

FLORIDA INSTITUTE OF TECHNOLOGY  
DEPARTMENT OF SECURITY

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**Policy Number:** 2016-001: Security  
**Policy Title:** CLERY ACT DISCLOSURE POLICY  
**Responsible Officers:** Director of Security  
**Responsible Office:** Security Department  
**Effective Date:** 1/01/17

**I. POLICY STATEMENT**

It is the policy of The Florida Institute of Technology(FIT) to establish and implement safety and security-related parameters applicable to members of the FIT community at all University campuses and premises to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, more commonly referred to as the “Clery Act”. Complying with the Clery Act, a federal mandate, requires the University to publish and distribute an annual report containing crime statistics, security related policy statements and procedures, fire safety requirements and local regulations. Additionally, the law also requires that the University conduct a biennial review to evaluate the effectiveness of the network and implement changes to enhance services provided to students, faculty and staff as necessary.

**II. RATIONALE**

Both the U.S. Department of Education and FIT are committed to ensuring that the University remains in compliance with the Clery Act and strictly enforcing all applicable provisions of the Act. Additionally, as a postsecondary institution that participates in Federal student aid programs, the University is required to comply with the Clery Act. Although creation of this policy is required by Federal law, FIT is committed to creating and maintaining a safe and secure environment for current members of the University community, as well as for prospective students, their parents, and employees.

**III. ENTITIES AFFECTED BY THIS POLICY**

This policy applies to all members of the FIT community as well as all individuals who are on University premises or on any other property where University business occurs.

**IV. DEFINITIONS**

The terms below have been defined to ensure clarity and avoid ambiguity in their application.

- A. **Campus Security Authority (CSA)** – Officials whose positions at the University require them to have a significant responsibility for students and campus activities. These individuals have the authority and the duty to take action and/or respond to particular issues on behalf of the University. As clearly stated by the Clery Act, these persons are obligated to notify the University of any and all alleged Clery Crimes reported to them in good faith, by another individual, or when they personally witness the occurrence of Clery Crimes. These individuals typically fall under one of the following categories:
1. Member of a campus security department;
  2. A person who has responsibility for campus security in some capacity, but is not a member of the campus security department, e.g., an individual who is responsible for monitoring the entrance to University property;
  3. A person or an office that has been identified in a security policy as a person or office that can take/receive reports of criminal offenses from members of the University community, but is not a member of or an office attached to the campus security department, for example, the University's Office of Student Affairs.
  4. An official with significant responsibility for students and campus activities including, but not limited to, University officials and/or administrators involved with student housing, student discipline and/or campus judicial proceedings;
  5. Common examples of CSAs include, but are not limited to:
    - a. Police and security personnel;
    - b. An administrator of students;
    - c. Athletic Director, assistants and coaches;
    - d. Faculty advisors to student organizations;
    - e. Graduate and Resident Assistants/Advisors;
    - f. Coordinators of fraternal organizations; and
    - g. Title IX Coordinator.
- B. **Clery Act Crimes ("Clery Crimes")** - criminal homicide (murder and negligent/nonnegligent manslaughter), sex offenses (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, stalking, domestic and dating violence, as well as any crime that is classified as a hate crime. Under the Clery Act, these crimes must be reported, compiled and disclosed annually in a report published by the University and made available to the general public.
- C. **Timely Warning** – a public announcement that alerts the University community of a reported Clery Crime and other incidents that pose a serious and/or continuing threat to the campus and its surrounding community. The alerts are authorized by the Director of Security or a designee of the Director of Security, as soon as credible and pertinent information is available, and in a time period commensurate with the threat level.
- D. **Emergency Notification** - a public announcement issued via the University's mass notification system of a catastrophic event and/or dangerous situation occurring on campus or in the surrounding community that could result in an imminent threat to the health and/or safety of members of the University community. Emergency notifications are authorized and sent out without delay upon confirmation by the Director of Security, in consultation

with the University's Chief Operating Officer or President, when a situation requires an emergency response that expands beyond the definition of a "timely warning," such as the occurrence of a Clery Act crime or another type of emergency, such as a fire, infectious disease outbreak, terrorist attack, natural disaster or weather emergencies.

