



**UNIVERSITY OF GUAM  
UNIBETSEDAT GUAHAN  
BOARD OF REGENTS**

**RESOLUTION NO. 10-06**

**RELATIVE TO ADOPTING CLERY ACT POLICY STATEMENTS DISCLOSING CERTAIN TIMELY  
AND ANNUAL INFORMATION ABOUT CAMPUS CRIME AND SECURITY POLICIES**

**WHEREAS**, the University of Guam is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges (WASC) serving the post-secondary needs of the people of Guam and the region; and

**WHEREAS**, the governance and well-being of the University is vested in the Board of Regents; and

**WHEREAS**, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), codified at 20 USC 1092(f) as a part of the Higher Education Act (HEA) of 1965, as amended by the Higher Education Opportunity Act (HEOA) of 2006 and 2007, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies to all current students and employees and to prospective students and employees, if requested;

**WHEREAS**, all public and private institutions of postsecondary education participating in federal student aid programs are subject to this law;

**WHEREAS**, violators of this Act may be subject to fines of up to \$27,500 by the U.S. Department of Education;

**WHEREAS**, the Faculty Union and the Violence Against Women Prevention Program have had the opportunity to review and provide comments to these Clery Act Policy Statements;

**WHEREAS**, the Administration and the Administrative Council have reviewed and approved these Clery Act Policy Statements;

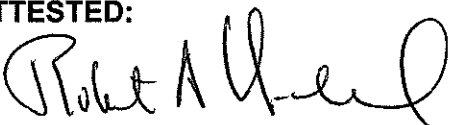
**WHEREAS**, the Academic, Personnel and Tenure Committee recommends that the Board of Regents adopt and approve these Clery Act Policy Statements in order to comply with the above-referenced federal law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Regents hereby adopts and approves these Clery Act Policy Statements for publication on the University's website and through other means of University distribution to all current students and employees and to prospective students and employees, if requested.

**Adopted this 18<sup>th</sup> day of March, 2010.**

  
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P. Sonny Ada, Chairman

**ATTESTED:**

  
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Dr. Robert A. Underwood, Executive Secretary

## **University of Guam Clery Act Policy Statements**

- 1.1 Policy Statement Addressing Timely Warnings**
- 2.1 Policy Statement Addressing Preparation of Disclosure of Crime Statistics**
- 3.1 Policy Statement addressing the Reporting of Criminal Offenses to Report a Crime**
- 4.1 Policy Statement Addressing Voluntary Confidential Reporting**
- 5.1 Policy Statement Addressing Limited Voluntary Confidential Reporting**
- 6.1 Policy Statement Addressing Whistleblowers**
- 7.1 Policy Statement Addressing Missing Persons**
- 8.1 Policy Statement Addressing Security and Access**
- 9.1 Policy Statement Addressing the Authority of Non-Sworn Public Safety Officers on Campus**
- 10.1 Policy Statement Addressing the Encouragement of Accurate and Prompt Crime Reporting**
- 11.1 Policy Statement Addressing Counselors**
- 12.1 Policy Statement Addressing Security Awareness Programs**
- 13.1 Policy Statement Addressing Alcoholic Beverages**
- 14.1 Policy Statement Addressing Substance Abuse Education**
- 15.1 Policy Statement Addressing Sex Offenses**

### **1.1 Policy Statement Addressing Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the President of the University or his/her designee, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the University’s Incident Command Rapid Communication Procedures (i.e., text alerts, web page notification, mass e-mail, phone tree, KPRG radio, hand held radios, messenger) to students, faculty, staff and the Guam Police Department. The Incident Command Rapid Communication Procedures will be posted on the University’s web page, as well as distributed to each organization within the university.

Depending on the particular circumstances of the situation, especially in all situations that could pose an immediate threat to the community and individuals, the University may also post a copy of the notice in each residence hall, and on doors of each on-campus building. Anyone with information warranting a timely warning should report the circumstances to the Campus Security Office at (671) 735-2365 or 888-2456, or in person to any Crisis and Disaster Management Team Member located in the main office of the Vice President of Administration and Finance in the Leon Guerrero building or respective Dean or Director’s offices on campus.

