FACULTY WELFARE

April 21, 2023

To: Sang-Hee Lee, Chair
Riverside Division

From: Robert Clare, Chair
Committee on Faculty Welfare

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

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

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

- To better analyze and understand the differences between this “interim” policy and the previous version of the policy, a highlighted “difference list” should be provided. In this same vein, all policies that are revised/updated and subsequently circulated for review should be presented with a difference list, with a first column containing a policy’s “previous text” and a second column containing “current text.”

- The way the policy is written seems to blend disclosing information about safety/security/crimes and also reporting such information (i.e., enforcing). Is this policy intended to center around “disclosure” of information pertaining to campus security policies and crime statistics, or “enforcement” of proper practices related to reporting emergencies/crimes/incidents in a timely fashion to designated campus authorities?

- As it pertains to this policy and most importantly to providing a safe and secure learning and working environment, the responsibilities of the Campus Security Authority (CSA) are confusing and seemingly contradictory. The CSA must immediately or as soon as reasonably practicable report any Clery Act crimes or incidents which they have been made aware of or witnessed to the campus police department and/or Campus Clery Coordinator/Officer. It is even stressed that any CSA who knowingly fails to report a crime may be subject to disciplinary action. However, in accordance with California law, when reporting a crime the CSA is not permitted to disclose to local law enforcement the identity of the victim or alleged perpetrator, unless the victim consents to being identified after being informed of their right to remain anonymous or unless the victim is a minor which may trigger
separate mandated reporting obligations. If a CSA is unable to disclose the identity of a victim and perpetrator, how does this assist local law enforcement to investigate accordingly and resolve the matter expeditiously? In the case of a real crime being committed, how does the preservation of anonymity ensure the safety and security of a victim? Furthermore, when a CSA is the first person made aware of a crime, is the campus at large still notified in as close to real-time as possible of this crime (shortly after the crime has been committed and/or reported)? If not, a failure to notify the campus at large seems to contradict the UC’s commitment to campus safety and security.

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