

Texas Tech University System

Regulation 07.05

Clery Act Compliance

Approved: December 10, 2019

Modified: July 15, 2022

Next Scheduled Review: January 2024

1. Purpose

a. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, part of the Federal Higher Education Act of 1965, as amended, and as further amended by the Higher Education Opportunity Act (HEOA), and the Violence Against Women Reauthorization Act of 2013 (collectively known as the Clery Act) and universities participating in federal student aid programs gather and report to the campus community and the federal government statistics for certain crimes that occur on or near campuses and publish policy statements concerning campus safety and security. The Clery Act also requires that such institutions have policies in place to take certain actions when circumstances prescribe that those actions are required. For detailed guidance on complying with the Clery Act, see the U.S. Department of Education (DOE) publication, *The Handbook for Campus Safety and Security Reporting*.

b. The purpose of this regulation is to establish policy and procedures for campus community and compliance with the Clery Act. The purpose of this regulation is to establish policy and

2. General Guidelines

a. The Universities prohibit criminal behavior on all campuses. All faculty, staff, students and visitors are strongly encouraged to promptly and accurately report all suspected Clery Act crimes and public safety-related incidents occurring on campus property to the police department on campus, or local police department, if the component has no campus police department. Crimes should be promptly and accurately reported to the police when the victim of a crime elects to or is unable to make such a report.

b. Each University and each individual University campus (e.g., Abilene, Amarillo, Midland, Odes) shall comply with the requirements as further described in Federal Regulations, this regulation, and as directed by the System Clery Compliance Director.

3. Clery Act Compliance Requirements

a. Required Collection, Classification, and Counting of Reports, Statistics, and Referrals.

i. Reporting of Crimes.

the attention of a Campus Security Authority (CSA), the institutions police department, or local law enforcement personnel by a victim, witness, other third party or even the offender.

ii. Classification and Counting of Crimes and Referrals. Each University, collectively and for each of its individual Campuses, shall collect, classify and count crime reports, crime statistics, and disciplinary referrals for crimes as specified in the Clery Act, including hate crimes, that occur within Clery specific geography. The following should be considered in collecting, classifying, and counting these reports, statistics, and referrals:

1. All reported Clery crimes must be reported for Clery statistics purposes.
2. The crimes required to be reported are listed in the Clery Act.
3. The definitions for the Clery crimes and the reporting hierarchy rules are available in:

- a. Summary Reporting System (SRS) User Manual
uniform crime reporting (UCR) program;
- b. National Incident-Based Reporting System (NIBRS) User
Manual program;
- c.

and registration certificate should be routed to the Clery Compliance Officer for appropriate handling.

2. In addition to the above requirements, each Campus with on-campus student housing must submit fire statistics annually to the DOE, no later than the date specified annually, by the DOE.

b. Clery Geography.

- i. Each University, collectively and for each of its individual Campuses, shall work with the appropriate campus department and individuals to identify the geographic properties on which the occurrence of Clery Act crimes will trigger responsibilities under the Clery Act. These include: (1) on campus buildings and property, including the on-campus subset; On-campus Student Housing Facilities (where applicable); (2) public property within or immediately adjacent to and accessible from the campus; (3) non-campus buildings or property; and (4) for the purpose of the maintaining the crime log, areas with the patrol jurisdiction of the campus police department.

1. Each University shall compile a comprehensive list of all buildings and land owned or controlled by the University, including leased property. The list shall include all buildings and land owned by any University-recognized student organizations, including leased property.

- a. The list should include, at a minimum, the building name (if applicable), the specific address, and the Clery category of geography.

2. Each department or office that leases property from third parties on behalf of the campus, shall notify the CCO of this information, including specific address information, a contract number for referral, and contact information.
3. The office having responsibility for buying and selling property shall notify the CCO when buildings or property owned or controlled by the university are bought or sold, or if the use of such property changes.

- ii. In complying with the statistical reporting requirements under this paragraph (c) of this section, an institution may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public areas.¹

1. It is recommended each University develop and maintain a Clery Geography Map
2. The map should be annually reviewed, or reviewed as necessary, to make any necessary changes. Upon completion of the maps, the CCO should create an electronic version and printed version.

iii. Contracting Requirements. Each University

1. Contracts for reservations of off-campus space must include:
 - a. The exact geographic locations that will be utilized by the University including, but not limited to, building address, room numbers, parking lot availability and designations, the exact date(s) and time(s) of use, and other identifying information whenever applicable.
 - b. Notice to the lessor of the off-campus space of his or her obligation to report Clery crimes to the University or campus police department or CCO responsible for collecting off-campus crime statistics.
 2. Contracts for services with an individual or organization who meets the definition of a (CSA) in Section 3.e. must include:
 - a. The exact geographic location where the services will be provided (e.g., the patrol jurisdiction of a contracted security service).
 - b. The exact time spans during which the service will be utilized.
 - c. Notice to the individual or organization of its Clery reporting and disclosure obligations as a CSA under federal law.
- c. Campus Notifications; Timely Warning Notices and Emergency Notifications.
- i. Each University, collectively and for each of its individual Campuses, shall:
 1. Issue a timely warning, as soon as pertinent information is available, for any Clery Act crime that is reported to a CSA, University Police or local police agency that represents a serious or an ongoing threat to the safety of students or employees while withholding, as confidential, the names and other identifying information of the victims.
 - a. This includes developing and documenting a process for assessing reported Clery crimes; the circumstances regarding issuing of a timely warning; the individual or office responsible for issuing a timely warning; and how a timely warning will be disseminated.²
 2. Immediately issue an emergency notification upon the confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees.
 - a. This includes developing and documenting a process for confirming there is a significant emergency or dangerous situation; determining the appropriate segment or segment of the campus to receive notification; determine the content of the notification; who will initiate the notification; and how the institution will disseminate emergency information to the larger community.³

2. The Handbook for Campus Safety and Security Reporting, Chapter 6. (2016)

3. 34 C.F.R § 668.46(g)

d. Crime Log and Fire Log

- i. Campuses that maintain a campus police or security department are required to maintain a daily crime log that records, for the most recent 60-day period, criminal incidents and alleged criminal incidents, reported to the police department or CSA. This log must be publicly accessible at each campus having a campus police or security department and may be provide in either electronic or hard copy format.
- ii. The daily crime log must include:
 1. The nature of the crime, the date the crime was reported, the date and time the crime occurred, the general location of the crime, and the disposition of the complaint, if known.
- iii. All entries to the daily crime log, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, must be open to public inspection within two (2) business days of the initial report being made to the campus police department or a CSA.
- iv. If new or additional information about an entry into the daily crime log, or a change to the disposition becomes available to a campus police or security department, the information or updated disposition shall be recorded in the log no later than two (2) business days after the information becomes known to the campus police or security department.
- v. If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that risk is no longer likely to occur from the release of such information.
- vi. The crime log must be open to public inspection, free of charge, upon request, during normal business hours. The campus cannot require written request to see the crime log, including the media. Any request for a portion of the log older than 60 days must be made available within two business days of a request for public inspection.⁴
- vii. Campuses that have on-campus student housing are required to maintain a public fire log for any fire that occurs in an on-campus student housing facility. Reported fires include fires that were already extinguished as well as those discovered while still burning.
- viii. The fire log must include:
 1. The date the fire was reported;
 2. the nature of the fire;
 3. the date and time of the fire; and
 4. the general location of the fire.

- ix. A campus may, but is not required to combine the crime log and fire log into one document, as long as the log is labeled accordingly (Da(a)111oloof

except to law enforcement personnel in furtherance of a missing person investigation.

4.

4.

