confidence, what is perplexing is that the CSA is not classified as a confidential resource. Instead, the CSA is encouraged to inform victims of individuals on campus formally classified as confidential resources. The classification of the CSA as a non-confidential resource suggests that the CSA is indeed able to break confidence to identify the victim and/or perpetrator to local law enforcement or another authority, even perhaps in contexts outside of when the victim consents to being identified and/or when the victim is a minor. The policy should explicitly list the varied/nuanced instances when the CSA can break confidentiality. For example, in cases of sexual assault, domestic violence, dating violence, or stalking, can the CSA identify the victim and/or perpetrator to the campus Title IX Officer, even if the victim did not consent to such?



April 21, 2023

To: Sang-Hee Lee, Division Chair of the UCR Division of the Academic Senate &
Cherysa Cortez, Executive Director of the UCR Academic Senate

From: Raquel M. Rall, Ph.D., Faculty Chair of the School of Education Executive Committee

Subject: [Systemwide Review] Proposed Policy: Proposed Presidential Policy – Clery Act Policy

The members of the SOE Executive Committee reviewed the [Systemwide Review] Proposed Policy: Proposed Presidential Policy – Clery Act Policy. Comments were provided at our monthly meeting and via email. Our feedback is below.

The Faculty Executive Committee found the policy informative. The removal of the specific language identified by the Department of Education so that the CARE and Ombuds employees are no longer categorically exempt as a CSA was a good move. We only have one suggestion and a stream of related questions.

Under definitions II.D. "CARE Advocate", we recommend writing out what CARE stands for (Campus Advocacy, Resources & Education).

Our compound question, which doesn't need to show up in the policy, is when are all of these annual reports due, to whom are they submitted, where are they housed, and who has access to them? Additionally, do campus stakeholders have to opt in for Clery notifications or is that automatic?

Thank you for the opportunity to provide feedback.

Sincerely,

A handwritten signature in cursive script that reads "Raquel M. Rall".

Raquel M. Rall, Ph.D.
Faculty Executive Committee Chair 2022-2025
School of Education
University of California, Riverside

May 8, 2023

TO: Sang-Hee Lee, Ph.D., Chair, Academic Senate, UCR Division

FROM: Marcus Kaul, Ph.D., Chair, Faculty Executive Committee, UCR School of Medicine

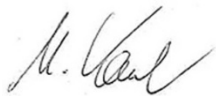
SUBJECT: Response to [Systemwide Review] Proposed Policy: Proposed Presidential Policy – Clery Act Policy

Dear Sang-Hee,

The SOM Faculty Executive Committee has reviewed the Proposed Presidential Policy – Clery Act Policy.

We approve of the proposed policy and have no additional comments.

Yours sincerely,



Marcus Kaul, Ph.D.
Chair, Faculty Executive Committee School of Medicine



School of Public Policy
University of California, Riverside
INTS 4133 | 900 University Ave
Riverside, CA 92521

TO: Sang-Hee Lee, Chair
Riverside Division

FR: Richard M. Carpiano, Chair
Executive Committee, School of Public Policy

RE: [Systemwide Review] Proposed Policy: Proposed Presidential Policy – Clery Act Policy

Date: April 24, 2023

The Executive Committee of the School of Public Policy reviewed the documentation for “[Systemwide Review] Proposed Policy: Proposed Presidential Policy – Clery Act Policy.”

In the course of our review, there was confusion regarding whether the Title IX office must report instances of reported crimes outside of confidential resources to the Campus Security Authority. As written, it only appears that the Clery officer/committee is expected to coordinate with Title IX when appropriate. If so, this would suggest that Title IX is not required to report instances of sexual violence and related crimes to them to be able to accurately count such incidents occurring on campus.

We have no other concerns.

Sincerely,

A handwritten signature in black ink that reads "Richard M. Carpiano". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Richard M. Carpiano, Ph.D., M.P.H.
Professor of Public Policy



OFFICE OF THE ACADEMIC SENATE

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0002
TELEPHONE: (858) 534-3640
FAX: (858) 534-4528

May 12, 2023

Professor Susan Cochran
Chair, Academic Senate
University of California
VIA EMAIL

Re: Divisional Review of the Clery Act Policy – Campus Safety and Security Reporting

Dear Chair Cochran,

The Clery Act Policy – Campus Safety and Security Reporting was distributed to San Diego Divisional Senate standing committees and discussed at the May 8, 2023 Divisional Senate Council meeting. Senate Council endorsed the proposal, and provided the following comment for consideration. Clarity is needed on whether or not a CARE advocate has reporting responsibilities. The policy states that if a CARE advocate is acting within the scope of their license, then they are not considered campus security authorities (CSA) but it does not clarify if unlicensed CSAs or professional care advocates would fall under the same rule.

