

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”) 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 (DOE) publication, *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. 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, Odessa, etc.) (each hereinafter a “Campus”) is responsible for complying with all the Clery Act’s 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. Under the Clery Act, a crime is “reported” when it is brought to 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 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;
 - 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 throughout the current calendar year to discuss reported incidents and classify and count statistics. Prior to yearly publication of statistics, each University should meet with the departments responsible for receiving reports (e.g, Police, Title IX, Student Conduct, Human Resources, Equal Opportunity, etc.) to ensure all reported incidents are classified correctly, and not counted more than once. 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) 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.
 1. Each year, prior to the collection period, DOE sends a letter and a registration certificate to the President of the University. The certificate contains information necessary to access the survey and enter data. The letter

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) the University's 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 identifying each of the University's Clery geography locations.
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'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.
- 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 (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 any 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 groups⁵:
 - 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 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 will complete mandatory training upon hire, or designation as a CSA and annually thereafter.⁶
- vi. A CSA master list shall be maintained by the CCO that identifies CSAs by University specific ID number, name, email, primary position title, and University department.

f. Annual Security and Fire Safety Report (ASFSR)

- 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.
- 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.

5. 34 C.F.R § 668.46(a)(Campus Security Authorities)

6. Penn State University FPRD, p. 118) – “While the Clery Act does not specifically require institutions to provide CSA training, it is virtually impossible to achieve compliance without it.”

- iii. The notice of availability of the ASR/ASF SR must be sent to all current students and employees no later than October 1st of each year.
 - iv. Campuses must also inform prospective students and employees about the availability of the report(s).
 - v. If the report requires corrections at any time after publication, the campus 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 campus must redistribute the report following the notification procedures for their campus. If the report is posted online, the campus is required to distribute a notice about the availability of the revised report to each student and employee.
- g. Education Programming and Awareness
- i. Each University shall conduct educational programs to promote awareness, to include primary prevention and awareness programs to prevent dating violence, domestic violence, sexual assault and stalking. In addition, a bystander intervention course shall be offered.
 - 1. All programming and awareness efforts shall be in accordance with the Clery Act, Title IX, and the Violence Against Women Act.
 - 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 Policy⁷
- i. Each University with On-campus Student Housing shall have a policy regarding missing student notification procedures for student 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 student, employees, or others should report that a student has been missing for 24 hours.
 - 2. Require than any missing student report must be referred immediately to the institutions police or security department, or in their absence to local law enforcement that has jurisdiction in the area.
 - 3. An annual process for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the student has been determined missing by the institutions 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 if they are under 18 years of age and not emancipated, the institution 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 institution 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 institution 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 Retention⁸
- i. The University is required to retain all supporting documents and records used in compiling the Annual Security Report for three years from the latest publication of the report to which they apply. (For example, the 2015 Annual Security Report should contain statistics for 2012, 2013 and 2014. The 2012 statistics and supporting records must be kept until October 1, 2018—in effect, seven years.)
 - ii. Records to be kept include, but are not limited to, copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; 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 annual security report.

8. 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/slrn/urrs#sec16.3>), Texas Tech University Records Retention Schedule 2019-2024, <https://swco.ttu.edu/recordsmanagement/trs.html>

4. Responsible Departments and Individuals. The following departments and/or individuals have responsibilities under the Clery Act:
- a. Department Policies and Procedures. Each 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 advise the Clery Compliance Officers from each campus. The SCCD monitor Clery Act compliance for each Campus within the System, including compliance with the Clery Act and related statutes, this policy and institutional polices, and training requirements. The SCCD will work collaboratively with the CCO and various offices across each campus to develop, implement and oversee programs to monitor the University's overall compliance with the Clery Act and associated regulations. Among other duties, the SCCD will, prior to publication, review and provide recommendations to the ASR for each Campus. As necessary, the SCCD will also work with each Campus to develop what constitutes the Clery geography. The SCCD will oversee the System Clery Information Admin platform, which serves as Crime Log, Fire Log, and records retention. 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 of 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. Additionally, the CCO shall collaborate with the campus police department to make a reasonable, good faith effort to obtain the required Clery crime statistics from local or state police agencies for inclusion in the ASR.
 - f. Clery Compliance Committee. Institutions 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.
 - i. The membership of the Committee should consist of at least one representative from the departments listed below, or similar office(s) at each University:

1. Clery Compliance Officer, Title IX, Student Conduct, Dean of Students/Student Affairs, Human Resources, Student Organizations/Student Activities, Campus programming/education, Student Counseling, Emergency Management, Student Housing, Athletics, Division of Diversity, Equity & Inclusion, Auxiliaries, Study Abroad/ International Affairs, Student Health, General Counsel, Communications and Marketing, Academic Affairs, Police Department, Operations, Admissions/Enrollment Management.
 2. Subcommittees may be created on an as needed basis to facilitate the functions of the Committee. (CSA Identification, Annual Security Report, Geography, Campus Programming and Education, Fire Safety Report, Student Organizations, and travel, etc)
 3. Additional University members may be added as necessary or on an ad hoc basis.
- 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 continued crime prevention education programs to the community and keep 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 appropriate subcommittee (if applicable) to identify CSAs as defined in Section 3.e.. The CCO should collaborate with Human Resources to ensure that CSAs are notified in writing of their designation as CSAs and shall ensure each CSA has completed training. 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 Annual Security and Fire Safety Report. (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. Office 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 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 offices should collaborate with the CCO and other offices across campus as part of the "Reconciliation of Statistics" process. 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 institution 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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