



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN
BOARD OF REGENTS

RESOLUTION NO. 15-23

**RELATIVE TO UPDATING BOARD OF REGENTS RESOLUTION NO. 14-20 AS IT
REGARDS CLERY ACT POLICY STATEMENTS**

WHEREAS, the University of Guam (UOG) 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 UOG is vested in the Board of Regents (BOR); 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, and as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), 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, on March 18, 2010, the BOR adopted Resolution No. 10-06, Relative to Adopting Clery Act Policy Statements Disclosing Certain Timely and Annual Information About Campus Crime and Security Policies; and

WHEREAS, on September 30, 2010, the BOR adopted Resolution No. 10-28, Relative to Updating Cleary Act Policy Statements as Part of the Higher Education Act (HEA), as Amended by the Higher Education Opportunity Act (HEOA) in Regards to Policy Statements Affecting Campus Safety and Security Reporting; and

WHEREAS, the VAWA made changes that affect campus safety and security reporting under the Clery Act which requires institutions to compile statistics and include policy statements for certain crimes reported to campus security authorities or local police, including incidents of sexual assault, domestic violence, dating violence and stalking for the Annual Security Report, and policies and information for the Annual Fire Safety Report; and

WHEREAS, on September 25, 2014, UOG adopted Resolution No. 14-20, Relative to Updating Clery Act Policy Statements;

WHEREAS, in November 2014, the U.S. Department of Education published final rules which notably expanded the requirements under the Clery Act;

WHEREAS, the Faculty Union has had the opportunity to review and comment on, and the Administrative Council has reviewed and approved, the recommended updated policy statements; and

WHEREAS, the administration and the Student Affairs, Scholarship, Alumni Relations, and Honorary Degree Committee recommend the updated policy statements to the BOR for approval.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Regents hereby adopts and approves the updated Clery Act policy statements as attached; and

BE IT FURTHER RESOLVED, that the amended Clery Act policy statements be published on the University's website and distributed through other means of University dissemination to all current students and employees, and to prospective students and employees if requested.

Adopted this 18th day of June, 2015.



William D. Leon Gutierrez, Chairperson

ATTESTED:



Dr. Robert A. Underwood, Executive Secretary

**University of Guam Policy Compliance for Clery Act as part of the Higher Education
Act, as amended by the Higher Education Opportunity Act, as amended by the
Violence Against Women's Reauthorization Act of 2013**

Policy Statements

(Original Adopted and Approved by the Board of Regents, March 18, 2010, Resolution No. 10-06;
Revisions Adopted and Approved by the Board of Regents, September 30, 2010, Resolution No. 10-28;
Revisions Adopted and Approved by the Board of Regents, September 25, 2014, Resolution No. 14- 20;
Revisions Adopted and Approved by the Board of Regents, June 18, 2015, Resolution No. 15-23.)

- 1.1 Policy Statement Addressing Timely Warnings**
 - 1.2 Policy Statement Addressing Emergency Response and Evacuation Procedures**
 - 2.1 Policy Statement Addressing Preparation of Disclosure of Crime Statistics**
 - 3.1 Policy Statement Addressing the Monitoring and Reporting of Criminal Offenses**
 - 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 and Crime Prevention Programs**
 - 13.1 Policy Statement Addressing Alcoholic Beverages**
 - 14.1 Policy Statement Addressing Substance Abuse Education**
 - 15.1 Policy Statement Addressing Sex Offenses, Domestic Violence, Dating Violence, Sexual Assault and Stalking**
 - 16.1 Policy Statement Addressing Fire Safety Procedures, Statistics, Reports, and Documentation for Campus Residence Halls Facility**
-

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 University will withhold the name(s) of any victim(s) as confidential. 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. Timely warning procedures will be implemented as long as it does not jeopardize or compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

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.

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

Anyone with information warranting a timely warning should report the circumstances to the Campus Security Office at (671) 735-2365/70 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.

