



# UNIVERSITY OF TEXAS AT SAN ANTONIO

CLERY ACT FOCUSED COMPLIANCE ASSESSMENT

**DECEMBER 10, 2020**

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## STATEMENT OF NEED

The University of Texas at San Antonio (UTSA or the University) retained Margolis Healy and Associates, LLC (MHA or Margolis Healy) to assess its compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act or the Act) pursuant to a compliance review undertaken by the United States Department of Education (ED) Office of the Inspector General (OIG). We previously provided additional input related to the University's response to the OIG draft report (OIG Response) separate from this review and report. For this assessment, we examined the University's policies, procedures, and systems used to support the University's Clery Act program within the UTSA police and other applicable departments. For ease of reading, we have identified the deliverables using the numbering from the Request for Proposal (RFP).

1. Gap analysis and recommendations for improvement related to the creation and supervision of Clery Act records by stakeholder offices (from RFP 4.1);
2. A table that will present data audit results (from RFP 4.2);
  - a. UTSA's original crime, arrest, and disciplinary referral data;
  - b. Data UTSA provided to ED to publish on the Campus Safety and Security Data Analysis Cutting Tool (from RFP 4.3)
  - c. Reconciled crime data based upon our audit and consensus between UTSA and MHA on its results; and,
  - d. The net change in each crime category.
3. A review of the CSA program (4.4 from the RFP);
4. An assessment of Clery Act geography (4.5 from the RFP);
5. An examination of the Daily Crime Log (4.6 from the RFP);
6. Consideration of the timely warning and emergency notification processes (4.7 from the RFP); and,
7. A comprehensive review of the 2019 UTSA Annual Security Report and Fire Safety Report's (ASF SR) responsiveness to the Clery Act's administrative regulations (4.2.2. from the RFP) and analysis of crime and fire data disclosures between the ED Campus Safety and Security Data Analysis Cutting Tool (CSSDACT) and the ASF SR.

We base our recommendations on the legal obligations outlined in the Clery Act and the Higher Education Opportunity Act of 2008 (HEOA) and their implementing regulations; the 2016 Handbook for Campus Safety and Security Reporting (the Handbook)<sup>2,3</sup>; and sub-regulatory guidance provided through Final Program Review Determinations<sup>4,5</sup>; and our professional advice and perspective, grounded in our Clery Act compliance work with hundreds of institutions of higher education (IHE).

<sup>1</sup>Obligations required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) implementing regulations (U.S. Code of Federal Regulations at 34 C.F.R. 668.46), and, as a component of the ASR checklist review, includes provisions of the Higher Education Opportunity Act of 2008 (HEOA) for fire safety (34 C.F.R. 668.41 and 668.49) and violent crime victim notification (34 C.F.R. 668.41 and 20 U.S. Code § 1094) provisions.

<sup>2</sup><https://www2.ed.gov/admins/lead/safety/handbook.pdf>

<sup>3</sup>Pagination in the Handbook format indicates chapter number and page within the chapter. Therefore, (Handbook pages 5-7 – 5-9) indicates Chapter 5 pages 7 to 9.

<sup>4</sup><https://studentaid.ed.gov/sa/about/data-center/school/clery-act-reports>

<sup>5</sup>These reports are the published results of ED's review of an institution's Clery Act compliance and represent important perspective for Clery Act compliance.

## ORGANIZATION OF THIS REPORT

We present this report in a chapter format with five major parts. Section I contains preface information related to scope and methodology for this assessment. Section II includes general observations and major themes. Section III is a linked Microsoft excel table that documents observations related to the University's Clery Act compliance including high-level analysis of the ASF SR including the policies, policy statements, procedures and similar content required by the Clery Act. Section IV is a matrix restating the recommendations from the prior section, and Section V contains attachments that we believe the University may find helpful.

## DISCLAIMER AND DISCLOSURE

Margolis Healy and Associates conducted this review and prepared this report at the request of Senior Vice President for Business Affairs Veronica Mendez. We are providing opinions, findings, conclusions, and recommendations solely for the University's use and benefit. We specifically disclaim any warranties (expressed and/or implied). The University should not construe any statements, allegations, or recommendations in this report as a governing policy, or decision, unless so designated by other documentation. We base the report on the most accurate data gathered and available to Margolis Healy at the time of the assessment and presentation. Our recommendations might be subject to change in light of new or different data. Additionally, our work, including attachments contain our intellectual property and we provide the University with the right to use these internally for the exclusive benefit of the University. We must authorize any other use including delivery or distribution to any other party.<sup>6</sup>

<sup>6</sup>UTSA has a perpetual, nontransferable right and license to use, publish, and copy this report. All intellectual property and other proprietary data owned by Margolis Healy, embedded or otherwise incorporated into this report, or used to develop this report remains the exclusive property of Margolis Healy.

## ACKNOWLEDGMENTS

We very sincerely appreciate the help of so many at UTSA. The data audit contributions by the approximately two dozen staff members, many of whom were in the police department, were invaluable in helping us deliver the completed work within an amazingly short timeline. Projects of this scope normally take weeks and months, and we collectively did it in days and weeks. We owe a special debt to Amanda Swaney who gave selflessly of her time on evenings and weekends, even offering to work on the project right up to the last minute. Likewise, Annette Parker provided important contextual information, resource location, and ensured access to UTSA key players with whom we needed to meet. In short, we found everyone at UTSA genuinely interested not only in helping us complete our project, but also in furthering the intent of the Clery Act, which is enhancement of campus community safety.

## SECTION I – METHODOLOGY

In accordance with UTSA's wishes, Margolis Healy assessed the University's compliance with the Clery Act federal regulations (regulations), and other federal sub-regulatory guidance (specifically identified above in the Statement of Need section). In our analysis, we especially relied upon the Pennsylvania State University (PSU or Penn State) Final Program Review Determination (FPRD) report<sup>7</sup>. Since ED published this important foundational guidance in 2016, ED has provided recent FPRDs that reinforced many of the key takeaways from the PSU FPRD.

The team conducted off-site reviews of UTSA supplied documents and interviewed key stakeholders beginning in August of 2020. The team consisted of Michael N. Webster, Director for Regulatory Compliance (who led this portion of the project); Justice Healy and Kyle Norton, Regulatory Compliance Consultants.

We requested and reviewed (where available) several documents, including:

- Current Annual Security and Fire Safety Reports (ASFSR);
- A list of all Campus Security Authorities (CSA) by position;
- Any policy or procedure that describes how incidents reported to CSAs (other than campus security or police) are forwarded to the campus security or police. If no policy or procedure exists, we request a description of this process;
- A copy of the institution's catalog or student handbook (also for each separate school, division, or location);
- A copy of the organizational chart for the institution, and for the campus security or police functions of the institution.
- The campus security or police policies related to the following functions: dispatch, response to calls for service, report writing, arrests including issuance of citations, and protocols for responding to and/or investigating arson, sexual assault, and high threat / low likelihood events like active shooter or large loss fire;
- Copies of all agreements and/or contracts with any agencies or organizations that provide any protective service, security, or other service related to the institution's security and safety programs, including descriptions of training provided to contracted staff related to CSA responsibilities;
- Copies of all campus, patrol, and/or sector maps (with legends) utilized by the campus security or police;

<sup>7</sup>[https://studentaid.ed.gov/sa/about/data-center/school/clery-act-reports?utm\\_term=#pennstate](https://studentaid.ed.gov/sa/about/data-center/school/clery-act-reports?utm_term=#pennstate)

- A comprehensive list of all buildings and property owned or controlled by the institution, including leased property (the list should include the address, the building code, and category of the property as defined by the Clery Act: on-campus, residence halls, non-campus property, and public property, etc.);
- Any map used by the office that oversees the assignment of institution's property to educational uses;
- Any prior reports or documentation of reviews of Clery Act compliance, for example, US Department of Education correspondences or consultant reports;
- A chronological list of all timely warning reports for the review period. The listing should include the date and time of the incident, the nature of the incident, and the method(s) of distribution;
- Copies of timely warnings and the incident reports to which they are related; and,
- A chronological list of all emergency notifications for the review period that should include the date and time of the incident, the nature of the incident, and the method(s) of distribution, as well as the police or security incident report number where applicable.

In addition to reviewing the provided documents, MHA met with several individuals who have significant roles in Clery Act compliance, including the following:

- Chief Audit Executive (UTSA project leader);
- Associate Vice President for Public Safety and Chief of Police (UTSA project leader);
- Executive Director of Strategic Initiatives (UTSA primary project liaison);
- Clery Compliance Coordinator (CCC) (UTSA primary project liaison);
- Senior Vice President for Business Affairs;
- Senior Associate Vice President for Housing and Campus Services;
- Assistant Vice President of Administration and Operations;
- Senior Director of Space Management;
- Director of Major Capital Projects and Real Estate;
- Associate Dean of Students;
- Title IX Coordinator; and,
- Business Contracts.



## SECTION II – GENERAL OBSERVATIONS

The Clery Act is a pan-institutional responsibility that intends to provide the public, as potential consumers of higher education services, with accurate, complete, and timely information about safety on campus. Information required by the Clery Act provides current and prospective students and their families, and current and prospective employees with the information that may prove helpful in making informed decisions about safety and security measures and strategies on specific campuses.

The Clery Act requires, among many obligations, IHEs to publish information about their campus security and safety policies and to give timely warning and/or emergency notification about incidents that represent a threat to the safety of students or employees. It also requires the institution to collect crime data, report this data to the campus community, submit crime statistics to ED, and offer programming related to sexual and interpersonal violence awareness and reduction strategies.

To comply with the Clery Act regulations, UTSA has several documentation obligations falling into three main categories: 1) policy disclosure; 2) records collection and retention; and 3) information dissemination.

1. Policy disclosure: The University must provide the campus community with accurate statements of current security policies and practices regarding a wide range of issues, including its policies and programming related to sexual assault, dating and domestic violence, and stalking.
2. Records collection and retention: UTSA must collect and maintain certain records and to request crime statistics from the applicable local law enforcement agencies.
3. Information dissemination: It must also provide campus community members with information about their safety and disseminate that information in several ways.

Compliance with the Clery Act is not simply a matter of entering statistics into a website or publishing a brochure once a year. UTSA most effectively achieves compliance through collaboration – ensuring it develops the appropriate policies, gathers accurate information from all the required sources, and translates it into the appropriate categories. Finally, embracing a pan-institutional approach ensures UTSA is disseminating the right information, at the right time, and maintaining the appropriate records as “compliance proofs.” Many people at an institution from the president or chancellor to those who personally interact with students, should be involved in compliance activities.

ED enforces Clery Act compliance through program reviews. These program reviews may include site visits by representatives of the Office of Federal Student

Aid (FSA), as part of a routine financial aid audit, varying degrees of review by the Clery Act Compliance Division (also part of FSA), or less commonly but as we've seen at UTSA, the OIG. Typically, ED undertakes these visits after a complaint or serious incident on campus. ED conducts other less in-depth examinations of Clery Act compliance as part of routine financial aid audits, after there has been a serious incident on a campus that received media attention, or when other cooperating agencies (i.e. ED Office for Civil Rights or the FBI's UCR division) refer irregularities for review.

### **Improvements to the Clery Act Compliance Program**

During our review, we noted a leadership attitude which welcomed a critical analysis of its policies, systems, and practices and which evidences a strong commitment to improving its Clery Act compliance program. This attitude is fundamental to fostering an environment focused on preventing sexual assault and misconduct. In this report, we incorporate those observations and themes addressed in the OIG Response, which MHA reviewed as part of the current Clery Act assessment. In some cases, we briefly restate or summarize them herein, adding additional information as appropriate.

UTSA had identified deficiencies in its Clery Act compliance efforts well before the OIG review, and had, in fact, begun undertaking improvements in the fall of 2016. We summarize these initiatives below.