- E. **Missing Student Notification** – an individual who believes a member of the University community living in **on-campus** housing is missing may notify the University Security Department, a CSA, or local law enforcement so that immediate action may be taken. If a resident student is determined missing through a preliminary investigation, University authorities must initiate notification procedures within **24** hours of receiving the missing student report, the contacts include the custodial parent or guardian for students under **18** years of age and not emancipated or individuals who have been designated “Confidential Contact.”
- F. **Pastoral Counselors** - individuals who are associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. Pastoral Counselors, when acting within the scope of their official responsibilities, are not CSAs.
- G. **Professional Counselors** - individuals whose official responsibilities include providing mental health counseling to members of the University community and who function within the scope of their license or certification. Professional Counselors, when acting within the scope of the official responsibilities are not CSAs.
- H. **"Reasonably Contiguous"** (pertaining to a college campus) - buildings or property owned and/or controlled by the University, located in an area that is considered and treated as an integral part of the campus and are covered by the same security policies as the main campus.
- I. **University Community** - all members of FIT including, but not limited to, members of the FIT Board of Trustees, students, faculty, and staff. Also includes individuals engaged and participating in educational activities hosted and/or sponsored by the University.
- J. **Clery Act Compliance and Accreditation Officer** - an individual who works in collaboration with various offices at the University to develop, implement and oversee programs that ensure the University is both in compliance with the Clery Act and in good standing with associated rules, regulations and legislation at all University locations.

## V. **POLICY PROCEDURES**

### A. **In accordance with the Clery Act requirements, the University shall:**

1. Issue timely warnings alerting the University community of Clery Crimes that pose a serious and/or continuing threat to the campus and its surrounding community. Timely warnings will be disseminated throughout the community as soon as pertinent information is available. The contents of the warnings will contain information that will

- enable members of the University community to take the necessary precautions required for personal protection and the prevention of similar crime occurrences.
2. Issue emergency notifications alerting and informing members of the University community about a catastrophic event and/or dangerous situation occurring on campus or on other University owned and/or operated premises or in the surrounding community that poses an immediate threat to the health, safety and/or well-being of members of the University community.
  3. Maintain a daily crime log of all reported crimes. The daily crime log will be available for public inspection, upon request, at the Security Department.
  4. Maintain a daily fire log of all reported fire-related incidents. The daily fire log will be available for public inspection, upon request, at the Security Department.
  5. Compile all statistics related to reported Clery Crimes that occur on the University's campuses and/or premises, defined non-campus facilities, and public areas located adjacent to and within the campus boundaries. These statistics will be reported and submitted under Clery Act disclosure requirements.
  6. Collect reports of all Clery Crimes filed with the Security Department, local law enforcement, University officials and other persons and/or offices associated with the University with significant responsibility for students and campus activities, these are primarily those identified as CSAs.
  7. Create and publish an annual report by October 1 of each year documenting and disclosing statistics of all Clery Crimes reported over the past three (3) years and University policies and procedures addressing campus security related and safety issues. This annual report will be provided to the U.S. Department of Education and published on the University's website.
  8. Annually create and publish an Annual Security and Fire Safety Report that will be accessible to members of the University community as well as members of the general public. The Annual Security Report contains the following information:
    - a. Crime data by type;
    - b. Fire incident data;
    - c. Security policies and procedures established to protect and inform the University community of crime prevention measures; and
    - d. Information regarding the handling of threats, emergencies and dangerous situations.
  9. Annually ensure students, faculty and staff are provided with materials that contain 1) standards of conduct that clearly prohibit the use or distribution of illicit drugs and alcohol; 2) a description of applicable laws that apply in the institutions jurisdiction; 3) the health risks associated with the abuse of alcohol and drugs; 4) a list of counseling, treatment, and rehabilitation programs, and re-admission options that are available; and 5) a statement on the sanctions the University will impose for a violation of the standards of conduct.
  10. Identify CSAs and notify these individuals of their roles and responsibilities under the Clery Act. These roles and responsibilities include a duty to report any and all Clery

Crimes they witness or receive and to forward any and all information relating to these Clery Crimes to the Security department for investigation.

11. The Clery Act Compliance and Accreditation Officer provides mandatory training for all CSAs.
12. Ensure that the Security Department and other appropriate departments work in partnership to create and establish security and safety related programs at all **University campus locations and/or University owned premises**. Educate the campus, members of the University community and individuals in the surrounding community about the Clery Act and its requirements in order to promote general awareness of all crimes and provide preventive measures to deter crime.
13. In the event that a person is reported as missing, the University shall ensure that members of the University community are aware of the appropriate University offices to contact, their obligation to notify local law enforcement with the appropriate jurisdiction to investigate the matter and their ability to use the confidential contact information in an attempt to locate the missing person.