The responses from the Divisional Committee on Diversity and Equity and Committee on Faculty Welfare are attached.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Grey Postero".

Nancy Postero
Chair
San Diego Divisional Academic Senate

Attachments

cc: John Hildebrand, Vice Chair, San Diego Divisional Academic Senate
Lori Hullings, Executive Director, San Diego Divisional Academic Senate
Monica Lin, Executive Director, UC Systemwide Academic Senate

April 28, 2023

NANCY POSTERO, CHAIR
Academic Senate, San Diego Division

SUBJECT: Proposed Presidential Policy – Clery Act Policy

The Committee on Diversity and Equity discussed the Proposed Presidential Policy – Clery Act Policy at its April meeting. The members of the committee did not find any issues with the proposed revisions and endorse the adoption of the policy.

Sincerely,

Shantanu Sinha, Chair
Committee on Diversity and Equity

cc: J. Hildebrand

April 26, 2023

NANCY POSTERO, CHAIR
Academic Senate, San Diego Division

SUBJECT: Proposed Presidential Policy – Clery Act Policy

The Committee on Faculty Welfare discussed the Proposed Presidential Policy – Clery Act Policy. The members of the committee did not find any issues in the proposed text of the policy. Our discussion, however, centered on longstanding issues around policing on our campus. We welcome the transparency and reporting standards introduced by the Clery Act but would like to see similar standards around the sharing of information between campus units (from student services to hospitality and housing) and the local police department. Given the widely documented way policing is experienced in relation to race, gender, and national origin, we feel that more a similar level of transparency and reporting should exist around the kind of information that is made available about our faculty, students, and staff to police forces. As campus expands its footprint both locally and in connection to infrastructural investments like the Blue Trolley Line, such clarity would be critical not the least because more communities would fall under UCSDPD's jurisdiction.

Sincerely,

Juan Pablo Pardo-Guerra, Chair
Committee on Faculty Welfare

cc: J. Hildebrand



UC SANTA BARBARA

Academic Senate
Susannah Scott, Chair
Shasta Delp, Executive Director

1233 Girvetz Hall
Santa Barbara, CA 93106-3050
<http://www.senate.ucsb.edu>

May 17, 2023

To: Susan Cochran, Chair
Academic Senate

From: Susannah Scott, Chair
Santa Barbara Division 

Re: Systemwide Review of the Proposed Presidential Policy - Clery Act Policy

The Santa Barbara Division distributed the Proposed Presidential Clery Act Policy to Undergraduate Council (UgC), the Graduate Council (GC), Council on Faculty Welfare, Academic Freedom, and Awards (CFW), Committee on Diversity and Equity (CDE), Committee on International Education (CIE), Charges Advisory Committee (CAC), Committee on Privilege and Tenure (P&T), and the Faculty Executive Committees (FECs) of the College of Letters and Science (L&S), College of Engineering (ENGR), College of Creative Studies (CCS), Bren School of Environmental Science and Management (BREN), and Gevirtz Graduate School of Education (GGSE). UgC, CIE, CAC, P&T and the L&S, CCS, and BREN FECs opted not to opine.

Both the COE and GGSE FECs express their support for the proposed policy. The remaining groups offer specific feedback about the Campus Security Authority (CSA) designation and the need for transparency on the campuses regarding this and related roles. The main points are summarized below, with more details in the attached reviewing group responses.

Several reviewing groups identified a lack of clarity around the designation of individuals in the Campus Security Authority (CSA) role, and the difference in roles and jurisdiction between a CSA, Confidential Resource, and Responsible Employee. Indeed, GC is very concerned that some previously designated CSAs would no longer have this status under the new policy, who are extremely important for students to feel safe discussing their experiences. The Santa Barbara Division requests additional information regarding the process by which individuals are designated as CSAs and informed of their status, and notes that this may be appropriate for inclusion in the policy. Further, we suggest that each campus be asked to publish information that defines the CSA, Confidential Resource, and the Responsible Employee roles, and identifies which members of their campus community fall under each role.

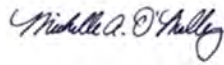
We thank you for the opportunity to comment.

