

## Jeanne Clery Act Overview

Presented by:  
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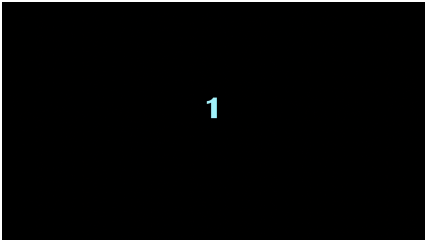
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## About the Clery Center



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## Clery Act: The History



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## Today's Scope



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## 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

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## Background Knowledge

Novice	Advanced Beginner
Competent	Expert

Rate your understanding of and application of the Clery Act.

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**Background Knowledge**

Novice	Advanced Beginner
Competent	Expert

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**Background Knowledge**

Novice	Advanced Beginner
Competent	Expert

Rate your understanding of the institutional requirements under Title IX.

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**Background Knowledge**

Novice	Advanced Beginner
Competent	Expert

Rate your understanding of the VAWA Amendments to the Clery Act

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 **Jeanne Clery Act**

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



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 **Jeanne Clery Act: More on the Law**

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

Amended in 1992, 1998, and 2008 by the Higher Education Amendments. **VAWA amendments to Clery 2013.**

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)**.

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 **What kind of support do you have?**

 **Top down**  
 **Bottom up**

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 **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

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 **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

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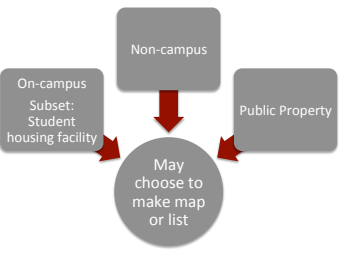
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 **Clery Geography**



```
graph TD; A[On-campus  
Subset:  
Student  
housing facility] --> C((May choose to  
make map  
or list)); B[Non-campus] --> C; D[Public Property] --> C;
```

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### Campus Security Authorities

**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

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### 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.

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CSA Training at the University of Pennsylvania

### WHO IS A... CAMPUS SECURITY AUTHORITY?

Officials with significant responsibility for student and campus activities

A campus police or a campus security department



Individuals or offices designated to receive crime reports

Individuals who have responsibility for campus security

### 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

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### 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

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### CSA Video Trailer

<http://www.youtube.com/watch?v=fAStBZbUo5E>

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### 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)

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## Ongoing Disclosures

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

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## 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

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## 1 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

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## DECISION TO ISSUE A WARNING

- Specify Who Is Responsible
  - Individual (Title)
  - Department/Office
  - Consultation Process
- Open Communication
- Case-By-Case Basis

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## 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”

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## EMERGENCY POLICY REQUIREMENTS

**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”

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### 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

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### 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

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### 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

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### 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

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### 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

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### 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

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### Ongoing Gaps

- Warning delays
- Incomplete/unavailable crime log



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### 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

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### Setting Expectations



**Danny Shaha**  
Director, Office of Student Conduct  
Pennsylvania State University

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### 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**

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### 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-**  
<http://clerycenter.org/event/2014-10-13-000000-2014-10-14-000000/intersections-compliance-two-day-conference-title-ix-and>

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### Q&A

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