

Administrative Regulation 6:7

Policy on Disclosure of Campus Security and Crime Statistics

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I. Introduction

The University is required by federal and state law to provide certain information to the public about campus crime. This Regulation implements the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") and the state Michael Minger Act ("Minger Act"), as amended from time to time.

II. Entities Affected

This Regulation applies to all University employees, the University of Kentucky Police Department ("University Police"), the University of Kentucky Police Department Division of Crisis Management and Preparedness ("Division of Crisis Management and Preparedness"), and individuals designated as "campus security authorities".

III. Responsibilities

- A. The Division of Crisis Management and Preparedness is designated as the Clery and Minger Compliance Office and is responsible for:
1. Ensuring that the University maintains compliance with all requirements of these Acts;
 2. Preparing and submitting annual reports pursuant to the Clery and Minger Acts; and

3. Working with the University Police to make the [daily crime log](#) available to the public.
- B. The University Fire Marshal, as part of the Office of Environmental Health and Safety, is responsible for:
1. Reporting fires, threats of fire, and fire alarms to the State Fire Marshal's Office pursuant to the Minger Act;
 2. Preparing and submitting the Annual Fire Report pursuant to the Clery Act;
 3. Providing The Division of Crisis Management and Preparedness with annual fire statistics; and
 4. Making the [daily fire log](#) available to the public.
- C. The Executive Vice President for Finance and Administration is responsible for overall coordination of campus-wide efforts to comply with the Clery and Minger Acts and this *Administrative Regulation*.
- D. Each senior administrator must fully cooperate with the University Police and the Division of Crisis Management and Preparedness, University Fire Marshal, and the Executive Vice President for Finance and Administration to ensure that the employees in their respective areas comply with the requirements of this Regulation.
- E. Federal and state laws require University employees who are defined as "campus security authorities" to report all campus crimes, fires, and threats of fires of which they become aware (complete list detailed below). For the purposes of this Regulation, a "campus security authority" is broadly defined as an individual having responsibility for campus security and officials having significant responsibility for student and campus activities. Campus security authorities include but are not limited to:
1. Officers and employees of the University Police Department;
 2. Employees of Parking and Transportation Services;
 3. Employees of the Office of the Vice President for Student Success;
 4. College employees who are designated as student affairs officers;
 5. Select employees and volunteers of the Athletics Department, including Committee of 101;
 6. Employees and students serving as advisors to registered student organizations; and
 7. The following employees in University Housing:
 - (a) Associate Auxiliary Services Director
 - (b) Assistant Auxiliary Services Director
 - (c) Housing Manager - Undergraduate Assignments
 - (d) Apartment Housing Manager
 - (e) Associate Vice President for Auxiliary Services;
 - (f) Director of Student Health Services
 8. Any faculty or staff employee that leads or participates in education travel experiences sponsored or organized primarily by the University of Kentucky that include students, whether credit-bearing or non-

credit-bearing, including international or domestic travel. For more information on International Education Travel see *Administrative Regulation 4:9*.

F. Exceptions:

1. Maintenance, support, and clerical staff within the units listed above in Section III.E are not considered campus security authorities.
2. Pastoral counselors and professional counselors are not required to report when functioning within the scope of their official capacity as a counselor. A “pastoral counselor” is defined as a person associated with a religious order or denomination and is recognized by that religious order or denomination as someone who provides confidential counseling. A “professional counselor” is defined as a person licensed or certified pursuant to Kentucky statute whose official responsibilities include providing mental health counseling to members of the University community. Pastoral counselor includes individuals who are not yet licensed or certified as a counselor but are acting under the supervision of a licensed or certified professional counselor. Medical professionals are not required to report under these acts. However, if a pastoral or professional counselor is considered a CSA in a different capacity, the individual is considered a CSA at all times and is required to report any crime brought to their attention.

IV. Crimes Which Must be Reported by Campus Security Authorities

A. The following crimes must be reported immediately to the University Police or the Division of Crisis Management and Preparedness:

1. Arson
2. Assaults
3. Burglary
4. Criminal Damage to Property
5. Criminal Homicide (Murder, Negligent and Non-negligent Manslaughter)
6. Dating Violence
7. Domestic Violence
8. Menacing
9. Motor Vehicle Theft
10. Reckless Homicide
11. Robbery
12. Sex Offenses (Forcible and Non-forcible Sex Offenses)
13. Stalking
14. Terroristic Threatening
15. Larceny
16. Wanton Endangerment
17. Weapons Possession
18. Criminal attempt of any of the above crimes
19. Arrests for Liquor Law, Drug Law, and Illegal Weapons Violations

B. Incidents where students are referred for campus disciplinary action related to liquor law, drug law, or illegal weapons violations must be noted on the daily crime log and reported annually.

- C. Hate Crimes - In addition to the above-referenced crimes, crimes of larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability must be reported annually.

