

Clery Act Information

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) is a consumer protection law that aims to provide transparency around university crime policy and statistics and the mission of the University of Houston System Clery Compliance Program is to provide each university's community with timely, accurate and complete information about crime and the safety of each university so that community members can make informed decisions regarding their personal safety.

The University of Houston System (“UHS/University”) is composed of four member institutions of higher education. The University of Houston; The University of Houston - Clear Lake; The University of Houston - Downtown; and the University of Houston - Victoria. Each member institution provides their community members with an Annual Security and Fire Safety Report (“ASR”), published on or before October 1st of each calendar year.

The UHS Clery Compliance Program is charged with ensuring each member institution conducts the following Clery Act requirements:

- Accurately reports identified instances of crimes defined under The Clery Act to the University community and the U.S. Department of Education (“Department”)
- Alerts the University community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes (Timely Warning)
- Immediately notifies the University community upon conformation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees ([Emergency Notification](#))
- Makes accessible the University's [Daily Crime Log](#)
- Makes accessible the University's [Fire Log](#)
- Timely publication of the University's [Annual Security and Fire Safety Report](#)
- Identifies and trains Campus Security Authorities on Clery Act offense [reporting](#)
- Compliance with all other Clery Act specific [policies and procedures](#).

Clery Geography

Under the Clery Act, crimes reported to have occurred on any of the following four locations must be counted and disclosed by the university in the Annual Security Report.

- On-Campus
- On-Campus Student (residential) Housing
- Public Property, within the campus, or immediately adjacent and accessible from campus; and
- Noncampus Buildings and Property owned or controlled by the university.

The Clery Act requires that all postsecondary institutions participating in Title IV student financial assistance programs disclose campus crime statistics and other security information to students and the public. The Clery Act is the federal law that requires colleges and universities to gather and disclose crime statistics that occur within

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University of Houston (“UH”) Clery reportable geography, which includes qualifying off-campus or (“noncampus”) student activities and travel.

Under the Clery Act, noncampus property includes rental properties and University sponsored trips to off-campus locations under certain circumstances. To assist with complying with the law, a [Clery Act Student Travel Form](#) should be completed for ANY University sponsored off-campus travel that meets the following requirements:

- UH students
- At least an overnight stay; and
- University control over the trip or program accommodation and any related academic space used in conjunction with the trip.

“Control”, as defined for purposes of the Clery Act, means that there is a written agreement (no matter how informal) directly between the University and the end provider for use of the space. Controlled space other than lodging must be used in direct support of, or in relation to, the institution’s educational purposes and frequented by students. Some examples of a written agreement include renting hotel rooms, leasing apartments, leasing space in a student housing facility or academic space on another campus and even an e-mail agreement for use of space free of charge.

Repeated use of Noncampus Locations

If a University department sponsors students on an overnight trip every year (for example) and the students stay in the same hotel each year, the University must include those portions of the hotel used by your students in our noncampus geography reporting statistics.

Example:

Let’s say students in the UH Honors College take a trip to Washington, D.C. and stay at the same hotel every year, a Campus Security Authority must report any crimes that occur in the rooms used by UH students and any common areas used to access the rooms (lobby, elevators, etc.) for the times and dates specified in the rental agreement.

Campus Security Authority

A Campus Security Authority or "CSA" is a Clery Act specific term that encompasses four groups of individuals or organizations associated with an institution of higher education. CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA.

The four categories of CSAs:

1. Campus police department or a campus security department of an institution (UH Police Department);
2. Any individual or individuals who have responsibility for campus security but who do not constitute a UH Police Department (e.g., an individual who is responsible for monitoring the entrance into institutional property);
3. 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;
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

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Trips to Noncampus Locations

Short stay “away” trips: If a University department sponsors a short stay “away” trip of more than one night for UH students, UH must include in its Clery statistics all locations:

- Used by students during the trip,
- Controlled by the institution during the trip; and
- Used to support educational purposes should be treated as noncampus property.