### **Clery Act Administration Enhancements**

The University's executive leadership funded enhanced Clery Act compliance through the creation of two new positions within the University police administration. UTSA hired a dedicated Clery Compliance Officer at the end of 2016, recognizing the existent structure, where the deputy police chief was the Clery Compliance Officer, hobbled effective compliance. The current Clery Compliance Officer has comprehensive training and we found her command of the subtleties of Clery Act compliance noteworthy. In late 2016, UTSA leadership funded another position within police administration, this position, the Executive Director of Strategic Initiatives, oversees the full time Clery Compliance Officer. The Executive Director had led Clery Act compliance efforts in previous appointments. She too has impressive Clery Act credentials.

At about this same time, the University, under President Eighmy, implemented a "Safe Campus<sup>8</sup>" website. This site collects all the key campus safety offices' contact information into a single resource. In addition to a "one-stop shop" for campus safety resources, the page contains almost four years' worth of community notices related to safety. It provides critical safety information from a "pan-institutional" perspective. This site models University leadership's support of transparency on safety issues.

<sup>8</sup><https://www.utsa.edu/safecampus/>

## CSA Program

UTSA substantially enhanced its CSA identification, notification, and training processes along with its CSA reporting infrastructure (noting we address opportunities for continued improvement in detail below). In March 2017, UTSA leadership received a written briefing by the University's police chief regarding CSA requirements, followed up by written notification to all identified CSAs of this responsibility, and documenting the requirement that they complete on-line CSA training. This process identified over 800 CSAs, with roughly 70% completing training, while driving the training completion rate to 80% by the end of 2018, and achieving 100% by mid-summer of 2019.

## Improvements with Data Management

University leadership has embraced the implementation, and rapid expansion of Maxient<sup>9</sup> by many Clery Act key stakeholders beginning with the 2019 calendar. Maxient is well regarded, and we have found many of our clients have achieved great success improving the production of crime data. Its broad implementation by multiple student affairs offices and, more recently, the Title IX office will well serve the University's Clery Act compliance effort well. We urge the University to continue expanding Maxient, for instance in Human Resources, further synergizing the tracking of discipline records.

Within the UTSA PD, UTSA has undergone two substantial upgrades of its automated police records management system (RMS), including its computer aided dispatch system (CAD). The initial upgrade was the installation of Report Exec (later branded as Omnigo)<sup>10</sup> during 2011. We are familiar with this software suite and have been impressed with its suitability as an RMS, which meets the needs of small to mid-sized campuses, including its Clery Act compliance modules. At the end of 2019, the University police again upgraded the CAD/RMS system to ARMS<sup>11</sup> as the State of Texas transitioned how law enforcement agencies submitted crime data to the State's central crime collection system.<sup>12</sup> ARMS, designed for mid-sized to large campus agencies, and, like Report Exec/Omnigo, features Clery Act compliant modules. Unlike Report Exec/Omnigo, ARMS's software revisions provided for this crime collection transition ahead of the mandated date and allowed UTSA police an easy conversion to the National Incident Based Records System. UTSA police upgrading its records management system, including its computer-aided dispatch system with ARMS, further enhanced Clery Act crime data and daily crime log automation.

Related to these changes, the police department recently revised the General Order (300-10) governing the daily crime log. This order provides checks and balances by requiring the Clery Compliance Coordinator, the Executive Director of Strategic Initiatives, or other appropriately trained UTSA officials to review and approve all incidents for inclusion in the logs, including the types of reported incidents highlighted in the draft Report, such as reports from CSAs and those from local law enforcement agencies.

<sup>9</sup><https://www.maxient.com/>

<sup>10</sup><https://www.omnigo.com/>

<sup>11</sup><https://arms.com/>

<sup>12</sup><https://www.fbi.gov/services/cjis/cjis-link/the-texas-transition-to-nibrs#:~:text=The%20Texas%20Transition%20to%20NIBRS%20in%20February%202016%2C,Incident-Based%20Reporting%20System%20%28NIBRS%29%20by%20January%201%2C%202021.>

## Creation of a Clery Act Compliance Committee

In January 2020, the University formally established its Clery Act Compliance Committee, with representatives from:

- Business Affairs (Administration and Operations, Human Resources, Public Safety, Risk and Emergency Management);
- Student Affairs (Dean of Students, Student Activities, Student Conduct and Community Standards, Student Health, Residence Life);
- Academic Affairs (International/Study Abroad Services, Enrollment Services);
- Inclusive Excellence (PEACE Center);
- President's Office (Institutional Compliance and Risk Services, EOS/Title IX Office, Auditing and Consulting Services, Legal Affairs); and,
- Athletics.

Prior to the formation of the committee, the Clery Compliance Coordinator attended weekly meetings with Student Conduct and Community Standards and other key departments throughout the campus to discuss daily enforcement activities. This group continues to meet on a weekly basis to deliver enforcement activities information to all members. The group discusses cases and assigns follow up to appropriate members. This can include counselling, advocacy, disciplinary action, and other services. The Executive Director of Strategic Initiatives also began attending these meetings once she started in her role. Participants in these meetings include representatives from:

- Public Safety;
- Student Conduct and Community Standards;
- Student Activities;
- EOS/Title IX;
- Counseling;
- PEACE Center;
- Behavioral Intervention; and
- Residence Life, and Campus Living Villages.

We describe a revised model for the Clery Act Compliance Committee in the next section and include specific actionable recommendations.

## Special Focus on Title IX and Clery Act VAWA Offenses

While outside the scope of this engagement, we would be remiss to ignore the significant efforts UTSA has devoted to this area, especially given the emphasis ED has placed on these offenses in the Clery Act amendments by the Violence Against Women Act, the implementing regulations, and the severity of enforcement for violations of these regulations. The University's leadership sought to lean into its obligations in 2018, commissioning an outside consultant to identify the University gaps and suggest steps to remediate them. Later that year, an experienced professional came to the campus as UTSA's Title IX Coordinator to lead its compliance efforts. At about the same time, the University collaborated with another consultant to address process improvements related to the institution's gender discrimination reduction efforts in light of broader campus cultural contexts. Working with Brenda Tracy, a sexual assault survivor, public speaker and founder of the national campaign and nonprofit, SetTheExpectation, UTSA was the first university in the nation to implement the Tracy Rule in 2019, the most comprehensive Serious Misconduct rule in the NCAA.

## ED OIG Report Responses

Prior to our arrival, UTSA had taken decisive action to address gaps identified by the ED OIG Report. These included:

- The aforementioned Clery Act Compliance Committee;
- Increased familiarity with the Clery Act's requirements within the uniformed element of the police department;
- Initial and ongoing improvements in the understanding of the Clery Act's requirements by other key stakeholder offices like Title IX and student affairs offices; and
- The incipient stages of a framework providing enhanced checks and balances to ensure sufficient information its reports record University officials to accurately identify, classify, and count Clery Act crimes.

While the efforts outlined above established a solid foundation for enhancing the University's program, we identified several opportunities for continued attention.

## Systemic Improvements to Clery Act Compliance

### OBSERVATIONS

In this program review and associated data audit, we found, like nearly all complex IHEs, some examples of a siloed bureaucracy. In the aforementioned OIG Response, UTSA noted that it had formally created a Clery Act Compliance Committee (p. 6) and addressed the importance of a Data Integrity Subcommittee (p. 9). In response to RFP 4.1, we describe the two groups as the Clery Act Compliance Constellation™ below.



Our work has noted that relatively large, complex institutions similar to UTSA have moved toward administration of the Clery Act function in a model paralleling the common Title IX construct. To that end, we conceptualize the Clery Act's pan-institutional requirements as a constellation, with the CCC at the center surrounded by two "orbits" of contributors. The CCC, as UTSA's most capable Clery Act compliance expert, is the person at the center of the University's Clery Act compliance effort. In a tight orbit around this person are the representatives from key stakeholder offices. We have illustrated the level of Clery Act compliance risk and thus the anticipated engagement with the CCC by the size of the circles. High risk can be generated by a relatively low number of cases, but a high level of risk on each case (i.e. Title IX). Conversely, high risk can come from a relatively



high number of cases, where most have a low risk (i.e. residential life). Finally, high risk is most evident where there is risk in most of the documentation and there are high numbers of documents (like the University's police). Then there are the other less common stakeholders that vary from campus to campus and which we present as common examples.

The offices depicted above (where there is high risk) should designate specific Clery Act liaisons within their departments. These liaisons are developing expertise through training and committee service, as the committee's work provides broad exposure to the variety of Clery Act challenges. These University officials develop into internal consultants for one another, become experts in their functions, and provide UTSA with built-in succession planning.

Further, distributing the operational implementation of the Clery Act's requirements (largely the collection, classification, and counting of Clery Act crimes) allows the CCC to remain more strategic, supporting the pan-institutional requirements of the Clery Act. This model also allows the CCC to serve as the University's Clery Act "checks and balances," which ED expects of all Federal Student Aid compliance functions and which they address on p. 7 of the OIG Draft Report. This graphic represents the Clery Act Compliance Committee Data Integrity Subcommittee. As UTSA noted in the OIG Response, we endorse that these stakeholders need to meet monthly and review each Clery Act crime data point to de-duplicate and reconcile, at least during the months when the University is hosting classes.

In the pictogram below, we illustrate the pan-institutional Clery Act Compliance Committee. The Committee should be a formal entity at UTSA, and we urge a formal cabinet level charge. Members should understand the importance of both institution-wide risk mitigation and maximization of safety as a core UTSA value. Members of the committee would usually meet only a few times a year in order to provide advisory services to the CCC and important additional functions. They would, for instance: review the ASR and AFSR; review CSA lists (for inclusion of functions rather than people); synergize Clery Act-related collaborations (for example in the coordination of prevention and awareness programming, CSA & RE training, etc.); and generally serve as an interdisciplinary "think tank" for all high-level issues related to Clery Act compliance. The offices portrayed in blue are only representative examples.

<sup>13</sup> [https://www.utsa.edu/strategicplan/documents/Initiative\\_Briefs/Preventing-Sexual-Assault-and-Misconduct-v3.pdf](https://www.utsa.edu/strategicplan/documents/Initiative_Briefs/Preventing-Sexual-Assault-and-Misconduct-v3.pdf)



We noted that UTSA leadership has already demonstrated a pan-institutional approach to sexual and interpersonal offenses through its “Preventing Sexual Assault and Misconduct” strategic plan initiative<sup>13</sup>. In support of this concept, we have provided an “umbrella” Clery Act policy as Attachment 1.

## RECOMMENDATIONS

1. Adopt a University policy creating and empowering both the Clery Act Compliance Committee and the Data Integrity Subcommittee.
2. Ensure the leadership of the Clery Act compliance effort has the requisite organizational gravitas to steer UTSA stakeholders toward acknowledgment of stakeholder responsibilities and active committee participation.

## Data Audit Results

### OBSERVATIONS

The Clery Act data audit pointed to opportunities for UTSA to enhance the efficiency of Clery Act crime data collection, classification, and counting. These observations and recommendations relate to RFP 4.1 and 4.2. These gaps are not unique to UTSA and are common challenges at higher education institutions. Without line supervisors understanding Clery Act risks and remaining vigilant to



them, the University will slip back to work habits that increase risk of Clery Act violations and increase business costs to correct them, and the possibility of decreased campus safety if reports omit critical information.

We identified a number of common themes throughout many of the reports we reviewed, including the CSA report forms, police incident reports, and Maxient reports (across many student services departments). These common errors included:

- Using the reported date as the offense occurrence date;
- Non-standardized field formatting in electronic documents<sup>14</sup>;
- Insufficient “word pictures” in the narrative of the report, for example:
  - University police burglary reports that do not address whether all those with lawful access were ruled out; and,
  - Student conduct records with insufficient detail to identify, classify, and count Clery Act crime data.
- Imprecise or general geography like “on campus” or “off campus” but failing to distinguish the exact location, and after unnecessary research determining the location was incorrect;
- Accidental creation of reports which system users later “delete” from view but these remain in the system and upon review have incomplete descriptions of crime; and
- Police computer aided dispatch (CAD) entries that briefly describe crimes with no corresponding police report.<sup>15</sup>

We have provided UTSA's data audit results (from RFP 4.2) in two tables. Attachment 2a, the Audit Trail, includes:

- UTSA's original crime, arrest, and disciplinary referral data;
- Data UTSA provided to ED to publish on the Campus Safety and Security Data Analysis Cutting Tool (from RFP 4.3);
- Reconciled crime data based upon our audit and consensus between UTSA and MHA on its results; and
- The net change in each crime category.

