

Clery Act Policy

General Description

Policy Summary:

Trinity University is committed to maintaining a safe and secure environment for its faculty, staff, students, and visitors. As part of this commitment, the University complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the 'Clery Act'). This federal law mandates that higher education institutions provide accurate and timely information about crime and campus safety to the university community, prospective students, and their families.

This policy outlines Trinity's adherence to the Clery Act, including reporting crime statistics and general security policies. Additional requirements for institutions with residential housing include fire safety policy statements, missing student notification procedures, and fire statistics.

Should Trinity University need to adjust this policy to align with new guidance, an interim policy may be issued under the University's <u>Policy on Policies</u>.

Purpose:

Per the University's obligations under the Clery Act, Trinity publishes an Annual Security Report (A.S.R.) on campus crime statistics by October 1st of each year, available for viewing on Trinity's website.

Hard copies are available from the Trinity University Police Department ("TUPD").

Questions regarding the report may be directed to the Assistant Vice President of Public Safety-Enterprise Risk Management at 210-999-7070.

This document outlines Trinity's policies, procedures, and responsibilities for complying with the Clery Act, codified at 20 U.S.C. § 1092(f), and its implementing regulations at 34 C.F.R. § 668.46. It also establishes requirements and expectations regarding crime disclosures and reporting, developing, documenting, and enforcing certain campus safety and security policies,

procedures, practices, and information related to the fire safety provisions outlined in 34 C.F.R. § 668.49.

Scope:

This policy applies to all members of the Trinity University community.

Responsible Department:

Trinity University Police Department

Policy Content

(1) A. Responsibilities for Trinity University Departments and Organizations

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Academic Affairs	Notifies and collaborates with TUPD for logistical purposes before finalizing a new program that creates new Clery Geography for the University.
Admissions	Notifies and provides information on the Annual Security Report (ASR) and Fire Safety Report (FSR) and a brief description of the report to prospective and current students upon request.
	Reports all alleged or confirmed crimes immediately to TUPD for a Timely Warning consideration.
Athletics	Provides necessary information and updates regarding policies, training, or related material that may affect Clery processes or the contents of the ASR and FSR.
	CSA's are required to report all crimes immediately to TUPD.
Campus Security Authority (CSA)	Understand their specific responsibilities under the Clery Act related to incidents reported to them.
	As this policy requires, take part in annual Clery Act and CSA training.
Student Engagement & Development, Dean of Students, Residential Life, EEO/Title IX, and other University departments	Reports all crimes immediately to TUPD. Provides all Clery-reportable conduct referral data to TUPD.

	Provides TUPD with a list of advisors to University recognized groups, clubs, and organizations and
	ensures each of these advisors has completed their
	annual CSA
	training.
	Provides relevant case data to TUPD for
	reconciliation.
	Reports all crimes immediately to TUPD.
Human Resources	Provides Clery-reportable conduct referral data to TUPD.
	Annually maintains an accurate list of all CSAs and includes the formal CSA designation on identified position descriptions.
	Conducts investigations and compiles reports to assist in Clery Crime statistic data analysis.
	Provides continued crime prevention education programs to the community.
Trinity University	Ensures that all crime and fire log information for the University's Clery Geography and extended patrol response areas are entered and disseminated within the appropriate timeframe.
Police Department (TUPD) / TUPD Corporal –	Assesses and documents all Clery Crimes for notification of information to the community.
Administrative Compliance Assistant	Conducts an annual emergency alert exercise and tests the emergency alert system.
	Investigates all reports of missing students by notifying and cooperating with other law enforcement agencies as necessary.
	Monitors the University's compliance with the Clery Act through ongoing self-assessment and periodic audits performed by the Clery Center.

Updates this policy in response to changes in regulatory guidance, contemporary standards, or evolving best practices.

Coordinates with University partners to ensure Trinity's Clery Geography is current.

Conducts annual review of all Clery Geography determinations.

