

Texas Tech University System

Regulation 07.05

Clery Act Compliance

Approved: December 10, 2019

Updated: April 17, 2024

Next Scheduled Review: April 2029

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”) requires that colleges 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 guidance on complying with the Clery Act, see the U.S. Department of Education (DOE) publication, *The Handbook for Campus Safety and Security Reporting*, and the Clery-related Appendix of the Federal Student Aid (FSA) Handbook.
- b. The Texas Tech University System (“System”) and its component universities (each a “University”) are committed to the safety of each University campus community and compliance with the Clery Act. The purpose of this regulation is to establish a System wide policy for the Universities to utilize in developing institutional policies and procedures in compliance with the Clery Act.

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 crimes and public safety-related incidents occurring on campus property to the police department on campus, or local police department, if the University has no campus police department. Crimes should be reported when the victim of a crime elects to, or is unable to, make such a report.¹
 - i. When incidents related to the Violence Against Women Act (Sexual Assault, Domestic Violence, Dating Violence, and Stalking) are reported, Universities are required to provide information about how and to whom the offense should be reported.
 1. The University must include specific contact information for these resources, and advise the victim of their options for involvement of law enforcement and campus authorities, including the option to:

¹ 34 C.F.R § 668.46(b)(4)(iii)

- a. Notify proper law enforcement authorities, including on-campus and local police;
 - b. Be assisted by campus authorities in notifying law enforcement authorities if the victim chooses; and
 - c. Decline to notify such authorities.²
- b. Each University and each individual University campus (e.g., Abilene, Amarillo, Midland, Odessa, etc.) (each hereinafter a “Campus”) is responsible for complying with all Clery Act requirements as further described in Federal Regulations, and this regulation.
- c. Each University will be responsible for maintaining institutional policies and procedures related to Clery Compliance. These policies and procedures are subject to, and should comply with, the guidelines and policies established under Regents’ Rules and System Regulations, as well as State and/or Federal law. Policies and procedures should be drafted in cooperation and coordination with the System Clery Compliance Director (SCCD).
- d. Monitoring is a critical aspect of any compliance function. The SCCD will conduct compliance reviews at each University to monitor various aspects of institutional policies and the Clery Act. The results of these reviews, which will be coordinated with the respective University Clery Compliance Officer (CCO), will generally be reported annually to the University President and the TTUS Office of General Counsel. Higher risk issues may be reported immediately and/or may be reported to additional parties.

3. Clery Act Compliance Requirements

- a. Required Collection, Classification, and Counting of Reports, Statistics, and Referrals.
 - i. Reporting of Crimes. Under the Clery Act, a crime is “reported” when it is brought to the attention of a Campus Security Authority (CSA), the institution’s 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 Act³ 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 recorded 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. The “Summary Reporting System (SRS) User Manual” from the FBI’s Uniform Crime Reporting (UCR) program;

² 34 CFR 668.46(b)(11)(ii)

³ 34 CFR 668.46(c)

- b. The “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI’s UCR program;
 - c. The “Hate Crime Data Collection Guidelines and Training Manual” from the FBI’s UCR program; and
 - d. 34 CFR Section 668.46(a).
 - iii. Reconciliation of Statistics. Each University, collectively and for each of its individual Campuses, should meet regularly to discuss reported incidents and classify and count statistics. Prior to yearly publication of statistics, each University should ensure the departments responsible for receiving reports (e.g, Police, Title IX, Student Conduct, Human Resources, Equal Opportunity, etc.) communicate to ensure all reported incidents are classified correctly and are not counted more than once. In accordance with student privacy considerations, the departments involved in the reconciliation process should share as much personal identifying information as necessary of involved individuals in order to ensure reports are not duplicated.
 - iv. Submission of Crime and Fire Statistics. Each University is required to submit the crime and fire statistics, when applicable, from the Annual Security Report (ASR)/Annual Security and Fire Safety Report (ASFSR) to the U.S. Department of Education (DOE) via the annual Campus Safety and Security Survey, 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(s) 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; on-campus student housing facilities (where applicable); (2) public property within or immediately adjacent to and accessible from the campus; (3) the University’s non-campus buildings or property; and (4) for the purpose of maintaining the crime log, areas within 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 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.⁴
 1. It is recommended each University develop and maintain a Clery Geography Map identifying each of the University's Clery geography locations.
 2. The map should be reviewed annually, or more frequently as necessary, to make any necessary changes. Upon request, the CCO should be prepared to distribute the map for public inspection.
- iii. Contracting Requirements. Each University's contract management office shall ensure that the contracts listed in items (1) and (2) below abide by the following:
 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.⁵
 - i. Each University, collectively and for each of its individual Campuses, shall assess all reported Clery crimes and emergencies and determine if a timely warning or emergency notification is warranted, and:
 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

