



OP 03.07 CLERY ACT COMPLIANCE

I. PURPOSE

Mississippi State University is committed to complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) as amended (the “Clery Act”), and its implementing regulations (the “Clery Regulations”).

The Clery Act requires MSU to disclose certain crime, fire, and safety information in publicly available documents. MSU strives to provide students, faculty, and staff with access to accurate information about crimes committed within MSU’s Clery Geography, access to university-wide security and safety policies and related local campus procedures, and a reporting process for victims and witnesses that maintains confidentiality to the extent MSU policy and applicable regulatory requirements allow.

II. DEFINITIONS

For purposes of this policy, the following definitions shall apply. In the event any definition or other provision of this policy conflicts with any requirement of the Clery Act or applicable federal regulations, the Clery Act or relevant regulations will control.

- **Annual Fire Safety Report:** A report containing certain fire statistics for the three most recent calendar years prior to the publication of the report and fire safety policies and procedures for each on-campus student housing facility. This report may be combined with the Annual Security Report.
- **Annual Security Report:** A report containing certain crime statistics for the three most recent calendar years prior to publication of the report and campus safety policies and procedures.
- **Clery Act Crime:** Those crimes identified and defined in the Clery Act, which include murder, non-negligent manslaughter, negligent manslaughter, aggravated assault, arson, burglary, robbery, motor vehicle theft, rape, fondling, incest, statutory rape, liquor law violations, weapons possession, drug abuse violations, hate crimes, domestic violence, dating violence, and stalking.
- **Campus Security Authority (“CSA”):** This term refers to (1) MSU Police Department (“MSUPD”) personnel; (2) persons who have responsibility for campus security, other than MSUPD personnel; and (3) persons designated by MSU as an individual to whom crimes should be reported or persons with significant responsibility for student and campus activity.
- **MSU Clery Geography:** This term refers to areas for which the Clery Act requires the university to compile crime statistics. It encompasses the following categories:

1. On-Campus Property refers to any building or property that is (a) controlled by the university, within the same reasonably contiguous geographic area, and used in support of the university's educational purposes, including residence halls and other student housing facilities; or (b) within the reasonably contiguous campus area described above, owned by the university but controlled by another person, and is frequently used by students and supports institutional purposes.
2. Non-Campus Property refers to any building or property that is (a) owned or controlled by a student organization officially recognized by the university; or (b) used in support of the university's educational purposes and is frequently used by students, but is not within a geographically contiguous campus area.
3. Public Property refers to publicly-owned property such as streets, sidewalks, thoroughfares, and parking facilities within a university campus or immediately adjacent to and accessible from the campus.

III. CLERY ACT PROCEDURES

In accordance with the requirements of the Clery Act and Clery Regulations, the university will:

- A. Identify, notify, and make training available to Campus Security Authorities concerning their obligations under the Clery Act. All university units shall cooperate in MSU's efforts to identify and provide access to training to CSAs.
- B. Compile statistics of Clery Act crimes alleged to have occurred within MSU's Clery Geography, as reported to CSAs and applicable law enforcement agencies, including non-university law enforcement agencies as applicable.

These statistics will be compiled by representatives from MSUPD, the Dean of Students Office, and the Office of Compliance and Risk Management. Additionally, the Office of Compliance and Risk Management will consult with MSU's Sexual Assault Advocate to identify any confidential reports. Confidential reports will be included in Clery statistics but no identify information will be disclosed.

- C. Report required Clery Act crime statistics and fire statistics to the United States Department of Education. This information will be submitted by the Office of Compliance and Risk Management.
- D. Each year, by the date established by the Department of Education, publish an Annual Security Report and Annual Fire Safety Report documenting the prior three calendar years of Clery Act crime statistics, security policies and procedures, and all other information required by the Clery Act and Clery Regulations.

The Report will be distributed by the Dean of Students Office. It will be compiled by the Office of Compliance and Risk Management with assistance from MSUPD, Student

Affairs, the Counseling Center, the Department of Health Promotion and Wellness, the Department of Housing and Residence Life, and other units as needed.

