

The Clery Act

Presented by the Office of Human Resources

Vice Chancellor Eugene Whitlock

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What is the Clery Act?

- ▶ Jeanne Clery was raped and murdered in her dorm room at Lehigh University in 1986. 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.
- ▶ The Clery Act requires that universities distribute crime statistics to current students and all campus employees.
- ▶ Crime statistics must be made available to all perspective students and staff upon request.
- ▶ Data is collected from a wide variety of “Campus Security Authorities” to get the most accurate crime statistics possible

You are a Campus Security Authority (CSA)

- ▶ The law defines four types of Campus Security Authorities:
 1. Campus Police or Security, i.e. the **Public Safety Department**
 2. Other individuals who have responsibility for campus security
 3. Individuals or organizations designated by District policy to receive reports of crimes
 4. An official (an individual with the authority and duty to take action or respond to issues on behalf of a college or District) who has significant responsibility for student and campus activities
- ▶ Common examples of CSAs include:
 - ▶ Vice President Student Services, Athletic Directors, Team Coaches, and Faculty Advisors to student groups

Who is not a Campus Security Authority

- ▶ A faculty member without responsibility beyond the classroom
- ▶ Clerical or cafeteria staff
- ▶ Most District Office staff (Facilities, Payroll, Etc.)
- ▶ Licensed professional mental health counselors
- ▶ Pastoral counselors (employed by a religious organization to provide confidential counseling) who are working within the scope of their license or religious assignment at the time they receive the crime report.

Only Crimes that occur on or near District property must be reported

A crime must be reported if it occurred:

- ▶ On campus
- ▶ On public property within or immediately adjacent to campus
- ▶ On off-campus property owned or controlled by the District
- ▶ Crimes are not reported if the conduct is not connected to one of the colleges:
 - ▶ A student tells you about a crime that occurred at a different college before he enrolled at CSM; or
 - ▶ A student reports an assault that happened while she was away from campus and not involved in a campus activity, e.g., in Cancun on spring break, on vacation, or at a summer job with a private company

What crimes do CSAs have to report?

- ▶ Homicide
- ▶ Sex Offenses (Forcible and Nonforcible)
- ▶ Robbery
- ▶ Aggravated Assault
- ▶ Burglary
- ▶ Manslaughter
- ▶ Motor Vehicle Theft
- ▶ Arson
- ▶ Domestic Violence, Dating Violence and Stalking (Added in 2013)

Definitions of Crimes

- ▶ **Criminal Homicide:** murder, non-negligent manslaughter, and negligent manslaughter (including vehicular manslaughter)
- ▶ **Aggravated Assault:** unlawful attack upon another with intent to inflict severe injury, using weapon or means likely to produce death or great bodily harm
- ▶ **Forcible sex offenses:** rape, sodomy, sexual fondling, sexual assault with object
- ▶ **Non-forcible:** statutory rape and incest
- ▶ **Robbery:** taking/attempting to take something by force, violence, threat, or by putting victim in fear
- ▶ **Burglary:** unlawful entry into a structure to commit a felony or theft
- ▶ **Motor Vehicle Theft:** theft of automobiles, trucks, etc., including “joyriding” (taking by person without lawful access)
- ▶ **Arson:** willful or malicious burning/attempt to burn structure, vehicle, or personal property of another

What else do CSAs have to report?

- ▶ Arrests and referrals for campus disciplinary action for certain drug, alcohol, and weapons violations
- ▶ Hate Crimes, which include the following, if the victim is selected because of actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, national origin or gender identity:
 - ▶ Any of the crimes previously listed;
 - ▶ Larceny-theft, simple assault, intimidation, and destruction, damage or vandalism of property; and
 - ▶ any other crime causing bodily injury.
- ▶ Human Resources staff/faculty and designated supervisors are responsible for reporting incidents meeting the Clery Act crime definitions when an employee is subject to discipline
 - ▶ The individual does not have to be disciplined before the crime is eligible to be reported for Clery Act purposes.

When someone reports a crime . . .

Assess the situation with the following questions:

- ▶ Is a violent crime in progress? (If so, call **9-911** immediately!)
- ▶ Has the victim sought or is the victim in need of assistance/services?
 - ▶ Let the person know about options to report crimes to the police. A person who talks to you may not want to talk to police - and doesn't have to
 - ▶ Offer referrals to campus and other resources
- ▶ What happened? How, when, and where did it happen?

How to Make a CSA Report to Public Safety

- ▶ If someone tells you about a crime or an incident that may be a crime, you must record the information and submit a report. Use the CSA Report form.
- ▶ The CSA Report Form requires you to provide a brief description of the incident. Even incomplete information can help.
- ▶ Be sure to document when the incident or crime occurred and when it was reported to you. **Report only the facts** and remember:
 - ▶ You are not a police officer or detective
 - ▶ You don't have to prove what happened or who was at fault, or classify the crime
 - ▶ You aren't supposed to find the perpetrator
- ▶ Indicate the crime that seems most likely or possible, the Public Safety Department will make the final determination of the correct category.

When in doubt, report it!

More Questions?

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