Annual Disclosure of Crime Statistics

Original Implementation: October 30, 2007
Last Revision: January 28, 2014

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the “Clery Act,” and/or the Higher Education Opportunity Act of 2008 (HEOA), requires institutions of higher education receiving federal financial aid to report specified crime and fire statistics on college campuses and to provide other safety and crime information to members of the campus community. Campuses must publish an Annual Security and Fire Safety Report detailing statistics regarding reported crimes committed on campus and at affiliated locations for the previous three calendar years, fires that occur in on-campus residence halls, and describing specified policies, procedures and programs regarding safety and security. This requirement of the Clery Act is intended to provide students and their families, as higher education consumers, with accurate, complete and timely information about the safety of the campus so that they can make informed decisions.

The federal law requires the collection and reporting of annual crime statistics reflecting reports of specified crimes that occur on and adjacent to a university campus and certain properties associated with the campus as well as fires that occur in on-campus residence halls. The statistical compilation must be broken down by specified types of crimes and campus disciplinary referrals, and must indicate if a specified crime is a hate crime. Campuses must also provide a geographic breakdown of the crime statistics according to the following defined geographic areas: “on campus” (including further breakdown of the number of crimes that occurred in campus student residential facilities), “in or on a non-campus building or property” and “on public property.”

Annual Security and Fire Safety Report

The Stephen F. Austin State University Department of Public Safety (DPS) prepares an Annual Security and Fire Safety Report to comply with the Clery Act and HEOA. This report is prepared in cooperation with the Residence Life and the Student Rights and Responsibilities departments. Each entity provides updated information on their educational efforts and programs to comply with the Clery Act.

DPS officers enter all reports and all crime incidents reported directly into an automated case management software program. Once an officer enters the report in the program, a departmental administrator reviews the report to ensure it is classified within the appropriate crime category. The department examines the data to ensure that all crimes that have been reported are recorded in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting (UCR) Handbook as required by the Clery Act regulations.
SFA is required under the Clery Act to provide a Crime Statistics Summary Report related to its campus and other locations by calendar year. This SFA Crime Statistic and Fire Summary Report is sent annually to the U.S. Department of Education and can be viewed on the Office of Postsecondary Education–Department of Education’s website.

The university’s Annual Security and Fire Safety Report (ASR) is updated each year and it is available on the SFA website at: http://www.sfasu.edu/upd/. Copies of the ASR may also be obtained at the SFA Department of Public Safety, located on East College Street, or by calling 936.468.2252.

The Annual Security and Fire Safety Report must describe specified campus policies concerning:

- Reporting criminal activity or other emergencies on campus;
- Security of, maintenance of and access to campus facilities;
- Authority of campus law enforcement units;
- Monitoring and recording through local police agencies of off-campus criminal activities by students;
- Alcohol and drugs.
- Fire Safety;
- Fire Suppression in Residence Halls; and
- Timely Warning Procedures

In addition, the report must describe:

- The type and frequency of campus programs to inform students and employees about campus security procedures and precautions and the prevention of crimes;
- Available drug and alcohol abuse prevention education programs and existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community;
- Campus programs to prevent sexual assaults, including procedures to be followed when such an assault occurs;
- Education Programs to promote prevention and awareness of domestic violence, dating violence, and stalking;
- Procedures that the institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported; including the procedures for university disciplinary action, the applicable burden of proof for such proceedings, and possible sanctions or protective measures the university may impose;
- Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information on the important of preserving evidence, to whom the offense should be reported, options regarding law enforcement and university authorities, and the rights of victims and the university’s
responsibilities regarding orders of protection, no contact orders, retraining orders, or similar court orders;

- Information about how the university will protect the confidentiality of victims;
- Information about options for changing academic, living, transportation, and working situations; and
- Where law enforcement agency information concerning registered sex offenders may be obtained.

Definitions of Reportable Crimes:

*Arson* is 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.

*Aggravated Assault* is 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.

*Burglary* is the unlawful entry of a structure to commit a felony or a theft.

*Destruction/Damage/Vandalism of Property (except "Arson")* is 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.

*Domestic Violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.

- Physical abuse: any intentional unwanted contact with the victim’s body by either the perpetrator or an object within the perpetrator’s control, regardless of whether such contact causes pain or injuries to the victim.
- Emotional abuse: the intentional infliction of mental or emotional distress by threat, coercion, stalking, humiliation, or unwanted other verbal or nonverbal conduct.
- Sexual abuse: any sexual behavior or contact by the perpetrator that is unwanted by the victim and/or interferes with the victim’s ability to consent to or control the circumstances of sexual behavior.

*Dating Violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length
of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

*Drug Law Violation* is defined as 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 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. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics-manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

*Hate Crime* is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias against a race, religion, disability, sexual orientation, ethnicity, disability, gender identity, or national origin.

1. Race: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
2. Gender: A preformed negative opinion or attitude toward a group of persons because those persons are male or female. Gender bias is also a Clery Act-specific term, not found in the FBI’s Hate Crime Data Collection Guidelines.
3. Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
4. Sexual orientation: A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
5. Ethnicity: A preformed negative opinion or attitude toward a group of persons of the same race who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
6. Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.
7. Gender Identity: A preformed negative opinion or attitude toward a group of persons based on actual or perceived gender-related characteristics.
8. National Origin: A preformed negative opinion or attitude toward a group of persons of the same national origin who share common or similar traits, languages, customs and traditions.
**Illegal Weapons Possession** is defined as 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. This classification encompasses weapons offenses that are regulatory in nature.

**Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny-Theft** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Note: Constructive possession is defined by Black’s Law Dictionary, 6th ed. as “where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.”)

**Liquor Law Violations** is defined as 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. Included in this classification is the furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; providing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

**Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle.

**Murder and Non-Negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter** is defined as the killing of another person through gross negligence.

**Robbery** is 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.

**Sex Offenses – Forcible** is defined as any sexual act directed against another person, forcibly and/or against that person’s will; or not forcible or against the person’s will where the victim is incapable of giving consent.

**Sex Offenses – Non-forcible** are incidents of unlawful, non-forcible sexual intercourse. Only two types of offenses are included in this definition; incest and statutory rape.

**Simple Assault** is 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.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to -

- fear for his or her safety or the safety of others
- suffer substantial emotional distress

Other Policy-Related Definitions

*Campus* is defined as any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is frequently used by students and supporters for institutional purposes (such as food or other retail vendor).

*Non-campus building or property* is defined as any building or property owned or controlled by a student organization officially recognized by the institution; or any building or property (other than a branch campus) owned or controlled by an institution that is used in direct support of or 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.

*Public property* is defined as all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes.

Campus Security Authorities

Campus security authorities, as defined by the Clery Act, have an obligation to report allegations of Clery Act-defined crimes that they conclude are made in good faith. These crime allegations must be reported to the SFA University Police Department. The Clery Act definition of a campus security authority includes SFA personnel beyond police officers. An official of SFA who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings, is a campus security authority. The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many individuals and students in particular are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.
Counselors Confidential Reporting

Campus professional counselors, when acting as such, are not considered to be campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The Clery Act defines a professional counselor as an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

Cross Reference: 20 U.S.C. § 1092(f); Higher Education Opportunity Act, Public Law 110-315 (8/14/08); 42 U.S.C. § 13925(a); Timely Warning Policy (13.22)

Responsible for Implementation: Vice President for University Affairs

Contact for Revision: Chief of University Police

Forms: None

Board Committee Assignment: Academic & Student Affairs