Example:

A two-week UH student, Bauer College of Business sponsored trip to New York. Any classroom or housing space specified in the agreement between the institution and a third-party providing the space would be considered noncampus property.

Non-UH Academic Locations are Not Typically Subject to Clery Crime Disclosures

If your University department sends students to study abroad or exchange programs at institutions that UH does not own or control, the University is not required to disclose crimes occurring there. If the University has an additional location that offers on-line distance education only, that location is not required to comply with the Clery Act.

Why does UHPD need this information?

The University needs information on Clery Act qualifying locations in order to follow-up with the local law enforcement agency with jurisdiction over the Clery reportable space. UHPD will request information from local law enforcement agencies (near the place of accommodation) to determine if any Clery Act crimes were reported during the time period of any University sponsored trip.

Following any University sponsored trip, UHPD will send a letter to the location’s local law enforcement agency requesting Clery Act crime statistics for crimes that were reported to have occurred during the time frame the university had control over the space. The purpose of sending this letter is to gather crime statistics for reports that were made directly to the local law enforcement and thus may not be known to UHPD.

**Note, other university/departmental internal crime reporting requirements may also exist on any Clery Act reportable and non-reportable student trips.*

Continue to Figure 1-matrix on page 4...

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| TRIP ACCOMMODATIONS AND/OR ACADEMIC SPACE USAGE AGREEMENT | STUDENT TRIP ACCOMMODATIONS | STUDENT TRIP DURATION | STUDENT TRIP FORM REQUIRED |
|--|---|-----------------------|----------------------------|
| The University has a written agreement with an end provider to use trip accommodations and/or academic space by 2 or more students | The same accommodations are used in two or more consecutive years | 1 night or more | YES |
| The University has a written agreement with an end provider to use trip accommodations and/or academic space by 2 or more students | You do not anticipate using the accommodation every year | 2 or more nights | YES |
| The University has a written agreement with a third party to arrange for trip accommodations and/or academic space usage. | The same accommodations are used in two or more consecutive years | 1 night or more | YES |
| The University has a written agreement with a third party to arrange for trip accommodations and/or academic space usage. | You do not anticipate using the accommodation every year | 2 or more nights | YES |
| University sponsored trip | None | Day Trip | NO |
| Student organized or private trips - no University agreements | | 1 night or more | NO |

Figure 1

This matrix is provided to assist you in determining your reporting responsibility. If you have any questions regarding your reporting obligations or need help completing the Clery Act Travel Form, then please contact UH System Clery Compliance Coordinator, Wiley Graham at (713) 743-3229 or wagraha2@central.uh.edu.

Noncampus Property is defined in the Clery Act as: *Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.*

Written Agreements

- For the purposes of noncampus property, the determining factor is an agreement, defined as a rental or lease document or other written form of agreement covering the university's use of academic and/or residential space. The agreement need not be formal; something in writing agreeing to the utilization of space by the university suffices (whether a signed agreement, a hotel booking, or an email agreeing to the use of the space).
- Written agreements only apply for use of the physical space, not for programs. For example, if students are sent to an off-campus site for internships, externships, clinical training, or student teaching, then we would only count these areas as noncampus property if there is a written agreement for use of the physical space. If the agreement is for the **program** rather than for use of the **physical space**, the University does not have "control" over the space and do not have to report Clery Act crimes that occur at these locations.

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- If there is an agreement between the university and the host, the Clery Act requirements only apply for the areas stipulated in the agreement as well as any common areas leading to those spaces (i.e., lobby area, hallways, elevators, stairwells, etc.)
- Clery requirements also apply when the university rents hotel rooms or hostel rooms for student use (see below for more information).
- Clery requirements only apply to the dates and times covered by the agreement. For example, if a property manager agrees to provide a block of rooms to our students for 8 weeks during the summer, statistics would only need to be collected for those locations during that time, not the entire year.