⁴ 34 C.F.R § 668.46(c)(10)

⁵ The Handbook for Campus Safety and Security Reporting, Chapter 6. (2016)

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.⁶
 - b. A timely warning must be sent in a manner that reaches the entire campus community, and may not be segmented.
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 segments of the campus to receive notification; determining the content of the notification; identifying who will initiate the notification; and determining how the institution will disseminate emergency information to the larger community.⁷

d. Crime Log and Fire Log⁸

i. Crime Log⁹

1. 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 provided in either electronic or hard copy format.
2. The daily crime log must include:
 - a. 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.
3. 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.

⁶ 34 C.F.R § 668.46(e)

⁷ 34 C.F.R § 668.46(g)

⁸ The Handbook for Campus Safety and Security Reporting, Chapter 5, 12. (2016),

⁹ 34 CFR 668.46(f)

4. 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.
5. 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.
6. The crime log must be open to public inspection, free of charge, upon request, during normal business hours. The campus cannot require written requests to see the crime log, including from 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.

ii. Fire Log¹⁰

1. Each University with on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date reported, any fire that occurs in an on-campus student housing facility.
2. Reported fires include fires that were already extinguished as well as those discovered while still burning.
3. The fire log must include:
 - a. The date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire.
4. All entries or an addition to an entry to the fire log must be made within two (2) business days of the initial report being made.
5. The fire log must contain the most recent 60-day period and be open to public inspection. Any portion of the log older than sixty (60) days must be made available within two (2) business days of a request for public inspection.
6. Students and employees must be provided with a description of the log, noting location and availability.
7. Archived fire logs must be kept for three (3) years following the publication of the last annual fire safety report to which it applies, in effect, seven (7) years.

¹⁰ 34 CFR 668.49(d)

- iii. 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 (Daily Crime and Fire Log) and the common log meets all of the requirements for both logs.

e. CSA Identification, Notification, and Training

- i. Each University CCO should work with Human Resources and other appropriate departments across campus to identify those within the University who qualify as a CSA, based on job function, as defined by the Clery Act.
- ii. CSAs are individuals or organizations on campus who have responsibility under the Clery Act to report allegations of Clery Act crimes. CSAs shall immediately forward reports of crimes to the appropriate Clery reporting structure of the University.
- iii. CSAs have been broadly defined by the DOE to encompass the following four groups¹¹:
 - 1. A campus police department or campus security department of an institution;
 - 2. An individual or individuals who have responsibility for campus security but who do not constitute a campus police department or campus security department (e.g., an individual who is responsible for monitoring the entrance to institutional property or who escorts students around campus after dark);
 - 3. An individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and
 - 4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such official is a pastoral or professional counselor, the official is not considered a CSA when acting as a pastoral or professional counselor.
- iv. CSAs shall be notified of their designation, their roles and responsibilities as CSAs, and mandatory training requirements.
- v. CSAs shall complete mandatory training upon hire, or designation as a CSA and annually thereafter.
- vi. A CSA master list shall be maintained by the CCO that identifies CSAs by University ID number, name, email, primary position title, and University department.

f. Annual Reporting Requirements

- i. Each University, collectively and for each of its individual Campuses, shall publish a Clery Act compliant ASR no later than October 1st of each year.

