

Finance & Operations Policy FO-64
Sam Houston State University Policy on Clery

1.0 Policy Statement

- 1.01 This policy describes the requirements and responsibilities of the university in complying with the “Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act of 1998,” (commonly referred to as the Clery Act).
- 1.02 To maintain a safe and secure environment for its faculty, staff, students, and visitors and as a recipient of federal financial aid, Sam Houston State University will comply with the provisions of the Clery Act, as amended. The Clery Act requires Sam Houston State University to report specific crime statistics on and near the campus and to provide other safety and crime information to the campus community. Interpretation of the Clery Act is regularly refined by U.S. Department of Education guidance. Any subsequent changes to the Clery Act supersede this policy.

2.0 Definitions

- 2.01 Campus Security Authority (CSA) – individuals at Sam Houston State who due to official job duties, ad hoc responsibilities, or volunteer engagements, are required by federal law and under the Clery Act to report a crime when it has been observed by them or reported to them by another individual.
- 2.02 Official – any person who has the authority and the duty to act or respond to particular issues on behalf of the institution.

A CSA is considered an official as that term is defined in the Clery Act Appendix for FSA handbook and The Handbook for Campus Safety and Security Reporting.
- 2.03 Clery Act Crimes (Clery Crimes) – crimes required by the Clery Act to be reported immediately by CSAs and annually compiled and reported publicly in the University’s Annual Security and Fire Safety Report (ASFSR).
- 2.04 Clery Act Geography – property that is owned, leased, or controlled by the institution. which includes:
 - a. On-Campus Buildings or Property – any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to the institution’s educational purposes, including residence halls and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as food or retail vendors.
 - 1) Student Housing Facilities (on-campus subset) – any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus.

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- b. Public Property – all public property, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus; and
 - c. Non-Campus Buildings or Property – any building or property owned or controlled by a student organization that is recognized by the institution; and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution (e.g., school-sponsored trips; short-stay, away trips; Education Abroad program locations).
- 2.05 Emergency Notification – an announcement triggered by a significant emergency event or dangerous situation involving an immediate threat to the health or safety of Sam Houston State University's faculty, staff, students, or visitors on Sam Houston State University campuses. This expands upon the definition of "timely warning" to include both Clery crimes and other types of emergencies or events that pose an imminent threat to the campus community.
- a. Emergency Event – any event, natural or man-made, with the potential to cause significant injuries or deaths; to shut down Sam Houston State University; disrupt operations; cause physical or environmental damage; or threaten Sam Houston State's reputation.
- 2.06 Emergency Notification System – a mechanism established for the purpose of and dedicated to enabling Sam Houston State University officials to quickly contact or send messages to employees and students in the event of an emergency. Examples include, but are not limited, to fire alarms, sirens, alerts via email or text message, local T.V. and radio, etc.
- 2.07 Timely Warning – an alert triggered when Sam Houston State University determines that a crime which has already been committed but continues to present a serious or ongoing threat (e.g., a homicide, sex offense, or robbery) must be reported to the campus community.

3.0 Requirements of the Clery Act

- 3.01 [Annual Security and Fire Safety Report \(ASFSR\)](#) – By October 1 of each year, the university will publish an ASFSR documenting three (3) calendar years of Clery crime statistics, security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault, such as [Texas State University System \(TSUS\) Sexual Misconduct Policy and Procedures](#) and [Resources for Victims of Sexual Misconduct](#).
- 3.02 Identify, Notify, and Train CSAs – Sam Houston State University will review and identify positions which meet the definition of a CSA once a year, and notify individuals of their obligations under the Clery Act to report all Clery crimes witnessed by or reported to them, which may have occurred on the institution's Clery Act geography. Sam Houston State University requires that all CSAs complete training on their responsibilities and reporting requirements under the Clery Act **on an annual basis**.
- 3.03 Disclose Crime Statistics – Crime statistics for incidents that occur on our Clery Act geography must be disclosed on the Annual Security Report.

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The Compliance Coordinator is responsible for gathering crime statistics from the University Police Department (UPD), Department of Housing and Residential Life, the Office of Institutional Diversity & Inclusion and Title IX, Dean of Students (Student Conduct and Community Standards and Student Involvement), local law enforcement, and other CSAs.

