Clery Act
Campus Security Authority Training

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The Jeanne Clery Campus Security Policy and Crime Statistics Disclosure Act

- Federal statute (20 USC 1092(f)) requires all colleges and universities that participate in Federal Title IV student financial aid programs to disclose campus crime statistics and security information.

- Compliance with the Clery Act falls under the mandate of the US Department of Education.
What is the Clery Act?

- Jeanne Clery was raped and murdered while asleep in her dorm room at Lehigh University in 1986. She was murdered by another student who had entered her dorm through three propped doors.
- Her parents discovered that there had been numerous reports of propped doors and there had been 38 violent crimes in the three years prior to her murder at Lehigh. Her parents believed Jeanne would have been more cautious if she had known about the other violent crimes at Lehigh.
- The law enacted in her memory is intended to ensure that students and other campus community members are informed about campus crime so they can make informed decisions.
What Does Clery Require?

• Institutions must collect, classify and count crime reports and submit statistics to the US Department of Education.
• Provide emergency notification and evacuation procedures.
• Issue a timely warning for any Clery Act crime that represents an ongoing threat to the safety of students or employees. (May issue a timely warning to non-Clery crimes)
• Issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.
What Does Clery Require?

- Publish an annual security report and fire safety report (by Oct 1 of each year) containing required safety and security-related policy statements and crime statistics for the previous three calendar years and distribute it or advise where to locate it electronically to all current students and employees. Schools also must inform prospective students and employees about the availability of the report.

- Inform the campus community where to obtain information about registered sex offenders

- Create, maintain and make available a crime log and fire log.
The Department of Education recognizes students may be more inclined to report crimes to someone other than the campus police.

For this reason, the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be "campus security authorities."

Data is collected from a wide variety of “campus security authorities” to provide the most accurate crime statistics possible.
Records Collection and Retention

- University Police must:
  - Keep records of crimes reported to campus security authorities
  - Make efforts to obtain certain crime statistics from other law enforcement agencies
  - Keep a daily crime log open for public inspection
  - Keep campus records & request records from other law enforcement agencies
What Makes You a Campus Security Authority (CSA)?

The law defines four categories of CSA:

• University Police and/or Security Service Assistants
• Non-police security staff responsible for safeguarding University property, monitoring events, and providing student escorts.
• “Officials with significant responsibility for students and campus activities.” “Official” is defined as any person who has the authority and duty to take action and respond to particular issues on behalf of the institution.
• People/offices designated under our policy as those to whom crimes can be reported.
Individuals with “Significant Responsibility for Students and Campus Activities”

Define by function, not title

Because official responsibilities and job titles vary significantly on campuses, a list of specific titles is not provided in the regulations. To determine specifically which individuals or organizations are campus security authorities for your institution, consider the function of that individual or office.
Individuals may be designated as Campus Security Authorities based on whether they perform the following functions:

- Their official job responsibilities involve significant interaction with students and/or campus activities;
- They serve as informal or unofficial mentors to students;
- They serve as a member in an office or of a committee to whom students are instructed and informed to report or discuss crimes, allegations of crimes, and other troubling situations, and/or
- They have oversight for disciplinary procedures.
Campus Security Authorities

Officials of the institution with significant responsibility for student and campus activities (Vice Presidents, Deans, Directors, etc.), including but not limited to the areas of:

- Student Affairs
- Dean of Students
- Ombudsperson
- Multicultural Student Services
- University Life
- Residence Life (to include RA’s/RHD’s/QD’s)
- Community Standards
- Title IX Coordinator
- Police/Security
- Disability Services
- Orientation
- Administrators who oversee branch campuses
- Athletic directors, coaches and assistant coaches
- Human Resources/Labor Relations
- Faculty or staff advisors to student organizations or those that serve as formal or unofficial mentors to students
- Office of Equal Opportunity
Who is **NOT** a Campus Security Authority?