Attachment 2b, the Data Audit Summary Table, includes the crime data UTSA has disclosed through ED's Campus Safety and Security Data Analysis Cutting Tool (CSSDACT),<sup>16</sup> the crime data disclosed in the ASF SR, and the reconciled results of the data audit.

<sup>14</sup>This was unique to the CSA form. The need to reduce variances in recorded information is essential reliable Clery Act statistical determinations. ED addressed the inherent dangers in human versus automated data manipulation on p. 22 where OIG noted “The Clery compliance officials' processes relied on manual review, were prone to error, and increased the risks of omissions.” We have already recommended Texas State University's CSA form as a sample.

<sup>15</sup>Exclusively a police department gap.

<sup>16</sup>See: <https://ope.ed.gov/campussafety/#/>

## RECOMMENDATIONS

3. Provide training to CSAs who commonly write reports that may document Clery Act crimes. This training should outline the elements of an appropriately descriptive report, and why such documentation is critical to the compliance program.
4. Train line supervisors to review reports for missing Clery Act detailed information and empower these supervisors to reject incomplete reports, returning them to authors for appropriate revision.
5. Hold line supervisors accountable for incomplete reports that they have approved.

## CSA Program

### OBSERVATIONS

The RFP specifies CSA analysis in 4.4. Those with whom we spoke appear to have a sound grasp of the importance of CSAs, although our ability to undertake a broad assessment of “buy-in” by the full roster of CSAs was beyond the scope of our engagement. Those responsible for coordinating UTSA’s identification, notification, and training of CSAs are thoroughly versed in the Act’s requirements. They, along with University leadership, embrace these obligations, appropriately and directly connecting the CSA’s role to improved campus safety.

UTSA must understand that sustaining the efforts toward identifying, notifying, and training CSAs is an integral component of a successful Clery Act compliance program. ED has found that insufficiently developed CSA processes and infrastructure supported the conclusion that the institution’s crime data was inherently inaccurate (i.e. Penn State FPRD and others). While ED does not specify a training requirement of CSAs in the regulations, such training is required for CSAs to fulfill their regulatory obligations. The Handbook (p. 4-5) describes this duty noting:

The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information, such as the campus police or security department, those allegations of Clery Act crimes that he or she receives.

As we have noted, while the Clery Act does not require training of CSAs, ED has laid out a requirement based upon the logic that an untrained CSA cannot know what they are required to do. The PSU FPRD pointedly addresses this logic and the violations of the Clery Act based upon the failure to train CSAs.<sup>17</sup>

UTSA evidences significant effort to identify, notify, and train CSAs, and its CSA roster now records just over 1,300 University officials. In our experience, echoed by James Moore, ED’s Clery Act Senior Policy Analyst, an IHE should expect the number of CSAs to represent roughly 20% of its full time equivalent positions. UTSA

<sup>17</sup> See pp. 8, 31, and especially 42. <https://studentaid.ed.gov/sa/sites/default/files/fsawg/datacenter/cleryact/pennstate/PSCFPRD10327991.pdf>

currently lists roughly 3,420 employees.<sup>18</sup> Thus, UTSA has identified more than double the number of CSAs according to the anecdotal metric commonly used by both ED and industry advisors on Clery Act compliance. Specific examples of forward leaning efforts include:

- Collaboration between Clery Act compliance leaders and the University's human resources office to:
  - Annually review changes in employees filling roles identified as CSAs;
  - Ensure when a position is redefined by human resources that Clery Act compliance officials review the revisions for possible CSA inclusion; and,
  - Initiating processes to include CSA as an indexable element of each position's functional description.
- Collaboration between Clery Act compliance leaders and UTSA's student activities administrators, for instance:
  - Revisions to the student advisor manual to include CSA obligations; and,
  - Student activity administrators' annual delivery of a list of organizational advisors to the CCC.

We have provided our CSA Function Assessment Questionnaire as Attachment 3.

UTSA's CSA training comprehensively addresses the function's obligations, including hyperlinks to the CSA report form. The University provides the training as a self-paced PDF-type PowerPoint, a video based presentation, and in person, scheduled upon request. The availability of multiple modalities provides maximal flexibility for CSAs with various abilities to participate. UTSA documents a CSA's participation in the training (identified as course EP501 in person or EP502 virtual) electronically. Clery Act compliance administrators can request a roster of CSAs who have completed the course at any time and receive a current listing of trained CSAs. This process allows regular and easy identification of those CSAs yet to complete the training. The Clery Act compliance team uses a four-step approach that follows a "progressive discipline" model, characterized by the sequential actions below for those who have not completed the training:

4. Send reminder;
5. Elevate to supervisor;
6. Elevate to Senior Vice President for Business Affairs; and
7. Presidential outreach.

It is crucial for UTSA to ensure that it trains all CSAs. The University considers failure to complete the training as an inability to perform required tasks of the function whether the CSA responsibilities are an employee duty or a volunteer role, like an advisor to a club. In the above list, Step 3 is quite rare in our experience

<sup>18</sup>[https://www.utsa.edu/Compliance/Required/Report/FTE20\\_qt4.pdf](https://www.utsa.edu/Compliance/Required/Report/FTE20_qt4.pdf)

and step 4 is new to us. These steps demonstrate UTSA leadership’s seriousness of purpose regarding Clery Act compliance.

The current CSA report form<sup>19</sup> is a peripheral of the Maxient student services records management system. As we have discussed, Maxient is a common higher education records management suite and the use of its CSA report function is both common and appropriate. The UTSA form lacks clarity in directing CSAs that they may select multiple options in crucial areas like crime and bias categories. Additionally, the form does not allow the victim to provide personally identifying information to the CSA for inclusion in the report. The de facto forced anonymity of a victim through a CSA form is specifically prohibited in the regulations, where they require an institution to assist a victim with notification of the police for sexual assault (rape, fondling, statutory rape, and incest) as well as dating violence, domestic violence, and stalking.<sup>20</sup> ED further reinforced this issue when it found an anonymized CSA report form non-compliant in a yet-to-be-released Final Program Review Determination. The CSA form must afford the opportunity for the CSA to document whether the victim has decided to provide an identity or remain anonymous.

The CSA form is automatically emailed to the CCC, the Executive Director of Strategic Initiatives, the Chief of Police, and if it is a gender-based or interpersonal crime only, on to Title IX Coordinator. An easily achieved process improvement would ensure UTSA assesses CSA forms in near-real-time for possible timely warnings. In addition to the existent recipients, the completed CSA form’s distribution should include the on-duty dispatcher to ensure UTSA can assess the form for timely warning requirements. Receipt of the CSA form by the dispatcher should compel some acknowledgement and an action, thus requiring that employee to ensure near-real-time entry of the crime report into the system, allowing the University to complete its obligation to assess the CSA report for a timely warning.

Identification of curricular and co-curricular CSAs through collaboration between UTSA’s student travel office and Clery Act compliance administrators, including the exchange of the “Student Travel: Request for Authorization” form,<sup>21</sup> is a highly effective way to track CSA creation, and its use by the CCC evidences inter-office collaboration, a relatively uncommon practice, especially at larger IHEs. We believe this “connecting of the dots” can serve the University as a collaborative model rather than silos. We note the form does not record that the trip’s leader (a CSA) has completed the CSA training.

## RECOMMENDATIONS

6. Integrate Attachment 3 into the CSA function determination process.
7. Hold CSAs accountable to complete the CSA training.
8. Modify the report’s section headers clarifying where a CSA may provide more

<sup>19</sup> [https://cm.maxient.com/reportingform.php?UnivofTexasSanAntonio&layout\\_id=3](https://cm.maxient.com/reportingform.php?UnivofTexasSanAntonio&layout_id=3)

<sup>20</sup> 34 CFR 668.46(b)(11)(ii)(C)(2)

<sup>21</sup> Per HOP 5.18 – Travel or Events that Involve Students and Other Non-Employee Participants

<sup>22</sup> <https://www.police.txstate.edu/contact-us/clery-report.html#:~:text=This%20form%20provides%20campus%20security%20authorities%20%28CSAs%29%20%28other.has%20significant%20responsibility%20for%20student%20and%20campus%20activities.>

than one selection, i.e. type of bias. We offer the CSA report form used by Texas State University as an effective sample CSA report.<sup>23</sup>

9. Revise the existent CSA form to address the anonymity gap.
10. Add the dispatchers to CSA report recipients and require an action by the dispatchers to ensure they act upon the form when received.
11. Change the travel form to require a trip leader to complete the CSA training.

## Clery Act Geography

### OBSERVATIONS

Under RFP item 4.5, MHA was required to examine the University's Clery Act geography determinations. We found highly effective communication between University offices responsible for real estate transactions and Clery Act compliance administrators. The University has comprehensively mapped its two campuses and provides links to these maps in its ASFSR (pp. 44 – 45). Although we were unable to visit the campus due to pandemic travel restrictions, our reviews of the maps and disclosures on the UTSA website strongly suggest correct geography classifications. In fact, the Clery Act administrators' compliance determinations related to Chisholm Hall and University Oaks were correct although other University offices had confusion over the Clery Act meaning of "owned or controlled."

We observed a gap in domestic travel by the travel documentation process described earlier for international travel. ED has never, to our knowledge, implemented a fine for failure to comprehensively capture this information. Nevertheless, it is sound practice to ensure systems lean into robust compliance and there is likely as much domestic travel as international travel, especially in the coming report cycle given COVID-19. Additionally, incomplete capture of this international travel information by UTSA is relatively low-risk, especially given the recent ED Electronic Announcement (EA) rescinding the Handbook.<sup>23</sup> Although MHA's position remains that the Handbook provides important compliance guidance and illustrates indefinite concepts and terms in the regulations, the passages related to trips and travel on pp. 2-25 – 2-26 are less risky than other compliance gaps. In fact, James Moore has voiced that he intends to support significant reduction in the scope of the current non-campus definition, acknowledging its failure to produce informative crime data, as well as its burdensome effort, notably around international travel. Nevertheless, we believe that UTSA should have a framework in place that seeks to identify these geographies based upon ED's EA, which stated:

While this rescission will inform the Department's views moving forward, the rescission will not retroactively apply to previous Department determinations regarding Clery Act violations, fines, enforcement actions, or any other related actions by the Department.

<sup>23</sup> See: <https://ifap.ed.gov/electronic-announcements/100920RescissionReplaces2016HandbookForCampusSafetySecurityReporting>



Given the incoming U.S. presidential administration will likely make significant regulatory changes vis-à-vis regulatory actions, we believe the University should move to plug the gap around domestic curricular and co-curricular travel.

Pursuant to 34 CFR 668.46(c)(11)(i)<sup>24</sup> UTSA requests Clery Act crime data from local police agencies. In some cases, these requests are for non-campus properties, for instance in Baltimore, MD. In others, the request is for on campus and public property, for instance in San Antonio, TX. We applaud the inclusion of a table for the local and state law enforcement agencies' use in submitting crime data to UTSA. This is an excellent idea and we will be modifying our template to include such a table.

In furtherance of increased precision of crime data provided by local and state law enforcement agencies, we believe the current letter requires additional guidance that defines the crimes per the Clery Act, as well as requests for “unfounded” crimes. We also believe the letter should include descriptions of “public property” as defined by the Clery Act. Attachment 5 provides our template letter. We remind UTSA that only “on campus” property has a public property requirement.

## **RECOMMENDATIONS**

12. Strategize ways to expand the travel documentation to increase records for domestic curricular and co-curricular travel.
13. Supplement the requests of local and state police agencies for Clery Act defined crime data to include definitions of Clery Act crimes and geographies as well as examples.
14. Annually maintain a spreadsheet of local and state law enforcement agencies from which UTSA must request crime data, and whether the agency has responded and, if it has, whether it was able to provide crime data with the accuracy and detail required to correctly disclose that data.