To view crime definitions, refer to the [Clery Act Crime Definitions webpage](#).

Unfounded crimes must be disclosed if any of the listed crimes are found to be false or baseless by UPD or any other local law enforcement agency. The Clery Act has specific guidelines for classifying a reported offense as unfounded.

- 3.04 Issue Timely Warnings – Sam Houston State University must provide timely warnings about Clery crimes which pose a serious or ongoing threat to the campus community. This is determined by one (or more) Sam Houston State University officials who have been pre-identified in the university’s policy and procedures for issuing a timely warning. Because the nature of criminal threats is often not limited to a single location, timely warnings must be issued in a manner likely to reach the entire university community. Timely warnings will never identify the victim of the crime.

Exception: Crimes that would otherwise be reportable but are reported to a licensed mental health counselor or pastoral counselor, in the context of a privileged (confidential) communication, are not subject to the timely warning requirement.

- 3.05 Issue Emergency Notifications – Sam Houston State University is required to inform the university community about significant emergency events or dangerous situations involving immediate threats to the health or safety of university employees, students, and visitors occurring on- or near campus. An emergency notification expands the definition of timely warning as it includes both Clery crimes and other types of emergencies (e.g., fire, infectious disease outbreaks, etc.). Emergency events may be localized; therefore, notifications may be tailored exclusively to the segment of the university community at risk.

Sam Houston State University must also have emergency response and evacuation procedures in place specific to its on-campus facilities. A summary of these procedures must be disclosed in the annual security report section. Additionally, the emergency response procedures must be tested annually at least once.

Exception: Situations occur during emergencies where issuing a notification would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or mitigate the emergency. These cases will not be subject to the emergency notification requirement.

- 3.06 Respond to Reports of Missing Residential Students – Sam Houston State provides every student living in university-owned housing facilities the opportunity and means to identify a point of contact to be contacted in an emergency, including whenever Sam Houston State University determines that a student is missing.

UPD will investigate all reports of missing students and will notify and cooperate with other law enforcement agencies, as necessary, to further the investigation.

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- 3.07 Compile, Report, and Publish Fire Data –**Department of Residence Life** will produce the information to be included in the Annual Fire Safety Report section. In accordance with Higher Education Opportunity Act (HEOA) regulations, Environmental Health and Safety (EHS) must collect and disclose fire statistics for each on-campus student housing facility for the three (3) most recent calendar years for which data are available. Each such facility must be identified in the statistics by name and street address, regardless of whether any fires have occurred.

Additionally, EHS will provide a description of the fire safety system in each student housing facility that is included in the Annual Fire Safety Report section. These descriptions should include mechanisms (e.g., fire extinguishers, fire doors, posted evacuation routes, etc.) or systems related to the detection, warning, and control of a fire. UPD will submit the Annual Fire Safety Report section to the Compliance Coordinator for inclusion in the statistics reported to the U.S. Department of Education. The report is available on the university's [Annual Security and Fire Report](#).

- 3.08 Maintain a Public Daily Crime Log – Sam Houston State University must maintain a daily crime log documenting the “nature, date, time, and general location of each crime” reported to UPD within the last sixty (60) days, and the disposition, if known, of the reported crimes. Incidents must be entered into the log within two business days of receiving the report. The daily crime log is available on [UPD's website](#), or in person at the Charles W. Tackett Police Building on the Huntsville campus, during normal business hours. Requests for public inspection of daily crime log entries beyond sixty (60) calendar days must be made in writing and will be made available within two (2) business days of the request.
- 3.09 Maintain a Public Daily Fire Log – UPD, in partnership with Residence Life, must maintain a daily fire log documenting the nature of the fire, date the fire occurred, date and time the fire was reported, and the general location of each fire-related incident in an on-campus student housing facility reported to any university official. Incidents must be entered into the log within two (2) business days of receiving the report, and the previous sixty (60) calendar days of fire log entries must be available for public inspection during normal business hours.

Reviewed By: Paul Morris, Director of Compliance and Insurance

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Next Review Date: August 2023

References:

20 U.S.C. § 1092
34 C.F.R. § 668.16
34 C.F.R. § 668.24
34 C.F.R. § 668.46
34 C.F.R. § 668.49