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## **2.1. Policy Statement Addressing Preparation of Disclosure of Crime Statistics**

The University complies with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. In addition, it provides information relating to crime statistics and security measures to prospective students, matriculated students and employees.

The University's Campus Security Office submits monthly Uniform Crime Reports to the Guam Police Department. Crime statistics for the most recent one-year period, which reflect the incidents reported to the Guam Police Department, are available on request from the Safety Office. Pursuant to the Act, the University annually publishes and distributes to students, employees, and to prospective students and employees who request it a report containing crime statistics together with the information on safety and security measures. The University reports, submits to US Department of Education and distributes via its website the annual Campus Crime Survey.

Generally, University jurisdiction is limited to conduct which occurs on University premises or which adversely affects the University community and/or the pursuit of its objectives. The monitoring and recording of student off-campus criminal activity is within the jurisdiction of the Guam Police Department.

In order to ensure complete reporting of criminal offenses every employee in the University to whom crimes are reported shall immediately report the same (anonymously if requested by the victim) to the Campus Security Office.

Pursuant to federal law, the criminal offenses of murder, rape (so classified prior to August 1, 1992 and as sex offenses, forcible and non-forcible after that date), robbery, aggravated assault, burglary, motor vehicle theft and statistics regarding the above offenses which manifest evidence of prejudice based on race, religion, sexual orientation or ethnicity are to be reported separately from arrests (as opposed to simple allegations of criminal offenses) for liquor law violations, drug abuse violations, weapons possessions and statistics regarding the above offenses and arrests which manifest evidence of prejudiced based on race, religion, sexual orientation or ethnicity.

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## **3.1 Policy Statement addressing the Reporting of Criminal Offenses to Report a Crime**

For the safety and security of the University, community members, students, faculty, staff and guests are strongly encouraged to report all crimes. Contact the Campus Security Office at (671) 735- 2365, 888-2456 (Security Cell), 649-3127 (G4S dispatch) or the Guam Police Department at (671) 472- 8911.

Emergencies: Dial 911.

Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the residence halls should be reported to the Campus Security

Office or the Resident Assistant on duty. In addition, you may report a crime to any of the numbers listed above.

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#### **4.1 Policy Statement Addressing Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the University's system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Vice President in charge of Student Affairs or a designee can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

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#### **5.1 Policy Statement Addressing Limited Voluntary Confidential Reporting**

The University encourages anyone who is the victim or witness to any crime to promptly report the incident to the Campus Security Office. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to the Campus Security Office, or as identified below:

- Campus Security Office (671) 735-2365, 649-3127 or 888-2456
- Safety Office (671) 735-2364; or
- In person to any Emergency Team member (President or any Vice President).

The Guam Police Department's non-emergency number is (671) 472-8911. The Guam Police Department is located at 233 Central Avenue, Tiyan, Guam 96913.

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#### **6.1 Policy Statement Addressing Whistleblowers**

The Higher Education Opportunity Act (HEOA) establishes safeguards for anyone who provides information (whistleblower) by prohibiting retaliatory actions against any individual who provides information under a provision of the Clery Act. Any form of retaliation against a whistleblower will NOT be tolerated by the University and will result in disciplinary action.

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#### **7.1 Policy Statement Addressing Missing Persons**

Although most reports of missing University students may be caused by miscommunication between the student and those who are concerned about the student's

welfare, the University will take a proactive approach to all reports of missing students. A missing student is defined as “a student of the University who resides in a facility owned or operated by the University and who is reported as missing from his or her residence.” All reports of missing persons should be made to the Campus Security Office, who will initiate an immediate investigation. Depending on the circumstances, the Campus Security Office may call the Guam Police Department for assistance, as well as other law enforcement agencies and other resources to help locate the student. Any indication that a missing student was taken against his or her will or is otherwise in imminent jeopardy should be brought to the attention of the Campus Security Office without delay.

