



University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104		 
Directive: 101	Subject: The Clery Act	Effective Date: 03/01/2012
Order of: Gary Williams, Chief of Police		Amended Date: 08/01/2023

I. Purpose

The purpose of this directive is to set policy and establish procedures for compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) by the University of Pennsylvania Police Department (UPPD) and the University of Pennsylvania Division of Public Safety (DPS).

II. Policy

The Clery Act, signed in 1990, was originally known as the Crime Awareness and Campus Security Act. The act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (shortened to the Clery Act) in 1998. The law is named for Jeanne Clery, a 19-year-old Lehigh University freshman who was murdered in her campus residence hall in 1986. The backlash against unreported crimes on numerous campuses across the country led to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

It is the policy of the University Pennsylvania Police Department (UPPD) and the Division of Public Safety (DPS) to comply with all provisions of the Clery Act. It is the policy of the UPPD and DPS to alert the campus community through “timely warnings” of a serious or continuing threat to safety; to maintain a daily crime and fire log accessible by the general public; to publish an annual security and fire safety report that discloses policies and procedures and three years of crime and fire statistics; and report crime statistics to the US Department of Education annually.

III. Scope

This directive shall affect all UPPD and DPS employees.

IV. Procedures

A. Requirements

1. The Clery Act requires higher education institutions to develop, implement and disclose campus security, fire, missing persons and evacuation policies and procedures; alert the campus community through “emergency notifications” and “timely warnings” of a serious

or continuing threat to safety, develop and maintain a daily crime and fire log, develop and distribute an annual security and fire safety report that discloses policies and procedures and three years of crime and fire statistics that occurred on campus, in institution residential facilities, in non-campus buildings, or on public property; and report crime statistics to the US Department of Education annually.

2. The following offenses, as defined by the Uniform Crime Reporting (UCR) Handbook, published by the United States Department of Justice and the Federal Bureau of Investigation, must be included in the annual Clery report and sent to the U.S. Department of Education:
 - a. Criminal homicide:
 - 1) Murder
 - 2) Manslaughter
 - 3) Non-negligent manslaughter [Murder]
 - 4) Manslaughter by Negligence [Criminal Homicide]
 - b. Sex offenses:
 - 1) Rape
 - 2) Fondling
 - 3) Incest
 - 4) Statutory rape
 - c. Robbery
 - d. Aggravated assault
 - e. Burglary
 - f. Motor vehicle theft
 - g. Arson
 - h. Domestic Violence
 - i. Dating Violence
 - j. Stalking
 - k. Hate Crimes
 - 1) Larceny Theft
 - 2) Intimidation
 - 3) Destruction/Damage/Vandalism of Property

- 4) Simple Assault
- I. Arrest and/or disciplinary referrals for:
 - 1) Weapon Law Violations
 - 2) Drug Abuse Violations
 - 3) Liquor Law violations
3. The University of Pennsylvania Division of Public Safety (DPS) Clery Compliance Team shall be responsible for compliance with all requirements of the Clery Act. The Clery Compliance Team will arrange for training when needed, assist in interpretation of Clery Act requirements and liaise with the Vice President for Public Safety and all DPS Directors including the Chief of Police, the Chief of Fire and Emergency Services, the Director of Special Services, the Deputy Chief of Investigations, PennComm Supervisor and Records Unit Personnel.

B. Crime Log

1. The Division of Public Safety maintains a combined Daily Crime and Fire Log of all incidents reported to the Division of Public Safety as outlined in UPPD Directive 47, "UPPD Crime Log". This includes all crimes, fire-related incidents and other serious incidents that occur on campus, including areas jointly patrolled by the University of Pennsylvania Police (UPPD) and the Philadelphia Police Department, in non-campus buildings or properties, on public property or within the UPPD Patrol Zone.
 - a. Records Unit personnel, under the guidance of the Deputy Chief of Investigations, will secure the Weekly Crime Report from the Philadelphia Police each week and review the UPPD Crime Log for accuracy. The Unit will notify the Deputy Chief of Investigations or designee about any criminal incidents that are listed in the PPD Weekly Crime Report that do not appear in departmental records or the Crime Log. The UPPD Detective Unit will conduct a follow-up investigation of these incidents and, when required, enter the pertinent information into the Crime Log as an identifiable "late" entry.
2. The Daily Crime and Fire Log includes the incident type, date incident is reported, date and time of occurrence, general location of each reported incident type, and the disposition of the incident, if this information is known. The Division of Public Safety posts specific incidents in the Daily Crime and Fire Log within two (2) business days of receiving a report of an incident and reserves the right to exclude reports from a log in certain circumstances as permitted by law.
 - a. The Division of Public Safety gives the public 24/7 general access to ALL crime in the University of Pennsylvania Police (UPPD) Patrol Zone via the 60-day crime log available on the Division of Public Safety website and the kiosk in the lobby of DPS headquarters.