Establishes procedures for processing instances of short-stay away trips to identify and train CSAs who attend the trips.

Annually certifies all CSAs and maintains a current list of those designated as CSAs.

Develops and maintains infrastructure and procedures for CSA crime reporting.

Requests in writing, at least annually, crime statistics from local law enforcement with jurisdiction over Trinity's Clery Geography.

Maintains, produces, and publishes the ASR and the FSR to disclose crime and fire statistics.

Maintains and publishes University policies and procedures addressing campus security and safety in coordination with applicable university partners.

Submits required crime and fire statistics to the U.S. Department of Education.

2 B. Institutional Requirements for the Clery Act

II. Confidentiality and Victim Privacy

Any victims or witnesses to a crime, including victims who elect not to or are unable to make a formal complaint or do not wish to pursue action within the University or criminal justice system, are encouraged to report crimes on a voluntary, confidential basis to TUPD. TUPD can file a confidential report providing details of the incident without revealing a victim's or witness's identity to the extent federal or state law allows. The purpose of the confidential report is to keep the reporter's personally identifiable information confidential while taking steps to ensure the reporter's safety and the safety of others. Reports filed this way are counted and disclosed in the University's ASR.

The University recognizes the sensitive nature of crimes and is committed to protecting the privacy of anyone who reports these incidents. As such, TUPD does not publish the names of crime victims or other identifiable information regarding victims in its publicly available Daily Crime Log, Timely Warnings, or Emergency Notifications.

However, there may be circumstances when TUPD must disclose information about a victim to the University Title IX/EEO Coordinator or other University employees to provide necessary accommodations or protective measures. In these cases, the TUPD Chief of Police, or designee, will immediately provide information to Trinity's Title IX/EEO Coordinator, Vice President of Student Affairs, and/or Director of Counseling Services and work collaboratively only to provide information necessary to comply with the University's obligations under Title IX and other applicable federal or state laws.

III. Publish an Annual Security Report (ASR) and Fire Safety Report (FSR)

By October 1 of each year, TUPD publishes Trinity University's ASR and FSR in collaboration with several other University partners. The ASR and FSR include three (3) calendar years of Clery Act crime and fire statistics and related security policies and procedures. TUPD is responsible for creating the ASR, and Environmental Health and Safety is responsible for developing the FSR.

Trinity University's Annual Security Report and Fire Safety Report are available on the Trinity University Police Department Website.

The TUPD and various University partners review and actively share information throughout the year to ensure the most recent processes, procedures, and policies are reflected in the current ASR and FSR before publication on October 1 of each year. The Trinity University Chief of Police, or designee, assigns timelines to ensure Trinity publishes the report by the deadline of October 1 of each year.

Trinity provides the ASR and FSR on the TUPD website and notifies the campus community when it has published the report. This notice includes instructions on accessing the report and requesting a paper copy. TUPD is responsible for ensuring paper copies of the report are available upon request.

IV. Identify, Notify, and Train Campus Security Authorities (CSAs)

On an ongoing basis, Trinity Human Resources identifies positions that meet the definition of CSA. Once identified, the TUPD Corporal—Administrative Compliance Assistant notifies Human Resources and the individuals in the identified positions. Trinity requires all CSAs to complete annual training provided by the University.

The University assigns CSA compliance certification training upon employment. In addition to providing the CSA training presentation to all designated CSAs, the University provides several in-person and online training opportunities. Human Resources regularly reviews and updates the list of designated CSAs.

V. Identify and Maintain Clery Geography

The Clery Act reporting requirements are specific to where the reported crime has occurred. The ASR and FSR only include those crimes that have occurred on Clery Geography, as in the terms and definitions section of this policy defined above, including on-campus property, non-campus property, and certain public property.

Any CSA traveling with student groups must fill out a travel form and complete CSA training before traveling.

Any academic or administrative department implementing a new program that creates new Clery Geography must ensure that notice is provided in writing before the program begins.