Questions may be directed to the Clery Act Compliance and Accreditation Officer, and the Security Department.

**B. All members of the University Community utilizing and/or present in or on University facilities and/or property shall:**

1. Promptly report any and all activity that is perceived as criminal, potentially dangerous or suspicious to the Security Department or a CSA.
2. In accordance with University policy, report suspected wrongful conduct, against those who decide to file reports, to the University or an appropriate authority in order to protect those individuals from retaliation; participate in and cooperate with any and all investigations, hearings or inquiries conducted by the University or an appropriate authority; participate in any and all court proceedings regarding allegations of suspected wrongful conduct at the University. All reports must be filed and made in good faith. No person filing a report "in good faith" will be retaliated against and all reports will be taken seriously.

**C. All University visitors utilizing and/or present in or on University facilities and/or property shall:**

Promptly report any and all activity that is perceived as criminal, potentially dangerous or suspicious to the Security Department or a CSA.

**D. The Security Department Clery Compliance Coordinator shall:**

1. Compile and disclose all statistics relating to reported Clery Crimes that occurred on the University's campuses and/or premises, non-campus facilities and/or public areas adjacent to and within the boundaries of the campuses;

2. Collect and maintain all reports of Clery Crimes made to the Security Department, local law enforcement, University officials and other individuals or offices associated with the University that have significant responsibility for student and campus activities, these are primarily those identified as Campus Security Authorities;
3. Create and publish an annual report containing and disclosing all statistics related to Clery Act Crimes reported over the past three (3) years, as well as all University policies and procedures addressing campus security and safety;
4. Annually disclose and report the following information to members of both the University community and the general public:
  - a. Crime data by type;
  - b. Fire incident data;
  - c. Security policies and procedures in place to protect the community;
  - d. Information on the handling of threats, emergencies and dangerous situations;
  - e. Mechanisms used to provide mandatory training for all CSAs; and
  - f. All work performed in conjunction with University departments to establish Clery Act related educational programs and promotion of safety awareness programs.

**E. The Security Department of Public Safety shall:**

1. Issue "timely warning" alerts to the campus, members of the University community and the surrounding community about Clery Crimes;
2. Issue "emergency notification" alerts to the campus, members of the University community and the surrounding community, as necessary and appropriate;
3. Maintain a daily crime log of all reported crimes;
4. Maintain a daily fire log of all reported fire-related incidents;
5. Compile statistics of any and all reports on the types of Clery Crimes committed on the University's owned or operated campuses and/or premises, in the immediately adjacent public areas and public areas within campus boundaries. All compiled statistics will be provided to the Clery Compliance Coordinator;
6. Work with the Clery Compliance Coordinator to establish Clery Act related educational programs and programs promoting crime prevention and safety awareness.

**F. Campus Security Authorities (CSAs) shall:**

1. Under the Clery Act, a crime is "reported" when it is brought to the attention of a CSA or local law enforcement personnel by a victim, witness, a third party or even the offender. Any information about alleged crimes reported to a CSA, in good faith, must be recorded regardless of whether the individuals are involved in the crime, reporting the crime or associated with the University;

2. Submit, either electronically or print/mail, the information to the Security Department or to Clery Act Compliance and Accreditation Officer.

**G. Office of Student Affairs shall:**

1. Work with students to promote adherence to and compliance with the Student Code of Conduct in minimizing behavior that is inconsistent with the essential values of the University and the University community;
2. Promptly report any Clery Act related crimes to the Security Department or to those members located at your campus location. If you are unsure about whether the incident meets the criteria, contact the members of the Security Department at your campus location to seek guidance and assistance;
3. Annually, provide any and all conduct referral data to the Security Department Clery Compliance Coordinator for inclusion in the Annual Security Report.

**VI. SANCTIONS**

Failure to comply with and abide by the rules and regulations set forth in policy may give rise to disciplinary action, up to and including separation from the University.

**VII. WEBSITE ADDRESS**

Listed below are related policies that may be found on the FIT site:

at [www.fit.edu/secutity.edu](http://www.fit.edu/secutity.edu)