**Academic Senate
Santa Barbara Division**

April 26, 2023

To: Susannah Scott, Divisional Chair
Academic Senate

From: Michelle O'Malley, Chair
Graduate Council



Re: Systemwide Review of Proposed Presidential Policy – Clery Act Policy

At its meeting of April 24, 2023, Graduate Council reviewed the Proposed Presidential Policy on the Clery Act and has the following comments.

The update to the policy removes language that made Ombuds and CARE employees exempt from the role of the Campus Security Authority (CSA). These offices provide important services to the student population and allow students to speak to someone while remaining anonymous. The policy states “the CSA shall immediately, or as soon as practicably possible, notify local law enforcement” or reported crimes. While the policy does state the CSA shall not disclose the identity of the victim or perpetrator unless the victim consents, the Council is adamant that students have somewhere to turn when they are victims of a crime without fear of it being reported without their consent.

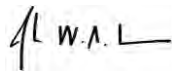
Furthermore, the Council would like to see information published that identifies which members of the UCSB community are CSAs, Confidential Resources and Responsible Employees, and how these jurisdictions overlap.

CC: Shasta Delp, Executive Director, Academic Senate

**Academic Senate
Santa Barbara Division**

April 26, 2023

To: Susannah Scott, Divisional Chair
Academic Senate

From: John Lee, Chair 
Council on Faculty Welfare, Academic Freedom and Awards

Re: Proposed Presidential Policy - Clery Act Policy


At its meeting of April 5, 2023, the Council on Faculty Welfare, Academic Freedom and Awards (CFW) discussed the proposed Presidential Policy - Clery Act Policy. It is unclear to the Council how individuals at the University know they are a Campus Security Authority (CSA). The policy is not explicit, and the Council would like more clarity regarding the process by which individuals are designated as CSAs and informed of their status.

CC: Shasta Delp, Executive Director, Academic Senate

**Academic Senate
Santa Barbara Division**

April 13, 2023

To: Susannah Scott, Divisional Chair
Academic Senate

From: Peng Oh, Chair 
Committee on Diversity and Equity

Re: Systemwide Review of Proposed Presidential Policy – Clery Act Policy

At its meeting of April 10, 2023, the Committee on Diversity and Equity (CDE) reviewed the Proposed Presidential Policy on the Clery Act. The Committee is supportive of the policy updates and has the following minor comments.

The updates to the policy concern the role of Campus Security Authority (CSA). The Committee is Concerned that many members of the UCSB community are unaware of the differences between Confidential Resources and Responsible Employees. The additional role of the CSA makes the differences between these roles even less clear. The Committee recommends that a notification be sent out to campus that clearly defines these roles and their respective jurisdictions.

CC: Shasta Delp, Executive Director, Academic Senate

April 13, 2023

TO: Susannah Scott
Divisional Chair, Academic Senate

FROM: Steven DenBaars, Chair
College of Engineering, Faculty Executive
Committee

RE: Proposed Presidential Policy – Clery Act Policy

DocuSigned by:

Steve DenBaars

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The College of Engineering FEC met on Monday, April 10th and reviewed the proposal. The committee believes the proposal clarifies reporting structures and is supportive of the proposal as written.

May 12, 2023

To: Susannah Scott, Chair
Academic Senate

From: Ty Vernon, Chair
Faculty Executive Committee, GGSE

Re: Proposed Presidential Policy – Clery Act Policy

The Faculty Executive Committee of the Gevirtz Graduate School of Education has reviewed the Interim Clery Act Policy and is in support of its campus safety and reporting requirements. This interim policy will ensure campuses adhere to applicable federal law and remain transparent about campus crime and safety issues.



Ty Vernon, Ph.D.

Faculty Executive Committee Chair

Gevirtz Graduate School of Education

UC SANTA BARBARA



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SANTA CRUZ DIVISION
125 CLARK KERR HALL
(831) 459 - 2086

May 17, 2023

Susan D. Cochran, Chair
Academic Council

RE: Systemwide Review of Proposed Presidential Policy – Clery Act Policy

Dear Susan,

The Santa Cruz division of the Academic Senate has completed its review of the proposed Presidential Policy – Clery Act Policy with the Committees on Academic Freedom (CAF), Privilege and Tenure (CPT), and Rules, Jurisdiction and Elections (CRJE) providing comment.

