

UTDBP3112

Clery Act Compliance Policy

Policy Statement

Introduction

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, a part of the Higher Education Act of 1965, was extended by the Higher Education Opportunity Act of 2008 and the Violence Against Women Reauthorization Act of 2013 (collectively known as the "Clery Act") and requires colleges and universities receiving federal financial assistance to gather and make public information about certain crimes on or near their campuses and publish policy statements concerning campus safety and security.

Policy

The University of Texas at Dallas shall comply with all requirements of the Clery Act. This policy sets forth guidelines and procedures intended to ensure the University's ongoing compliance with the Clery Act's crime and fire reporting and disclosure obligations, and its obligation to make available to the campus community and the public, campus security and safety policy statements as prescribed by the law. Although this policy does not address every specific requirement of the Clery Act, it is the Policy of the University of Texas at Dallas to fully comply as required.

Purpose

The purpose of this policy is to ensure the University's compliance with the Clery Act. Compliance requires that the University:

- Identify and train all Campus Security Authorities;

- Identify Law Enforcement personnel and jurisdiction;
- Compile and disclose statistics of reports of the types of crimes specified in the Clery Act ("Clery Crimes") for the main campus, the immediately adjacent public areas, and satellite campuses, specifically Callier Dallas, Center for Brain Health, Brain Performance Institute, and the Center for Vital Longevity;
- Collect reports of Clery Crimes made to University Police or any person identified as a UT Dallas Campus Security Authority;
- Prepare and Publish the Annual Security Report to the Department of Education with statistics of Clery Crimes for the last three years and University policy statements addressing campus security and safety ("Clery Report");
- Issue "Timely Warnings";
- Issue "Emergency Notifications";
- Issue missing student notification policy statement;
- Maintain a daily crime log, available to the public, of all crimes reported to campus security;
- Maintain a daily fire log, available to the public, of incidents occurring in on-campus student housing; and
- Conduct educational programs to promote awareness.

Personnel Affected

This policy applies to all University personnel who have responsibility for an aspect of campus security, and offices and individuals with "significant responsibility for student and campus activities." Individuals responsible for student and campus activities and others who, because of their role at the University, may be classified as Campus Security Authorities ("CSA") under the Clery Act have specific crime reporting obligations under the law.

Clery Compliance Committee - Full compliance with the Clery Act requires the attention, input, and communication of several offices and departments with UT Dallas. UT Dallas will utilize an institutional team approach in order to achieve Clery compliance.

The Clery Compliance Team will meet quarterly and will be appointed by the Executive Vice President. The Clery Compliance Team will consist of the following:

- Chief of Police and/or designate(s)
- Dean of Students or designate
- Assistant Director of the Student Organization Center or designate
- Athletic Director or designate
- Director of Title IX Initiatives

- Director of the Student Wellness Center
- Assistant Vice President for Residential Life or designate
- Director of Emergency Management or designate
- University Attorney
- Dean of Undergraduate Education or designate

The primary purpose of the Clery Compliance Committee is to maintain communication to ensure an on-going review and training of Campus Security Authorities throughout the University and to provide on-going relevant information for the Annual Security Report.

Definitions

Annual Security Report - The Clery Act requires the University to annually submit to the Department of Education and publish to the University community and public, a report that addresses safety and security policies, prevention programs, and crime statistics.

Area Clery Reporting Letter - Letter to outside police jurisdictions requesting Clery crime information for property immediately adjacent to campus, or to jurisdictions where students stayed more than one night or in consecutive years on University sponsored activities, i.e. athletic teams.

Arrest - Persons processed by arrest, citation or summons. The University shall compile statistics for and specifically disclose arrests related to weapons and, drug and alcohol abuse. If an individual is both arrested and referred for disciplinary action for an offense, only the arrest will be disclosed.

Referral for Disciplinary Action - The University shall compile statistics for and specifically disclose students' referrals for disciplinary action related to weapons' and drug and alcohol abuse. If an individual is both arrested and referred for disciplinary action for an offense, only the arrest will be disclosed.