1.2 Policy Statement Addressing Emergency Response and Evacuation Procedures

Guidelines for emergency response and evacuation procedures are outlined in the University of Guam's Crisis and Disaster Management Plan (CDMP). The CDMP outlines processes, procedures, and partnerships to maximize awareness, prevention and preparation, and minimize reaction/response, recovery, and mitigation times required in handling a University of Guam crisis situation.

The UOG CDMP is based on the Incident Command System (ICS) organization structure under the National Incident Management System (NIMS) supported by the National Integration Center (NIC) Incident Management Systems Integration Division within the Department of Homeland Security's Federal Emergency Management Agency.

In any crisis or disaster, the University of Guam's overriding mission is to: (1) Protect human life; (2) Stabilize the incident; (3) Preserve Property; and (4) Resume normal operations. Timely warnings to notify the campus community are outlined above (paragraph 1.1) using the University's Incident Command Rapid Communication Procedures. Timely warning procedures will be implemented as long as it does not jeopardize or compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Notification will be made without delay.

Under normal situations where there is time to estimate the level of crisis, the President, in consultation with the Senior Vice President and Vice-President for Administration and Finance will determine the need to activate the ICS. Under the ICS, the Incident Commander identified for the particular crisis will be in charge and form respective staff elements based on the need to handle the crisis at hand and will continue managing the crisis until properly relieved. In an immediate crisis where there is no time to activate an Incident Commander, the employee who is at the scene and is trained in the ICS will assume the Incident Commander role until properly relieved.

Evacuation procedures will vary based on the crisis as identified in the CDMP. As evacuation procedures are implemented, the first priority is to ensure the protection of human life. Procedures to evacuate mobility impaired personnel are also covered within the CDMP.

The Director for Integrated Marketing Communications, or Public Information Officer if the ICS is implemented, will be responsible for managing emergency information to the larger community and media. Notification will be made without delay.

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

Emergency response and evacuation procedures will be publicized to the University community in conjunction with the scheduled exercises at least once a year. However, if possible, exercises can be done at least once a semester (fall and spring). The Safety Administrator will be responsible to plan and execute exercises and ensure lessons learned are incorporated into the policies and procedures. This will also include documenting a description, date, and time of the exercise and whether it was announced or unannounced.

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 a report containing crime statistics together with the information on safety and security measures. The University posts the annual Campus Crime Survey on its website and submits a copy to the US Department of Education.

University jurisdiction for crime statistic reporting applies to specific conduct as defined under the Clery Act involving students or employees which occurs in the following geographic areas:

- 1) On campus;
- 2) Residential facilities;
- 3) Non-campus buildings or property that is not part of the main campus nor a separate campus and is:
 - (a) Owned or controlled by the University; and
 - (b) Used in support of or in relation to the University's educational purposes; and
 - (c) Frequently used by students; and
- 4) Public Property:
 - (a) Owned by a public entity – local or federal government;
 - (b) Within campus borders and is accessible from campus.

Accessible is defined as having no barrier between the campus border and public property, or some type of barrier exists but is frequently ignored by students and employees.

The Guam Police Department has jurisdiction for criminal activity which occurs within the University's geographical jurisdiction, which is reportable under the University's annual crime statistics. Criminal activity involving students and employees that occurs outside of

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

the University's geographical jurisdiction is within the jurisdiction of the Guam Police Department but is not reportable in the University's annual crime statistic reporting.

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 prejudice based on race, religion, sexual orientation or ethnicity.

3.1 Policy Statement addressing the Monitoring and Reporting of Criminal Offenses

Campus security officers enforce all regulations of the University and work closely with Guam Police and Fire Departments and other government agencies to enforce the laws of Guam. They monitor all activities on campus, including but not limited to all activities of officially recognized student organizations. The University has no off-campus student organizations. GPD may assist Campus Security, as needed.

