

# Clery Act

## Campus Security Authorities Training

# Training Objectives

- Brief overview of the Clery Act
- Define a Campus Security Authority
- Define how the Clery Act affects you
  - Review of the Proxy Report Form
  - Define the crimes reported under the Clery Act
  - Define the location categories defined under the Clery Act
  - Sanctions for Non-Compliance
- Contact Information

# Clery Act



Compliance with the Clery Act falls under the mandate of the US Department of Education (34 CFR 668.46).

The purpose of this act is to inform parents, students and employees about campus security and crimes.

# History of the Clery Act

During the early morning hours of April 5, 1986, Jean Clery, a 19 year old Lehigh University freshman was tortured, raped and murdered in her residence hall room. Her killer was a drug and alcohol abuser, a Lehigh University student whom Jeanne had never met. He gained access to her room by proceeding, unopposed, through three propped open doors, each of which should have been locked. He was convicted and sentenced to death.

Her parents, Connie and Howard Clery found that only four percent of colleges and universities reported crime on their campuses to the Federal Bureau of Investigation. The

# Review of Clery Act Requirements

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# What Statistics Do We Include?

y Previous three calendar years

y Crimes (& Fires) Listed in the Act and Reported to:

- { Campus Police/Security

- { Local Police

- { “Campus Security Authorities”

those with “significant responsibility for student/campus activities”  
such as:

- %d Housing and Disciplinary Staff

- %d Athletic Coaches and Staff

- %o

# Campus Security Authorities

The US Department of Education defines a Campus Security Authority as:

- Campus Safety
- “An individual/organization to which students/employees should report criminal offense.”
- “An official...who has significant responsibility for student and campus activities.”— defined by the function of the individual office

Faculty members and clerical staff who do not have any responsibility for student and campus activity beyond the classroom are not included as Campus Security Authorities.

Professional Counselors and Pastoral Counselors, acting in that role are exempt from the designation of Campus Security Authorities.

# Examples of Who Is and Isn't Campus Security Authorities (CSA)

(NOT ALL-INCLUSIVE)

## YES

- Police / Security
- Dean of Students
- Faculty Advisor
- Organization Advisor
- Residential Life Staff
- Staff Advisors to Clubs
- Athletics— AD/Coaches, Trainers
- Human Resources & Title IX
- Anyone the College Assigns

## NO

- Food Service Staff
- Clerical Staff
- Facilities Staff

## EXEMPT

- Pastoral counselors
- Professional mental health counselor
- Medical Staff





# How the Clery Act Affects You

- As a Campus Security Authority, you are required to report Clery Act



# Reportable Crimes Under Clery

- Offenses
  - Murder and Non-Negligent Manslaughter
  - Manslaughter by Negligence
  - Sexual Assault (Rape, Fondling, Incest & Statutory Rape)
  - Robbery
  - Aggravated Assault
  - Burglary
  - Motor Vehicle Theft
  - Arson

# Reportable Crimes Under Clery

- Hate Crimes:  
Any of the crimes (on previous slide) or any other crime involving injury larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property, where victim was intentionally selected b/c of perpetrator's bias against victim based on race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability.
- VAWA Offenses of:
  - Dating Violence
  - Domestic Violence
  - Stalking
- Arrests or Disciplinary Referrals:
  - Weapon, Drug, or Alcohol Violations

# Location Categories

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# What is “On Campus”?

- Owned or controlled by the institution;
- Within the same reasonably contiguous geographic area, and...
- Used to meet or support the institution’s educational purposes
  - Residence Halls (also a subset category)
  - Administrative Buildings
  - Academic Buildings

# Student Residential Facilities

The offenses and arrests that occur within the residence halls is a subset of the On-Campus statistics. The statistics shown in the residence hall statistics are also shown in the On-



# What is NonCampus?

Any building or property not part of the main campus nor a separate campus and is:

- Owned or controlled by the institution
- Used in support or in relation to the institution's educational purposes
- Frequently used by students
- Owned or controlled by an officially recognized student organization (SGA, fraternity/sorority houses).
  - Boathouse
  - 100 Day Dance @ City Center
  - Rented space for practice/games e.g. Ice Hockey Rink
  - Hotel rooms on organized trips

# What is Public Property?

- Thoroughfares
- Streets
- Sidewalks
- Public parking facilities
- On campus or immediately adjacent to and accessible from the campus
- The sidewalks across the street from campus



