



ADMINISTRATIVE POLICY

Policy Title	Tulane University Policy in Compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
Policy Subtitle/Subject	Clery Act Compliance
Responsible Executive(s) (RE)	Patrick Norton, Senior Vice President and Chief Operating Officer
Responsible Office(s) (RO)	Tulane University Police Department
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☒Permanent

☐Temporary

1.0 POLICY STATEMENT

Tulane University is committed to maintaining a safe and secure environment for its students, faculty, staff, employees, and visitors. Requirements have been established to assist Tulane University 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"). It is the policy of Tulane University to comply with all requirements of the Clery Act. This policy sets forth guidelines, procedures, and responsibilities intended to ensure Tulane University continue to comply with the Clery Act's reporting disclosure obligation as required by policy and law.

2.0 PURPOSE AND SCOPE

It is the policy of Tulane University to maintain a safe and secure environment for its students, faculty, staff, employees, and visitors, Tulane University 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 all Title IV-funded Institutions of Higher Education (IHEs) to report specified data on crimes/incidents occurring on and around their campuses - and other buildings/properties they own or control - and to provide other safety and crime information to the campus community. All faculty, staff, and employees are considered Campus Security Authorities (CSAs) under this policy. All CSAs will be notified and trained on their legal obligations under the Clery Act.

3.0 APPLICABILITY OF THIS POLICY

This policy will apply to all members of the Tulane community.

4.0 WEBSITE ADDRESS FOR THIS POLICY

Enterprise Risk Services will add the web address of the policy after it is added to the policy library.

5.0 CONTACTS

Subject	Contact	Telephone	E-mail/Web Address
Clery Act Compliance	Margaret E. Martin	504-988-9898	Mmarti24@tulane.edu https://publicsafety.tulane.edu/clery-act

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7.0 DEFINITIONS

Campus Community - Refers to all students, faculty, staff, employees, and visitors on or near Tulane University

Campus Security Authorities (CSAs) - Tulane University’s Equal Opportunity/Anti Discrimination Policies mandate all Tulane University staff and faculty must report alleged violations specific to Title

IX or reportable crimes under the Clery Act. Under this policy, all staff and faculty are considered Campus Security Authorities (CSAs) under the Clery Act.

Campus Security Authorities (as defined by The Clery Act) - Individuals at the university who, because of their function for the university, have an obligation under the Clery Act to notify the university of alleged Clery Crimes that are reported to them, or alleged Clery Crimes that they may personally witness. These individuals are required by federal law to report a Clery Act crime when it has been observed by or reported to them by another individual. A CSA typically falls under one of the following categories:

- 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 (i.e. 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 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 university.

Individuals who are not CSAs:

- Licensed Professional and/or Pastoral Counselors acting under the scope and authority of their license in their functional role at the institution.
 - A professional counselor is defined as a person whose professional responsibilities include providing mental health counseling to members of the campus community and who is functioning within the scope of his or her license or certification.
 - A pastoral counselor is defined as a person who is associated with a religious order or denomination, who is recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition of a pastoral counselor.

Clery Act Crimes (Clery Crimes) - Crimes required by the Clery Act to be reported annually to the Campus Community including: criminal homicide (murder/non-negligent manslaughter and manslaughter by negligence); sex offenses (rape, fondling, incest, and statutory rape); robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes (including larceny-theft, simple assault, intimidation, and destruction of property/vandalism); dating violence; domestic violence; stalking; and arrests and disciplinary referrals for any of the following: (a) liquor law violations, (b) drug law violations, and (c) weapon law violations.

Clery Reportable Locations (Clery Geography) - Property that is owned, leased, or controlled by the university which includes: (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that the university owns, controls, or leases, is frequented by students and used in support of educational purposes.

Emergency Notification - An announcement triggered by a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of the university's students, faculty, staff, employees, or visitors. This expands upon the definition of "Timely Warning" to include both Clery Act crimes and other types of emergencies or events (weather-related or otherwise) that pose an imminent or impending threat to the campus community.

Emergency Notification System - A mechanism established for the purpose of and dedicated to enabling the university officials to quickly make contact with or send messages to students, faculty, staff, and employees in the event of an emergency or other imminently dangerous situation. Examples include but are not limited to, sirens, RSS feeds, alerts via email/text message, local TV/Radio, etc.

Timely Warning - An alert to the campus community, triggered when the Tulane University Police Department (TUPD) determines that a Clery Act crime, occurring within Clery Geography, but presents a serious or continuous threat, sent in a manner that is timely, will aid in the prevention of similar crimes, and assist community members to make informed decisions about their safety.

8.0 POLICY AND PROCEDURES

To maintain a safe and secure environment for its students, faculty, staff, employees, and visitors, Tulane University 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 all Title IV-funded Institutions of Higher Education (IHEs) to report specified data on crimes/incidents occurring on and around their campuses - and other buildings/properties they own or control - and to provide other safety and crime information to the campus community.