For the safety and security of the University, community members, students, faculty, staff and guests are strongly encouraged to promptly report all crimes. Contact the Campus Security Office at (671) 735-2365/70, 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.

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 Senior Vice President of Academic and 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,

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

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.

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
- Safety Office (671) 735-2370; or
- In person to any Emergency Team member (President or any Vice President).

The Guam Police Department's dispatch number is (671) 472-8911. The Guam Police Department is located at 221B Chalan Palasyo, Agana Heights, Guam 96910.

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.

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." Generally, but not always, a student is considered missing if (s)he is reported missing from his or her residence for 24 hours or more.

Each student living in an on-campus student housing facility has the option to register a confidential contact person to be notified within 24 hours in the case that the student is determined to be missing. The contact person information is confidential. The information

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

is given only to law enforcement officers and the University Administration with a need to know in furtherance of a missing person investigation.

In all cases, even if a student has not designated a confidential contact person, all reports of missing persons should be made to the Campus Security Office, who will initiate an immediate investigation. The Campus Security Office will call the Guam Police Department for assistance within 24 hours after a determination of a missing student has been made, as well as other law enforcement agencies and other resources to help locate the student, depending on the circumstances. 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 immediately. If the student is under 18 years of age and unemancipated, custodial parents must be notified.

8.1 Policy Statement Addressing Campus 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. Security officers do not possess arrest power. Criminal incidents are referred to the Guam Police Department who have jurisdiction on campus.

University students 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.

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

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. Campus security officers do not possess arrest power.

Criminal incidents are referred to the Guam Police Department who have jurisdiction on campus. The Campus Security Office works very closely with the Guam Police Department to assist them with incidents that may occur on campus. The University administration maintains a professional working relationship with the Guam Police Department, although at this time there is no written agreement between the University and the Guam Police Department.

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) 735-2365/70, 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.

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

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 (VAWPP) 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 (e.g., a crime that was reported to the Guam Police Department would be included in the University's crime statistics if it occurred within the University's geographic jurisdiction and if the University was notified of the crime). The University shall make a good faith effort to obtain the required information for crime statistic reporting from the Guam Police Department.

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 "pastoral counselors" and 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:

Pastoral Counselor: An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within that scope of that recognition as a pastoral counselor.

Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

12.1 Policy Statement Addressing Security Awareness and Crime Prevention 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

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

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 and crime prevention is provided to students and employees each semester through seminars, films, bulletins, crime alerts, posters, brochures or University and student newspapers.

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

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. The University enforces local underage drinking laws, and violators will be subject to sanctions imposed by law and University disciplinary and/or other applicable policies. Members of the University community should also be aware of the University policies concerning substance abuse and on maintaining a drug-free workplace as required under the Drug Free Schools and Communities Act, both of which may be found in the University policy manuals.

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:

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

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.

15.1 Policy Statement Addressing Sex Offenses, Domestic Violence, Dating Violence, Sexual Assault and Stalking

The University prohibits sex offenses, domestic violence, dating violence, sexual assault and stalking. Further, the University makes coordinated efforts in maintaining an environment free of such incidences.

DEFINITIONS

Advisor: Any individual who provides the accuser or accused support, guidance, or advice.

Awareness programs: Community-wide or audience specific programming, initiative, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Bystander intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- Recognizing situation of potential harm;
- Understanding institutional structure and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

Consent: Consent can be established if the following four conditions are present:

- Both participants are fully conscious;
- Both participants are equally free to act;
- Both parties have clearly communicated their willingness/permission; and
- Both parties are positive and sincere in their desires.

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse;
- Dating violence does not include acts covered under the definition of domestic violence.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence: A felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Ongoing prevention and awareness campaigns: Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary prevention programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in a healthy and safe direction.

Proceeding: All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking: Comprehensive, intentional, and integrated programming, initiatives, strategies, and

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

Prompt, fair, and impartial proceeding: A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay:

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused;
- Includes timely notice of meeting at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

Result: Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters with the institution. The result must include any sanctions imposed by the institution.