- b. The Division of Public Safety also submits the Daily Crime and Fire Log to the University of Pennsylvania's journal of record, The Almanac, for weekly publication. Upon request, the Daily Crime and Fire Log, including incident descriptions, is provided weekly to The Daily Pennsylvanian for publication.

C. Timely Warnings

1. When the University of Pennsylvania Police Department becomes aware of criminal incidents that constitute an ongoing or continuing threat to the campus community, the Division of Public Safety shall issue a timely warning to the community by activating the UPennAlert system as outlined in UPPD Directive 98, "Emergency Notification System".
 - a. Depending on the particular circumstances, a timely warning may be disseminated by using one or a combination of the following: e-mail distribution; various campus publications; the Public Safety and university website; crime alerts; flyers posted at various locations on campus; and/or activation of the UPennAlert system.

D. Annual Disclosure of Crime Statistics

1. The Division of Public Safety publishes and distributes the "Annual Security & Fire Safety Report" on a yearly basis. The report details two different sets of crime statistics, as per the requirements of federal and state law. The statistics collected conform to the Federal Bureau of Investigation's Uniform Crime Reporting Act requirements.
 - a. The Division of Public Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on the DPS web site at <http://www.publicsafety.upenn.edu/clery/>. The report is also available electronically via the University's journal of record, The Almanac.
 - b. The "Annual Security & Fire Safety Report" includes the following University safety and security related policies and procedures:
 - 1) Reporting a crime;
 - 2) Timely warnings;
 - 3) Emergency preparedness;
 - 4) Emergency notification system;
 - 5) Crime Prevention and Awareness;
 - 6) Sexual Misconduct Policy Resource Offices and Complaint Procedures;
 - 7) Alcohol and drugs policy;

- 8) Weapons Policy;
 - 9) Disciplinary policies;
 - 10) Missing persons;
 - 11) Student residences;
 - 12) The Hospital of the University of Pennsylvania policies;
 - 13) Penn Presbyterian Medical Center policies;
 - 14) The Clery Act Policies;
 - 15) Campus crime statistics;
 - 16) Crime statistics for non-contiguous properties;
 - 17) The Pennsylvania Uniform Crime Reporting Act Policies and Statistics;
 - 18) Daily Crime and Fire Log; and
 - 19) the Annual Fire Safety Report.
- c. Additional information regarding the University of Pennsylvania Rape and Sexual Violence program can be found online using the following links:
- 1) University of Pennsylvania Title IX Office website: <https://titleixoffice.upenn.edu/>.
 - 2) University of Pennsylvania Penn Violence prevention website: <http://www.vpul.upenn.edu/vawa/sexual.php>

E. Crime Statistics

1. Under the Clery Act, the University's annual statistics must include crimes reported to campus security authorities. The term "campus security authorities" is defined as "campus security officials and campus officials with significant responsibility for student and campus activities."
 - a. The U.S. Department of Education considers disciplinary officers, counselors, deans, athletic coaches and student affairs professionals to be among the officials that have an obligation to provide information for the preparation of crime statistics. These and other responsible officials, in turn, must ensure that others within their school or unit inform them about incidents that may be reportable even when those incidents do not, for whatever reason, result in police reports or investigations.
 - b. The information provided to Public Safety by other institutional officials should not include personally identifiable information about victims or anyone involved in the

incident. In addition, officials are not expected to decide whether a crime has occurred or how to categorize possible crimes. Their role is to provide relevant information about possible offenses to the Division Public Safety.

- c. Two categories of school officials deemed to have significant responsibility for student and campus activities are exempted from this reporting requirement:
 - 1) Pastoral Counselor: “A person, who is associated with a religious order or denomination, is recognized by that religious order or denomination or someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor”.
 - 2) Professional Counselor: “A person, whose official responsibilities includes providing mental health counseling to members of the Institutions community, and is functioning within the scope of his or her license or certification”.
 - d. The U.S. Department of Education has specifically stated that the reporting exemption is not intended to relieve non-professional and informal counselors from the reporting obligations.
2. On a yearly basis the Division of Public Safety shall submit a crime statistics report to the United States Department of Education.

F. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

G. Officers Assigned to Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

H. Application

This directive constitutes departmental policy, and is not intended to enlarge the employer’s or employee’s civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer’s or employee’s legal duty as imposed by law. Violations of policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.