Jeanne Clery Act Overview

Presented by:
Alison Kiss
Executive Director
Clery Center for Security On Campus

About the Clery Center

Clery Act: The History
Today’s Scope

Presentation Agenda

• Overview of the Clery Act
• Overview of the Campus Sexual Assault Victim Bill of Rights and VAWA Amendments
• Intersections of the Clery Act and Title IX

Background Knowledge

Rate your understanding of and application of the Clery Act.
Background Knowledge

Rate your understanding of and application of the campus sexual assault victims’ bill of rights

Novice | Advanced Beginner
---|---
Competent | Expert

Rate your understanding of the institutional requirements under Title IX.

Novice | Advanced Beginner
---|---
Competent | Expert

Rate your understanding of the VAWA Amendments to the Clery Act

Novice | Advanced Beginner
---|---
Competent | Expert
Jeanne Clery Act

- Annual Security Report
  - Statements of policy
  - Campus crime statistics
  - Campus Sexual Assault Victim Bill of Rights (SAVR)
- Ongoing Disclosures
  - Emergency notification
  - Timely warning
  - Public Crime Log
- U.S. Department of Education Enforces

Jeanne Clery Act: More on the Law

Originally passed in 1990 as part of the Student Right-to-Know and Campus Security Act.


Codified at 20 USC 1092f

Regulations appear at 34 CFR 668.46

The most recent Final Rules were published in Oct. 29, 2009 Federal Register (pp. 55902-55969), Oct. 31, 2002 Federal Register (pp. 66519-66521), and Nov. 1, 1999 Federal Register (pp. 59060-59073).

What kind of support do you have?

Top down

Bottom up
Clery Crime Statistics

- Criminal Homicide
  - Murder and non-negligent manslaughter
  - Negligent manslaughter
- Sex Offenses
  - Forcible sex offenses
  - Non-forcible sex offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Clery Crime Statistics

- Arrests and disciplinary referrals for:
  - Liquor law violations
  - Drug law violations
  - Illegal weapons possession
- Hate Crimes
  - May be reported in a narrative form
  - Also includes larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property

Clery Geography

On-campus subset: student housing facilities
Non-campus
Public property
May choose to make map or list
Campus Security Authorities

- Campus police or security department
- Individuals responsible for safety but not police or security
- Officials of an institution who have “significant responsibility for student & campus activities”
- Individual or organization specified by institution for students & employees to report crimes to

CSA’s Primary Responsibility

- “to report to the official or office of the institution allegations (Clery Act crimes) made in good faith to the reporting structure established by the institution”
- A CSA is NOT responsible for determining whether a crime took place – that is the function of law enforcement.

Examples of CSAs

- Professional staff in a dean of students office (including leaders in student affairs/housing)
- Staff in student center building
- Student Activities Staff
- Faculty or staff advisors to student organizations
- Resident Assistants
- Coaches
Examples of CSA Training/Education

- Presentations to staff (i.e. Campus Safety, Police, Student Affairs, Athletics)
- Annual notification/letter to CSAs
- Online Program
- CSA Training Video

CSA Video Trailer

http://www.youtube.com/watch?v=fASiBZbUo5E

Annual Security Report

- Reporting crimes and other emergencies
- Timely warning
- Security of and access to campus facilities
- Campus law enforcement policy
- Security awareness programs
- Crime prevention programs
- Drug and alcohol policy (cross-reference)
- Sex offense policy (Campus SaVE will be covered this afternoon)
- Sex offender registration disclosure
- Emergency response (including notification)
- Missing students (if on-campus housing)
## Ongoing Disclosures

<table>
<thead>
<tr>
<th>Emergency Notifications</th>
<th>Timely Warnings</th>
<th>Public Crime Log</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broader focus – any significant emergency or dangerous situation</td>
<td>Narrower focus – Clery Act crimes</td>
<td>Contains all reported crimes</td>
</tr>
<tr>
<td>Anywhere on campus</td>
<td>Clery Act geographic area</td>
<td>Logged only if reported to police or security</td>
</tr>
<tr>
<td>Entire campus or segment(s)</td>
<td>Reach entire campus community</td>
<td>May include wider geographic area</td>
</tr>
<tr>
<td>Issue alert immediately upon confirmation</td>
<td>Issue warning as soon as pertinent information is available</td>
<td>Includes: nature of the crime, date/time occurred, sequelae, prevention/avoidance, disposition</td>
</tr>
</tbody>
</table>