Risk reduction: Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program.

Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

- victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- *Course of conduct* means two or more acts, including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitor, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

PREVENTION AND RISK REDUCTION PROGRAMS

The University conducts primary prevention and awareness programs for all incoming students and new employees through the Dean of Enrollment Management and Student Services (EMSS), in conjunction with the Student Government Association (SGA) and the Violence Against Women Prevention Program (VAWPP). These educational programs promote student awareness of sex offenses, including rape, attempted rape, other forms of sexual assault, domestic violence, dating violence and stalking. The VAWPP serves as a resource and victim services center for University of Guam students, staff, faculty, and members of their families. VAWPP services include education and training programs, interactive classroom presentations, prevention and community outreach, and victim services such as victim advocacy, counseling and emotional support, crisis intervention, risk assessment and safety planning, advisement on legal options, and referrals to other services.

The VAWPP provides ongoing campus-wide prevention and awareness campaigns and education outreach activities for students, faculty and employees, such as prevention exhibits, campus displays, movie nights, screening days, and other events. These outreach activities engage the broader campus community to learn more about domestic violence, dating violence, sexual assault, and stalking, and where to access services.

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

The VAWPP provides information on risk reduction to recognize the warning signs of abusive behavior and how to avoid potential attacks. The different forms of domestic violence, dating violence, sexual assault, and stalking are discussed and steps to take are outlined to ensure an individual's safety and to obtain assistance from informal resources such as family and friends, and formal resources such as the VAWPP, Campus Security, the Student Disciplinary Appeals Committee (SDAC), and the Guam Police Department (GPD).

BYSTANDER INTERVENTION

One of the most effective methods of preventing sexual assault is bystander intervention, which encourages people to identify situations that might lead to sexual misconduct and then safely intervene to prevent misconduct from occurring.

- A. Recognizing when to intervene. Some people might be concerned that they are being encouraged to place themselves in jeopardy to stop crimes in progress. This is not the case. There are many situations and events that occur prior to sexual misconduct that are appropriate for intervention. Bystander intervention encourages people to watch for those behaviors and situations that appear to be inappropriate, coercive and harassing.
- B. Responsibility to intervene. The University deems that it is every person's responsibility to take safe and reasonable actions to prevent sexual misconduct.
- C. Ways to intervene.
 1. Making up an excuse to get a person out of a potentially dangerous situation;
 2. Letting an individual know that his or her actions may lead to serious consequences;
 3. Not leaving a person's side who may be in trouble despite the efforts of someone else to get him/her alone or away from you;
 4. Using a group of friends to remind someone behaving inappropriately that his or her behavior should be respectful;
 5. Taking steps to curb someone's use of alcohol before problems occur;
 6. Calling the authorities when the situation warrants.
- D. Understanding how to safely implement the choice. Safety is paramount in bystander intervention. Usually, intervening in a group is safer than intervening individually. Also, choosing a method of intervention that de-escalates the situation is safer than attempting a confrontation. However, there is no single rule that can account for every situation. Please use good judgment and always put safety first.

WRITTEN NOTIFICATION; REPORTING OPTIONS; PRESERVATION OF EVIDENCE; INTERIM ACCOMMODATIONS

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

occurred on or off campus, the University will provide the student or employee a written explanation of the student's or employee's rights and options.

When a sex offense, domestic violence, dating violence, sexual assault or stalking occurs, victims should contact the Campus Security Office Campus Security Office at (671) 735-2365, 888-2456 (Security Cell), 649-3127 (G4S dispatch) or the Guam Police Department at (671) 472-8911 or 911 for emergencies, the Dean of Enrollment Management and Student Services at 735-2890, and/or the VAWPP at 735-2890.

Student victims may obtain on-campus assistance at the Student Health Services Center, Student Counseling Services, Isa Psychological Services, and the VAWPP. These offices shall also make appropriate referrals to off-campus services. The on-campus person to whom the victim reports the offense shall offer to assist the victim in notifying law enforcement authorities, if the victim so chooses.

