

CLERY ACT ADDENDUM

This Clery Act Addendum (this “Addendum”) is dated as of _____, 20__, by and between _____ (the “Contractor”) and _____ (the “University”) (collectively referred to as the “Parties”).

Recitals:

- A. The Jeanne Clery Act 20 U.S.C. § 1092(f), as amended (the “Clery Act”) requires institutions of higher education to, in part, publish specific crime statistics on an annual basis. The crime statistics must include not only certain crimes that occur on campus, but also must include certain crimes that occur on non-campus property owned by a third party that the University uses. The purpose of this Addendum is to ensure the University’s fulfillment of the reporting obligations required by the Clery Act through the Contractor’s disclosure of the crimes described below.
- B. Contractor and University entered that certain agreement to which this Addendum is attached, which is incorporated herein by reference (the “Agreement”).
- C. In an effort to comply with the Clery Act, the parties desire to supplement the terms of the Agreement with the terms and certifications described in this Addendum:

Agreement:

Now THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby expressly agree as follows

- (1) **Use of Contractor Space:** To the extent that the Agreement relates to the use of the Contractor’s space, Contractor shall comply with the following crime disclosure requirements: Contractor shall disclose to the University the occurrence of Clery Act crimes (described below), should they occur either in the space used by the University or in public areas an individual would normally pass through to access the space used by the University. The crimes only need to be reported for crimes that occur during the time(s) in which the University is utilizing the space. All crimes disclosed by Contractor should comply with federal and Texas state privacy laws and should only include the minimal information provided below. Contractor agrees to supply the crime statistics described below to the University within 3 business days of the crime being reported to the Contractor. The University will then provide the crime information it to its police department or office tasked with completing the annual security report for the University.

Clery Act crimes that Contractor must report include: murder, non-negligent manslaughter, negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson (“Clery Crimes”). Arson should only be reported if evidence arises during the course of an investigation that indicates that arson was the cause of a fire. The remainder of the Clery Crimes should be reported to the University, regardless of whether police investigations have begun.

Contractor agrees to disclose not only the occurrence of the Clery Crimes but also: the date and time of the crime, location of the crime, and the number of victims involved in the crime.

Should evidence arise that demonstrates that the crime was motivated by the offender’s bias and the bias was motivated by race, religion, ethnicity, gender, sexual orientation, or disability (“Hate Crime”), the Contractor shall notify the University. If a crime is found to be motivated by the biases

listed above, then the crimes that must be disclosed to the University include not only Clery Crimes, but also larceny, simple assault, intimidation, and vandalism.

- (2) **Services:** To the extent that the Agreement covers services rendered by Contractor, or an individual who meets the definition of a campus security authority (“CSA”) as articulated in the Clery Act and as provided below, the Contractor shall comply with the following obligations: a CSA who receives crime information regarding Clery Crimes, and believes the information was provided in good faith, must document the information as a crime report. The CSA must make a reasonable, good faith effort, when the crime is initially disclosed to him or her, to acquire details, for Clery purposes, regarding: the nature, location, time, and date of the crime, and whether it may have been motivated by bias. In addition to reporting Clery Crimes, if the services are rendered by Contractor on campuses that maintain student housing, the CSA must report crimes that involve illegal weapons, drugs, and alcohol.

The definition of a CSA is as follows:

A campus police department or a campus security department of an institution or any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property. 34 C.F.R. § 668.46 (a).

- (3) The terms of this Addendum shall prevail if there is a conflict with the terms of the Agreement.
- (4) This Addendum is binding upon and shall inure to the benefit of the Parties and their respective successors and assigns.
- (5) The Agreement, as supplemented hereby, is ratified and confirmed by the Parties as being in full force and effect.

EXECUTED as of the date first written above.

CONTRACTOR

UNIVERSITY

By: _____
 Name: _____
 Title: _____

By: _____
 Name: _____
 Title: _____