## Emergency Notifications vs. Timely Warnings

- **Emergency Notifications**
  - Broader focus – any significant emergency or dangerous situation
  - Anywhere on campus
  - Entire campus or segment(s)
  - Issue alert immediately upon confirmation

- **Timely Warnings**
  - Narrower focus – Clery Act crimes
  - Clery Act geographic area
  - Reach entire campus community
  - Issue warning as soon as pertinent info available

## CIRCUMSTANCES THAT TRIGGER WARNINGS?

- ☑️ Clery Act crimes
  - Included in annual statistics
- ☑️ Reported to CSA or local law enforcement
- ☑️ Occurred in the specified geographic areas:
  - On-campus
  - Public property
  - Non-campus
- ☑️ Represents a serious or continuing threat
  - Students
  - Employees
DECISION TO ISSUE A WARNING

- Specify Who Is Responsible
  - Individual (Title)
  - Department/Office
  - Consultation Process

- Open Communication

- Case-By-Case Basis

EMERGENCY POLICY REQUIREMENTS

Policy Must:
- © Disclose the "process" used to determine which segment(s) receive notification
- © Explain how the content of the notification will be developed
- © Disclose which officials by title are responsible for each step
- © Initiate notification “without delay”

Following confirmation the institution must:
- © Determine what information to release
- © Initiate notification
- © Take into account safety of the campus community
- © Provide “adequate follow-up information”
Where are the gaps?

- Inaccurate statistics
  - Failure to survey/correlate all covered officials
- Sex offenses
  - Coordination to eliminate double reporting
  - Confidential reports
- Advocacy offices
- Liquor law violations
  - Only law violations, not policy violations
  - 2011 Handbook for Campus Safety & Security Reporting Guidance
- Ensure ASR & ED statistics match

Common Mistakes in Implementing the Clery Act

- Failure to Report Crimes Based on Proper Geography
- Lack of or Inadequate Policy Statements
- Failure to Publish and Distribute an ASR
- Inadequate Methods in Collecting Crime Statistics

Reporting Geography

- Problem Areas
  - Non-campus: often fail to report crimes in these additional locations
  - Public property: over or under reporting
  - Separate campuses: often fail to report for separate or branch campuses
Lack Of or Inadequate Policy Statements

- Problem Areas
  - Timely warning v. Emergency Notification
  - Reporting Crimes
  - Sexual Assault Policies
  - Crime Prevention & Awareness Programs
  - Relationship with Local Law Enforcement

Failure to Publish and Distribute the ASR as a Comprehensive Document

- ASR should be comprehensive document
- Some institutions neglect to publish the statistics and policies in one piece
- Annual Fire Safety may be included or separate but should say how to access it
- October 1 deadline; Current students & employees automatically; prospective students & employees
- If on-line, notice by October 1

Inadequate Systems for Collecting Statistics

- Reasonable, good faith effort to collect from local police
  - Proof of request, not held responsible if they do not supply, in all locations
- Identifying and training CSAs
- Incident reports, writers need training on Clery Act
### Ongoing Gaps

- Warning delays
- Incomplete/unavailable crime log

### Compliance Challenges

- Inconsistent/Non-existent Underlying Policies/Practices
- Failure to Survey All Campus Security Authorities/Local Police
- Lack of Training
- Failure to Coordinate
- Poor Record Keeping (7 Years)
- Lack of Institutional Support

### Setting Expectations
Where do we go from here?

- Evaluate compliance
- Build a team
- Coordinate efforts - Title IX and Clery Intersections
- Learn from colleagues
- Put steps in place before final regulations

Resources from the Clery Center

- Know more, do more - 30 days of professional development:
  http://clerycenter.org/2014-ncsam-information
- Intersections of Clery and Title IX - Two-day Conference: Philadelphia, PA:
  intersections-compliance-two-day-conference-title-ix-and

Q&A

E-mail: akiss@clerycenter.org