A victim may decline to notify such authorities; and, where applicable, a victim will be advised of the victim's rights to obtain orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal or civil court, or by the institution. These advisements to the victim shall be both verbal and in writing.

Victims reporting a sex offense, domestic violence, dating violence, sexual assault or stalking shall be advised of the importance of preserving evidence for the proof of a criminal offense, such as keeping a log of violent incidents or obtaining a forensic examination at the appropriate health care facility if a victim is sexually assaulted, and that they may prosecute the alleged offender either through the criminal process, the University disciplinary procedure or both.

In appropriate circumstances, upon request of the student victim, the University will change a student victim's academic or living situation if the requested change can be reasonably accommodated, regardless of whether the victim chooses to report the crime to campus authorities or local law enforcement. The University will notify the student victim in writing of any such interim accommodations, which may include changing academic, living, transportation, working situations or protective measures. Failure to adhere to the parameters of any interim accommodation may be considered a separate violation of this Policy and may result in disciplinary sanctions.

ANONYMOUS AND CONFIDENTIAL REPORTING

When considering reporting options, victims should be aware that certain University personnel can maintain strict confidentiality, while others have mandatory reporting and response obligations. For public recordkeeping purposes, such as the Clery Act reporting and disclosures, personally identifying information about the victim is not disclosed. University personnel who receive a report of sexual misconduct may be required to share the information with appropriate administrative authorities for investigation and follow up. The University will protect the confidentiality of a victim by refusing to disclose the victim's information to anyone outside the University to the maximum extent permitted by law. As

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

for confidentiality of information within the University, the University must balance a victim's request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the University community. Where the University cannot take disciplinary action against an alleged discriminator or harasser because of a complainant's insistence of confidentiality, the University will pursue other steps to limit the effects of the alleged sexual misconduct and attempt to prevent its recurrence.

The University has on-campus personnel who can maintain strict confidentiality. Campus crisis counselors can assist in a crisis situation and provide information about options including medical assistance, psychological counseling, victim advocacy resources, legal resources, University disciplinary action, and criminal prosecution. The crisis counselors can provide safe and confidential support, explain common reactions to crises, and discuss coping methods that may assist immediately following the assault and later. Talking about concerns may help the victim sort through feelings and decide what to do. Victims need not reveal their names if calling for information. Crisis counselors will not reveal the victim's identity to anyone without the victim's permission except under very limited exceptions (e.g., if an immediate threat to the victim or others is present, or if the victim is a minor).

The University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community. This information is also regularly distributed at classroom presentations, outreach activities, and trainings.

UNIVERSITY DISCIPLINARY PROCEDURES

Sex offenses, domestic violence, dating violence, sexual assault and stalking violate the University of Guam Code of Student Conduct, the Negotiated Agreement between the Board of Regents of the University of Guam and the UOG Faculty Union (BOR-Union Agreement), and the Policy for Equal Employment Opportunity and Non-Discrimination/Non-Harassment Policy of the University of Guam (EEO Policy), in addition to local and federal laws.

A victim will be advised of the victim's rights to obtain orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal or civil court, or by the institution. These advisements to the victim shall be both verbal and in writing.

A. Complaints Against Students

Any member of the University community may file charges with the Student Discipline and Appeals Committee (SDAC) against any student for a sex offense, domestic violence, dating violence, sexual assault or stalking. The VAWPP trains SDAC members annually on

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

responding effectively to cases of domestic violence, dating violence, sexual assault and stalking. SDAC member appointments are set by University policy. Members receive annual training before serving on the SDAC in order to protect the safety of victims and promote accountability in the investigative and hearing process.