¹¹ 34 C.F.R § 668.46(a)

- ii. Each Campus with on-campus student housing must publish a Clery Act compliant Annual Fire Safety Report (AFSR) no later than October 1st of each year.
- iii. The notice of availability of the ASR/ASFSR must be sent to all current students and employees no later than October 1st of each year.
- iv. Universities must also inform prospective students and employees about the availability of the report(s).
- v. If any report requires corrections at any time after publication, the University is required to update the report with the necessary changes, adding a note to the report explaining the change. This note should include what change was made, the date the change was made, and the reasons for the change.
- vi. Once the report is revised, the University Campus is required to post the revised report online and distribute notice about the availability of the revised report to each student and employee following their respective notification procedures.
- vii. University ASR/ASFR reports must be reviewed, at a minimum, on a biannual basis. Reviews may be completed by the SCCD or at the option of each University, or as determined necessary, may be conducted by a third-party consulting firm in coordination with the SCCD. Results of these reviews will be provided to the respective CCO, University President and TTUS Office of General Counsel. Third-party review reports will be provided to the SCCD, respective CCO, respective University President and TTUS Office of General Counsel.

g. Educational Programming and Awareness

- i. Each University shall conduct educational programs in accordance with the Clery Act, Title IX, and the Violence Against Women Act to promote awareness of and prevent dating violence, domestic violence, sexual assault and stalking. In addition, a bystander intervention course shall be offered.
- ii. Each University shall conduct educational programs related to alcohol and drug abuse as required by the Drug Free Schools and Communities Act.

h. On-campus Student Housing Missing Student Notification Policy¹²

- i. Each University with on-campus student housing shall have a policy regarding missing student notification procedures for students who reside in on-campus student housing facilities.
- ii. The policy must include:
 - 1. A list of titles of the persons or organizations to which students, employees, or others should report that a student has been missing for 24 hours.
 - 2. Require that any missing student report be referred immediately to the University's police or security department, or in their absence, to local law enforcement that has jurisdiction in the area.

¹² 34 C.F.R § 668.46(h)

3. An annual process for each student to identify a contact person or persons whom the University shall notify within 24 hours of the determination that the student is missing if the student has been determined missing by the University police or local law enforcement.
 - a. Advise students their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.
 4. Advise students that if they are under 18 years of age and not emancipated, the University must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.
 5. Advise students that the University will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.
 6. The following are the procedures that the University will follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours:
 - a. If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing.
 - b. If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent and any other designated contact person within 24 hours that the student is missing.
 - c. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the areas within 24 hours that the student is missing.
- iii. All University employees should immediately report missing students to the campus police department or local law enforcement.
- i. Records Retention¹³
- i. The University is required to retain the ASR/ASF SR and all supporting documents and records used in compiling the report for three (3) years from the latest publication of the report to which they apply. (For example, the 2015 ASR/ASFR should contain statistics for 2012, 2013 and 2014. The 2012 statistics and supporting records must be kept until October 1, 2018—in effect, seven (7) years.)

¹³ The Handbook for Campus Safety and Security Reporting, Chapter 9, page 9-11 (2016), Texas State Library and Archives Commission, Category 16.3 (<https://www.tsl.texas.gov/slr/urrs#sec16.3>), Texas Tech University Records Retention Schedule 2019-2024, <https://swco.ttu.edu/recordsmanagement/rrs.html>

- ii. Records to be kept include, but are not limited to, copies of crime reports; the daily crime and fire logs; records for arrests and referrals for disciplinary action; supporting documents for counting and classifying statistics; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery compliance; letters to and from Campus Security Authorities; correspondence with the U.S. Department of Education regarding Clery Act compliance; and copies of notices to students and employees about the availability of the ASR/ASFSR.
- iii. Each University shall make records available for review to assist with compliance monitoring and assessment.