- Faculty members who are not advisors of student groups, i.e. no responsibility for students or campus activities beyond the classroom
- Support/Administrative Staff
  - Clerical
    - Secretaries
    - Receptionists
  - Facilities Staff
    - Plumbers
    - Electricians
- Food Service Workers
  - Cashiers
  - Cooks
Who is NOT a Campus Security Authority?

You may have significant responsibility for Student and Campus Activities but YOU DO NOT HAVE TO REPORT IF:

• You are a licensed mental health counselor or a pastoral counselor (employed by a religious organization to provide confidential counseling) AND You are working within the scope of your license or religious assignment

• Student Health Center Clinicians who only provide care to individual students

• Counselors in the Counseling Center who only provide care to individual students
Campus Security Authority’s Primary Responsibility is...

• “To report allegations made in good faith to the reporting structure established by the institution.”

• In “good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

• If a campus security authority receives the crime information and believes it was provided in good faith, he or she should document it as a crime report.

• What you must disclose, therefore, are statistics from reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or campus security authority, nor must a finding of guilt or responsibility be made to disclose the statistic.
In Your Role as a CSA, Please Remember

- To inform the University Police Department about Clery reportable crimes
- University Police will make the final crime classification determination
- If in doubt or unsure, report it to the police
What Crimes Must I Report?

- Criminal homicide – murder/non-negligent manslaughter, negligent manslaughter
- Sex offenses – rape, fondling, statutory rape, and incest
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate crimes
- Arrests & disciplinary referrals for violations of liquor, drug, & weapons laws
- Dating Violence, Domestic Violence, Stalking (New Additions)
Dating Violence

• **Dating Violence** – The term “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;
  – 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 relationship
    • The frequency of interaction between
    • The persons involved in the relationship
Domestic Violence

• **Domestic Violence** - The term “domestic violence” includes crimes of violence committed by
  – a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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

• **Stalking** – The term “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.
Liquor, Drug, Weapon Law Violations

• Police must keep statistics on the number of people arrested for liquor, drug and weapon law violations.

• Residence Life and University Community Standards keep statistics on the number of people referred for disciplinary action for liquor, drug and weapon law violations.

• Statistics must reflect the total number of persons involved, not incidents.
Where Did it Happen?

- A crime must be reported if it occurred:
  - On campus main and satellite (i.e. Southampton, Manhattan, SUNY Korea)
  - Non-campus building or property (i.e. Tech Park, Calverton)
  - Public property on/or immediately adjacent to campus and easily accessible from campus (i.e. 25A, Nicholls Road)
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
  - Food and Retail Vendors
What is “Non-campus”?

• Any building or property not part of the main campus nor a satellite 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
  – Not within the same reasonably contiguous geographic area of the institution
  – Owned or controlled by a student organization that is officially recognized by the institution
What is “Public Property”? 

- All public property that is within the campus, or immediately adjacent to and accessible from the campus
  - Thoroughfares
  - Streets
  - Sidewalks
  - Public parking facilities

- Private homes and businesses are not included
Three Part Test

1. Is the crime a Clery reportable crime?

2. Did the crime occur in a Clery reportable geographic area?

3. Was the crime previously reported to University Police?

If you answered YES to Question #1 and #2 and NO to Question #3, then you must notify University Police about the incident.
Examples of Reportable Crimes

• A coach is required to report a sexual assault that is reported to him/her...

• A person working as an access monitor is required to report a burglary that is reported to him/her while working the desk...

• A RA is told by a female student that she was forcibly raped by an unidentified male while jogging along a campus trail...

• The Director of Athletics is required to report a rape that was reported to him/her by the parent of a victim involving one of his/her athletes who may be the perpetrator...
Possible Sanctions for Noncompliance

• A suspension or limiting of the institution’s Title IV funding.

• The Department of Education can issue civil fines up to $35,000 per violation.

• Final Review Determination Reports are public record.

• Failure to comply with the Clery Act can be used in court to demonstrate an indifference to security issues during a premises security liability litigation.