

The Clery Act

Your Role, Responsibilities &
Reporting

Campus Security Authority (CSA) Training

SUNY Cobleskill

The Clery Act

What is the Clery Act ?

- A federal law named in memory of student Jeanne Clery, who was assaulted and murdered in 1986 on the Lehigh University (PA) campus in her residence hall
- This law requires colleges and universities to report crime statistics and other safety and security information to current & prospective students & employees
- Colleges and universities must submit this information in an Annual Security Report to the U.S. Department of Education by October 1st of each year
- Failure to comply can result in a fine of \$35,000 per violation

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Clery Act – Requirements

Every institution **MUST**:

1. Collect, classify and count crime reports and crime statistics:
 - Issue campus alerts
 - Issue a timely warning
 - Issue an emergency notification
 - Publish an Annual Security Report
 - Submit crime statistics to the U.S. Department of Education (ED)
2. If your institution maintains a campus police or security department, you must keep a daily crime log.
3. If your institution has any on-campus student housing facilities, you must:
 - Disclose missing student notification procedures.
 - Disclose fire safety information related to those facilities.
 - Keep a fire log that is open to public inspection.
 - Publish an annual fire safety report containing policy statements as well as fire statistics.
 - Submit fire statistics to ED.

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Non-Compliance Consequences

Failing to comply with the Clery Act can result in...

- Monetary consequences – including up to a \$35,000 fine per violation
- The loss of student financial aid – although this has yet to be imposed, it's one of the possible consequences outlined in the Clery legislation
- Institutional reputation – this can be seriously harmed by negative publicity, portrayal in the media, a public failure to meet obligations and the perception that we're not a safe institution
- Admissions effects – negative publicity often = fewer applicants
- Termination of employment – folks can lose their jobs when compliance questions arise

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How Does the Clery Act Impact Me?

- Some crimes and incidents, especially sexual offenses, are often not reported to police.
- Some individuals will report crimes and incidents to university/college staff instead.
- The Clery Act requires institutions to collect and publish crime reports from four categories of Campus Security Authorities (CSAs).
- **YOU** have been identified as a CSA.

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Who Fits the Description of a CSA?

The Clery Act Identifies Four CSA Categories:

- Campus police or security department
- Those responsible for campus security but not a police or security department
- Any individual or organization specified as an individual or organization to whom students and employees should report criminal offenses
- **“Officials with significant responsibility for student and campus activities”**

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Who is a “University Official”?

One category of a CSA is “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.”

“An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

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Examples of People Who Meet the “University Official” Criteria

- A dean of students who oversees student housing, a student center or student extracurricular activities.
- A director of athletics, a team coach or a faculty advisor to a student group.
- A student resident advisor or assistant or a student who monitors access to dormitories.
- A coordinator of Greek affairs.
- A physician in a campus health center, a counselor in a campus counseling center or a victim advocate or sexual assault response team in a campus rape crisis center if they are identified by your school as someone to whom crimes should be reported or if they have significant responsibility for student and campus activities.

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Who is Not Classified as a CSA?

Some examples:

- A faculty member who does not have any responsibility for student and campus activity beyond the classroom (not an advisor to a student group)
- Clerical staff
- Custodial staff
- Maintenance staff

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Who is Exempt from Being a CSA?

- A pastoral counselor associated with a religious order or denomination
- A professional counselor, if acting within the scope of his/her license

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What are Campus Activities?

- Student housing
- Student discipline and campus judicial proceedings
- Athletics
- Student clubs and organizations
- Any short stay “away” trips of more than one night or an overnight stay at a location that is repeatedly used by the institution.

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CSA Responsibilities: Do's and Don'ts

Do's:

- Collect crime report information
- Complete crime report forms
- Confer with law enforcement when in doubt
- Submit report forms to official compiling the Annual Security Report regarding crimes (allegations) that have been reported to you in good faith
- Attend training, if available

Don'ts:

- Attempt to determine whether or not a crime took place
- Convince or force a victim to report the crime to law enforcement
- Try to apprehend the perpetrator

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What Do I Have to Report?

General Crime Statistics:

- Aggravated assault
- Arson
- Burglary
- Motor vehicle theft
- Murder
- Manslaughter – Non negligent
- Manslaughter - Negligent
- Robbery
- Sex offense – Forcible - Rape - Fondling
- Sex offense – Non-forcible - Statutory Rape - Incest

*refer to attachments for crime definitions and use crime report form

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What Do I Have to Report? (continued)

Hate Crime Statistics:

Report those offenses that “...manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability of the victim...” as stated in the ED handbook and are:

- Otherwise reportable statistics under the Clery Act
 - Larceny-theft
 - Simple assault
 - Intimidation
 - Destruction/damage/vandalism or property
 - Any other crime involving bodily injury

*refer to attachments for crime definitions and use crime report form

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What Do I Have to Report? (continued)

Under the Violence Against Women Act the list of “Clery Crimes” has now been expanded to include:

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:
 - the length of the relationship;
 - the type of the relationship; and
 - the frequency of interaction between the persons involved in the relationship

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What Do I Have to Report? (continued)

Domestic Violence: means a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under the Violence Against Women Act) or,
- 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.

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; or suffer substantial emotional distress.

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What Do I Need to Know to Complete the Crime Report Form?

Get the facts...

- What crime or incident occurred?
- When did the crime or incident occur?
- When did the person report it to you? The law requires that the crime be reported for the calendar year in which it was first reported to a Campus Security Authority – not when it occurred, not when it was reported to police
- Where did the crime or incident occur?

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Clery Geography:

You ***must*** report if it occurred:

- On campus, in residence halls, fraternity & sorority houses, athletic facilities, library, classrooms, student union, parking lots, etc.
- On public property within the campus or adjacent to & accessible from campus
- On non-campus property owned or controlled by the institution or a recognized student organization
- In spaces used to access controlled spaces, such as parking lots, elevators, stairwells, restrooms and lobbies

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Important Reminders

- If the victim does not want to report to police, inform him/her that you are obligated to report the incident as an anonymous statistic, without identifying anyone.
- Don't attempt to convince or force the victim to file a report with police. You can refer them to appropriate offices for support and services on campus.
- *Your role is to report, not determine if the crime was committed. Leave that to law enforcement.*
- *Don't try to apprehend the perpetrator. Leave that to law enforcement.*
- Complete a Crime Report Form and submit to individual/office in charge of compiling the data for the Annual Security Report in a timely fashion and by the deadline provided.
- When in doubt consult with law enforcement or individual who requested crime statistics.

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Resources

The Handbook for Campus Safety and Security Reporting from the U.S. Department of Education is available at www.ed.gov/admins/lead/safety/campus.html

For questions about the ED Handbook, you can email HandbookQuestions@ed.gov

And don't hesitate to ask our institution's point person for Campus Security Authorities if you have any clarifying questions!