The issue on which all the committees agreed concerned the definition of Campus Security Authority (CSA). Specifically, CPT observed that the definition provided was uninterpretable as it does not make clear which UC employees will have the obligation to report Clery Act Violations. CPT pointed to clauses two and three in II – Definitions – C. Campus Security Authority (CSA) on page two of the proposed policy:

“2. Are specified in the campus Annual Security Report (ASR) as an individual to whom employees should report criminal offenses; or

3. Have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.”

CPT noted that UC Santa Cruz’s Annual Campus Security and Fire Safety Report (ASR) provides that the ‘specification’ “includes officials of the University who have been designated by UC Santa Cruz to whom students and employees should report criminal offenses.” The committee observed as well that the ASR does not provide a list of designated officials. It does go on to specify that “CSAs include individuals from the following departments and units...”, but “include individuals.” CPT gleaned from this language that being in those departments or units is neither necessary nor sufficient to be a CSA. In an attempt to ascertain the intent of the policy, CPT referenced the Federal Code of

Regulations (CFR) pertaining to the Clery Act itself at 34 CFR 668.46.¹ which provides that “a list of titles of each person or organization to whom students and employees should report the criminal offenses described in paragraph c.” CPT understood this to mean that a list is required, not a reference to some other designation.

With regard to the language of clause three in the CSA definition, CPT observed that it is a restatement of 34 CFR 668.46. clause iv in the definitions for CSA.² CPT was curious to know on whom “significant responsibility for student and campus activities” rests, and who will make this determination. CPT wondered if this would include all faculty since instruction of students is surely a “significant student and campus activity.”

To address these ambiguities in policy, CPT suggested that clause two of the proposed policy be deleted and clause three be modified to direct that all future campus ASRs include a list of titles of individuals to whom offenses can be reported. CRJE concurred with this recommendation commenting, “As indicated in the letter from CPT, the current wording is ambiguous as to whether such a list is designed to be functional or to refer to job titles. The proposed policy asks for an emphasis on function (“Using the functional duties of a position, rather than the job title, UC campuses must identify and inform students...” p. 6). The Committee believes a list based on job function risks being exceedingly vague. We recommend a list based on job titles.”

CAF commented, “As written, it is not clear if faculty, by virtue of having “significant responsibility for student and campus activities” are CSAs. We ask for a clearer statement of who will occupy this role on campus. Relatedly, are all faculty members required to report? As it is not clear if all faculty are CSAs, it is similarly impossible to understand their reporting obligations from the current text of the policy.” CAF was also troubled by the lack of clarity regarding the geographic conditions under which the policy applies. Specifically, they noted that the language “any campus building frequently used by students” could include off campus establishments frequented by students and Education Abroad Program (EAP) centers where UC faculty often supervise students.

On behalf of the Santa Cruz division I thank you for the opportunity to opine on this important and evolving policy.

Sincerely,



Patty Gallagher, Chair
Academic Senate, Santa Cruz Division

encl: Senate Committee Responses (Bundled)

¹ 34 Code of Federal Regulations 668.46.b.2.iii at <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-668/subpart-D/section-668.46>

² iv: *An official of an institution 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 below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.*

May 10, 2023

PATTY GALLAGHER, Chair
Academic Senate, Santa Cruz Division

Re: Systemwide Review of Proposed Presidential Policy – Clery Act Policy

Dear Patty,

The Committee on Academic Freedom (CAF) met to review the proposed Presidential Clery Act Policy and has the following suggestions. First, committee members felt that the definition of who is a Campus Security Authority (CSA) is ambiguous in the policy. As written, it is not clear if faculty, by virtue of having “significant responsibility for student and campus activities” are CSAs. We ask for a clearer statement of who will occupy this role on campus. Relatedly, are all faculty members required to report? As it is not clear if all faculty are CSAs, it is similarly impossible to understand their reporting obligations from the current text of the policy. The committee requests a clearer statement of faculty obligations.

Finally, committee members had some concerns about the geographic conditions under which the policy applies. Specifically, under what conditions do CSAs have to report? Does the policy apply off campus? The language “any campus building frequently used by students” is unclear. For example, off-campus establishments frequented by students might fit this definition. Overseas Education Abroad Program (EAP) centers, where UC faculty often supervise students, might also apply. The policy should clearly define the geographic limits within which it is in force.

CAF asks that the policy be amended to clarify each of these issues to prevent lapses in reporting, and provide a clear definition of faculty and staff obligations.