## **Daily Crime Log**

### **OBSERVATIONS**

Our review of the current Daily Crime Log (from RFP item 4.6) finds it easily publicly available at <https://www.utsa.edu/publicsafety/pd/blotter/PDF/blotter.pdf?r=99869748>. It provides more information than the regulations require by additionally disclosing the incident report number and the “modification date.” The OIG Response discusses the revisions to the daily crime log’s checks and balances on p. 7, specifically in its review of General Order 300-10 “Campus Safety and Security.” As noted earlier, we will not restate this discussion but note the information therein amply satisfies the Clery Act’s requirement. Our only enhancement to the electronic daily crime log is the inclusion of a glossary to improve transparency and help the public understand the meaning of the dispositions.

<sup>24</sup> ... an institution must make a reasonable, good-faith effort to obtain statistics for crimes that occurred on or within the institution’s Clery geography and may rely on the information supplied by a local or State police agency.

Procedurally, the University Police leadership must ensure that patrol officers in the “patrol jurisdiction” (Handbook p. 5-3) are ensuring they record all crimes of which they are aware. In urban settings, University officers commonly assist municipal officers and these assistance calls (some of which may be self-dispatched) become logged as “agency assist, miscellaneous,” or other catchall categories that mask the actual crime type. For example, a University officer may be within the patrol jurisdiction but blocks from any of the four primary Clery Act geographies. The University officer sees SAPD engaged in a foot pursuit and joins in to assist SAPD. The activity is a purse snatching. The University police are aware of a crime in the patrol jurisdiction and this purse snatching must be in the daily crime log. We acknowledge General Order 300-10 addresses this on p. 10 but caution the University police leadership that operationally, this is a potential gap unless line supervisors remain vigilant.

## RECOMMENDATIONS

15. Insert a definitions page at the top of the electronically available daily crime log. For a sample, visit Baylor University’s daily crime log site.<sup>25</sup>
16. Ensure appropriate recording of ALL crime reported to University police and taking place in any of the Clery Act geographies regardless of how the University police learn of the crime (for example, officers self-dispatching to assist other agencies).

## Timely Warnings and Emergency Notifications

### OBSERVATIONS

Under RFP item 4.7, UTSA asked MHA to review timely warnings and emergency notifications. The Handbook distinguishes between these two near-real-time notification requirements very effectively on p. 6-16:

*Chapter 6. Emergency Notification and Timely Warning: Alerting Your Campus Community*

#### Emergency Notification and Timely Warnings: Sorting Out the Differences

##### Emergency Notification

**Scope:** Wide focus on any significant emergency or dangerous situation (may include *Clery Act* crimes).

**Why:** Emergency notification is triggered by an event that is currently occurring or imminently threatening the campus. Initiate emergency notification procedures for **any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.**

**Where:** Applies to situations that occur on your campus.

**When:** Initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens.

##### Timely Warning

**Scope:** Narrow focus on *Clery Act* crimes.

**Why:** Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. Issue a timely warning for any ***Clery Act* crime** committed on your *Clery Act* geography that is reported to your campus security authorities or a local law enforcement agency, and that is considered by the institution to represent a serious or continuing threat to students and employees.

**Where:** Applies to crimes that occur anywhere on your *Clery Act* geography.

**When:** Issue a warning as soon as the pertinent information is available.

<sup>25</sup><https://www.baylor.edu/dps/index.php?id=973093>

On pp.6-14 – 6-15 the Handbook states:

### ***Determining the Content of a Timely Warning***

The Department’s Clery Act regulations do not specify what information has to be included in a timely warning. However, because the intent of the warning is to enable members of the campus community to protect themselves, the warning should include all information that would promote safety and that would aid in the prevention of similar crimes. Issuing a warning that cautions the campus community to be careful or to avoid certain practices or places is not sufficient. You must include pertinent information about the crime that triggered the warning. Your institution’s policy regarding timely warnings should specify what types of information will be included.

Our review of the UTSA spreadsheet proves the University’s laudable attempts at transparency. However, it appears that incidents that UTSA should properly label as “emergency notifications,” it mistakenly identifies as “timely warnings.”

3/6/2020	3:37AM	Off Campus Incident - Main Campus	Timely Warning	Text/Email/Voice/ Facebook	UTSA Alert: Off campus - barricaded suspect. Situation ongoing and contained at Chase Hill apts. No threat to campus. Avoid the area.	Everyone
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In the example above, the incident clearly does not indicate one of the Clery Act crimes, nor has it occurred on Clery Act geography (and we note here that patrol jurisdiction does not activate a timely warning obligation), negating the requirements for a “timely warning.” While the incident *may* necessitate an emergency notification, for instance if shots were fired, this is an example of confounding these two distinct requirements. While the procedures described on pp. 12-13 of the ASFSR are comprehensive, based upon the example above, it appears there is confusion on how to differentiate between the two types of immediate notifications for critical situations.

As Attachment 4, we provide our template Timely Warning Determination form that assists decision-makers with documenting their rationale for the decision of whether to issue a timely warning or not. The determination to not issue a timely warning is more risk-laden than the decision to issue one and our form provides this documentation should someone question a determination decision several years from the report. We emphasize the importance of documenting a timely warning determination for each reported Clery Act crime. We also emphasize that the threshold for a timely warning is a significant or *continuing* threat. Clery Act practitioners always easily comprehend the “significant” requirement but, in fact, low-level property or hate crimes may represent continuing threats. For example, a pattern of attempted car thefts or hate vandalism targeting a specific group would likely represent a continuing threat.



Additionally, we note the Handbook (p. 6-14) in the above quoted passage notes UTSA “should” provide preventative advice in timely warnings, currently missing from the short text messages.

**RECOMMENDATIONS**

17. Integrate the MHA provided Timely Warning Determination Form (Attachment 4) into the determination process. This form ensures the reviewer identifies which Clery Act crime is at hand, and what Clery Act geography the crime’s location represents.
18. Ensure timely warnings include preventative advice.

## SECTION III – REVIEW OF THE DRAFT 2020 ASF SR

In our review of the UTSA draft ASF SR 2020 (attached separately as a Microsoft Excel spreadsheet), we assessed the University's compliance with each discrete requirement of the Clery Act regulations. We congratulate the University on an exceptionally thorough report. We only found minor policy related issues.

In some cases, you will note the citation is in red. In these cases, the regulations do not require inclusion in the ASF SR; however, we may provide compliance determinations, as well as observations or advice, related to these requirements. These red regulations do not influence your ASF SR compliance score.

The checklist scores the ASF SR based upon the degree of compliance (sufficient, insufficient, or missing) and the relative weight of severity of each of the specific requirements. We assign the severity factor based upon the following criteria:

1. Impact on the safety of the community: For example, a failure to provide emergency notification procedures represents a relatively higher level of danger than a failure to provide a Title IX notice of non-discrimination; and,
2. Potential financial risk: For example, ED would almost certainly impose significant fines for omitting "Rape" statistics as a crime disclosure category compared to failing to include a statement that pastoral and professional counselors are exempt from crimes reported to them under the timely warning notice requirements of the Act.

We remind UTSA that the information it provides in the ASF SR must align with current practices and formal policies. In the Penn State FPRD, the Department of Education stated that it might hold institutions responsible for complying with statements that the institution included in the report although the Clery Act may not require the specific statement. For example, if an institution states in its report that RAs check fire extinguishers each evening during their rounds, and a program review determines that this does not occur as stated in the report, ED may impose Clery Act fines for this violation even though the Clery Act has no such requirement.<sup>26</sup>

We provide the spreadsheet below as an attachment to the email accompanying this report.

### RECOMMENDATIONS

19. In item 1, we noted the ASF SR did not provide a Title IX required notice of non-discrimination. The citation in the checklist is a hyperlink to the ED factsheet, although it is likely the University has already created a notice that meets or exceeds the requirements of the factsheet. We noted UTSA HOP 9.01 addressed discrimination but it is not likely the notice used in University publications, as it is very lengthy.

<sup>26</sup>PSU FPRD p. 17 where footnote 13 states: "The Department has consistently made clear that an institution must act in conformity with the policies, procedures, practices, or pronouncements that are included in its consumer information publications. This is true even if the stated policy, procedure, or practice exceeds the requirements of Federal statutes and/or the Department's implementing regulations."

20. In item 2, the publication we reviewed did not have a name as it was a draft, but the 2019 version bears a correct name.
21. Items 38 and 39 fail to include that UTSA provides victims with written documents that identify the required resources.
22. Item 45 is commonly missed completely or confused with similar disclosures required by the Violence Against Women Act amendments to the Clery Act. UTSA should simply provide a statement in the ASFSR providing for the right as the regulation describes it.
23. In items 100 and 104, UTSA's missing student notification process fails to include that it will notify the local police within 24 hours.
24. Item 112 requires the University to provide information on risk reduction in the ASFSR. While the ASFSR mentions programming, which addresses risk reduction, it must include this information.
25. Item 119 is a common gap and the University must provide a complete listing of sanctions it may impose for policy violations of sexual assault or VAWA crimes as defined by the Clery Act. The University's use of the permissive "may impose" suggests there are other sanctions available.
26. In item 123, UTSA does not describe training it provides to those who are involved in the conduct of investigations or hearings of policy violations of sexual assault or VAWA crimes as defined by the Clery Act. The annual training of those officials (investigators, Title IX coordinators, hearing panel members, and appeal review members) in those areas identified in the regulation must be included in the ASFSR.
27. The gap in item 126 relates to the lack of the "simultaneous" element in the written notification.
28. In items 129 and 130, in addition to simultaneous written notification of the outcome of hearings for policy violations of sexual assault or VAWA crimes as defined by the Clery Act, the regulations require the ASFSR disclose that UTSA will provide the same notice process for changes to the result and when the result becomes final (i.e. appeals)

## SECTION IV – MASTER LIST OF RECOMMENDATIONS

### Recommendations for General Clery Act Compliance Enhancement

1. Adopt a University policy creating and empowering both the Clery Act Compliance Committee and the Data Integrity Subcommittee.
2. Ensure the leadership of the Clery Act compliance effort has the requisite organizational gravitas to steer UTSA stakeholders toward acknowledgment of stakeholder responsibilities and active committee participation.
3. Provide training to CSAs who commonly write reports that may document Clery Act crimes. This training should outline the elements of an appropriately descriptive report, and why such documentation is critical to the compliance program.
4. Train line supervisors to review reports for missing Clery Act detailed information and empower these supervisors to reject incomplete reports, returning them to authors for appropriate revision.
5. Hold line supervisors accountable for incomplete reports that they have approved.
6. Integrate Attachment 3 into the CSA function determination process.
7. Hold CSAs accountable to complete the CSA training.
8. Modify the report's section headers clarifying where a CSA may provide more than one selection, i.e. type of bias. We offer the CSA report form used by Texas State University as an effective sample CSA report.<sup>27</sup>
9. Revise the existent CSA form to address the anonymity gap.
10. Add the dispatchers to CSA report recipients and require an action by the dispatchers to ensure they act upon the form when received.
11. Change the travel form to require a trip leader to complete the CSA training.
12. Strategize ways to expand the travel documentation to increase records for domestic curricular and co-curricular travel.
13. Supplement the requests of local and state police agencies for Clery Act defined crime data to include definitions of Clery Act crimes and geographies as well as examples.
14. Annually maintain a spreadsheet of local and state law enforcement agencies from which UTSA must request crime data, and whether the agency has responded and if it has, whether it was able to provide crime data with the accuracy and detail required to correctly disclose that data.

<sup>27</sup> <https://www.police.txstate.edu/contact-us/clery-report.html#:~:text=This%20form%20provides%20campus%20security%20authorities%20%28CSAs%29%20%28other.has%20significant%20responsibility%20for%20student%20and%20campus%20activities.>

15. Insert a definitions page at the top of the electronically available daily crime log. For a sample, visit Baylor University's daily crime log site.<sup>28</sup>
16. Ensure appropriate recording of ALL crime reported to University police and taking place in any of the Clery Act geographies regardless of how the University police learn of the crime, (for example, officers self-dispatching to assist other agencies).
17. Integrate the MHA provided Timely Warning Determination Form (Attachment 4) into the determination process. This form ensures the reviewer identifies which Clery Act crime is at hand, and what Clery Act geography the crime's location represents.
18. Ensure timely warnings include preventative advice.