- E. Each year, by the date established by the Department of Education, distribute notice of the availability of MSU's Annual Security Report and Annual Fire Safety Report to current employees, enrolled students, prospective employees, and prospective students.

This notification will include the exact electronic address at which the report(s) are posted, a brief description of their contents, and a statement that MSU will provide a paper copy of the reports upon request. Notification will be delivered to current students and employees through their official university email address and made available to prospective students through a notice on the admission application. Prospective employees will receive the notice through an e-mail in response to their employment application.

- F. Publish and test emergency notification and evacuation procedures annually. The Office of Emergency Management shall be responsible for testing the emergency notification system and for providing an annual review of evacuation proceedings, including a test of such proceedings by the Crisis Action Team.
- G. Provide and track programming and education to the campus community on crime prevention and security awareness, sexual assault, domestic and dating violence, stalking awareness and prevention, bystander intervention, and fire safety response and awareness.
- H. Publish and provide access to a daily crime log that includes all criminal incidents and alleged criminal incidents reported to MSUPD. This report can be viewed at <https://www.police.msstate.edu/reports/logs> and is available for inspection at the MSU Police Department dispatch office.
- I. Publish and provide access to a fire log that records all reported fires occurring in MSU on-campus student housing facilities. This report can be viewed at <https://www.police.msstate.edu/reports/logs> and is available for inspection at the MSU Police Department dispatch office.
- J. Provide a mechanism for reporting and responding to reports of missing students who reside in MSU on-campus student housing facilities.
- K. Retain all records related to compliance with this policy for a minimum of seven years.
- L. Upon written request, disclose to the alleged victim of a crime of violence as defined by 18 U.S.C. §16 or a non-forcible sex offense the results of any disciplinary proceeding conducted by MSU against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

- M. Issue Timely Warnings and Emergency Notifications as required by the Clery Act and Clery Regulations and in accordance with MSU policy and procedure.
- N. Provide information on how to report crimes, including information on how crimes may be reported confidentially.

IV. MISSING STUDENT NOTIFICATION PROCEDURES

A. REPORTING

If a member of the MSU community has reason to believe that an MSU student is missing, they should promptly contact the MSU Police at 662-325-2121. If a member of the MSU community has reason to believe that an MSU student who resides in on-campus housing has been missing for at least 24 hours, they are required contact the Department of Housing and Residence Life at 662-325-3555 and/or the MSU Police at 662-325-2121.

B. EMERGENCY CONTACT INFORMATION

Each student who resides in on-campus housing may register contact information for an individual to be notified in the event the student is determined to be missing. This contact information will be kept confidential and will be accessible only to authorized university offices.

Contact information may not be disclosed except to law enforcement personnel or others with a legitimate interest in connection with student safety and wellbeing. This contact information may be amended or supplemented by contacting the Department of Housing and Residence Life at 662-325-3555.

C. RESPONSE

The recipient of a report of a missing student shall share that report as soon as possible with the Department of Housing and Residence Life, the Dean of Students Office, and the MSU Police Department. If it is determined after reasonable inquiry that a student is missing, the university will take the following steps within 24 hours:

- If the student has designated an emergency contact, notify the contact person.
- Notify a student's custodial parent or guardian if contact information is available and the parent or guardian is not the designated emergency contact.
- Regardless of whether the student is a non-emancipated minor or has identified an emergency contact, inform the local law enforcement agency with jurisdiction in the area, if other than the MSU Police Department.

V. TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

The university will provide Timely Warnings and Emergency Notifications regarding reported crimes that pose a serious or ongoing threat to the campus community, as required by the Clery Act and Clery Regulations. The determination whether to issue a Timely Warning or Emergency

Notification will be made by the MSU Crisis Action Team.

A. CRISIS ACTION TEAM

The MSU Crisis Action Team (the “CAT Team”) includes university representatives from the President’s Office, the Provost’s Office, the Vice President for Student Affairs’ Office, the Vice President for Finance and Administration’s Office, the Dean of Students’ Office, the MSU Police Department, the Office of Emergency Management, Athletics, Human Resources, Environmental Health & Safety, the Office of Public Affairs, and Information Technology Services. The CAT Team is charged with providing leadership and a coordinated response during emergency scenarios.