Non-Campus Property for Field Study/Research, Group Travel, & Athletics Trips

Overnight, School-Sponsored Trips

This includes any school-sponsored trip taken by a group of students for a class, an athletics competition, a club, or any other University student organization. Hotel stays and leased classroom space will qualify as noncampus property if the trip meets certain criteria:

- The trip involved University students,
- The trip was overnight for one or more nights, and
- The overnight stay was organized by the University (i.e., UH faculty/staff) by some type of written agreement (see definition for written agreement above).

Research Vessels

Similar to other study abroad or field study, the university must disclose statistics for the ship or the areas controlled by the university (see definition of written agreement above) while the students are on board.

Other Field Study Locations

If the university owns or controls property overseas, or at a distance, that does not meet the definition of a separate campus, but that is frequently used by students, then crimes that occur there must be reported. *Note that some crimes may be relevant based on Title IX requirements but may not initiate Clery requirements. Refer to the UH Learning Abroad Office for study abroad and field study programs.*

Day Trips & Field Trips

The University is not required to keep track of locations for day trips, or include crime statistics for crimes that occur on field trips at locations that our institution does not control.

Faculty/Staff Travel

The University is not required to keep track of locations for faculty/staff travel where UH students are not present.

Students Educated Overseas Taught and Housed by a Third Party or Local Institution

If the agreement is with another institution or third party, you might not have Clery requirements.

Example:

If you have an agreement with a university to allow our students to enroll at their institution, but not to provide specific rooms, etc., the University does not have Clery requirements (Title IX requirements may apply, however).

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Private Home Stays

- Host family situations do not normally qualify as noncampus locations unless the written agreement with the family gives the University some significant control over space in the family home
- Clery requirements do not apply if the arrangements are made by another institution or company for a home stay.

Side Trips During Study Abroad

- Side trips organized by the attending students or by host families which are not covered by an agreement by the University and are not officially organized by the university do not have Clery reporting requirements.

Continue to Figure 2 on page 7...

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Is it Clery Reportable as Noncampus Property?