8.1 Requirements of the Clery Act:

Specifically, Tulane University will:

- **Publish an Annual Security and Fire Report (ASFR):**

By October 1st each year, Tulane University will publish an ASFR documenting the three previous calendar years of Clery crime statistics, security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault. All crime statistics must be provided to the U.S. Department of Education (ED) by ED-established deadline.

This report must be made available to all current students, faculty, staff, and employees. In addition, prospective students, faculty, staff, and employees must be notified of the ASFR's existence and provided a copy upon request. Paper copies of the report will be available upon request from the Tulane University Police Department. In addition, the University will publish links to the ASFR on the following web portals or their equivalent: Current Students, Prospective Students, Faculty and Staff, Prospective Faculty and Staff, and Family/Visitors.

- **Identify, notify, and train Campus Security Authorities (CSAs):**

The University 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. The University requires that all CSAs complete annual training on their responsibilities and reporting requirements under the Clery Act. The University will provide this training as well as a form or other mechanism for submitting a CSA report.

- As previously noted, under Tulane University's Equal Opportunity/Anti Discrimination Policies mandate all Tulane University staff and faculty must report alleged violations specific to Title IX or reportable crimes under the Clery Act. Under this policy, all staff and faculty are considered CSAs and will be notified of their obligations, receive training and requests for Clery Act crimes disclosed to them. These requirements will occur annually.

- **Disclose Crime Statistics:**

Crime Statistics for incidents that occur in Clery-reportable locations must be disclosed. Tulane University will have a full-time Clery Compliance Coordinator who is responsible for gathering crime statistics from University Police, the Office of Student Affairs, Student Conduct, Title IX, local law enforcement, and all other Campus Security Authorities (CSAs).

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

- Criminal Homicide
 - i. Murder & Non-Negligent Manslaughter
 - ii. Manslaughter by Negligence
- Sex Offenses
 - i. Rape
 - ii. Fondling
 - iii. Incest
 - iv. Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

In addition to the aforementioned Clery Act crimes, statistics must be gathered for the following categories of arrests or referrals for disciplinary action if an arrest was not made:

- Liquor Law Violations
- Drug Law Violations
- Weapon Law Violations

Statistics are also required for the aforementioned criminal offenses as well as four additional crime categories if the crime committed is determined to be a hate crime. That is, the crime is found to have been motivated by the offender's bias against one or more of the following categories: Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, and Disability. The additional crimes are:

- Larceny/Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

The Clery Act as amended by the Reauthorization of the Violence Against Women Act (VAWA) requires collecting and disclosing the following crime categories:

- Sexual Assault (same as under Sex Offenses above)
- Dating Violence
- Domestic Violence
- Stalking

- **Issue Timely Warnings:**

The Chief of Police or their designee will issue timely warnings of Clery Act Crimes occurring on Clery Geography that are reported to Campus Security Authorities (CSAs) or law enforcement and considered by the University to represent a serious or continuing threat to the campus community. Timely warnings will be communicated in accordance with the policies and regulations maintained by the University Police. 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.

- The decision whether or not to send a Timely Warning will be made on a case-by-case basis in consideration of the following factors: the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. [General Order 600-3, Campus Timely Warning Notification Policy and Procedures]
- *Exception: Crimes that would otherwise be reportable but are reported to a licensed mental health counselor or pastoral counselor, operating under the scope and authority of their license, are not subject to the timely warning requirement.*

- **Issue Emergency Notifications:**

The University is required to inform the campus community about a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of the of University students, faculty, staff, employees, and visitors occurring on or near campus. This includes both Clery Act crimes and other types of emergencies or events (weather-related or otherwise) that pose an imminent or impending threat to the campus community. Emergency events may be localized; therefore notifications may be distributed specifically to the segment of the campus community deemed to be at risk.

- The University also must have emergency response and evacuation procedures in place specific to its on campus facilities. A summary of these procedures must be disclosed in the ASFR. Additionally, the emergency response procedures must be tested at least once, annually. All emergency response procedure tests and/or exercises must be documented with a description of the test/exercise, the date and time the test was initiated and concluded, and whether the test was

announced or unannounced. [General Order 900-11, University-Wide Emergency Communication Policy]

- **Maintain a Daily Crime Log:**

The University must maintain a Daily Crime Log documenting all criminal incidents and alleged criminal incidents reported to the Campus Police within the last 60 calendar days. The Daily Crime Log must show: the date/time the crime was reported, the date/time the crime occurred, the nature of the crime, the general location of the crime, and the disposition of the crime - if known. Incidents must be entered into the log within two business days of receiving the report. The Daily Crime Log must be available on-line and/or in-person at the Campus Police Department building upon request. Requests for public inspection of daily crime log entries beyond the most recent 60 calendar days must be made in writing and will be made available within two business days of the request.

