

Texas Tech University System

Regulation 07.05

Clery Act Compliance

Approved: 12/10/19

Next Scheduled Review: December 2021

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 detailed guidance on complying with the Clery Act, see the U.S. Department of Education, The Handbook for Campus Safety and Security Reporting.
- 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 policy and procedure for the Universities’ compliance with requirements of the Clery Act.

2. Clery Act Compliance

- a. *Generally.* Each University and each individual University campus (e.g., Abilene, Amarillo, Midland, Odessa, etc.) (each hereinafter a “Campus”) is responsible for complying with all of the Clery Act’s requirements as further described in this regulation and as directed by the System Clery Compliance Coordinator.
- b. *Required Collection, Classification, and Counting of Reports, Statistics, 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 (1) on campus; (2) in campus residential housing facilities; (3) within public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus; and/or (4) on certain non-campus property, otherwise known as “Clery Geography.” The following should be considered in collecting, classifying, and counting these reports, statistics, and referrals:
 - i. All reported Clery crimes must be recorded for Clery statistics purposes.
 - ii. The crimes required to be reported are listed in the Clery Act.

- iii. The definitions for the Clery crimes and the reporting hierarchy rules are available in:
 - 1. The “Summary Reporting System (SRS) User Manual” from the FBI’s uniform crime reporting (UCR) program;
 - 2. The “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI’s UCR program;
 - 3. The “Hate Crime Data Collection Guidelines and Training Manual” from the FBI’s UCR program; and
 - 4. 34 CFR Section 668.46(a).

- c. *Publication, Reporting, Warning, and Notification Requirements.* Each University, collectively and for each of its individual Campuses, shall also satisfy the following Clery Act requirements:
 - i. Publish an annual security report containing crime statistics for the last three (3) years and safety and security policy statements and distribute it to all current students and employees no later than October 1st each year. Campuses must also inform prospective students and employees about the availability of the report.
 - ii. Submit crime statistics annually to the U.S. Department of Education via a web-based data collection process.
 - iii. Issue a timely warning for any Clery Act crime that represents an ongoing threat to the safety of students or employees while withholding, as confidential, the names and other identifying information of the victims.
 - iv. Issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.

- d. *Contracting Requirements.* Each University shall ensure that the contracts listed in items (i) and (ii) below abide by the following:
 - i. Contracts for reservations of off-campus space must include:
 - 1. The exact geographic locations that will be utilized by the University including building subsections, room numbers, parking lot designations, and other identifying information whenever applicable.
 - 2. The exact time spans during which the off-campus space will be utilized.
 - 3. Notice to the lessor of the off-campus space of his or her obligation to report Clery crimes to the University’s police department or other organizations responsible for collecting off-campus crime statistics.
 - ii. Contracts for services with an individual or organization who meets the definition of a campus security authority (CSA) in Section 5.a. must include:
 - 1. The exact geographic location where the services will be provided (i.e., the patrol jurisdiction of a contracted security service).

2. The exact time spans during which the service will be utilized.
3. Notice to the individual or organization of their Clery reporting and disclosure obligations as a CSA under federal law.

3. Additional Requirements for Campuses with On-Campus Student Housing

- a. In addition to the above requirements, each Campus with on-campus student housing must:
 - i. Disclose missing student notification procedures that pertain to students residing in those facilities.
 - ii. Disclose fire safety information related to those facilities. Campuses must:
 1. Keep a fire log that is open to public inspection.
 2. Publish an annual fire safety report containing fire statistics for the last three years and policy statements. Campuses must also inform prospective students and employees about the availability of the report.
 3. Submit fire statistics annually to the U.S. Department of Education via a web-based data collection process.

4. Crime Log

- a. Campuses that maintain a campus police or security department are required to keep a daily crime log of alleged criminal incidents that is open to public inspection. The daily crime log must include:
 - i. The nature, date, time, and general location of each crime; and
 - ii. The disposition of the complaint, if known.
- b. 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 department or a CSA.
- c. If new information about an entry into the daily crime log becomes available to a police or security department, then the new information shall be recorded in the log not later than two (2) business days after the information becomes available to the police or security department.
- d. 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 damage is no longer likely to occur from the release of such information.

5. Responsible Departments and Individuals. The following departments and/or individuals have responsibilities under the Clery Act:

- a. Campus Security Authorities (CSAs). CSAs are individuals or organizations on campus who have responsibility under the Clery Act to report allegations of Clery Act crimes to the

appropriate campus police or security department. CSAs shall immediately forward reports of crimes to the campus police or security department to ensure statistical inclusion of all crimes specified by the Clery Act in the annual security report. CSAs have been broadly defined by the U.S. Department of Education to encompass the following four groups:

- i. A campus police department or campus security department of an institution;
- ii. 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 escorts students around campus after dark);
- iii. 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
- iv. 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.

All CSAs are required to complete training on an annual basis.

- b. Campus Police Department. Unless specifically delegated to another department within this policy, each Campus Police Department is responsible for complying with the Clery Act and performing all responsibilities of this policy. Additionally, each Campus Police Department must make a reasonable, good faith effort to obtain the required Clery crime statistics from local or state police agencies for inclusion in the annual security report.
- c. Human Resources. Human Resource will, with the assistance of the Campus Police Department as applicable, identify CSAs as defined in Section 5.a. Human Resources shall ensure that CSAs are notified in writing of their designation as CSAs and shall ensure each CSA has completed training on an annual basis.
- d. Clery Compliance Coordinator. The System Clery Compliance Coordinator (CCC) shall oversee Clery Act compliance for each Campus within the Texas Tech University System, including compliance with this policy and training. Among other duties, the CCC will, prior to publication, review and approve the annual security report on each Campus. The CCC will also work with each Campus to develop what constitutes the Clery geography and will maintain the Clery geography records.

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