

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

CLERY ACT AND FIRE SAFETY COMPLIANCE POLICY

Number	06.07.02
Division	Finance and Administration - Police Department
Date	October 17, 2017; Reviewed/Revised February 13, 2025
Purpose	The safety and well-being of students, faculty, staff, and visitors is a high priority for The University of Alabama in Huntsville ("UAH" or "University"). The purpose of this policy is to promote safety and security on campus and support a safe and secure environment by complying with the following federal statutes and their implementing regulations: the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), the Violence Against Women Act ("VAWA") amendments to the Clery Act, the Higher Education Opportunity Act of 2008 ("HEOA"), and the Stop Campus Hazing Act ("SCHA").
Policy	Federal Compliance Requirements

It is the policy of The University of Alabama in Huntsville to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (the "Clery Act"), and follow the regulations at 34 C.F.R. 668.46 (Institutional security policies and crime statistics).

To the extent the laws, regulations or other guidance from the U.S. Department of Education regarding these laws are amended or modified, the University will timely comply with those changes, and this Policy will accordingly be deemed amended or modified the effective date of such mandated legal changes.

University Compliance Responsibilities

1. Working in partnership with campus representatives to identify the University Campus Security Authorities (CSAs) and administer required annual trainings for the CSAs.
2. Consulting with appropriate University offices and personnel to identify and record the University's Clery Geography locations in a timely manner.
3. Collecting reports of Clery Crimes from UAHPD, other law enforcement agencies, and from reports made to CSAs and other confidential reporting sources (if applicable) for inclusion in the University's calendar-year crime statistics.
4. Making reasonable, good faith annual requests to other municipal, county, and state and international law enforcement agencies for reports of Clery crimes that, pursuant to federal regulation or Department of Education guidelines, must be included in the University's crime statistics if the law enforcement agency responds to such request.
5. In coordination with relevant campus constituencies, annually reporting accurate Clery Act crime statistics and fire statistics to the U.S. Department of Education and including them in the Annual Report. The University must also report the total number

of Clery Crimes that were "unfounded" and subsequently withheld from its Clery Crime statistics during each of the three most recent calendar years.

6. Publishing the University's Annual Security Report prior to the annual deadline established by the Department of Education and in compliance with the requirements in 34 CFR §§ 668.46 (Clery) and 668.49 (fire safety and statistics).
7. Distributing an annual notice (by mail, campus mail, or electronic mail) of the availability of the Annual Report to current employees and enrolled students, and providing access to the report to prospective employees and prospective students. Such notice shall meet the requirements of 34 CFR § 668.41 and contain information on the availability of the Annual Report, the exact electronic address at which the Annual Report is posted, a brief description of the Annual Report's contents, and a statement that the University will provide a copy of the Annual Report upon request.
8. In conjunction with Undergraduate and Graduate admissions offices and Human Resources, ensuring that UAH student application websites and UAH employee application websites meet the requirements of 34 CFR § 668.41 and contain information about the availability of the Annual Report, the exact electronic address at which the Annual Report is posted, a brief description of the Annual Report's contents, and a statement that the University will provide a copy of the Annual Report upon request.
9. In conjunction with appropriate University offices, making all reasonable efforts to ascertain that all legally mandated components of the Annual Report are included, up-to-date, and meet all regulatory and Department of Education requirements.
10. Ensuring that the Title IX Coordinator includes all current required Violence Against Women Act components in the University's [Title IX Sex Discrimination, Sexual Exploitation, Sexual Harassment, and Sexual Violence Policy](#).

Annual Campus Security and Fire Safety Report

The UAH Police Department (UAHPD) is responsible for developing and publishing the Annual Security and Fire Safety Reports. Annual Reports may be found on the [UAH Campus Safety and Security Information website](#).

The University's Annual Report shall contain, at a minimum, the following information in addition to the required Clery Crime statistics:

- 1. Reporting Crimes/Emergencies:** The Annual Report shall address how and to whom students and others should promptly and accurately report crimes or other emergencies to UAHPD, and the procedures UAHPD will use in responding to the report and in investigating a matter, if a victim elects, and how reports of Clery crimes will be included in the Clery crime statistics.
- 2. Timely Warnings:** How UAHPD, working in conjunction with the Clery Compliance Officer and the Office of Strategic Communications, will timely notify students and employees through email (and potentially other means deemed appropriate), of their issuance of a UAHPD Campus Safety Advisory on UAHPD's website, as soon as reasonably possible after determining that a reported Clery crime represents a serious or ongoing threat to the campus community. This timely warning will, at a minimum, describe the type of criminal incident, give a general description of what happened, when and where the incident occurred, any description of suspects involved, a

number to contact to report information about the incident, and a reminder of safety considerations students and employees may take.