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### **8.1 Policy Statement Addressing Security and Access**

Campus security is coordinated by the Campus Security Office, which has a fully trained security officer on duty at all times, backed by a periodic, roving car patrol. Security Officers are accessible through telephonic communications and an offsite dispatcher. Contact numbers are posted throughout the campus. On campus, security officers enforce all regulations of the University and the laws of Guam. The Campus Security Office also works very closely with the Guam Police Department to assist them with incidents that may occur on campus.

University students, faculty and employees have access to academic, recreational and administrative facilities on campus. The general public can attend cultural and recreational events on campus, with access limited to facilities in which these events are held. The University will ensure that the campus is adequately lighted.

Access to residence halls, however, is limited to students and their guests, according to University procedure (see Residence Hall Handbook). Access to the residence halls by University employees is on an as-needed basis and incorporates strict key control procedures.

Emergencies may necessitate changes or alterations to any rules or posted schedules. Student safety concerns are reviewed by University administrators who will examine security issues such as locks, alarms, lighting, etc. Issues of pressing concern are brought to the Vice President in charge of Safety and Security for review and resolution.

The cooperation and involvement of University students, faculty and employees themselves in campus security and safety programs are absolutely necessary. University students, faculty, and employees must assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions and always being aware of their surroundings.

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## **9.1 Policy Statement Addressing the Authority of Non-Sworn Public Safety Officers on Campus**

All University employees have the authority to ask persons for identification and to determine whether individuals have lawful business at the University. The University Safety Officer and the University's campus security officers have authority to issue improper parking warning tickets on campus. In addition, the University Safety Officer and Community Assisting Police Effort (CAPE) volunteers have authority to issue parking tickets for violations under the Americans with Disabilities Act (ADA), which are under the jurisdiction of the Superior Court of Guam. Currently, no University employee possesses arrest power. Criminal incidents are referred to the Guam Police Department who have jurisdiction on the campus. The University administration maintains a professional working relationship with the Guam Police Department.

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## **10.1 Policy Statement Addressing the Encouragement of Accurate and Prompt Crime Reporting**

### **General Procedures for Reporting a Crime or Emergency**

Community members, students, faculty, staff and guests are strongly encouraged to report all crimes, including dating violence, domestic violence and stalking, and public safety related incidents to the Campus Security Office and/or the Guam Police Department in a timely manner. All crime victims and witnesses are strongly encouraged to immediately report any crime to the Campus Security Office and/or the Guam Police Department. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics. In cases of emergency, dial 911, then call the Campus Security Office, as listed below.

To report a crime on the University campus call the Campus Security Office, (671) 735-2365, 888-2456 (cell), or 649-3127 (G4S dispatch).

Campus security personnel will be available to answer your call. In response to a call, the Campus Security Office will take the required action, dispatching appropriate personnel or notifying the Guam Police Department be dispatched to campus.

All incident reports are forwarded to the Vice President in charge of Security and Safety for review and potential action by the University. The Campus Security Office will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Vice President in charge of Safety and Security.

If assistance is required from the Guam Police Department, the Campus Security Office will contact them directly. If a sexual assault or rape should occur, staff on the scene will contact emergency 911 and then the Campus Security Office, who then will take action to contact the Guam Police Department and appropriate medical and health care personnel,

where appropriate. The Violence Against Women Prevention Program will also be contacted.

Crime should be reported to the Campus Security Office to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate (i.e., a crime that was reported only the Guam Police Department is not included in the University's crime statistics).

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### **11.1 Policy Statement Addressing Counselors**

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedure to report crimes on a voluntary basis for inclusion into the annual crime statistics.

*The rulemaking committee defines counselors as:*

*Professional counselor:* An employee of an institution whose official responsibilities include providing psychological, psychiatric, social work, mental health counseling or marriage and family therapy services, to members of the institution's community and who is functioning within the scope of his or her license or certification.