Facility Services must notify TUPD whenever there is a change to any newly acquired or leased property used for educational purposes.

VI. Collect, Classify, Count, and Disclose Clery Act Statistics

Crime statistics for incidents that occur in Clery Geography must be disclosed. TUPD, through consultation with various campus partners, is responsible for gathering and correctly categorizing crime statistics for the University.

These campus partners include but are not limited to the Dean of Students Office, Residential Life, Athletics, Title IX/EEO Office, Human Resources, Facility Services, local law enforcement agencies, and other CSAs.

Crimes don't need to have been investigated, nor must a finding of guilt or responsibility be made for an incident to be included in the ASR. These crimes are categorized as of the reported date, not the date of occurrence. All reported crimes must be determined to have occurred within Clery Geography before being included in the ASR.

The University must include reported crimes in the ASR even if the victim wants the incident or report to remain confidential or requests that no investigation occur. The ASR does not identify parties and provides limited information to preserve substantial confidentiality.

TUPD submits all statistics published within the ASR and FSR to the U.S. Department of Education via the Campus Safety and Security Survey.

All parties designated as CSAs must report all alleged Clery Crimes. A report may be made by a victim, a witness, or a third party, even if they did not witness the reported crime. Once a CSA is involved, the CSA is responsible for reporting that crime in the ASR, entering it on the Crime Log and Fire Log webpage, and providing it to the public within two (2) business days of the report being made to the TUPD.

CSAs must forward reports to TUPD immediately, so the report can be assessed for ongoing threats to the Trinity community, including, if appropriate, a Timely Warning or Emergency Notification can be issued as soon as possible.

Anyone seeking guidance on the Clery Act or requesting information about whether they are a CSA may e-mail tupd@trinity.edu.

Beginning in January each year, TUPD will work to reconcile crime data. This review may include representatives from other University offices. In addition to crime reconciliation meetings, a meeting to review and compose aggregate records reflecting the previous year occurs annually each spring semester. Each area provides an audit trail for their records.

While the University assists with reminders and requests, the prompt reporting of Clery Act crimes is a continuing expectation and must be done upon receipt of the crime report.

The University is committed to protecting individuals from interference with making a protected disclosure or for refusing to follow an illegal instruction, as defined by the <u>Whistleblower Policy</u>.

VII. Compile, Report, and Publish Fire Data

The Clery Act requires that institutions compile and publish fire statistics. These fire statistics only apply to Trinity's On-Campus student housing facilities.

TUPD provides the information to be included in the FSR. This process is monitored each month to reconcile data promptly. Expected information includes fire statistics for each on-campus student housing facility separately for the three (3) most recent calendar years for which data are available under Clery regulations. Each facility must be named in the statistics, regardless of whether any fires have occurred.

Additionally, a description of the fire safety systems in each student housing facility is provided for inclusion in the FSR.

VIII. Maintain and Publish a Daily Crime and Fire Log

The Crime and Fire Log lists crimes, alleged crimes, and fire incidents on campus and within the extended patrol response area of the TUPD. This log provides crime and fire information on a timelier basis than the annual statistical disclosures and is updated every 24 to 48 hours during the business week.

The Crime and Fire Logs contain up to sixty (60) days of activity. They are available <u>online</u> or by request during normal business hours at TUPD (Located at 538 Kings Court, San Antonio, Texas 78212). Logs older than sixty (60) days are available by making a request in person at the TUPD or by emailing tupd@trinity.edu. It may take up to two (2) days to provide access to older data. The University does not include Personally-Identifying Information (PII) in the Crime and Fire Log.

TUPD officials review all self-initiated reports and any report otherwise provided by CSAs. Each crime report to TUPD is entered into the Records Management System and added to the Crime and Fire Log within two (2) business days of the report.

All fire information is managed similarly to document the nature of the fire, the date it occurred, the date and time it was reported, and the general location of each fire-related incident in an on-campus student housing facility reported to any Trinity official.

