The Clery Act: Your Role, Responsibilities & Reporting

Campus Security Authority (CSA) Training
The Clery Act

Clery Act Overview

• 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 $55,907.00 per violation
Clery Act – Three Requirements

1. **Every institution must:**
   - 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
Non-Compliance Consequences

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

- Monetary consequences -- including up to a $55,907.00 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
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.
Who Fits the Description?

• 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”
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.”
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
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
What are Campus Activities?

• Student housing
• Student discipline and campus judicial proceedings
• Athletics
• Student clubs and organizations
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

Also remember to do an annual assessment of your CSA list to see if anyone’s job descriptions or responsibilities have changed!
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 them in good faith
- Attend training

**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
What Do I Have to Report?

**General Crime Statistics:** (count one offense per victim, except for robbery and burglary where you count one offense for each distinct incident that occurred)

- Aggravated assault
- Arson
- Burglary
- Motor vehicle theft
- Murder/non-negligent manslaughter
- Negligent manslaughter
- Robbery
- Sex offense – rape, forcible fondling, incest, statutory rape
- Domestic violence, dating violence, stalking

*refer to handout for crime definitions and use crime report form*
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, gender identity, religion, national origin, sexual orientation, ethnicity or disability…” 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 handouts for crime definitions and use crime report form
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?
You must report if it occurred:

• On campus
• 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
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.
Resources


For questions about the ED Handbook, you can email [HandbookQuestions@ed.gov](mailto:HandbookQuestions@ed.gov)

And don’t hesitate to ask our institution’s point person for Campus Security Authorities, LT Patrick Taylor, if you have any clarifying questions!