

# CLERY – FREQUENTLY ASKED QUESTIONS

TEXAS A&M-TEXARKANA UNIVERSITY POLICE DEPARTMENT



## What is the Jeanne Clery Act?

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly known as the Clery Act; formerly the Campus Security Act) is a federal law that requires institutions of higher education (colleges and universities) in the United States to disclose campus security information including crime statistics for the campus and surrounding areas. It was first enacted by Congress in 1990 and most recently amended in 2013 by the Violence Against Women Reauthorization Act.

## Who is Jeanne Clery?

In 1986 Jeanne Clery, a first-year student at Pennsylvania's Lehigh University, was murdered and sexually assaulted in her campus residence hall room by another student she did not know. Her school had not informed students about thirty-eight violent crimes on campus in the three years preceding her murder. Clery's parents, Connie & Howard, led the crusade to enact the original Campus Security Act. In 1998, Congress formally named the law in memory of Jeanne Clery.

## Which schools must comply with the Clery Act?

All institutions of postsecondary education, both public and private, that participate in federal student aid programs must publish and disseminate an annual campus security report as well as make timely warnings of any ongoing threats to the campus community.

## What are the major requirements of the Act?

Under the Clery Act, each University must:

- Identify Campus Security Authorities (CSAs) and collect information from the CSAs about crimes that have been reported to them;
- Publish an Annual Security Report by October 1<sup>st</sup> of each year. The report must be made available to all current and prospective students and employees;
- Create, maintain, and make available a daily crime log documenting the nature, date, and general location of each crime;

- Disclose statistics for reported Clery crimes that occur on campus, on public property within or immediately adjacent to campus, and in or on non-campus buildings or property that the institution owns or controls;
- Issue timely warnings about Clery Act crimes that pose a serious or continuing threat to students and employees;
- Initiate notification procedures for any significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees;
- Disclose fire safety policies and procedures related to on-campus housing and statistics for fires that occur in those facilities and maintain a fire log;
- Have missing student notification policies and procedures in place for students who reside in on-campus housing; and
- Provide programs to prevent dating violence, domestic violence, sexual assault, and stalking and adopt institutional policies for handling such alleged offenses in accordance with the Violence Against Women Reauthorization Act (VAWA) requirements.

### Who is entitled to receive information under the Clery Act?

Currently enrolled students and employees are notified of the availability of the ASFSR via their university email address. Prospective students and employees are eligible to receive the ASFSR and are provided information on how to request a copy in the admissions and employment application process. The general public, including parents and the news media, can also access the ASFSR on the A&M-Texarkana UPD website and printed copies are available by request at the A&M-Texarkana UPD station (Central Plant Building, 7101 University Avenue, Texarkana, TX 75503) during normal business hours. The Daily Crime log is available for viewing at this location as well, to anyone who requests to see it.

### What is the Daily Crime Log?

The purpose of the daily crime log is to record criminal incidents and alleged criminal incidents that are reported to A&M-Texarkana UPD or a Campus Security Authority (CSA). A crime must be entered into the crime log within two business days of reporting to the UPD.

## Do school officials other than law enforcement have reporting obligations under the Clery Act?

Yes, they do. All institutional officials with significant responsibility for campus and student activities are referred to in the Clery Act as a Campus Security Authority (CSA). All CSAs have reporting obligations under the Clery Act. Faculty who serve as advisors to student groups, coaches, and staff involved in student affairs are all included in this group.

## If a student reports an incident to a Campus Security Authority(CSA) in confidence, is the incident still reported to UPD?

Yes. According to the Clery Act, any incident that falls in the Clery crime categories must be recorded both in the Daily Crime Log and in the statistics compiled in the ASFSR. So even if the incident is reported to A&M-Texarkana UPD anonymously (without revealing the identity of the victim) through a Campus Security Authority (CSA), A&M-Texarkana UPD is required to record the nature of the incident, the approximate time and location in the Daily Crime Log to ensure accurate statistics.

## Does someone have to be convicted of a crime before it is reportable under the Clery Act?

No. Crimes are counted when they are reported, regardless of prosecution.

## What criteria is used to determine how crimes are reported?

The Clery Act requires TAMUT to report statistics on Clery crimes in the annual security report. The criteria for reporting these crimes are as follows:

- All Clery crimes reported to UPD, a Campus Security Authority (CSA), or other law enforcement
- Location within the Clery Geography
- Crimes must be disclosed in the year reported

## What is Clery Geography?

The Clery Act requires institutions to report crimes based on the following geographical specifications.