The three permanent Emergency Operations Directors for the CAT Team are the Vice President for Student Affairs, the Vice President for Finance and Administration and CFO, and the Dean of Students. These individuals are responsible for directing the CAT Team and for making final decisions on the issuance of Timely Warnings or Emergency Notifications.

B. TIMELY WARNINGS

A Timely Warning is a notice intended to alert the entire campus community of certain Clery Act crimes that pose a threat to students and employees.

If a Clery Act crime that occurs within Clery Geography and is reported to a CSA poses a serious or ongoing threat to members of the MSU community, the CAT Team may issue a Timely Warning to alert the campus community of the incident and to provide information that may enable MSU community members to better protect themselves from similar incidents.

The decision regarding issuance of a Timely Warning will be made by the Emergency Operations Director on call after consultation where feasible with the CAT Team and other parties with information related to the situation. The decision will be made based on the particular facts known at the time, including but not limited to whether there is a continuing danger to the campus community and whether the timely warning would compromise the investigation of the reported crime.

If a Timely Warning is issued, it will contain information about the type of criminal incident that has occurred as well as information to aid the campus community in ensuring safety and/or preventing similar crimes. The Timely Warning will be issued using the Maroon Alert system and/or such other means as to allow the greatest distribution of the information to the campus community. The Timely Warning will be made as soon as reasonably practicable under the circumstances.

If no Timely Warning is issued in connection with a crime falling under this section, the reason for the decision not to issue such a warning should be documented. This reason may include factors such as the apprehension of the suspect, a delay in the reporting of the incident, the nature of the incident, or other relevant information.

C. EMERGENCY NOTIFICATIONS

An Emergency Notification is a notification issued to the campus community advising of a significant emergency or dangerous situation on campus that involves an immediate threat to the health or safety of students or employees. The Emergency Notification will be issued as soon as the significant emergency or dangerous situation is verified by the Emergency Operations Director on call or his/her designee.

In determining whether a situation poses a significant emergency or dangerous situation sufficient to require an Emergency Notification, the Emergency Operations Director or their designee will consider all known relevant factors. Where it is determined that issuing a notification would compromise efforts to assist a victim, contain an emergency, respond to an emergency, or mitigate an emergency, a notification is not required.

An Emergency Notification may be distributed to the entire campus community via the Maroon Alert system or other appropriate means, or may be targeted to a specific affected group or segment of the campus as needed.

VI. REPORTING CRIMES

MSU encourages prompt and accurate reporting by victims and witnesses of all crimes to law enforcement. The MSU Police Department is the primary law enforcement office on campus.

Crimes or situations that require immediate responses should be reported by calling 911. Non-emergency reports should be made to the MSU Police Department by calling 662-325-2121 on the Starkville campus or 601-484-0199 on the Meridian locations, or to the local law enforcement agency having jurisdiction at other instructional locations. Reports of sexual misconduct may be made to MSU's Title IX coordinator at 662-325-5839 or titleix@msstate.edu.

VII. OFF-CAMPUS INSTRUCTIONAL SITES

This policy applies to the Meridian instructional locations of MSU. For the Meridian locations, the decision whether to issue a Timely Warning or Emergency Notification shall be made by the Head of Campus after consultation with the Emergency Operations Director of the CAT Team.

VIII. REVIEW

This policy shall be reviewed every four years by the Office of Compliance and Risk Management.

REVIEWED BY:

/s/ Joy Graves
Compliance & Risk Management Officer

05/22/2024
Date

/s/ Regina Young Hyatt
Vice President, Student Affairs

05/23/2024
Date

/s/ David Shaw
Provost and Executive Vice President

05/23/2024
Date

/s/ Tracey N. Baham
Associate Vice President, Institutional Strategy & Effectiveness

05/23/2024
Date

/s/ Joan Lucas
General Counsel

05/23/2024
Date

APPROVED BY:

/s/ Mark E. Keenum
President

07/22/2024
Date