### RECOMMENDATIONS TO ENHANCE THE ASFSR

19. In item 1, we noted the ASFSR did not provide a Title IX required notice of non-discrimination. The citation in the checklist is a hyperlink to the ED factsheet, although it is likely the University has already created a notice that meets or exceeds the requirements of the factsheet. We noted UTSA HOP 9.01 addressed discrimination but it is not likely the notice used in University publications, as it is very lengthy.
20. In item 2, the publication we reviewed did not have a name as it was a draft, but the 2019 version bears a correct name.
21. Items 38 and 39 fail to include that UTSA provides victims with *written* documents that identify the required resources.
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<sup>28</sup> <https://www.baylor.edu/dps/index.php?id=973093>

training of those officials (investigators, Title IX coordinators, hearing panel members, and appeal review members) in those areas identified in the regulation must be included in the ASF SR.

27. The gap in item 126 relates to the lack of the “simultaneous” element in the written notification.
28. In items 129 and 130, in addition to simultaneous written notification of the outcome of hearings for policy violations of sexual assault or VAWA crimes as defined by the Clery Act, the regulations require the ASF SR discloses that UTSA will provide the same notice process for changes to the result and when the result becomes final (i.e. appeals).

## SECTION V – ATTACHMENTS

### ATTACHMENT 1 – CLERY ACT “UMBRELLA” POLICY

#### MY INSTITUTION

**Policy Issued:**

**Effective Date**

*[Seal Here]*

**Supersedes:**

**Next Review Date:**

#### Clery Act Compliance Policy

Responsible Executive: XXXXXXXXXXXX

Responsible Office: MY INSTITUTION CAMPUS SAFETY AGENCY

Contact: MY INSTITUTION DESIGNATED OFFICIAL

#### Purpose

MY INSTITUTION is committed to maintaining a safe and secure environment for its faculty, staff, students, and visitors. Requirements have been established to assist MY INSTITUTION in complying with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998,” (commonly referred to as the “Clery Act”) thereby facilitating compliance with the Clery Act and increasing overall safety on and near campus.

#### Scope of Policy

MY INSTITUTION CAMPUS

#### Why We Have This Policy

To maintain a safe and secure environment for its faculty, staff, students, and visitors and as a recipient of federal financial aid, MY INSTITUTION will comply with the provisions of the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998,” (Clery Act) as amended. The Clery Act requires MY INSTITUTION to report specified 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. Therefore, this policy provides guidance to maximize MY INSTITUTION’s efforts to comply with the Act. When in the judgement of the Clery Act Compliance Coordinator, MY INSTITUTION is required to deviate from this policy to satisfy new guidance, the Coordinator is empowered, with the approval of MY INSTITUTION’s IDENTIFIED OFFICER, to issue a modified draft policy which will be followed pending approval of revisions to this policy.

#### Requirements of the Clery Act:

Specifically, MY INSTITUTION will:

##### I. Publish an Annual Security Report (ASR)



## **MY INSTITUTION Clery Act Compliance Policy**

By October 1st each year, the Clery Act Compliance Coordinator will publish an ASR documenting three calendar years of Clery crime statistics, security policies and procedures and information on the basic rights guaranteed to victims of sexual assault [refer to Policy on Sexual and Gender-based Harassment and Other Forms of Interpersonal Violence]. All crime statistics must be provided to the U.S. Department of Education. [Refer to the website for the on-line ASR.]

This report must be made available to all current faculty, staff, and students. In addition, prospective faculty, staff, and students must be notified of the ASR's existence and provided a copy upon request. Paper copies of the report will be available upon request from the MY INSTITUTION CAMPUS SAFETY AGENCY. In addition, the Office of Admissions and Human Resources will publish a link to the ASR with a brief description on their respective web sites.

### **II. Identify, Notify, & Train Campus Security Authorities (CSAs)**

MY INSTITUTION will identify positions which meet the definition of a CSA on an ongoing basis, and notify individuals in these roles of their obligations under the Clery Act to report any and all Clery Crimes that they witness, or are reported to them, which may have occurred in a Clery reportable location. MY INSTITUTION requires that all CSAs complete training on their responsibilities and reporting requirements under the Clery Act. MY INSTITUTION will provide such training on a regular basis [Describe methods for training and how CSAs should enroll.]

### **III. Disclose Crime Statistics**

Crime Statistics for incidents that occur in Clery reportable locations must be disclosed.

The Clery Act Compliance Coordinator is responsible for gathering crime statistics from MY INSTITUTION CAMPUS SAFETY AGENCY, student affairs, local law enforcement and other Campus Security Authorities (CSAs).

The Clery Act requires reporting of crimes in the following categories:

- A. Criminal Offenses:
  - 1. Criminal Homicide
    - a. Murder & Non-negligent manslaughter
    - b. Negligent manslaughter
  - 2. Sex Offenses
    - a. Rape
    - b. Fondling
    - c. Statutory Rape
    - d. Incest
  - 3. Robbery
  - 4. Aggravated Assault
  - 5. Burglary
  - 6. Motor Vehicle Theft
  - 7. Arson
- B. VAWA Offenses:



## MY INSTITUTION Clery Act Compliance Policy

1. Domestic Violence
  2. Dating Violence
  3. Stalking
- C. In addition to the aforementioned crime categories, MY INSTITUTION must gather statistics for the following categories of arrests or referrals for disciplinary action if an arrest was not made:
1. Liquor Law Violations
  2. Drug Law Violations
  3. Carrying or Possessing Illegal Weapons
- D. MY INSTITUTION must also report the following Hate Crimes by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, national origin, gender identity and disability. Statistics are required for the offenses listed above in addition to the four additional categories listed below, if the crime committed is classified as a Hate Crime:
1. Larceny/Theft
  2. Simple Assault
  3. Intimidation
  4. Destruction/Damage/Vandalism of Property
- E. MY INSTITUTION must also disclose if it has determined that any of the previously listed crimes are “Unfounded.” The Clery Act has specific guidelines for classifying a reported offense as “Unfounded.”

### IV. Issue Timely Warnings

MY INSTITUTION must provide timely warnings about Clery Act crimes which pose a serious or ongoing threat to the campus community. This is determined by one (or more) MY INSTITUTION official(s) who has been pre-identified in MY INSTITUTION’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 Campus community. Timely warnings may be issued for Clery crimes occurring in Clery reportable locations. Timely warnings will never identify the victim of the crime. [Refer to Timely Warning Policy.]

*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.*

### V. Issue Emergency Notifications

MY INSTITUTION is required to inform the campus community about a significant emergency event or dangerous situation involving an immediate threat to the health or safety of MY INSTITUTION faculty, staff, employees, students, patients and visitors occurring on or near campus. An emergency notification expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (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.

MY INSTITUTION also must have emergency response and evacuation procedures in place specific to its On-Campus facilities. A summary of these procedures must be

## **MY INSTITUTION Clery Act Compliance Policy**

disclosed in the ASR. Additionally, the emergency response procedures must be tested at least once, annually. [Refer to MY INSTITUTION policies, Timely Warnings and, Emergency Notifications.]

*Exception: Emergencies where issuing a notification would compromise efforts to assist a victim, contain the emergency, respond to the emergency or mitigate the emergency are not subject to the emergency notification requirement.*

### **VI. Respond to Reports of Missing Residential Students**

MY INSTITUTION provides every student living in MY INSTITUTION housing the opportunity and means to identify an individual to be contacted in an emergency, including whenever MY INSTITUTION determines that a student is missing.

MY INSTITUTION CAMPUS PUBLIC SAFETY AGENCY shall investigate all reports of missing students and will notify and cooperate with other law enforcement agencies, as necessary, to further the investigation. [Refer to policy on Missing Student Notifications for Students Residing in On-Campus Housing.]

### **VII. Compile, Report and Publish Fire Data**

The Higher Education Opportunity Act of 1998 (HEOA) amended the Clery Act to include fire statistics. The Fire Safety Office will produce the information to be included in the Annual Fire Safety Report (AFSR). The Fire Safety Office must collect and disclose fire statistics for each on-Campus student housing facility separately for the three most recent calendar years for which data are available in accordance with HEOA regulations. Each such facility must be identified in the statistics by name and street address, regardless of whether any fires have occurred.

Additionally, the Fire Safety Office will provide a description of the fire safety system in each student housing facility that is included in the AFSR. 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. The Fire Safety Office will submit the AFSR to the Clery Act Compliance Coordinator for inclusion in the statistics reported to the U.S. Department of Education. [Refer to Fire Safety Report.]

### **VIII. Maintain a Public Daily Crime Log**

MY INSTITUTION must maintain a daily crime log documenting the “nature, date, time and general location of each crime” reported to the MY INSTITUTION CAMPUS PUBLIC SAFETY within the last 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 at the MY INSTITUTION CAMPUS PUBLIC SAFETY AGENCY department located at XXXXXX, during normal business hours. [Refer to Crime Reports.] Requests for public inspection of daily crime log entries beyond 60 days must be made in writing and will be made available within two business days of the request.

## **MY INSTITUTION Clery Act Compliance Policy**

### **IX. Maintain a Public Daily Fire Log**

MY INSTITUTION must maintain a daily fire log documenting the nature of the fire, date the fire occurred, date and time the fire was reported and general location of each fire-related incident in an on-Campus student housing facility reported to any MY INSTITUTION official. Incidents must be entered into the log within two business days of receiving the report and the previous 60 days of fire log entries must be available for public inspection during normal business hours. [Refer to Crime Reports.] Requests for public inspection of daily fire log entries beyond 60 days will be made available within two business days of the request. The Daily Fire Log is available at MY INSTITUTION CAMPUS SAFETY AGENCY, during normal business hours.

### **X. Responsibilities:**

#### **1. The Clery Act Compliance Coordinator is responsible for:**

- Monitoring MY INSTITUTION's compliance with the Clery Act;
- Updating the requirements in this policy as necessary when the federal legislation has been amended;
- Annually reviewing geographic categories for inclusion;
- Establishing a procedure for processing instances of short-stay away trips in order to designate a CSA to disclose any Clery crimes reported during the trip to be included in the ASR;
- Identifying those positions with CSA responsibilities and notifying those individuals;
- Maintaining a list of MY INSTITUTION's CSAs;
- Developing procedures for reporting crime statistics by CSAs;
- Educating and training CSAs, and personnel within MY INSTITUTION CAMPUS SAFETY AGENCY and Student Affairs as necessary;
- Publishing the ASR and disclosing statistics of Clery Crimes reported over the past three years;
- Maintaining and publishing MY INSTITUTION policies and procedures addressing campus security and safety; and
- Submitting the crime and fire statistics to the U.S. Department of Education.
- Convening and chairing a Clery Act Compliance Committee of the following offices identified by MY INSTITUTION.
- Overseeing the regular reconciliation of campus crime data amongst offices that house significant numbers of campus crime reports, including MY INSTITUTION's Title IX, Housing, Student Conduct, Safety, and Human Resources offices.

#### **2. MY INSTITUTION CAMPUS PUBLIC SAFETY AGENCY is responsible for:**

- Reporting crime statistics (as specified in the Clery Act);
- Issuing timely warning alerts to the Campus community about Clery Crimes;
- Annually, requesting in writing crime statistics from local law enforcement with jurisdiction over the MY INSTITUTION's Clery geography;

## **MY INSTITUTION Clery Act Compliance Policy**

- Compiling and providing to the Clery Act Compliance Coordinator, statistics of reports of Clery Crimes reported to the MY INSTITUTION CAMPUS SAFETY AGENCY;
- Monitoring criminal activity at off-Campus locations of student organizations officially recognized by the MY INSTITUTION;
- Investigating all reports of missing students by notifying and cooperating with other law enforcement agencies, as necessary;
- Providing paper copies of the Annual Security Report upon request; and
- Maintaining the daily crime log.