Campus Security Authority ("CSA") - Used in the Clery Act to identify persons at the University who, as a result of their functions at the University, have an obligation under the law to notify University Police of alleged Clery Crimes that are reported to them, which they conclude have been made in good faith. Such persons need not be an employee of the University, such as students and outside volunteers. CSA's are defined by their University function; not by job title. While an individual's ordinary responsibilities and functions at the University would not classify them as a CSA, the individual may take on a responsibility which would then qualify them as a CSA; for example, if an employee or volunteer organizes or helps lead a student trip or outing.

UT Dallas has four general categories of CSA:

1. University Police - The UT Dallas Police Department is responsible for reporting crimes and gathering crime statistics and therefore most of its members are CSA's.
2. Any individual(s) who is responsible for an aspect of campus security but who does not constitute or is not a member of the University Police, i.e. Residence Hall Lobby Monitors or as specified in this policy.
3. Any faculty member who serves as a sponsor or advisor of a student organization.
4. University officials who have significant responsibility for student and campus activities.

Clery Crimes - The University must compile statistics of reports made to University Police, CSA's and local law enforcement of the following types of crimes: aggravated assault; arson; burglary, motor vehicle theft, murder and non-negligent manslaughter, negligent manslaughter, robbery, sexual assault, stalking, domestic violence, dating violence, and hate crimes (for above offenses as well as larceny-theft, simple assault, intimidation, and destruction/damage or vandalism of property), and arrests and referrals for disciplinary action related to liquor law violations, drug law violations, and illegal weapon possession.

Daily Crime Log - UT Dallas Police maintains for public inspection a Daily Crime Log of all alleged criminal incidents that are reported either directly to University Police or to the University Police by a CSA. Incidents are recorded in the Daily Crime Log with the date and time the alleged crime is reported, the date and time the alleged crime occurred, the nature of the alleged crime, and the general location of the crime, and the disposition of the complaint.

Dating Violence - Violence committed by a person who has been in a romantic or intimate relationship with the victim. Whether a relationship exists will depend on the length, type, and frequency of interaction.

Domestic Violence - Felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner, current or former cohabitant, a person with whom a victim shares a child-in-common, a person similarly situated to a spouse under domestic or family violence law, or anyone else protected under domestic or family violence law.

Emergency Notification - A notification advising of an immediate threat to the health or safety of students or employees occurring on campus. Emergency Notifications may be issued to the entire University or may be segmented by campus depending on the type of emergency. Emergency Notifications are issued via UTDALERT, SMS text and campus email, by University Police or the Director of Emergency Management. Other forms of communication may be utilized to supplement the notification.

Fire Log - Environmental, Health, and Safety maintains for public inspection a fire log. Any

report to a University official of a fire occurring in on-campus student housing must be documented in the Daily Fire Log with the following information: date and time the incident was reported; time and date of the incident; nature of the fire, and general location.

Hate Crime - Clery Crimes and any incidents of larceny-theft, simple assault, intimidation, of destruction/damage/vandalism of property that are motivated by bias toward race, gender, gender identify, religion, sexual orientation, ethnicity/national origin, and disability.

Missing Student Notification - If a student who resides in on-campus student housing is determined to have been missing for 24 hours, the University has 24 hours following the receipt of a report of a missing student to initiate specified notification procedures to notify the student's designated contact, parent or legal guardian, and the law enforcement agency with jurisdiction. The University is not precluded from initiating Missing Student Notification procedures if the student has been missing less than 24 hours or as soon it determines the student is missing.

On Campus Property - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to that described in the first part of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Professional Counselor - A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. Professional Counselors, when acting within the scope of the official responsibilities, are not Campus Security Authorities and therefore not required to report.

Public Property - All public property, that is immediately adjacent to and accessible from the campus.

Reported Crime - The University shall compile and publish statistics of "reported" Clery Crimes that occurred on Campus Property or Public Property as defined in this policy. For purposes of the Clery Act a crime is reported when it is brought to the attention of a CSA or University Police by a victim, witness, other third party or even the offender. Information about the crime does not need to be explicit. It does not matter whether the persons involved with the crime or making a report are associated with the University.

Sexual Assault - Any sexual act directed against another person, forcibly and/or against that

person's will, or not forcibly or against the person's will where the victim is incapable of giving consent (e.g. forcible rape, forcible sodomy (oral or anal intercourse), sexual assault with an object, and forcible fondling (touching of the private body parts of another person for the purpose of sexual gratification). Disclosure of reported offenses is required.