V. Fires, Fire Alarms, and Threats of Fire Which Must be Reported to University Police

Every fire, fire alarm, or threat of fire (an expression of an intention to inflict something harmful in the way of destructive burning or explosions) in on-campus student housing must immediately be reported to the University Police, which in turn must report the incident to the University Fire Marshal, which must report to the State Fire Marshal. (See VI.B.2 below for definition of on-campus student housing) University Police must also report all threats or actual alarms to the local fire department. The Physical Plant Division must coordinate their fire alarm reporting activities with those of the University Police.

VI. Geographic Definitions for Reporting Requirements

- A. For the following geographic location descriptions, "controlled by" means that the University rents, leases or has some other type of written agreement (including an informal one, such as a letter or an e-mail) for a building or property (which includes a hotel/hostel), or a portion of a building or property. Even if there is no payment involved in the transaction, under Clery a written agreement for use of space gives your institution control of that space for the time period specified in the agreement. (See U.S. Department of Education, Office of Post Secondary Education, The Handbook for Campus Safety and Security Reporting, Washington, D.C., 2011)

- B. The geographic areas for required reporting include the following:

1. On-campus

- (a) Any building or property owned or controlled by the University that is 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 is considered on-campus; and
- (b) Any building or property that is within or reasonably contiguous to paragraph (a) above, 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) is considered on-campus.

2. On-campus Student Housing Facilities

On-campus student housing facilities that are owned or controlled by the University, or located on property that is owned or controlled by the University, and within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

3. Public Property (adjacent to and accessible from)

Public property includes thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

4. Noncampus Buildings or Property

- (a) Any building or property owned or controlled by the University, used in direct support of, or in relation to, the University's educational purposes, frequently used by students, and not within the same reasonably contiguous geographic area of the University is considered noncampus property for reporting purposes. Whether the space is domestic or international, the space is considered

noncampus property, if the space that the University owns or controls is used to support the University's mission and is frequently used by students.

- (b) Any building or property owned or controlled by a student organization that is officially recognized by the University is considered noncampus property for reporting purposes.
- (c) Examples of spaces that are considered noncampus property for reporting purposes include, but are not limited to:
 - i. University farms or research campuses frequented by students;
 - ii. Buildings owned, leased, or controlled by fraternities and sororities;
 - iii. Locations or accommodations used for regular overnight trips, regardless of duration, that happen on a multi-year or multi-semester basis to the same location; or
 - iv. Locations or accommodations used for overnight trips of three (3) nights or longer in duration if the University has an agreement to rent, lease, or use the space, which includes the renting of hotel rooms. An overnight trip of a short duration (1-2 nights) to a one-time only location is not considered a noncampus location and reporting is not required.
- (d) Any crime against a University Student that occurs in *any* location must be reported to the Division of Crisis Management and Preparedness for other purposes such as the Timely Warning Policy. (add link)

VII. Cooperation with Other Agencies

The University Policy and the Division of Crisis Management and Preparedness must make reasonable, good faith efforts to obtain the required statistics from local police agencies and the State Police concerning campus crimes reported to those agencies.

VIII. Reporting Requirements

A. Timely Warning Reports

The University Police or the Division of Crisis Management and Preparedness must, within 24 hours after an incident is first reported, report the incident to the campus community if considered to represent a threat to students and employees. The report must be made in a manner that aids in the prevention of similar crimes.

B. Crime Log

1. The University must make available to the public, in written form and on the World Wide Web, an easily understood [daily crime log](#) that records by the date the crime was reported, any crime that occurred on campus. The log is maintained through a joint effort between the University Police and the Division of Crisis Management and Preparedness. The log must include the nature, date, time, and general location of each crime, and the disposition of the complaint, if known.
2. The University Police Department may withhold information required in the log only if there is clear and convincing evidence that the release of that specific information may jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. This information will be disclosed once the adverse effect is no longer likely to occur.

C. Fire Log

1. The University must make available to the public in written form and on the World Wide Web an easily understood [daily fire log](#) that records, by date the fire was reported, any fire that occurred in on-campus student housing facilities. The log must include the nature, date, time and general location of each fire.
2. The University Fire Marshal must complete the Annual Fire Report and provide the report to the Division of Crisis Management and Preparedness for inclusion in the University's annual reports pursuant to the Clery and Minger Acts.

References and Related Materials

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

Michael Minger Act (KRS 164.948 to 164.9489; KRS 164.993)

U.S. Department of Education, Office of Post Secondary Education, *The Handbook for Campus Safety and Security Reporting*, Washington, D.C., 2011

Violence Against Women Reauthorization Act of 2013, Campus Sexual Violence Act ("SaVE Act") provision, Section 304

13 KAR 2:100, Campus security, public institutions

Administrative Regulation 4:9, International Education Travel

University of Kentucky Timely Warning Policy

Revision History

12/20/2000, 8/03/2007, 5/06/2011, 6/4/2012, 6/17/2013, 3/18/2015, (Updated Titles and Format 8/11/2022)

For questions, contact: [Office of Legal Counsel](#) or the Division of Crisis Management and Preparedness