Once the information has been posted, TUPD reconciles the Daily Crime and Fire Log. All case updates made within 60 days of the original Crime and Fire Log entries are reflected.

IX. Issuing Timely Warnings and Emergency Notifications

Timely Warnings

The University must provide timely warnings about Clery Crimes occurring on the University's Clery Geography that the University considers to present an ongoing threat to the campus community. Timely warnings are issued in a manner likely to reach the entire campus community but do not identify the victim of the crime. A timely warning will be issued as soon

as the information is available to assess whether there is an ongoing threat to the campus community.

The TUPD is responsible for confirming facts that indicate a notification is necessary. Additionally, TUPD is primarily responsible for issuing, coordinating, and determining content and delivery methods of emergency notifications and timely warnings. TUPD may collaborate with other Trinity personnel, including but not limited to the Vice President for Student Affairs, Vice President for Inclusive Engagement, Vice President for Strategic Communications and Marketing, and/or the Office of General Counsel, when deciding to issue a timely warning.

Emergency Notifications

Trinity must inform the campus community about a significant emergency or dangerous situation involving an immediate threat to the health or safety of University faculty, staff, employees, students, patients, and visitors occurring on campus. Intended to have broader application than a timely warning, an emergency notification includes Clery Act crimes and other types of emergencies, including imminent or impending threats (e.g., fire, infectious disease outbreak, etc.). Emergency events may be localized; therefore, notifications may be tailored exclusively to the segment of the campus community at risk.

The University must also have emergency response and evacuation procedures specific to its on-campus facilities. The ASR and FSR disclose a summary of these procedures. Additionally, TUPD must assess the emergency response procedures annually. Emergency notifications are labeled and identified to the community as a TrinALERT.

Once it is confirmed that there is a significant emergency or dangerous situation involving an immediate threat to the health and safety of some or all members of the campus community, the Chief of Police, Director of Emergency Management, or other assigned designees will initiate an emergency notification.

TUPD, without delay and considering the safety of the campus community, decides on the content of the notification and activates the notification system. The only reason the University would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The University must issue an emergency notification to the campus community as soon as the condition necessitating the delay is no longer present.

TUPD collaborates with Trinity's Environmental Health and Safety Office to ensure that, as necessary, all emergency and evacuation procedures are reviewed and updated accordingly. These procedures are published in the ASR and FSR. In addition, TUPD requires and confirms the types and the times testing is done to evaluate the University's emergency and evacuation

procedures.

X. Responding to Reports of Missing Students

The University has established procedures to support locating students who reside in on-campus and University-owned housing and have been determined to be missing. Any member of the Trinity community who believes a student is missing must immediately notify the TUPD at (210) 999-7070.

Trinity University's <u>Residential Life Missing Person Policy</u> provides more information about missing students.

XI. Responding to Sex and Gender-Based Incidents

Trinity is committed to providing all University community members a safe and nondiscriminatory learning, living, and working environment.

The University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities, and it does not tolerate discrimination or harassment on the basis of sex or gender. The University's Policy Prohibiting Sexual Harassment and Sexual Misconduct and Policy Prohibiting Harassment and Discrimination Based on Protected Status prohibits sexual and gender-based harassment, sexual assault, sexual exploitation, stalking, dating and domestic violence, and retaliation. These types of prohibited behavior damage the overall well-being of our community and its members, the learning and working atmosphere, and the respectful relationships among our students, faculty, and staff.

All forms of prohibited conduct may be regarded as serious University offenses, and violations may result in discipline, including potential separation from the University. Some forms of prohibited conduct may also violate state and federal laws, and criminal prosecution may occur independently of any disciplinary action imposed by the University.

The University complies with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the University's programs and activities; the Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII of the Civil Rights Act of 1964; Chapter 21 of the Texas Labor Code; Chapter 40, Section 819 of the Texas Administrative Code; and all other applicable law. To promote such compliance and the safety of our community, please review the Title IX Policy, which is available at the following link: Trinity University's Policy Prohibiting Sexual Harassment and Sexual Misconduct.