# So you're a CSA what do you have to do?

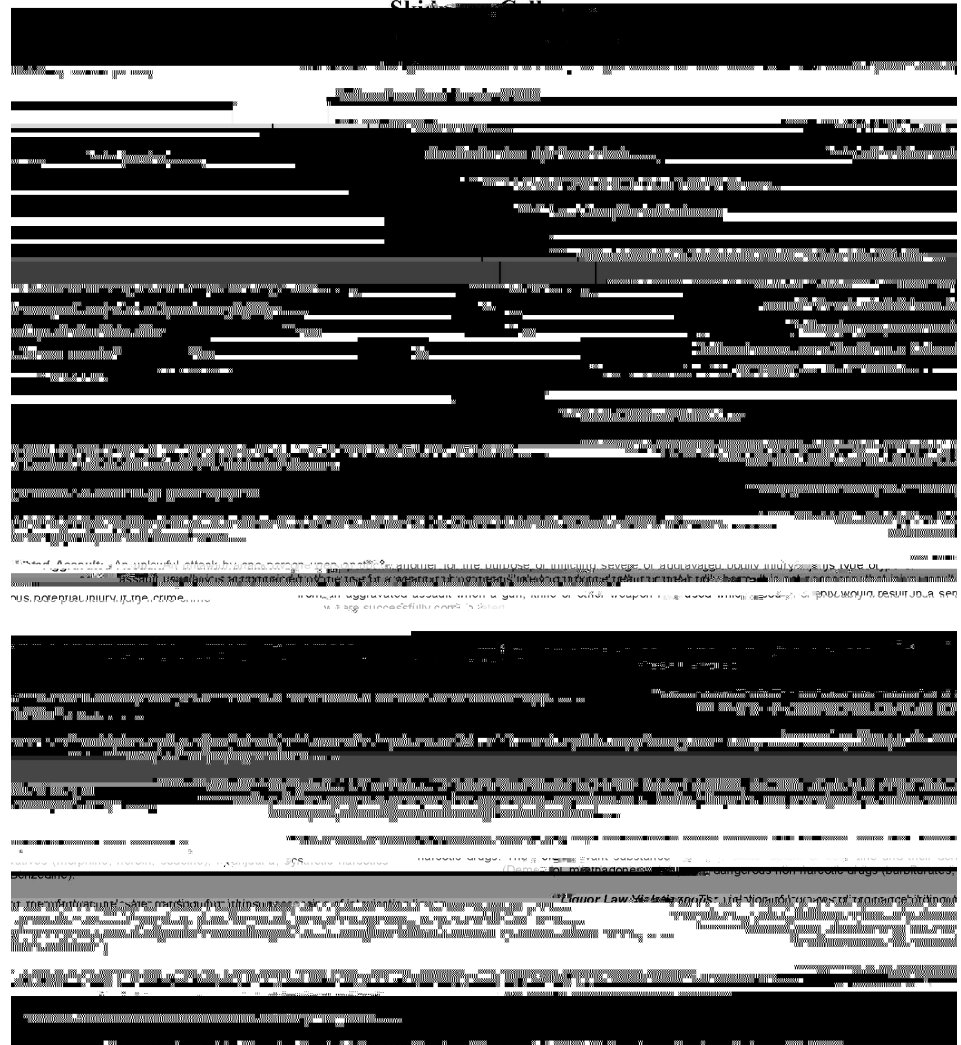
If someone tells you about a crime or an incident that may be a crime, you must record the information and submit a report.

- Just collect the information, we will do the analysis
- Use the form available in this presentation or
- Contact the Director of Campus Safety!

When in doubt, report it.

<http://cms.skidmore.edu/campus>

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# Documentation

- If unsure whether an incident is a Clery crime, or even if it's criminal nature, you should report it.
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# When?

- Under Clery, a crime is “reported” when it is brought to the attention of a campus security authority by a victim, witness, other third party or even the offender.
  - It doesn’t matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the

# Sanctions for Noncompliance

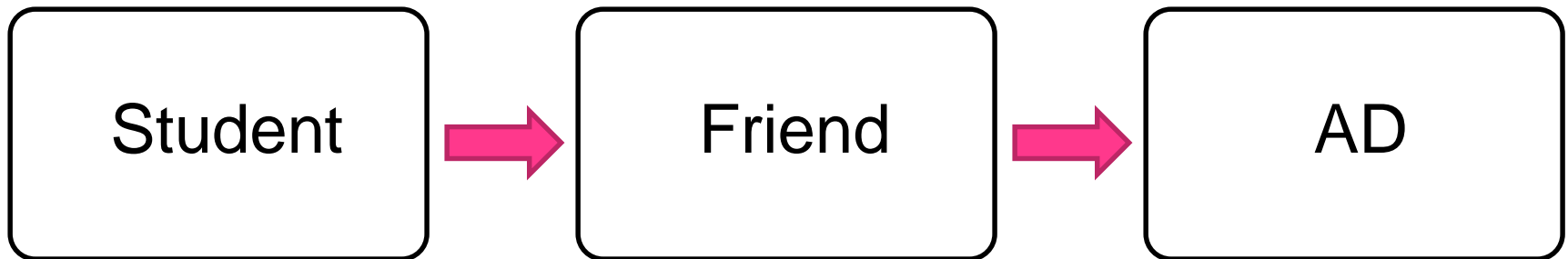
The US Department of Education can issue civil fines up to \$55,907



# Failure to Comply

# Example 1

- A student mentions to a friend that a number of rooms on their residence hall floor were broken into during the previous night's lacrosse game. Later that day, the friend tells the athletics director what they heard. The AD asks which dorm it was and what, if anything else, the friend knows about the incident.



# Example 1 (cont.)

- Analysis:
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# Example 2

- Samantha Jones, Res. Life Staffer gets a call from the director of a counseling center in town. The caller wants to let the Samantha know that four students from the school sought assistance at the center and told the center's counselors that they had been sexually assaulted on campus and were seeking emotional support. They did not want police investigations.

## Example 2 (cont.)

yAnalysis:

- Clery geography?
- Clery crime?
- Report made to CSA in good faith?

yThese are third party reports and Samantha, having no reason to believe that they were not made in good faith, should document all of the information she was given and forward the reports to the person or office responsible for collecting Clery crime reports at her institution (Campus Safety).

# Example 3

- An athlete player approaches a trainer after practice and tells her that after an away game, which was in December of 2017, they were groped at the team hotel by a student from the college they were visiting. The student further states they don't want anyone to know.

Victim

Trainer



# Questions?

Please contact Campus Safety at ~~550~~5567.