3. **Non-Clergy Advisories:** How the Office of Strategic Communications, in conjunction with UAHPD and other local law enforcement agencies, may send out voluntary non-Clergy notifications of off-campus incidents, which may potentially impact members of the campus community.
4. **Emergency Response and Evacuation Procedures and Emergency Notifications:** The Annual Report shall address when, who and how the University will distribute emergency communications concerning certain confirmed significant emergencies or dangerous situations that pose an immediate threat to the campus community.
5. **UAHPD Law Enforcement Authority and Arrest Powers:** A statement addressing the enforcement authority and jurisdiction of UAHPD, including their officers' authority to make arrests, and a description of UAHPD's working relationships with state and local law enforcement agencies for the investigation of alleged criminal offenses.
6. **Security of and Access to Campus Facilities:** A description of the mechanisms the University uses to secure access to campus grounds and facilities, including residential halls, and a description of security considerations in maintaining campus facilities.
7. **Registered Sex Offenders:** A statement advising where someone can obtain information about registered sex offenders employed at, carrying on a vocation at, or enrolled at the University.
8. **Missing Residential Student Policy and Procedure:** A description of the University's collaborative response among University officials if a residential student is determined to be missing for 24 hours. The Annual Report must identify the persons or organizations to which persons should report that a residential student has been missing for 24 hours, require that any missing resident student report be referred immediately to UAHPD, and set forth the procedures that residential students must use to identify an individual the student wishes to have contacted in the event they are determined to be missing. The identification of the missing student contact may not be disclosed except to UAHPD in furtherance of a missing person investigation. The Annual Report explains who receives a report of a missing residential student, and under what circumstances the missing student contact and/or the custodial parent or guardian of an unemancipated residential student under 18 is notified within 24 hours of the determination that the student is missing.
9. **Campus Security & Crime Prevention Programs:** A description of the type and frequency of programs to inform students and employees about campus security procedures and practices, UAH's Dangerous Weapons & Firearms Policy, and prevention of crimes, and of programs that encourage responsibility for one's own security and security of others.
10. **Drug-Free Campus & Workplace Policy & Description of Drug Use and/or Substance Use Disorder Education Programs:** A description of the University's Drug-Free Campus and Workplace Policy (which contains the University's policies regarding the possession, use and sale of alcoholic beverages and illegal drugs, policies regarding enforcement of Alabama's underage drinking laws and enforcement of federal and state drug laws) and a description of or link to information on the University's Alcohol Prevention website regarding its alcohol and substance use disorder education programs.

- 11. Title IX and Sexual Misconduct Policy:** A description of the Title IX and Sexual Misconduct Policy (or the policy as an attachment).
- 12. Fire Safety Report:** An annual fire safety report for UAH main campus that contains information required by 20 U.S.C. § 1092(i) will be produced between the Department of Public Safety and Environmental Health and Safety.

Definitions

Annual Campus Security and Fire Safety Report ("Annual Report"): A report made available, on an annual basis, to current and prospective students and employees that documents Clery crime statistics and required fire statistics for the three most recent calendar years prior to publication of the Annual Report and all of the safety and security policy statements and information required by federal regulations.

Campus Security Authorities (CSAs): University personnel who have a responsibility for an aspect of campus security, including employees of UAH Police Department (UAHPD), individuals who are responsible for monitoring entrance into University property, organizations and individuals identified by the University in the Campus Security Report as those to whom students and employees should report criminal offenses, and employees who have significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and University judicial proceedings. CSAs do not include pastoral or professional counselors when acting as a pastoral or professional counselor. CSAs are responsible for promptly disclosing to the Clery Compliance Officer (or their designee) alleged Clery Crimes that are reported to them in good faith, or alleged Clery Crimes that they may personally witness.

Clery Compliance Officer: The University's Clery Compliance Officer is appointed by the Department of Public Safety and is responsible for leading the University's Clery compliance efforts.

Clery Crime: The reportable crimes occurring on Clery Geography and required by the Clery Act to be reported to the U.S. Department of Education and included in the University's Annual Report, which do not have to include crimes reported to a pastoral or professional counselor, and which include:

- Criminal Homicide, including murder, non-negligent manslaughter, and negligent manslaughter
- Sex offenses, including rape, fondling, incest, and statutory rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Dating Violence
- Domestic Violence
- Stalking
- Hate Crimes: reported crimes identified above, plus larceny, theft, simple assault, intimidation, and destruction/damage/vandalism of property, that manifest evidence that the victim was intentionally selected because of the perpetrator's

- bias against the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.
- Arrests and referrals to the University's Office of Student Conduct for disciplinary actions for: liquor law violations, drug law violations, and illegal weapons possession

Clergy Geography: The collection of UAH properties including main campus, separate campus locations, off-campus buildings and properties owned or controlled by the University or by a registered student organization and used by students, and public property immediately adjacent to and accessible from the University. Clergy Geography includes the following:

On-Campus Property: Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes. On-campus student housing is a subset of on-campus property. On-campus property also includes any building or property within or reasonably contiguous thereto that is owned by the University but controlled by another person, is frequently used by students, and supports University purposes (such as a food or other retail vendor).

Non-Campus Property: Any building or property owned or controlled by a student organization officially recognized by the University; or any building or property (other than a branch campus) owned or controlled by the University that is used in direct support of, or in relation to, the University's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University.

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 University.

Daily Crime Log: The written log of all reported criminal incidents that occurred within Clergy Geography or within the patrol jurisdiction of the UAH Police Department ("UAHPD") and were reported to UAHPD, and are maintained and made available by the UAHPD.

Fire Log: The written log that UAHPD, in conjunction with Environmental Health and Safety ("EHS"), records, within two business days of the receipt of information, fires that occur in an on-campus student housing facility. Each entry provides the date of the fire, time of the fire, general location of the fire, nature of the fire, number of fire-related injuries that resulted in treatment at a medical facility, number of deaths related to a fire, the value of property damage caused by the fire and a brief description of the fire.

Residential Student: with respect to procedures regarding missing students referenced herein, refers to any student living in a residence hall, Greek House, campus-owned apartment or campus-leased apartment.

Unfounded Clergy Crime: A reported Clergy Crime where law enforcement personnel have fully investigated the reported crime and based on the results of the investigation and evidence have made a formal determination that the crime report is false or baseless,

and therefore "unfounded." The recovery of stolen property, the low value of stolen property, the refusal of a complainant to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report.

Violence Against Women's Act (VAWA) crimes/offenses: Dating violence, domestic violence, sexual assault, and stalking, as defined in the University's [Title IX Sex Discrimination, Sexual Exploitation, Sexual Harassment, and Sexual Violence Policy.](#)

Review The UAH Police Department is responsible for reviewing this policy every five (5) years or sooner as circumstances require.