The Student Handbook outlines the procedures, steps, anticipated timelines, and decision-making process, including the rights and responsibilities of both the complainant and the accused. These written procedures will be provided to the complainant, which can be accessed at the University's website at www.uog.edu. The proceedings and timelines of such proceedings are set by policy which is intended to provide a prompt, fair and impartial process from the initial investigation to the final result. The standard of evidence used during any SDAC proceeding is whether it is more likely than not that the accused student violated the Student Code. Both the complainant and the accused have the right to be assisted by any advisor of their choice, which may be an attorney. However, advisors are not permitted to speak or participate directly in any SDAC hearing.

Students found guilty of sex offenses following a disciplinary proceeding may have the following sanctions imposed: written warning, probation, loss of privileges, fines, restitution, discretionary sanctions, residence hall suspension, residence hall expulsion, University suspension, University expulsion, a combination of more than one of the above.

B. Complaints Against Faculty

Complaints of sex offenses, domestic violence, dating violence, sexual assault and stalking against faculty may proceed in accordance with the BOR-Faculty Union Agreement, Article X, Disciplinary Action Including Adverse Action. The steps, anticipated timelines, and decision-making process are explained therein, and can be accessed at the University's website at www.uog.edu. These procedures are intended to provide a prompt, fair and impartial process from the initial investigation to the final result. If appealed, a five-member Adjudication Committee which consists of administrators and tenured faculty will conduct a hearing. Members will have received annual training on issues related to dating violence, domestic violence, sexual assault and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The standard of evidence used will be based on the preponderance of the evidence. Both the complainant and the accused have the right to be assisted by any advisor of their choice, which may be an attorney. Advisors may speak or participate directly in a faculty adverse action proceeding. Sanctions include but are not limited to an oral or written warning, a letter of reprimand, docking of pay, suspension without pay, loss of step, demotion in rank, and dismissal from employment.

C. Complaints Against Members of the University Community

Complaints of sex offenses, domestic violence, dating violence, sexual assault and stalking against members of the University community, which includes faculty, students, student-employees, staff, administrators and applicants for such positions may proceed in accordance with the EEO/ADA & Title IX Policy and Procedures. A copy of the policy is given to a

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

complainant and can be accessed at the University's website at www.uog.edu. Complaints are expected to begin expeditiously and resolved promptly, ordinarily no later than 45 days from receipt of the complaint. Complaints may be made to the University EEO officer, a University EEO counselor, or to an administrator or officer of the University in the reporting relationship above the complaining individual or one who is above the person about whose behavior the complaint is made. Complaints will be reviewed, generally by the University's EEO officer and resolved according to this policy, including an investigation, if warranted. The EEO officer is an official who has received annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, and who has been trained on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The EEO officer will prepare a written summary of the relevant facts and the recommended corrective action, if any, to a decision maker who will be selected by the EEO officer or the Senior Vice President, with consideration of the reporting and/or academic relationships of the complainant, accused and others involved. The decision maker will make a determination of the complaint in a manner consistent with the particular facts and circumstances of the complaint. This policy is intended to provide a prompt, fair and impartial process from the initial investigation to the final result. Violations of this policy include but are not limited to disciplinary action such as warning, suspension or termination from employment or of any other affiliation with the University.

Both the complainant and the accused have the right to be assisted by any advisor of their choice, which may be an attorney, at any EEO related meeting or proceeding. Advisors may speak or participate directly in any proceeding under the EEO Policy.

Both the complainant and the accused shall be advised simultaneously in writing of the outcome of any disciplinary proceeding, the procedures to appeal the results of the disciplinary proceeding, if any, any change to the results that occurs prior to the time that such results become final and when such results become final. The disclosure of the outcome of the disciplinary proceeding shall include only the name of the accused, the violation alleged, and whether any institutional rules or code sections were violated, essential findings supporting such result, and any sanction imposed including a description of disciplinary action, date of imposition of such action, and the duration of such action.

The University prohibits any member of the University community from knowingly making false complaints of a sex offense. Knowingly making false complaints of a sexual offense constitutes a violation of the University's policies and will result in disciplinary action. However, a complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct.