### **3. Campus Security Authorities are responsible for:**

- Understanding the requirements of the Clery Act pertaining to reportable crimes;
- Undergoing training and education as determined by the Clery Act Compliance Coordinator; and
- Immediately reporting Clery crimes to MY INSTITUTION CAMPUS SAFETY AGENCY

### **4. Offices of Student Conduct, and Residential Life:**

- Immediately reporting any Clery Act related crime to MY INSTITUTION CAMPUS SAFETY AGENCY for a Timely Warning consideration; and
- Annually, providing all conduct referral data to the Clery Act Compliance Coordinator for inclusion in the Annual Security Report.

### **5. Student Life is responsible for:**

- Ensuring the availability of Clery Act defined awareness and prevention programming for all students. Such programming will be part of MY INSTITUTION's awareness and prevention campaign. This programming will be identified, provided or facilitated in collaboration with campus and local subject matter experts, with guidance from the campus sexual assault climate survey, other evidence based research, and outcomes assessments satisfying the Clery Act requirements and definitions.
- Providing the Clery Act Compliance Coordinator with a list of advisors to campus recognized groups, clubs, and organizations; and ensuring each of these advisors has completed Campus Security Authority training.
- Ensuring that any officials of any group, club, or organization who are fulfilling roles defined for Campus Security Authorities other than advisors (i.e. officers undertaking official disciplinary roles, for instance IGC, which may take reports of Clery Act crimes or mete discipline for violations identified above ) undergo Campus Security Authority training.

### **6. Emergency Preparedness is responsible for:**

- Coordinating emergency notifications to the Campus community when deemed necessary and appropriate; and

## **MY INSTITUTION Clery Act Compliance Policy**

- Conducting an annual emergency alert exercise and test the emergency alert system in conjunction with the exercise.
- 7. Fire Marshal is responsible for:**
- Collecting fire statistics relative to each on-Campus student housing facility;
  - Producing the AFSR in accordance with the current legislation and updating the AFSR language to reflect legislative updates and interpretations;
  - Providing AFSR statistics to the MY INSTITUTION CAMPUS SAFETY AGENCY;
  - Maintaining fire statistics gathered in compliance with MY INSTITUTION policy [www.xxx.edu](http://www.xxx.edu) and
  - Maintaining the daily fire log.
- 8. Admissions (Undergraduate and Graduate) is responsible for:**
- Notifying and providing the on-line location of the ASR and a brief description of the report to prospective or current students; and
  - Providing a paper copy of the ASR upon request to a prospective or current student.
- 9. Academic Affairs is responsible for:**
- Providing curricular and co-curricular travel documentation to the Clery Act Compliance Coordinator for assessment of Clery Act noncampus property reporting obligations.
  - Ensuring staff in key Campus Security Authority roles are familiar with the requirements of the Clery Act.
  - Providing the Clery Act Compliance Coordinator with all academic locations each semester for determination of the applicability of the Clery Act at those locations.
- 10. Human Resources is responsible for:**
- Notifying and providing to prospective faculty and staff the on-line location of the ASR and a brief description of the report;
  - Providing a paper copy of the ASR upon request to a prospective or current faculty or staff member;
  - Immediately reporting any Clery Act related crime to MY INSTITUTION CAMPUS SAFETY AGENCY for a Timely Warning consideration; and
  - Annually, providing all conduct referral data to the Clery Act Compliance Coordinator for inclusion in the Annual Security Report.
- 11. Athletics is responsible for:**
- Immediately reporting any Clery Act related crime to MY INSTITUTION CAMPUS PUBLIC SAFETY AGENCY for a Timely Warning consideration; and
  - Annually, providing all conduct referral data to the Clery Act Compliance Coordinator for inclusion in the Annual Security Report.

## MY INSTITUTION Clery Act Compliance Policy

- Providing travel documentation to the Clery Act Compliance Coordinator for assessment of Clery Act noncampus property reporting obligations.
- Ensuring staff in key Campus Security Authority roles are familiar with the requirements of the Clery Act.

### 12. Title IX is responsible for:

- Immediately reporting any Clery Act related crime to MY INSTITUTION CAMPUS SAFETY AGENCY for a Timely Warning consideration; and
- Annually, providing aggregate Clery reportable data to the Clery Act Compliance Coordinator for inclusion in the Annual Security Report.

## Web Address for This Policy

Where the reader can find an electronic version of the policy.

## Glossary

**Campus Security Authority (CSA):** Individuals at MY INSTITUTION who, because of their function for the MY INSTITUTION, have an obligation under the Clery Act to notify MY INSTITUTION of alleged Clery Crimes that are reported to them in good faith, or alleged Clery Crimes that they may personally witness. These individuals, by virtue of their position due to official job duties, ad hoc responsibilities, or volunteer engagements, 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 a campus police/security department.
2. Individuals having responsibility for campus security in some capacity, but are not members of a campus police/security department (e.g., an individual who is responsible for monitoring the entrance to MY INSTITUTION property).
3. People or offices that are not members of a campus police/security department, but where policy directs individuals to report criminal offenses to them or their office.
4. Officials having significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings.

**Official:** Any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

### Common examples of CSAs include (but are not limited to):

Police and Security personnel  
Athletic Directors  
Athletic Coaches  
Faculty advisors to student organizations  
Housing & Residence Life Staff  
Director of Emergency Management  
Directors of Women's Center  
Coordinators of Fraternity & Sorority Life  
Title IX Coordinators



## MY INSTITUTION Clery Act Compliance Policy

CSAs are determined by criteria established in United States Department of Education's [The Handbook for Campus Safety and Security Reporting](#), pgs. 74-81 (Feb. 28, 2011).

**Clery Act Crimes (Clery Crimes):** Crimes required by the Clery Act to be reported annually to MY INSTITUTION community, including: criminal homicide (murder and negligent/non-negligent manslaughter); sex offenses (rape, fondling, statutory rape, and incest); robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes (including larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that are motivated by bias); dating violence; domestic violence; stalking; and arrests or referrals for disciplinary action for any of the following: (a) liquor law violations, (b) drug law violations, and (c) carrying or possessing illegal weapons.

**Clery Reportable Location:** Property that is owned, leased, or controlled by the institution which includes: (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on noncampus buildings or property that the institution owns, controls, or leases.

**Emergency Notification:** An announcement triggered by a significant emergency event or dangerous situation involving an *immediate* threat to the health or safety of MY INSTITUTION'S faculty, staff, students, or visitors on the MY INSTITUTION campus. This expands upon the definition of "Timely Warning" to include both Clery Act crimes and other types of emergencies or events that pose an imminent threat to the campus community.

**Emergency Event:** Any event, natural or man-made, with the potential to cause significant injuries or deaths, shut down MY INSTITUTION disrupt operations, cause physical or environmental damage, or threaten MY INSTITUTION's reputation. Examples include:

- Fire
- Hazardous Materials Incident
- Flood
- Severe Weather
  - Winter Weather
  - Hurricane
  - Tornado
- Earthquake
- Communication Systems Failure
- Technology Systems Failure
- Utility Failure
- Radiological Accident
- Civil Disturbance
- Explosion
- Biological or Chemical Release
- Public Health Threat (excluding flu outbreak which is covered under State policy)
- Acts of Violence
- Acts of Terrorism

## MY INSTITUTION Clery Act Compliance Policy

**Emergency Notification System:** A mechanism established for the purpose of and dedicated to enabling MY INSTITUTION officials to quickly contact or send messages to faculty, staff, employees and students in the event of an emergency. Examples include but are not limited to, fire alarms, sirens, alerts via email/text message, local TV/Radio, etc.

**Timely Warning:** An alert triggered when MY INSTITUTION 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.

### Keyword Index

Clery Act

Crime Statistics

Annual Security Report

Security

Campus Security Authority

Timely Warnings

Emergency Notifications

Fire Safety Report

### Related Documents and Policies

Clery Act Compliance Policy

### Appendix

Timely Warning Decision Matrix

### Policy History



## ATTACHMENT 2 – UTSA DATA AUDIT RESULTS

UTSA CLERY ACT DATA AUDIT RESULTS - 2016						
PRIMARY CRIMES		On Campus	Student Housing (subset of On Campus)	Public Property	Noncampus Building or Property	Unfounded
<b>CRIMINAL HOMICIDE</b>						
	<b>DISCLOSURE</b>					
Murder	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
Negligent Manslaughter	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
<b>SEX OFFENSES</b>						
Rape	Disclosed in 2019 ASR	3	1	0	0	NA
	Disclosed in CSSDACT	5	3	0	1	NA
	Audited	4	2	0	0	NA
Fondling	Disclosed in 2019 ASR	4	1	0	0	NA
	Disclosed in CSSDACT	4	1	0	0	NA
	Audited	5	1	0	1	NA
Incest	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
Statutory Rape	Disclosed in 2019 ASR	1	1	0	0	NA
	Disclosed in CSSDACT	1	1	0	0	NA
	Audited	1	1	0	0	NA
<b>DISCLOSURE</b>						
ROBBERY	Disclosed in 2019 ASR	2	0	0	0	NA
	Disclosed in CSSDACT	2	0	0	0	NA
	Audited	2	0	0	0	NA
AGGRAVATED ASSAULT	Disclosed in 2019 ASR	1	0	0	0	NA
	Disclosed in CSSDACT	1	0	1	0	NA
	Audited	7	2	0	0	NA
BURGLARY	Disclosed in 2019 ASR	11	10	0	0	NA
	Disclosed in CSSDACT	8	6	0	0	NA
	Audited	13	11	0	1	NA
MOTOR VEHICLE THEFT	Disclosed in 2019 ASR	15	0	0	0	NA
	Disclosed in CSSDACT	15	0	0	0	NA
	Audited	15	0	0	0	NA
ARSON	Disclosed in 2019 ASR	1	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA

UTSA CLERY ACT DATA AUDIT RESULTS - 2016						
PRIMARY CRIMES		On Campus	Student Housing (subset of On Campus)	Public Property	Noncampus Building or Property	Unfounded
<b>VAWA OFFENSES</b>						
<b>DISCLOSURE</b>						
Dating Violence	Disclosed in 2019 ASR	3	3	0	0	NA
	Disclosed in CSSDACT	3	3	0	0	NA
	Audited	4	3	1	0	NA
Domestic Violence	Disclosed in 2019 ASR	2	0	0	0	NA
	Disclosed in CSSDACT	2	0	0	0	NA
	Audited	5	0	0	0	NA
Stalking	Disclosed in 2019 ASR	1	0	0	0	NA
	Disclosed in CSSDACT	1	0	0	1	NA
	Audited	8	2	0	0	NA
<b>ARRESTS &amp; DISCIPLINARY REFERRALS</b>						
<b>ARRESTS</b>						
	<b>DISCLOSURE</b>	<b>On Campus</b>	<b>Student Housing (subset of On Campus)</b>	<b>Public Property</b>	<b>Noncampus Building or Property</b>	<b>Unfounded</b>
Liquor Law Violations	Disclosed in 2019 ASR	105	69	4	0	NA
	Disclosed in CSSDACT	122	80	3	2	NA
	Audited	107	72	2	0	NA
Drug Law Violations	Disclosed in 2019 ASR	99	49	15	0	NA
	Disclosed in CSSDACT	92	52	14	2	NA
	Audited	95	52	16	0	NA
Illegal Weapons Possession	Disclosed in 2019 ASR	1	0	0	0	NA
	Disclosed in CSSDACT	1	0	0	0	NA
	Audited	1	0	0	0	NA
<b>REFERRALS FOR DISCIPLINARY ACTION</b>						
	<b>On Campus</b>	<b>Student Housing (subset of On Campus)</b>	<b>Public Property</b>	<b>Noncampus Building or Property</b>	<b>Unfounded</b>	
	115	85	0	10	NA	
	95	74	0	7	NA	
	83	64	2	5	NA	
	134	110	0	1	NA	
	82	67	0	0	NA	
	22	17	0	0	NA	
	2	1	0	0	NA	
	0	0	0	0	NA	
	0	0	0	0	NA	
<b>HATE CRIMES</b>				<b>UNFOUNDED CRIMES</b>		
Crime Type	Bias Category	Geography	Notes	ASR		2
No 2016 Hate Crimes in ASR				CSSDACT		2
No 2016 Hate Crime in CSSDACT				MHA Audit		2