XII. Document Retention

The University must keep all records related to Clery Act compliance for seven (7) calendar years.

TUPD annually creates a compliance file that contains that year's relevant Clery Act compliance documents and records.

XIII. Document Destruction

Unless otherwise instructed by the Office of General Counsel, all Clery-related materials will be destroyed at the beginning of the eighth (8th) calendar year.

Terms & Definitions

Terms and Definitions:

Term:	Definition:	
Annual Security Report (A.S.R.)	Published by October 1st of each year, the ASR contains: 1) statistics of Clery Crimes for the three most recent calendar years that occurred on-campus, on non-campus property, and on public property within, or immediately adjacent to and accessible to campus; and 2) information regarding campus security and personal safety topics, such as crime prevention, fire safety, crime reporting policies, disciplinary procedures, and other information on campus safety and security.	
Campus Security Authority (CSA)	are considered CSAs. By virtue of their position due to official job duties, ad hoc responsibilities, or	
	volunteer engagements, these individuals are required by federal law to report crime when it has been observed by or reported to them by another individual. These individuals typically fall under one of the following categories: 1. A member of TUPD; 2. Individuals having responsibility for campus security in some capacity but who are not members of TUPD (e.g., an individual who is responsible for monitoring the entrance to University property); 3. Individuals or offices that are not members of TUPD but where policy directs individuals to report criminal offenses to them or their office or 4. Officials who have significant responsibility for student and campus activities, including, but not limited to, student housing, student	

Term:	Definition:
	discipline, and campus judicial proceedings.
	If such an official is a pastoral or professional counselor, the official is not considered a CSA when acting as a pastor or professional counselor.
	Trinity University determines CSAs using the criteria established in the <u>Clery</u> <u>Act Appendix for the FSA Handbook.</u>
Clery Act Crimes	Trinity must report to the U.S. Department of Education and disclose its ASR statistics for the three (3) most recent calendar years concerning the number of each of the following crimes that occurred on or within its Clery geography and that are reported to local police agencies or a campus security authority:
	Primary Crimes:
	 Criminal Homicide, including murder, non-negligent manslaughter, and negligent manslaughter; Sex Offenses, including rape, fondling, incest, and statutory rape; Robbery; Aggravated Assault; Burglary; Motor vehicle theft; Arson.
	Hate Crimes:
	 Any of the primary crimes and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.
	Violence Against Women Act (VAWA) Offenses:
	Any incidents of sexual assault, domestic violence
	Arrests and Referrals for Disciplinary Actions:
	Liquor law violationsDrug law violationsIllegal weapons possession

Term:	Definition:
Clery Geography	Trinity is required to report Clery Crimes that occur on or within the University's Clery Geography, which includes:
	 On Campus; Non-Campus; and Public Property.
	On Campus:
	 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 a manner related to, the institution's educational purposes, including residence halls; and Property within the same reasonably contiguous geographic area of the institution owned by the institution but controlled by another person is used by students and supports institutional purposes (such as a food or other retail vendor).
	Non-Campus:
	 Any building or property owned or controlled by a student organization recognized by the institution; Any building or property owned or controlled by the institution that is used in direct support of, or relation to, the institution's educational purposes is used by students and is not within the same reasonably contiguous geographic area of the institution.
	Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, which is within the campus, or immediately adjacent to and accessible from the campus.
Crime Log	Trinity maintains a written, daily crime log of all reported crimes that fall within the University's Clery Geography. The log includes the nature, date, time, and general location of the crime and is made available to the public during normal business hours.
	The Crime Log includes:
	 The nature, date, time, and general location of each crime; and The disposition of the complaint, if known.