RETALIATION

The University prohibits retaliation against anyone who exercises rights under the Clery Act and Title IX, in accordance with federal law.

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

SEX OFFENDER REGISTRY

The central repository for the Guam Sex Offender Registry Program is housed with 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>.

16.1. Policy Statement Addressing Fire Safety Procedures, Statistics, Reports, and Documentation for Campus Residence Halls Facility

16.1a. Fire Safety Procedure - The University's Residence Halls are equipped with portable fire extinguishers, smoke detection, integrated automatic sprinkler and visual/audible fire alarm systems. These systems are inspected, tested and certified annually by a Fire Protection Specialist Contractor and the Guam Fire Department approving authority. Emergency evacuation maps are installed in each hallway, study hall, common kitchen, and dorm room to direct occupants to emergency exit. Fire emergency contact numbers are posted and visible to all residents and guests.

All residents and residence halls staff receive fire safety training at the beginning of each academic year with training reviewed regularly with residents and staff. Fire drills are conducted once each semester. Fire safety tips are communicated to residents during floor meetings by residence halls staff at the beginning of each semester and by the Safety Officer during crisis management presentations conducted every fall and spring semesters.

In the event of a FIRE, residents should proceed in the following manner:

1. Immediately call 911. Notify the Resident Assistant closest to area of fire. Notify the Residence Halls Office staff and other residents of the building, or floor, of the location of the fire by pulling the nearest pull station. Evacuate the building(s) without delay and assemble at designated area or rally point.
2. When the alarm is activated, all residents, except others with specific assignments must leave the building IMMEDIATELY through the nearest exit. Persons with disabilities are assisted. Where possible, close all doors and windows. Do not, under any circumstances, silence building fire alarm. Do not return to the building for any reason until instructed to do so by competent authority. Do NOT put water on a grease fire! Use the nearest fire extinguisher.
3. Move away from the building entrance and fire department access. Do not obstruct fire hydrants.

Fire Alarms

Residents are expected to evacuate the building immediately for a fire alarm, or when directed to do so. Failure to promptly obey the direction of a University Residence Halls Office staff or civil official during an emergency will be referred to the Residence Halls Officer and could be subject to fines.

When an individual smoke detector is activated in the residence halls, Residence Halls Office staff and/or Resident Assistants will enter all rooms in the indicated area to determine the cause of the alarm.

Fire and Life Safety Inspections

Policy Compliance for Clery Act and HEA/HEOC/VAWA Reauthorization Act: Policy Statements

Unannounced random Fire and Life Safety Inspections will be conducted periodically by the Residence Halls Office staff and Resident Assistants. The intent of the inspections is to increase the level of safety awareness of residents and identify health and safety issues.

16.1b. Statistics – Data will be collected and reported in the annual fire safety report and the U.S. Department of Education’s web-based data collection system in a statistical format.

16.1c. Annual Fire Safety Report – This report will be prepared and then submitted at the same time with the Annual Security Report for publication.

16.1d. Fire Log - Fire incidents are recorded in the Fire Log by the date they are reported. The Fire Log for the most recent 60-day period must be accessible on-site and available to public inspection, upon request, during normal business hours. It must be kept for three years following the publication of the last annual report to which it applies (in effect, seven years).

16.1e. Policies on Portable Electric Appliances, Smoking, and Open Flames

In accordance with regulations disseminated, the University of Guam is a tobacco-free environment. Smoking is prohibited in all buildings owned and operated by the University of Guam, including dormitories. Rules also prohibit the following in the residence rooms:

- open flames,
- microwaves,
- electric coffeemakers,
- hot plates,
- electrical rice cooker,
- toasters and toaster ovens,
- refrigerators over four cubic feet,
- portable gas (propane) stoves, and
- portable bar-b-grills,

Note: In general, heat-producing appliances are prohibited in rooms.