## UTSA CLERY ACT DATA AUDIT RESULTS - 2017

PRIMARY CRIMES		On Campus	Student Housing (subset of On Campus)	Public Property	Noncampus Building or Property	Unfounded
<b>CRIMINAL HOMICIDE</b>		<b>DISCLOSURE</b>				
Murder	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
Negligent Manslaughter	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
<b>SEX OFFENSES</b>		<b>DISCLOSURE</b>				
Rape	Disclosed in 2019 ASR	7	7	0	1	NA
	Disclosed in CSSDACT	7	7	0	1	NA
	Audited	8	8	0	1	NA
Fondling	Disclosed in 2019 ASR	2	0	0	0	NA
	Disclosed in CSSDACT	2	0	0	0	NA
	Audited	3	1	0	0	NA
Incest	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
Statutory Rape	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
<b>DISCLOSURE</b>		<b>DISCLOSURE</b>				
ROBBERY	Disclosed in 2019 ASR	2	1	0	0	NA
	Disclosed in CSSDACT	2	1	0	0	NA
	Audited	4	1	0	0	NA
AGGRAVATED ASSAULT	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	1	1	0	0	NA
BURGLARY	Disclosed in 2019 ASR	5	3	0	0	NA
	Disclosed in CSSDACT	5	3	0	0	NA
	Audited	4	3	0	0	NA
MOTOR VEHICLE THEFT	Disclosed in 2019 ASR	3	0	0	0	NA
	Disclosed in CSSDACT	3	0	0	0	NA
	Audited	3	0	0	0	NA
ARSON	Disclosed in 2019 ASR	1	0	0	0	NA
	Disclosed in CSSDACT	1	0	0	0	NA
	Audited	1	0	0	0	NA

UTSA CLERY ACT DATA AUDIT RESULTS - 2017						
PRIMARY CRIMES		On Campus	Student Housing (subset of On Campus)	Public Property	Noncampus Building or Property	Unfounded
<b>VAWA OFFENSES</b>		<b>DISCLOSURE</b>				
Dating Violence	Disclosed in 2019 ASR	10	8	0	0	NA
	Disclosed in CSSDACT	10	8	0	0	NA
	Audited	14	10	0	0	NA
Domestic Violence	Disclosed in 2019 ASR	2	1	0	0	NA
	Disclosed in CSSDACT	2	1	0	0	NA
	Audited	2	1	0	0	NA
Stalking	Disclosed in 2019 ASR	5	0	0	0	NA
	Disclosed in CSSDACT	5	0	0	0	NA
	Audited	7	1	0	0	NA
<b>ARRESTS &amp; DISCIPLINARY REFERRALS</b>						
<b>ARRESTS</b>						
	<b>DISCLOSURE</b>	<b>On Campus</b>	<b>Student Housing (subset of On Campus)</b>	<b>Public Property</b>	<b>Noncampus Building or Property</b>	<b>Unfounded</b>
Liquor Law Violations	Disclosed in 2019 ASR	32	14	5	0	NA
	Disclosed in CSSDACT	32	14	5	0	NA
	Audited	39	16	4	0	NA
Drug Law Violations	Disclosed in 2019 ASR	84	49	18	0	NA
	Disclosed in CSSDACT	84	49	18	0	NA
	Audited	88	51	8	0	NA
Illegal Weapons Possession	Disclosed in 2019 ASR	0	0	1	0	NA
	Disclosed in CSSDACT	0	0	1	0	NA
	Audited	0	0	0	0	NA
<b>REFERRALS FOR DISCIPLINARY ACTION</b>						
	<b>On Campus</b>	<b>Student Housing (subset of On Campus)</b>	<b>Public Property</b>	<b>Noncampus Building or Property</b>	<b>Unfounded</b>	
	72	64	0	2	NA	
	72	64	0	2	NA	
	47	31	1	0	NA	
	96	89	0	0	NA	
	96	89	0	0	NA	
	39	33	0	0	NA	
	2	0	0	0	NA	
	2	0	0	0	NA	
	1	0	0	0	NA	
<b>HATE CRIMES</b>				<b>UNFOUNDED CRIMES</b>		
Crime Type	Bias Category	Geography	Notes	ASR	4	
No 2017 Hate Crimes in ASR				CSSDACT	3	
No 2017 Hate Crime in CSSDACT				MHA Audit	3	

## UTSA CLERY ACT DATA AUDIT RESULTS - 2019

PRIMARY CRIMES		On Campus	Student Housing (subset of On Campus)	Public Property	Noncampus Building or Property	Unfounded
<b>CRIMINAL HOMICIDE</b>		<b>DISCLOSURE</b>				
Murder	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
Negligent Manslaughter	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
<b>SEX OFFENSES</b>		<b>DISCLOSURE</b>				
Rape	Disclosed in 2019 ASR	6	6	0	0	NA
	Disclosed in CSSDACT	6	6	0	0	NA
	Audited	10	9	0	0	NA
Fondling	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	2	2	0	1	NA
Incest	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
Statutory Rape	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	0	0	0	0	NA
<b>DISCLOSURE</b>		<b>DISCLOSURE</b>				
ROBBERY	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	2	0	0	0	NA
AGGRAVATED ASSAULT	Disclosed in 2019 ASR	1	0	0	0	NA
	Disclosed in CSSDACT	1	0	0	0	NA
	Audited	2	1	0	0	NA
BURGLARY	Disclosed in 2019 ASR	7	4	0	0	NA
	Disclosed in CSSDACT	7	4	0	0	NA
	Audited	11	7	0	0	NA
MOTOR VEHICLE THEFT	Disclosed in 2019 ASR	3	0	0	0	NA
	Disclosed in CSSDACT	3	0	0	0	NA
	Audited	3	0	0	0	NA
ARSON	Disclosed in 2019 ASR	0	0	0	0	NA
	Disclosed in CSSDACT	0	0	0	0	NA
	Audited	1	0	0	0	NA

UTSA CLERY ACT DATA AUDIT RESULTS - 2019						
PRIMARY CRIMES		On Campus	Student Housing (subset of On Campus)	Public Property	Noncampus Building or Property	Unfounded
<b>VAWA OFFENSES</b>		<b>DISCLOSURE</b>				
Dating Violence	Disclosed in 2019 ASR	14	11	1	0	NA
	Disclosed in CSSDACT	14	11	1	0	NA
	Audited	21	16	1	0	NA
Domestic Violence	Disclosed in 2019 ASR	2	1	1	0	NA
	Disclosed in CSSDACT	2	1	1	0	NA
	Audited	6	3	0	0	NA
Stalking	Disclosed in 2019 ASR	3	1	0	0	NA
	Disclosed in CSSDACT	3	1	0	0	NA
	Audited	11	3	0	0	NA
<b>ARRESTS &amp; DISCIPLINARY REFERRALS</b>						
<b>ARRESTS</b>						
	<b>DISCLOSURE</b>	<b>On Campus</b>	<b>Student Housing (subset of On Campus)</b>	<b>Public Property</b>	<b>Noncampus Building or Property</b>	<b>Unfounded</b>
Liquor Law Violations	Disclosed in 2019 ASR	62	51	8	28	NA
	Disclosed in CSSDACT	62	51	8	28	NA
	Audited	68	50	8	24	NA
Drug Law Violations	Disclosed in 2019 ASR	61	41	11	2	NA
	Disclosed in CSSDACT	61	41	11	2	NA
	Audited	63	40	17	2	NA
Illegal Weapons Possession	Disclosed in 2019 ASR	1	0	1	0	NA
	Disclosed in CSSDACT	1	0	1	0	NA
	Audited	1	0	1	0	NA
<b>REFERRALS FOR DISCIPLINARY ACTION</b>						
	<b>On Campus</b>	<b>Student Housing (subset of On Campus)</b>	<b>Public Property</b>	<b>Noncampus Building or Property</b>	<b>Unfounded</b>	
	36	33	2	0	NA	
	36	33	2	0	NA	
	38	37	0	0	NA	
	127	106	0	1	NA	
	127	106	0	1	NA	
	44	39	0	0	NA	
	0	0	0	0	NA	
	0	0	0	0	NA	
	0	0	0	0	NA	
<b>HATE CRIMES</b>					<b>UNFOUNDED CRIMES</b>	
Crime Type	Bias Category	Geography	Notes	ASR		4
No 2017 Hate Crimes in ASR				CSSDACT		4
No 2017 Hate Crime in CSSDACT				MHA Audit		2

### ATTACHMENT 3 – CSA FUNCTION ASSESSMENT QUESTIONNAIRE



## MARGOLIS HEALY®

### CSA Function Assessment Questionnaire

Institution Name:  Assessment Date:

Function's Division:

Function's Department:

Function's Office:

Function's Title:

Function's Code:

**This is:**

- A new or revised position     An initial assessment of an existing position     A routine review of an existing position

**CSA Category (indicate most directly related role) (Handbook p.42):<sup>1</sup>**

- Member of "A campus police department or a campus security department of an institution."  
 "Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property)."
- "Any 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."
- "An official of an institution who has significant responsibility for student and campus activities, including, but no limited to, student housing, student discipline and campus judicial proceedings."

**SPECIFICALLY describe the position's most directly related duty or role that supports the function's determination as one of the 4 types of CSAs above:**

Name of function's reviewer:

Title of function's reviewer:

Name of Clery Act Compliance Coordinator:

Title of Clery Act Compliance Coordinator:

Date of review:

<sup>1</sup> The Handbook for Campus Security and Security Reporting, 2016 Edition (Handbook). See: <https://www2.ed.gov/admins/lead/safety/handbook.pdf>



**ATTACHMENT 4 – TIMELY WARNING DETERMINATION FORM**

**TIMELY WARNING DETERMINATION FORM**

The Clery Act requires you to follow your institutional policy on determining whether to issue a Timely Warning Report and the distribution methods you will follow. You should assess each reported incident to determine if you should issue a Timely Warning.

Date/Time of incident (per Reporting Party): on \_\_\_ / \_\_\_ / \_\_\_ at \_\_\_ : \_\_\_

Date/Time campus safety agency became aware of the incident: on \_\_\_ / \_\_\_ / \_\_\_ at \_\_\_ : \_\_\_

1. Name of reporting party (optional): \_\_\_\_\_

2. Is this incident accurately recorded in the Daily Crime Log? Entry Number: \_\_\_\_\_

BUPD or other LEA Case # \_\_\_\_\_

State Crime Violation Code (if applicable) \_\_\_\_\_

3. Is this a Clery Crime? Yes  or No  (If no, proceed to signature page)

4. Type of Clery defined crime (indicate by checking **all** that apply):

**Primary Crimes**

- Murder or Non-negligent manslaughter
  - Hate crime
- Negligent manslaughter
  - Hate crime
- Sex offense:
  - Rape
    - Hate crime
  - Fondling
    - Hate crime
  - Incest
    - Hate crime
  - Statutory Rape
    - Hate crime
- Robbery
  - Hate crime
- Aggravated Assault
  - Hate crime
- Burglary
  - Hate crime
- Motor Vehicle Theft
  - Hate crime
- Arson
  - Hate crime

**VAWA Crimes**

- Domestic Violence
  - Hate crime
- Dating Violence
  - Hate crime
- Stalking
  - Hate crime

**Arrests and Disciplinary Referrals**

- Liquor Law Violation
  - Hate Crime
- Drug Abuse Violation
  - Hate Crime
- Weapons Law Violation
  - Hate Crime

**Hate Crimes**

I. In addition to the Primary and VAWA crimes, the four below may be Hate Crimes. Indicate any of these that are Hate Crimes:

- Vandalism
- Intimidation
- Theft
- Assault
- Other bodily injury crimes

II. Indicate category of bias for any primary, VAWA, or hate crime(s), (there may be more than one category of bias indicated):

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

5. Address of the crime (as specifically as known):

Did the incident occur in Clery geography?  Yes (If Yes, specific below)  No  Unknown