Stalking - When any person purposely and repeatedly engages in an unwanted course of conduct directed at a specific person that would cause a reasonable person to fear for his, her, or others' safety, or to suffer substantial emotional distress.

Timely Warning - The University must timely alert the campus community to Clery Crimes that create a serious or ongoing threat. Even if all of the facts surrounding the criminal incident(s) are not yet available a warning will be issued as soon as pertinent information is available, to enable individuals to take precautions to protect themselves and to prevent similar crimes from occurring. Timely Warnings are sent to the entire University via campus email and may be supplemented with other forms of notification.

Responsibilities

Departmental Clery Responsibilities

- **UT Dallas Police Department**
 - Collects, classifies, and counts statistics of Clery Crimes reported to the police department or to CSAs
 - UTDPD coordinates with University divisions, departments, offices and individuals to identify individuals whose functions qualify as a CSA and informs the University and personnel of their Clery Act obligations, and the University's procedures for collecting information about Reported Crime
 - Produces and maintains the Daily Crime Log
 - Issue Timely Warnings and Emergency Notifications to the University Community
 - Issue missing student notification policy statement
 - Identifies "Clery Geography" and corresponds with law enforcement agencies in said geography
 - Produces the Annual Security Report and Annual Fire Safety Report
 - Assist other university departments and offices regarding scheduling, planning, and completing tests designed to assess and evaluate emergency plans and capabilities.
- **Office of the Dean of Students**
 - Assists in identifying Campus Security Authorities

- Provides referral statistics to University Police on drug, alcohol and weapons law violations that were not originated by University Police action
- Assists with prevention and Bystander Intervention Programs
- **Student Wellness Center**
 - Provides sexual assault prevention information
 - Provides Bystander Intervention Training
 - Provides necessary information for the Annual Security Report
- **Environmental, Health, and Safety**
 - Issues Emergency Notifications when appropriate
 - Maintains the Daily Fire Log
 - Provides required information for the Annual Security Report
- **Student Organization Center**
 - Provides a list of Student Organization sponsors by name and NetID to Compliance on an annual basis for CSA training.
- **Student Housing**
 - Annually identifies Housing employees that meet the definition of a CSA.
 - Provides Compliance with the list of CSA from University Housing by name and NetID.
 - Maintain the Missing Persons Policy for residential students
- **Athletics**
 - Identify all CSA's within Athletics
 - CSA's will include athletic trainers, coaches, directors, volunteer coaches and student volunteer coaches.
 - Ensure all CSA's receive CSA training.
 - Identifies locations of team travel for Area Clery Reporting Letters in compliance with the ASR requirements.
- **Office of Student Volunteerism**
 - Identify and train University employees whose work position is not classified as a CSA, traveling with student groups (i.e. Alternative Spring Break). Provide CSA training or provide Compliance with names and NetID's for on-line training.
- **Office of Institutional Compliance**
 - Conduct online CSA compliance training
 - Provide Annual Security Report information as needed
- **Hobson Wildenthal Honors College**
 - Annually identifies Campus Security Authorities that work with students and student activities within the Honors College including the Terry Scholars Program, National Merit Scholars Program, Debate Team and other academic competition teams
- **Office of Undergraduate Studies**
 - Annually identify Campus Security Authorities that work with student programs

affiliated with this office

- **McDermott Scholars Program**

- Annually identify Campus Security Authorities that work with the McDermott Scholars

Procedures

CSA Identification:

- The following are responsible for identifying Campus Security Authorities within their Departments on an annual basis:
 - Police
 - Student Affairs/Dean of Students
 - Athletics
 - Student Organization Center
 - University Housing
- A list of all identified CSA's shall be provided to University Police and the Office of Compliance, listed by name and NetID.
- The Division of Student Affairs will prepare and provide for the Office of Compliance, a list of all positions determined to be classified as a Campus Security Authority within the division of student affairs, listing the position classification code. Compliance will utilize this list for elearning for new employee CSA training.
- The following positions have currently been identified as Campus Security Authorities: (not all inclusive)
 - University police officers
 - University Police public safety officers
 - Athletic trainers
 - Athletic Directors
 - Athletic Coaches, including volunteer and volunteer student coaches
 - Dean of Students and Assistant/Associate Deans of Students
 - Director of Community Standards and Conduct
 - Director of the Student Health Center
 - Director of the Student Counseling Center
 - Student Housing Staff
 - Housing Peer Advisors
 - Orientation Leaders
 - Designated International Center personnel
 - Student Organization Advisors/Sponsors
 - Office of Fraternity and Sorority Life staff