OVERNIGHT TRIPS AND HOTEL STAYS

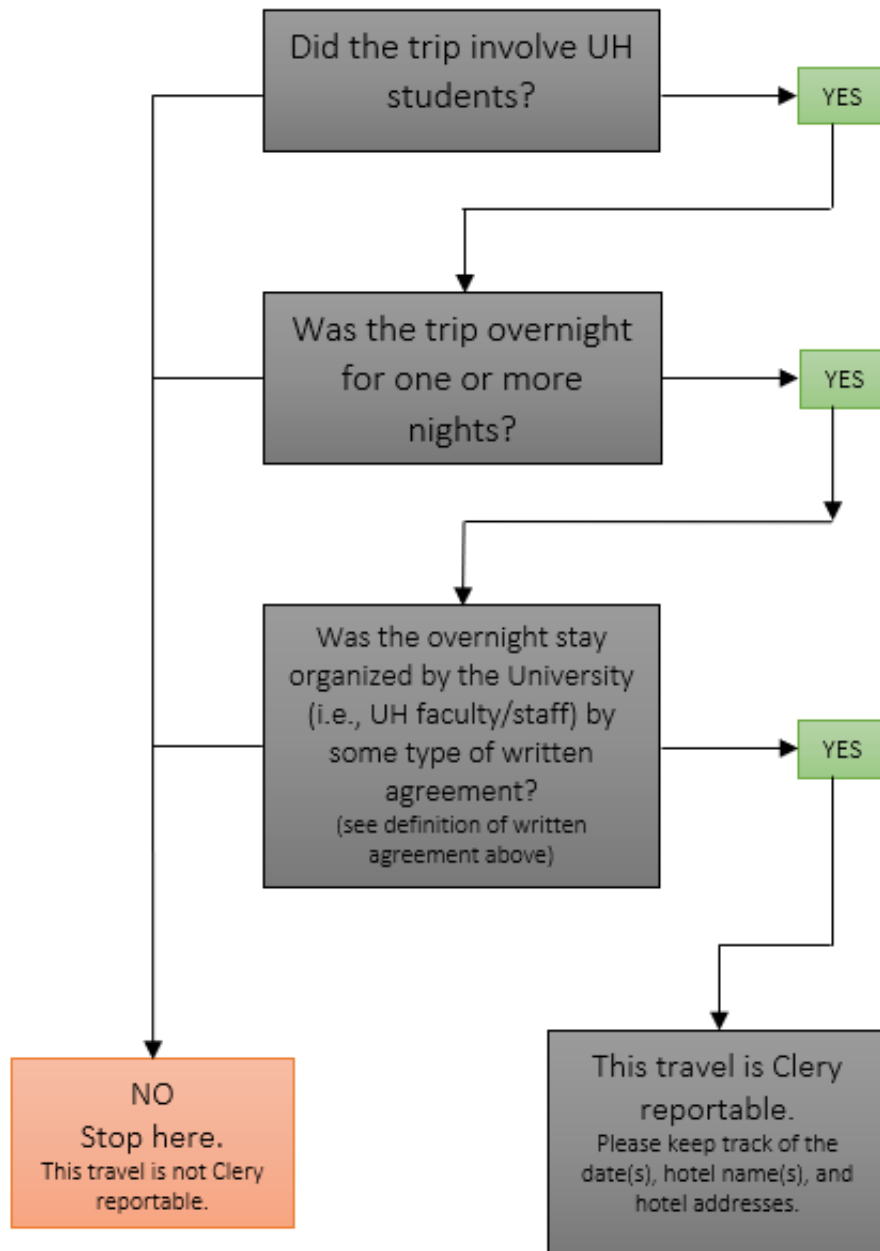


Figure 2

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USE OF CLASSROOM AND GROUP SPACE