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### **12.1 Policy Statement Addressing Security Awareness Programs**

The University complies with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Pursuant to the Act, the University annually publishes and distributes to students, employees, and to prospective students and employees who request it a report containing crime statistics, together with the information on safety and security measures. The annual Campus Crime Survey is posted on the University website.

Information on safety and security must be provided to students and employees regularly through seminars, films, bulletins, crime alerts, posters, brochures or University and student newspapers.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

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### **13.1 Policy Statement Addressing Alcoholic Beverages**

#### **Policy on Alcoholic Beverages**

The possession, sale or the furnishing of alcohol on the University campus is governed by University policy and Guam law. The possession, sale, consumption or furnishing of alcohol are controlled by Guam law. Campus security officers enforce all laws regulating the consumption of alcohol. Alcohol is not permitted in public places on campus, with limited written exception from the University President. Members of the University community should also be aware of the University policies concerning substance abuse and on maintaining a drug-free workplace, both of which may be found in the University Policy Manual.

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### **14.1 Policy Statement Addressing Substance Abuse Education**

The University is committed to standards of conduct that clearly prohibit the unlawful possession, use or distribution of drugs and alcohol by students and employees on University property or as any part of the University's activities. The University will impose sanctions on students and employees consistent with Guam and federal laws and consistent with the Code of Student Conduct, the Student Disciplinary Hearings Procedure, the Personnel Rules and Regulations (Classified Service Employees), the Agreement Between the University of Guam Board of Regents and the Faculty Union, American Federation of Teachers Local 6282, and the Agreement Between the University of Guam Board of Regents and Guam Federation of Teachers Local 1581, Maintenance and Custodial Employees. These sanctions will include penalties up to and including expulsion or termination of contract and referral for prosecution for violations of the University's standards of conduct.

The following materials will be distributed to each student and employee:

1. a description of the applicable legal sanctions under Guam and federal law for the unlawful possession, use or distribution of illegal drugs and alcohol;
2. a description of the health risks associated with the use of illegal drugs and the use of alcohol;
3. a description of drug and alcohol counseling, treatment, and rehabilitation programs that are available on Guam to students and employees.
4. Emergency 911, Guam Police Department, Guam Fire Department, Campus Security Office and Security Dispatch, and Campus Safety Office contact numbers.

The University will conduct at least a biennial review of the University's Substance Abuse Program to (a) determine its effectiveness and implement changes as needed; and (b) ensure that the sanctions are consistently enforced.

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### **15.1 Policy Statement Addressing Sex Offenses**

The incidence of reported sex offenses on campus is slight, and the University makes a concerted effort to maintain that environment. The Dean of Enrollment Management and Student Services in conjunction with the Student Government Association and the Violence Against Women Prevention Program sponsor educational programs to promote student awareness of sex offenses, including rape, attempted rape, and other forms of sexual assault.

When a sex offense occurs, students should contact the Campus Security Office, the Guam Police Department, the Dean of Enrollment Management and Student Services, and the Violence Against Women Prevention Program. Students reporting sex offenses shall be advised of the importance of preserving evidence for the proof of a criminal offense and that they may prosecute the alleged offender either through the criminal process, the University disciplinary procedure or both. The on-campus person to whom the student reports the offense shall offer to assist the student in notifying law enforcement authorities.

Students may obtain on-campus assistance at the Student Health Services Center, Student Counseling Services, Isa Psychological Services, and the Violence Against Women Prevention Program. These offices shall also make appropriate referrals to off-campus services.

In appropriate circumstances, the University will change a student victim's academic or living situation if the requested change can be reasonably accommodated.

Sex offenses violate the University code of student conduct and persons found guilty of sex offenses face severe sanctions including dismissal from the University. The Student Code of Conduct outlines the rights and responsibilities of both the accuser and the accused. Both shall be advised of any outcome of any student disciplinary proceeding.

The central repository for the Guam Sex Offender Registry Program is the Judiciary of Guam, Probation Services Division, located at 120 West O'Brien Drive, Hagåtña, Guam 96910. The Sex Offender Registry website is found at <http://www.guamcourts.org/sor/index.html>.