- Student Volunteerism Staff
- Student Media Staff
- Director, Title IX Initiatives
- Student Union Staff
- Student Development staff
- University Recreation staff
- AccessAbility Resource Center staff
- Student Wellness Center professional and student staff
- New and Transition Student staff
- Military and Veteran Center staff
- Career Center Staff
- Sponsors and staff affiliated with the McDermott Scholars Program, Terry Scholars Program, Hobson Wildenthal Honors College, and National Merit Scholars Program

CSA Training:

All Campus Security Authorities are required to take the designated CSA training on an annual basis.

CSA Reporting:

- When a student reports a crime to a CSA, the CSA is required by Federal law to provide that information to University Police.
 - On-line CSA reporting can be accessed by the CSA on the UT Dallas police department's web page: https://www.utdallas.edu/police/csa_reporting.html
 - The CSA needs to determine where the offense occurred
 - The CSA needs to provide a description of the offense
 - CSA's are only required to report the facts as received, not investigate the incident
 - All reported offenses shall be reported to University Police who will determine how the report should be classified for Clery reporting purposes.
 - Victims may remain anonymous, but the incident must be reported.

Gathering and Compiling Statistics of Clery Crimes:

The UT Dallas Police Department will collect and compile statistics regarding Clery Crimes.

Annual Security Report (ASR):

The Annual Security Report will be published and distributed by October 1st of each year. The

ASR must be distributed to all currently enrolled students and all employees. A campus email will be sent to all students, faculty, and staff with a statement of the report's availability; a list and brief description of the information contained in the report; the exact address (URL) of the Internet website at which the report is posted (a direct link to the annual security report must be provided); and a statement that the University will provide a paper copy of the annual security report without fee upon request, written or otherwise.

The ASR must also be provided to prospective students and prospective employees on the websites of the Office of Enrollment Services and the Office of Human Resources.

The Annual Security Report must contain information on the following:

- How the ASR is compiled
- Security of and access to campus facilities
- Law enforcement and jurisdiction
- Reporting of crimes and other emergencies (including voluntary, confidential reporting)
- Timely warnings and emergency notification and evacuation
- Statement of accessibility of the Daily Crime Log
- Statement of accessibility of the Daily Fire Log
- Security awareness programs
- Crime prevention programs
- Monitoring and recording of crimes at certain off-campus locations
- Drug and alcohol policy
- Sexual assault, domestic violence, dating violence, and stalking (VAWA)
- Student disciplinary proceeding results
- Sex offender registration
- Emergency response and evacuation procedures
- Missing students policy and notification procedure
- Annual Fire Safety Report and fire statistics
- Three years of Clery Crimes statistics listed by Clery Geography
- Three years of referrals to the Dean of Students Office for alcohol, drug, and weapons violations (only those not originating from University Police)

Records Retention:

The supporting records used in compiling the report shall be retained for seven years from the latest publication of the report to which they apply. 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 Act compliance; letters to and from Campus Security Authorities; correspondence with the Department of Education regarding

Clery Act compliance; and copies of notices to students and employees about the availability of the annual security report. All documentation should be dated.

Submitting Crime Statistics to the Department of Education (DOE):

The University is required to submit the crime statistics from the Annual Security Report. During late summer, the DOE conducts the annual Campus Safety and Security Survey. This Web-based survey is used to collect the statistical data from the Annual Security and Fire Safety Report. The data is then posted on the DOE public website for use by higher education consumers. The site is located at <https://ope.ed.gov/campussafety/#/>. Each year a few weeks prior to the collection, DOE sends a letter and a registration certificate to the Chief Executive Officer of the University. The certificate contains information necessary to access the survey and enter data. The letter and registration certificate will be routed to University Police for appropriate handling.

References

- Handbook for Campus Safety and Security Reporting, Department of Education, 2016
- Higher Education Act
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
Higher Education Opportunity Act
- Violence Against Women Reauthorization Act of 2013

RESPONSIBLE PARTY

LAST REVIEWED

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HISTORY

- Issued: 2018-11-19
- Editorial Amendments: 2024-09-30