## On Campus

- Includes buildings and properties that are owned or controlled by the institution; that are reasonably contiguous to one another; and that directly support or relate to TAMUT's educational purposes.
- Includes buildings and properties within TAMUT's campus, or reasonably contiguous to it, that TAMUT owns but does not control; are frequently used by students; and are used to support the institution's educational purposes.

Residential Facilities are a subset of the On-Campus category that must be separately disclosed and counted. It includes the following types of housing:

- Undergraduate, graduate, and married student housing.
- Single-family houses that are used for student housing.
- Summer school student housing.
- Buildings that are used for student housing but also have faculty, staff, or any other individuals living there.
- Buildings that are owned by a third party that has a written agreement with the institution to provide student housing. It does not matter whether the rent is paid to the third party by the institution on behalf of the students or paid directly by the students.
- Housing for officially and not officially recognized student groups, including fraternity or sorority houses, that are owned or controlled by TAMUT or are located on property that TAMUT owns or controls.

Public Property refers to property owned by a public entity, such as a state or city government. It includes thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

## Non-Campus

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by the institution 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.

## How are crimes counted?

All crimes are counted by the date reported to a Campus Security Authority (CSA) or to the UPD, this date is often different from the date the incident occurred.

What categories of crime are included in the annual security report?

- Murder and non-negligent manslaughter
- Manslaughter by negligence
- Sex Offenses, Rape
- Sex Offenses, Fondling
- Sex Offenses, Incest
- Sex Offenses, Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking

Hate crimes must also be reported by category of bias:

- Race
- Religion
- Sexual Orientation
- Gender
- Gender Identity
- Ethnicity
- National Origin
- Disability

The report must also provide statistics for the following categories of arrests or, if an arrest was not made, referrals for campus disciplinary action:

- Liquor Law Violations
- Drug Law Violations
- Illegal Weapons Possession

The Violence Against Women Reauthorization Act amended the Clery Act by requiring institutions of higher education to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include policies, procedures, and programs regarding these incidents in the institution's annual security report.

### How are the VAWA offenses defined?

- Domestic Violence - A felony or misdemeanor crime of violence committed: By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred, or; By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For the purpose of this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: Fear for the person's safety or the safety of others; or suffering substantial emotional distress.
  - Course of Conduct - Two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person or interferes with a person's property.
  - Substantial Emotional Distress - Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### What is the difference between an Emergency Alert and a Timely Warning?

Emergency Alerts are issued when there is a confirmed immediate threat or danger to the TAMUT community, using our immediate notification system – RAVE. Some examples where an Emergency Alert could be used include a tornado

approaching TAMUT, a gas leak, an active shooter on campus, or a bomb threat. All TAMUT students, faculty, and staff are automatically enrolled in the RAVE system through their TAMUT email address. Notification through the RAVE system is also available for phone and text alerts.

A Timely Warning (TW) is used to notify the TAMUT community of serious or ongoing threats as soon as pertinent information is available. The Timely Warning is distributed community-wide so individuals can make informed decisions about their own safety. The Timely Warning is also distributed to aid in the prevention of similar crimes if a pattern is determined. Examples of when a Timely Warning may be issued include a string of burglaries, robberies, or sexual assaults. A TW can also be issued if only one instance has occurred, but there is reason to believe it might happen again in the near future. Timely Warnings are designed to include specific, immediately applicable safety tips so that individuals can prepare for and potentially avoid becoming a victim of a similar crime.

### Who enforces the Jeanne Clery Act and what are the penalties for noncompliance?

The United States Department of Education is charged with enforcing the Clery Act and may assess civil penalties against institutions of higher education or may suspend them from participating in federal student financial aid programs. Complaints of violations should be filed with Department of Education regional offices. Fines are significant and are anticipated to increase annually. See [34 CFR 668.84\(a\)\(1\)](#) for the current fine amount per violation.

### Where can I find more information on the Clery Act and its reporting requirements?

The United States Department of Education website has various resources to assist institutions in maintaining full compliance with the Clery Act. The [Handbook on Campus Safety and Security Authority](#) includes guidelines on how institutions must report and manage Clery compliance issues.