On Campus

On Campus Student Housing - Name of Residence Hall: \_\_\_\_\_

Non-Campus property that College/University owns, leases, or controls (Includes locations such as fraternities, athletic travel or study trip where there is extended or repeated use)

Public Property within or immediately adjacent to campus

6. Factors to consider when determining a “serious or continuing” threat to students and employees.

	<u>Select One</u> Yes/No		<u>Select One</u> Yes/No
a. Is the suspect(s) identified?	<input type="checkbox"/> <input type="checkbox"/>	k. Has the suspect(s) been arrested?	<input type="checkbox"/> <input type="checkbox"/>
b. Are there multiple suspects?	<input type="checkbox"/> <input type="checkbox"/>	• If yes, is suspect still in custody?	<input type="checkbox"/> <input type="checkbox"/>
c. Does the act involve a student organization, including athletic teams?	<input type="checkbox"/> <input type="checkbox"/>	l. Has the campus issued a no-contact or stay-away administrative notice to the suspect?	<input type="checkbox"/> <input type="checkbox"/>
d. Does the suspect have a student conduct record that increases concerns?	<input type="checkbox"/> <input type="checkbox"/>	m. Has the institution enacted any Interim Measures?	<input type="checkbox"/> <input type="checkbox"/>
e. Does the suspect have a criminal record that increases concerns?	<input type="checkbox"/> <input type="checkbox"/>	• If yes, what are they?	
f. Was a weapon used or threatened by the suspect	<input type="checkbox"/> <input type="checkbox"/>	n. Has the Title IX Coordinator been notified?	<input type="checkbox"/> <input type="checkbox"/>
• If yes, what was the weapon _____		o. The victim is a (check all that apply):	
g. Was a weapon used or threatened by the victim	<input type="checkbox"/> <input type="checkbox"/>	Student <input type="checkbox"/> Employee <input type="checkbox"/> 3rd Party <input type="checkbox"/>	
• If yes, what was the weapon? _____		p. The suspect(s) is a (check all that apply):	
h. Did the suspect use/abuse a substance?	<input type="checkbox"/> <input type="checkbox"/>	Student <input type="checkbox"/> Employee <input type="checkbox"/> 3rd Party <input type="checkbox"/>	
• If yes what was the substance? _____		q. If needed, provide additional information for items above. Indicate which item you are explaining.	
i. Did the victim use/abuse a substance?	<input type="checkbox"/> <input type="checkbox"/>		
• If yes what was the substance? _____			
j. Could this crime be part of a pattern of similar crimes?	<input type="checkbox"/> <input type="checkbox"/>		

7. List the victim’s visible or invisible (i.e. emotional or psychological) injuries (beyond those identified and recorded through a sexual assault forensics exam), including any evidence of strangulation:

8. Do you believe, to a reasonable degree of certainty, that the incident may represent a serious or continuing threat to students and employees?

*(Note: This means that after a Clery crime is reported, you should consider whether students and employees are at risk of becoming victims of a similar crime.)*

Yes  No

Justify your reasoning for this determination:

*These questions prompt safety planning. Increased jeopardy to a victim is not enough on its own to preclude a timely warning.*

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Will issuing a TW jeopardize the safety of the victim? Yes  No

If yes, provide an explanation why:

Provide an explanation of what steps are being taken to ensure the victim’s safety:

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**Examples of crimes that could constitute a continuing threat include, but are not limited to:**

- A serial crime that targets certain campus populations such as sex crimes or hate crimes in which the perpetrator has not been apprehended;
- A crime in which there is no apparent connection between perpetrator and victim and the perpetrator has not been apprehended.

**Examples of crimes that may not constitute a continuing threat include, but are not limited to:**

- Crimes in which the perpetrator has been apprehended, thereby neutralizing the threat;
- Crimes in which identified perpetrators target a specific individual to the exclusion of others, such as domestic violence.

**Timely Warning Issued:** Yes  or No . **If yes, it was issued on** \_\_\_ / \_\_\_ / \_\_\_ **at** \_\_\_ : \_\_\_

The Timely Warning should include:

- A brief statement of the incident.
- Possible connection to previous incidents, if applicable.
- Physical description of the suspect.  
*(The use of race as a descriptor is valid when used, along with others, minimizes incorrect identification of innocent people.)*
- Composite drawing or photo of the suspect, if available.
- Date and time the warning was released.
- Other relevant and important information including prevention tips.
- Information on who and how to provide information about the crime.

**If a Timely Warning has been issued, please check all of the resources used to disseminate:**

*Timely Warning dissemination must be reasonably likely to reach the entire campus community.*

- |  |  |
|--|--|
| <input type="checkbox"/> Posters/Fliers                        | <input type="checkbox"/> College/University Website          |
| <input type="checkbox"/> Mass Email                            | <input type="checkbox"/> Police/Public Safety Website        |
| <input type="checkbox"/> Text Alert                            | <input type="checkbox"/> Vocal (intercoms/loudspeakers/etc.) |
| <input type="checkbox"/> Media (radio/television/newspaper(s)) |  |

Other: \_\_\_\_\_

**Completed By:**

\_\_\_\_\_  
Print Rank/Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Badge #

\_\_\_\_\_  
Date/Time

**Supervisor Approval:**

\_\_\_\_\_  
Print Rank/Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Badge #

\_\_\_\_\_  
Date/Time

**Attach copy of Timely Warning Notification to the incident report**

**Attach a copy of this form to the incident report**

**ATTACHMENT 5 – SAMPLE LOCAL LEA CRIME STATISTICS REQUEST LETTER**

MY INSTITUTION LETTERHEAD  
DATE

APPROPRIATE LOCAL OR STATE LAW ENFORCEMENT OFFICIAL  
ADDRESS  
CITY/STATE  
ZIP

(ONE LETTER FOR EACH AGENCY WITH JURISDICTION, (FOR EACH CLERY GEOGRAPHY INCLUDING NON-CAMPUS PROPERTIES)

**APPROPRIATE SALUATION:**

The Clery Act<sup>1</sup>, a federally mandated campus crime disclosure law, requires **MY INSTITUTION** request crime report data from your agency. The Clery Act cannot compel you to comply but we ask that you do, but only if you are able to provide the precise data sought. The U.S. Department of Education has carefully described the locations of crime reports for which **MY INSTITUTION** must publish data. Later in this letter we list those locations. In addition to the location listed (both in the structure and the campus-owned property surrounding the structure), the Clery Act requires we request data for the Clery Act defined crimes that were reported on public property immediately adjacent to and accessible from **MY INSTITUTION**-owned property. “Public property crimes” **must** have taken place on public property, not in a private structure or on its surrounding grounds. For example, if **MY INSTITUTION** owns the building at 122 Main St., and an aggravated assault is reported at 123 Main St. (across from 122 Main St.) we must request data for reported crimes that have taken place on either of the sidewalks or the street between the two addresses and not on the front yard of, or inside of 123 Main St.

In addition to requesting crimes by very specific locations **MY INSTITUTION** must disclose only certain Clery Act defined crimes (listed below) that have been reported (including those determined as unfounded).

With respect to the FBI’s Hierarchy Rule, please know that it only applies to the “Primary Crimes” in section i below.

If you are able to provide crime data with this degree of precision, **MY INSTITUTION** requests the data for **THE YEAR(s)**. If you cannot provide the information with the precision needed, please inform us.

I have included (*italicized*) relevant portions of Clery Act regulations (see Federal Register, Vol. 79, No. 202, October 20, 2014, pages 62783 – 62790) or the Handbook for Campus Safety and Security Reporting,<sup>2</sup> which define the geographies and crimes for

<sup>1</sup> <https://www2.ed.gov/admins/lead/safety/campus.html>

<sup>2</sup> <https://www2.ed.gov/admins/lead/safety/handbook.pdf>

which we are seeking data. These crime definitions generally parallel Uniform Crime Report (UCR) definitions.

*Public property:*

*All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.*

*Crime statistics.*

*(1) Crimes that must be reported and disclosed. An institution must report... statistics for the three most recent calendar years concerning the number of each of the following crimes that occurred on or within its Clery geography...*

- (i) Primary crimes, including*
  - A. Criminal Homicide*
    - 1. Murder and nonnegligent manslaughter*
    - 2. Manslaughter by negligence*
  - B. Sexual Offenses [always disclosed and not subject to the UCR hierarchy rule]*
    - 1. Rape*
    - 2. Fondling*
    - 3. Incest*
    - 4. Statutory Rape*
  - C. Robbery*
  - D. Aggravated Assault*
  - E. Burglary*
  - F. Motor Vehicle Theft*
  - G. Arson (Always disclosed and not subject to the UCR hierarchy rule)*
- ii. Arrests [as defined by UCR] for*
  - Weapons: carrying, possessing, etc.*
  - Drug abuse violations*
  - Liquor law violations*
- iii. Dating violence, domestic violence, and stalking(not subject to the hierarchy rule)*
  - These crimes known in the Clery Act as VAWA offenses may be defined by state law and where there is no state definition, [MY INSTITUTION] must apply the following definitions:*
    - A. 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.*
      - 1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.*
      - 2. For the purposes of this definition –*
        - 1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.*
        - 2. Dating violence does not include acts covered under the definition of domestic violence.*

*B. Domestic violence.*

1. *A felony or misdemeanor crime of violence committed –*
  - a) *By a current or former spouse or intimate partner of the victim;*
  - b) *By a person with whom the victim shares a child in common;*
  - c) *By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;*
  - d) *By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or*
  - e) *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.*

*B. Stalking.*

1. *Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –*
  - a) *Fear for the person's safety or the safety of others; or*
  - b) *Suffer substantial emotional distress.*
2. *For the purposes of this definition –*
  - a) *Course of conduct means 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, surveils, threatens, or communicates to or about a person, or interferes with a person's property.*
  - b) *Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.*
  - c) *Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.*
3. *For the purposes of complying with the requirements of this section and [section 668.41](#), any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.*

iv. *Hate Crimes [not subject to the hierarchy rule]: A crime reported to local police agencies... that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim (this definition tracks with the UCR definition).*

- A. *The number of each [of the primary crimes in section "i" above]... that are determined to be hate crimes and*
- B. *The number of the following crimes<sup>3</sup> that are determined to be hate crimes:*

1. *Larceny – Theft*
2. *Simple assault*

<sup>3</sup> We are asking only for the data for these four Clery Act countable crimes when they are also hate crimes.

3. *Intimidation*
4. *Destruction/Damage/Vandalism of property*

*Categories of bias...*

- i. *Race*
- ii. *Religion*
- iii. *Sexual Orientation*
- iv. *Gender*
- v. *Gender Identity*
- vi. *Ethnicity*
- vii. *National Origin*
- viii. *Disability*

*Statistics from police agencies. In complying with the statistical reporting requirements under paragraphs (c)(1) through (4) of this section, an institution must make a reasonable, good faith effort to obtain the required statistics and may rely on the information supplied by a local or State police agency. If the institution makes such a reasonable, good faith effort, it is not responsible for the failure of the local or State Police agency to supply the required statistics.*

On campus properties:

**MY INSTITUTION'S LIST OF ALL LOCATIONS WITHIN THE LOCAL LEA'S JURISDICTION**

- **EX. 123 MAIN STREET FROM 0000 ON 1/1/2020 TO 2359 ON 12/21/2020**

Public Properties:

As described and exemplified earlier, for all on campus properties listed above.

Noncampus properties:

**MY INSTITUTION'S LIST OF ALL LOCATIONS WITHIN THE LOCAL LEA'S JURISDICTION**

- **EX. THE EXCELSIOR HOTEL 123 WEST AVENUE FROM 1800 ON 3/12/2020 TO 0800 ON 3/18/2020 FOR ROOMS 202-210, AND ALL COMMON AREAS.**
- **THE BALLET STUDIO AT 321 EAST AVENUE EACH WEDNESDAY BETWEEN 2/1/2020 AND 5/1/2020 FROM 1600 TO 2000.**

Thank you in advance for your assistance with this matter. If you have questions, please call me at **XXX.XXX.XXXX, OR BY REPLY EMAIL.**

CLOSING

NAME OF CLERY COMPLIANCE COORDINATOR





**MARGOLIS HEALY®**

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