- **Provide Safety and Security Awareness Programming:**

Tulane University shall at minimum annually conduct programs designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others. Program topics include, but are not limited to, campus security procedures and practices; personal safety and security; alcohol and narcotic abuse and prevention awareness; crime prevention; and fire safety.

- **Compliance with the Reauthorization of the Violence Against Women Act and its Amendments to the Clery Act:**

In accordance with the VAWA Amendments to the Clery Act, Tulane University shall at minimum annually conduct programs designed to prevent dating violence, domestic violence, sexual assault, and stalking. These programs should be comprehensive, intentional, and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault and stalking. Under Clery these programs are required to be culturally relevant; inclusive of diverse communities and identities; sustainable; responsive to community needs; informed by research or assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Clery also requires these programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs.

Primary prevention programs are defined as programming, initiatives, and strategies intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality; encourage safe bystander intervention; and seek to change behavior and social norms in healthy and safe directions.

Awareness programs are defined as community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

These programs must be made available to all current and in-coming students, faculty, and staff of Tulane University.

- **Responding to Reports of Missing Students:**

Tulane University shall provide every student living in on-campus student housing the opportunity and means to identify an individual to be contacted in an emergency.

Additionally, the same opportunity must be provided for students to identify, and provide contact information for, an individual the student wishes the University to contact should it be determined the student is missing. This contact information will be registered confidentially, stored separately from designated emergency contact information, and will only be accessible by authorized campus officials to include TUPD in the furtherance of a missing person investigation.

The Campus Police Department shall investigate all reports of missing students and will notify and cooperate with other law enforcement agencies, as necessary, to further the investigation.
[General Order 500-13, Missing Persons & Children]

- **Compile, Report, and Publish Fire Data:**

The Higher Education Opportunity Act of 1998 (HEOA) amended the Clery Act to include fire statistics. Tulane University's Office of Campus Services will produce an Annual Fire Safety Report (AFSR). The Assistant Director of Life Safety, Campus Development & Services must collect and disclose fire statistics for each on-campus student residential facility separately for the three most recent calendar years for which data are available in accordance with HEOA regulations. Each facility must be identified in the statistics by name and street address, regardless of whether any fires have occurred.

Additionally, the Office of Campus Services will provide a description of the student housing fire safety systems in each facility included in the AFSR. These descriptions should include mechanisms (i.e. alarms, fire extinguishers, fire sprinklers, posted evacuation routes, etc.) or systems related to the detection, warning and control of a fire. The Office of Campus Safety will submit the AFSR to the Clery Compliance Coordinator for inclusion in the statistics reported to the U.S. Department of Education.

- **Maintain a Daily Fire Log:**

Tulane University must maintain a Daily Fire Log documenting any fire that occurs in an on-campus student housing facility within the last 60 calendar days. The Daily Fire Log must show: the date/time the fire was reported, the date/time the fire started/occurred, the nature of the fire, and the general location of the fire. Fire incidents must be entered into the log within two business days of receiving the report. The Daily Fire Log must be available on-line and/or in-person upon request. Requests for public inspection of Daily Fire Log entries beyond the most recent 60 calendar days must be made in writing and will be made available within two business days of the request.

- **Retain Clery Records:**

The supporting records used in compiling the three most recent Annual Security and Fire Safety Report shall be retained for seven (7) years from the latest publication of the report to which they apply (i.e. 2014 Clery records, last published in 2017 ASFR will be discarded when 2020 ASFR is published). Records to be kept include, but are not limited to: copies of crime

reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from CSAs; correspondence with the Department of Education (ED) regarding Clery Act compliance; and copies of notices to students, faculty, staff, and employees about the availability of the Annual Security Report. All documentation should be dated and filed accordingly.

- **Retaliation:**

There shall be no retaliation against anyone who exercises rights under the Clery Act and other related federal laws, including Title IX.

- **Policy Review:**

This policy shall be reviewed and revised as necessary every two (2) years.

9.0 CONSEQUENCE OF VIOLATING THE POLICY

Violation of this policy may result in disciplinary action, up to and including termination.

For consequences of violating the policy refer to the Faculty and Staff handbooks found at policy.tulane.edu.

APPENDIX I

Relevant Information

The Handbook for Campus Safety and Security Reporting, 2016 Edition:

<https://www2.ed.gov/admins/lead/safety/handbookfsa.pdf>

APPENDIX II

Other Relevant Information

Child Abuse/Neglect Reporting Policy & Procedures

Clery Act Notification (the website where this policy should live)

Code of Student Conduct

Consensual Relationships Policy

Equal Opportunity/Anti-Discrimination Policies

Faculty Handbook

Staff Handbook