4. Functional Roles and Responsibilities:

- a. University and Department Policies and Procedures. Each University and department with Clery Act compliance responsibilities shall document internal policies and procedures for ensuring compliance and maintaining associated records.
- b. Campus Personnel. All members of the University community, including students, faculty, and staff are encouraged to accurately and promptly report all criminal or suspicious actions and any potential emergencies to the campus police department or to an appropriate law enforcement agency.
- c. System Clery Compliance Director (SCCD). The SCCD will provide leadership for compliance with the Clery Act and related statutes, and will guide and advise the CCO's from each campus. The SCCD will monitor Clery Act compliance for each University within the System, in coordination with the CCO, and will provide assessments and reporting to the respective University President and TTUS General Counsel. Assessments will include review of compliance with the Clery Act and related statutes, this policy and institutional policies, and training requirements. The SCCD will oversee the System Clery Information Admin platform, which serves as the Crime Log and Fire Log. The SCCD will chair the System Clery Compliance Council.
- d. System Clery Compliance Council. The System should establish a Clery Compliance Council which includes an interdisciplinary team of Campus stakeholders. This Council will be an advisory group that should meet at least twice a year, and more often as needed. Among other responsibilities, this Council will meet to discuss new information, trends, and efforts across the System to ensure a consistent approach to Clery compliance across the System.
- e. Clery Compliance Officer (CCO). Each University shall designate a CCO to ensure the component's compliance with the requirements of the Clery Act. The CCO will work collaboratively with various departments, offices, and individuals across each campus to develop, implement, and oversee programs that ensure the University's overall compliance with the Clery Act and associated regulations. The CCO will collaborate with the SCCD to ensure compliance with the requirements of the Clery Act and this regulation.
- f. Clery Compliance Committee. Universities should establish a Clery Compliance Committee which includes an interdisciplinary team of Campus stakeholders charged with assisting the CCO with University compliance with the Clery Act. The Committee will review and make recommendations regarding University policies and procedures related to the Clery Act. The Committee should meet at least once per quarter and more regularly if needed.

- g. Campus Police Department. Each University campus police department is responsible for the following: conducting quality investigations and writing quality reports to assist in Clery crime statistic data analysis; compiling and disclosing statistics on Clery Act Crimes reported to the PD that occurred within Clery geography; providing crime prevention education programs to the community and keeping the CCO informed of the types and frequency of programs; ensuring that all daily crime log and fire log (where applicable) information for the University Clery geography and extended patrol response areas are entered and disseminated within the appropriate time frame; assessing and documenting all Clery crimes reported to the PD and collaborating with campus partners to reconcile reported incidents; collaborating with campus partners for timely notification of information to the community (e.g., Timely Warnings, Emergency Notifications, etc.); assisting as necessary in obtaining crime statistics from local law enforcement with jurisdiction over the University Clery geography; and investigating all reports of missing students by notifying and cooperating with other law enforcement agencies, as necessary.
- h. Human Resources. Human Resources should collaborate with the CCO and other appropriate departments (if applicable) to identify, notify, and assist in training of CSAs as defined in Section 3.e.. The CCO will work collaboratively with Human Resources to provide electronic notice of availability of the Annual Security and Fire Safety Report to all prospective employees in accordance with the Clery Act. The office will review and track all incoming reports, complaints, disciplinary referrals and resulting cases to determine if any of the reports should be classified as a Clery Act reportable crime or disciplinary referral that occurred within the University's Clery geography. The offices will provide any statistics reflecting Clery Act reportable crimes and disciplinary referrals to the CCO for inclusion in the crime statistics for the ASR/ASF SR. (A "referral" means that a report has been made, a record has been created, and a case has been reviewed for potential disciplinary action that may result in the imposition of a sanction.). The office will promptly report all Clery crimes to the reporting structure of the institution for assessment of timely warning and emergency notifications.
- i. Offices of Student Affairs / Student Conduct / Title IX / Equal Opportunity. The primary responsibilities of these offices as it relates to the Clery Act is to review and track all incoming reports, complaints, disciplinary referrals and resulting cases to determine if any of the reports should be classified as Clery Act reportable crimes or disciplinary referrals that occurred within the University's Clery geography. The offices will provide any statistics reflecting Clery Act reportable crimes and disciplinary referrals to the CCO for inclusion in the crime statistics for the ASR/ASF SR. (A "referral" means that a report has been made, a record has been created, and a case has been reviewed for potential disciplinary action that may result in the imposition of a sanction.). The offices should collaborate with the CCO and other offices across campus as part of the "Reconciliation of Statistics" process as defined in section 3.a.III. The offices will coordinate with the campus police department and with local police agencies to monitor criminal activity involving students and student organizations occurring at non-campus property. The offices will promptly report all Clery crimes to the reporting structure of the University for assessment of timely warning and emergency notifications.
- j. University Student Housing. On those campuses with on-campus housing, housing officials will notify all residents in the University's residence halls, apartments, and rental units of how to report crimes, safety concerns, and file a Missing Student Notification on their

campus. The office will also coordinate with the campus police department in implementing Missing Student Protocols.

- k. Campus Security Authorities. The primary responsibility of a CSA is to report allegations of crimes to the reporting structure of the institution for statistical disclosure and annual reporting, and for assessment of timely warning and emergency notifications.

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