Term:	Definition:
	Trinity makes entries into the Crime Log—or additions to existing entries—within two (2) business days of the information being reported to TUPD unless the disclosure is prohibited by law or would jeopardize the victim's confidentiality.
	Trinity may withhold information if there is clear and convincing evidence that the release of the information would:
	 Jeopardize an ongoing criminal investigation or the safety of an individual;
	2. Cause a suspect to flee or evade detection or3. Result in the destruction of evidence.
	Once a circumstance that meets these requirements passes, Trinity must disclose the information.
	The Trinity University Policy Department makes the Crime Log for the most recent 60-day period open to public inspection during normal business hours.
	Any portion of the Crime Log older than 60 days is available within two (2) business days of a request for public inspection.
Emergency Notification	Trinity is required to provide immediate notification to the University community upon threat confirmation of a serious emergency or dangerous situation occurring on campus that involves a current or imminent threat to the
Fire Log	health or safety of students or employees. Trinity maintains Fire Log records by the date that the fire was reported and for any fire that occurred in an on-campus student housing facility. These records include the nature, date, time, and general location of each fire.
	Trinity makes entries into the Fire Log—or additions to entries—within two (2) business days of the information being reported.
	The Trinity University Policy Department makes the Fire Log for the most recent 60-day period open to public inspection during normal business hours. Trinity makes available any portion of the Fire Log older than 60 days available within two (2) business days of a request for public inspection.
Fire Safety Report (FSR)	On October 1st of every year, Trinity prepares an annual fire safety report that contains, at a minimum, the following information:

Term:	Definition:
	 The fire statistics for each on-campus student housing facility for the three (3) most recent calendar years. A description of each on-campus student housing facility fire safety system. The number of fire drills held during the previous calendar year. Trinity's policies or rules on portable electrical appliances, smoking, and open flames in a student housing facility. The University's procedures for student housing evacuation in the case of a fire. Trinity's policies regarding fire safety education and training programs for students and employees describe the procedures that students and employees should follow in the case of a fire. For purposes of including a fire in the statistics in the annual fire safety report, a list of the titles of each person or organization to which students and employees should report that a fire occurred. Plans for future improvements in fire safety, if determined necessary by the University.
Professional Counselor	An individual whose official responsibilities include providing mental health counseling to members of the University's community and who is functioning within the scope of the counselor's license or certification. When individuals who otherwise may be confidential resources receive reports of a Clery Crime outside of the provision of the professional counselor relationship, the individual is required to report that information to the University.
Referred for Campus Disciplinary Action	The referral of any person to any Trinity official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.
Timely Warning	Institutions are required to alert the campus community to certain crimes in a timely manner to prevent similar crimes. Trinity must provide timely warnings for all Clery Crimes that occur on Trinity's Clery Geography that are: 1) reported to CSAs or local police agencies; and 2) are considered by the institution to represent a serious or continuing threat to students and employees.

Attachments

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Clery Act Appendix for FSA Handbook

Related Documents

Related Documents:

Document Type:	Document Name:	Document Number:
Policy	Drugs Policy	DEAN-0015
Policy	Alcohol Policy	DEAN-0016
Policy	Open Flame Policy	EHS-0004
Policy	Policy on Mandatory Reporting Requirements for Sexual Harassment and Sexual Misconduct	PRES-0002
Policy	Residential Life Missing Person Policy	RESL-0001
Policy	Policy Prohibiting Harassment and Discrimination Based on Protected Status	PRES-0003
Policy	Policy Prohibiting Sexual Harassment and Sexual Misconduct	PRES-0004
Policy	Whistleblower Policy	RISK-0013

Related Content:

<u>Violence Against Women Act of 1994 (VAWA)</u>; <u>Higher Education Opportunity Act; Incident Reporting Form</u>; <u>Trinity University Police Department contact information</u>; <u>Trinity University Directing Reporting to the Dean of Students Office</u>; <u>Trinity University Title IX/ Sexual Misconduct/ Bias Report.</u>

Revision Management

Revision History Log:

Revision #:	Date:	Recorded By:
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Vice President Approval:

Name:	Title:
Mark Detterick	Vice President for Finance and Administration