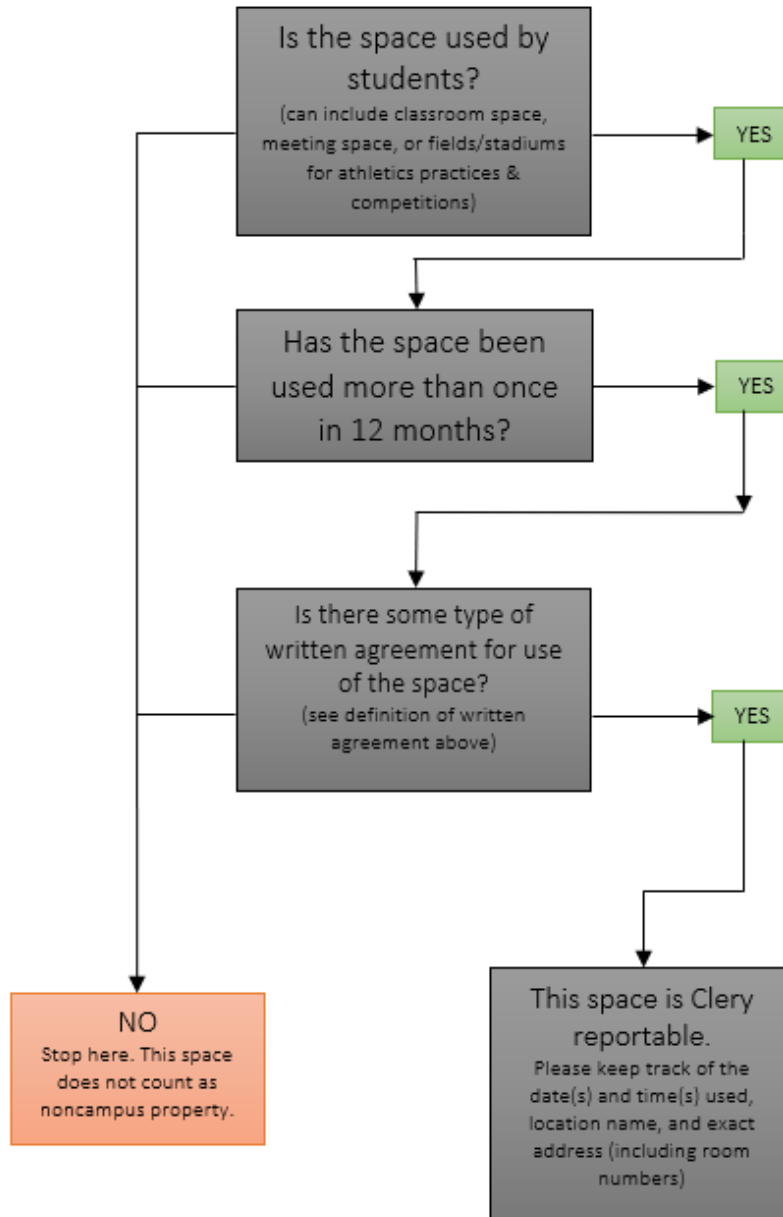


Figure 3

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Reporting a Clery Act qualifying off-campus Student Activity or Travel

All domestic trips and activities must complete a [Clery Act Student Travel Form](#) (if your business office is unable to provide one, please email wagraha2@central.uh.edu to obtain a Form).

How to Clery Act Reportable Crimes

When a crime is reported to a CSA, first ask the person if they would like to report it to the UHPD. If so, contact UHPD at (713) 743-3333. If not, for Clery Act qualifying crimes, the CSA must complete and submit, on a timely basis, a [Campus Security Authority Crime Report Form](#). The Report Form can be submitted to UHPD via email to uhdpscса@central.uh.edu, or via postal mail or in person at the Police building, 4051 Wheeler Avenue Houston, Texas 77204-6191.

Clery Act reportable crimes that occur during a student trip and in a utilized accommodation and/or academic space, and common areas of location(s) used to access the space, must be reported on a timely basis using the [Clery Incident Report Form](#). In an emergency, dial 911 or, if outside the United States, contact the local law enforcement agency.

“Previous versions of the Department’s Clery guidance (The Handbook for Campus Safety and Security Reporting – 2016 Edition) created additional requirements or expanded the scope beyond what is strictly required by statute or regulation. Even though guidance does not have the force of law or regulations, institutions felt pressured to satisfy requirements found in the guidance or risk serious financial and reputational consequences. The [Clery Act Appendix for the Federal Student Aid \(FSA\)](#) provides simple, plain-language explanations of Clery Act requirements found in, and adherent to, relevant statutory and regulatory authority.” -*FSA Clery Act Appendix*

Clery Act reportable crimes and Definitions Of Reportable Crimes

Criminal Offenses

- Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence
- Sexual assault: rape, fondling, incest, statutory rape
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

VAWA Offenses

- Domestic violence
- Dating violence
- Stalking

Arrests and Referrals for Disciplinary Action

- Weapons law violations
- Drug abuse violations
- Liquor law violations

Hate Crimes (any of the above-mentioned offenses, and any incidents of)

- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

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Definitions:

- ***Criminal Homicide—Manslaughter by Negligence*** – The killing of another person through gross negligence.
- ***Criminal Homicide—Murder and Nonnegligent Manslaughter*** – The willful (nonnegligent) killing of one human being by another.

- ***Sex Offenses*** – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- ***Rape*** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- ***Fondling*** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- ***Incest*** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- ***Statutory Rape*** – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

- ***Robbery*** – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- ***Aggravated Assault*** – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- ***Burglary*** – The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- ***Motor Vehicle Theft*** – The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)
- ***Arson*** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

- ***Liquor Law Violations*** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
- ***Drug Abuse Violations*** – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of

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any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

- **Weapons: Carrying, Possessing, Etc.** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Referred for campus disciplinary action (Liquor Laws, Drugs and Weapons Violations) – The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Hate Crime Definitions

- **Hate crime:** A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. The crimes of Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property are also reported under Clery Act requirements if it is determined the victim was intentionally selected because of the perpetrators’ bias against the victim.
- **Larceny-Theft (Except Motor Vehicle Theft)** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- **Simple Assault** – An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation** – To unlawfully place another person in reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property** – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

VAWA Offenses

- **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.
 - 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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.
- **Domestic Violence** – A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly

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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 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.

- **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purpose of this definition *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. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

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