Sincerely

/s/

Roger Schoenman, Chair
Committee on Academic Freedom

cc: Alexander Sher, Chair, Committee on Faculty Welfare (CFW)
Onuttom Narayan, Chair, Committee on Privilege and Tenure (CPT)
Eleonora Pasotti, Chair, Committee on Rules, Jurisdiction, and Elections (CRJE)

March 21, 2023

Patty Gallagher, Chair
Santa Cruz Division of the Academic Senate

RE: Proposed Presidential Clery Act Policy

Chair Gallagher,

Thank you for forwarding for review the proposed Presidential Clery Act Policy. P&T finds the policy unobjectionable, though we did note that one critical clarification is needed. In the definitions of Campus Security Authorities (CSAs), the proposed policy provides an uninterpretable definition of which UC employees will have an obligation to report Clery Act violations. The draft policy includes as CSAs persons who:

- Are specified in the campus Annual Security Report (ASR) as an individual to whom employees should report criminal offenses; or
- Have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

The first clause seems straightforward, until one actually checks UC Santa Cruz's Annual Campus Security and Fire Safety Report¹(ASR) and sees that the 'specification' includes "officials of the University who have been designated by UC Santa Cruz to whom students and employees should report criminal offenses."

Where is this list of designated officials? The ASR fails to say. It does go on to specify that "CSAs include individuals from the following departments and units...", but "include individuals" means that being in those departments or units is neither necessary nor sufficient to be a CSA.

We note that 34 CFR 668.46² paragraph b.2.iii requires that the ASR contain "a list of titles of each person or organization to whom students and employees should report the criminal offenses described in paragraph c.1...". (Emphasis added). A list is required, not a reference to some other designation.

The second clause is even less clear. Do all faculty have "significant responsibility for student and campus activities", since instruction is surely a significant student and campus activity at any university? Although this clause is a copy of clause iv in the definition of CSAs in 34 CFR 668.46 (see footnote 2), that clause is clearly intended to be general guidance to universities, who should then decide which of their employees has "significant responsibility" and list them in their ASR.

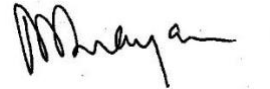
If the second clause is deleted, and UCSC is directed to modify its future ASRs to list the titles of individuals to whom offenses can be reported, this will address both problems.

¹ See: <https://police.ucsc.edu/crime-prevention/ucsc-clery-2022.pdf>

² See: <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-668/subpart-D/section-668.46>

Faculty members should not have to guess whether they have a reporting requirement or not, potentially resulting in disciplinary cases if they guess incorrectly. We request that the policy be clarified to clearly state which employees have a reporting requirement.

Sincerely,

A handwritten signature in black ink, appearing to read "Onuttom Narayan", followed by a period.

Onuttom Narayan, Chair
Committee on Privilege and Tenure

cc: Roger Schoenman, Chair, Committee on Academic Freedom
Alexander Sher, Chair, Committee on Faculty Welfare
Eleonora Pasotti, Chair, Rules, Jurisdiction and Elections
Matthew Mednick, Executive Director, Academic Senate

April 17, 2023

PATTY GALLAGHER, Chair
Academic Senate, Santa Cruz Division

Re: Systemwide Review of Proposed Presidential Policy – Clery Act Policy

Dear Patty,

During its meeting of April 10, 2023, the Committee on Rules, Jurisdiction, and Elections (CRJE) reviewed the proposed Presidential Clery Act Policy and found no issues of conformity with existing policy.

CRJE concurs with comments presented by the Committee on Privilege and Tenure (CPT). It concurs also with the proposed solution, i.e. to delete the second clause in the proposed Policy. Further, the Committee adds that clarification is needed with regard to the list of officials designated as reporters. As indicated in the letter from CPT, the current wording is ambiguous as to whether such a list is designed to be functional or to refer to job titles. The proposed policy asks for an emphasis on function (“Using the functional duties of a position, rather than the job title, UC campuses must identify and inform students,...” p. 6). The Committee believes a list based on job function risks being exceedingly vague. We recommend a list based on job titles.

Thank you for the opportunity to comment on this proposed policy.

Sincerely

/s/

Eleonora Pasotti, Chair
Committee on Rules, Jurisdiction, and Elections

cc: Roger Schoenman, Chair, Committee on Academic Freedom (CAF)
Alexander Sher, Chair, Committee on Faculty Welfare (CFW)
Onuttom Narayan, Chair, Committee on Privilege and Tenure (CPT)