

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 Clery's went to work to mandate that all college and universities disclose crimes that occur on their campuses and prepare an annual campus security report that shows the crime statistics and what security measures are taking place on campus. In 1990, the Campus Security Act was passed. It was later renamed the Clery Act.

Review of Clery Act Requirements

- Publish and distribute an Annual Campus Safety Report by October 1st of each year.
 - http://cms.skidmore.edu/campus_safety/clery/upload/safety_report.pdf
- Inform prospective students and employees about the existence of the report and how to obtain a copy.
- Provide Timely Notification of the crime trends or threats to safety on and around the campus.
- Maintain a Public Log (crimes and fires).
- Establish various campus policies.

What Statistics Do We Include?

- Previous three calendar years
- 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:
 - Housing and Disciplinary Staff
 - Athletic Coaches and Staff
 - Faculty Advisers to Student Groups
 - Anyone the institution tells people to report crimes to

Develop a documented procedure for soliciting statistics for the Annual Report from the local police and all the individuals or organizations on campus who may fit the definition of campus security authorities.

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

Who is not a Campus Security Authority?

- Administrative staff not responsible for students (e.g., payroll, facilities)
- Clerical staff
- Individual faculty who do NOT serve as an advisor to a registered student organization
- Doctors in the Student Health Center, or Counselors in the Counseling Center, who only provide care to individual students.

How the Clery Act Affects You

- As a Campus Security Authority, you are required to report Clery Act Crimes to Campus Safety each time you are notified of a crime.
 - complete an anonymous crime reporting form OR
 - contact Campus Safety
- All reports must be made to the Director of Campus Safety in a timely manner (Prior to October 1st of each year).
- The information is used to alert the campus community of any ongoing threats and for statistical purposes.

SKIDMORE COLLEGE

Campus Safety

June 22, 2017

To: Deans, Directors, Department Heads, Faculty Advisors, and Committee Chairs
From: Timothy Munro, Director of Campus Safety
Subject: FEDERAL REPORTING REQUIREMENTS – Calendar Year 2016

According to federal law, “(t)he Student Right to Know and Campus Security Act of 1990 (renamed the Clery Act), the Skidmore College Department of Campus Safety is required to report “statistics concerning the occurrence of the following criminal offenses reported to local police agencies or *any official of the institution who has “significant responsibility for student and campus activities”*. This includes: Housing and Disciplinary Staff, Athletic Director, Coaches and Staff, and Faculty Advisers to Groups.

The criminal offenses that we are required to report are:

- **Criminal Homicide** including *Murder* and *Non-negligent Manslaughter* and *Manslaughter by Negligence*
- **Sexual Assault** including *Rape, Fondling, Incest* and *Statutory Rape*
- **Robbery**
- **Aggravated Assault**
- **Burglary**
- **Motor Vehicle Theft**
- **Arson**
- **Hate Crimes** – Any of the above-mentioned offenses, and any incidents of *Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property* that were motivated by the perpetrator’s bias toward the victim. (Categories of bias are: *race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability*)
- **Domestic Violence** – Is a felony or misdemeanor crime of violence committed:
 - by a current or former spouse or intimate partner 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 or intimate partner,
 - by a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - by any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Dating Violence** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - fear for the person’s safety or others’ safety, or
 - to suffer substantial emotional distress.
- **Alcohol, Drug and Weapons Possession** violations of law that result in:
 - an arrest by police
 - Not arrested, but referred for disciplinary action

Definition of Referred for Disciplinary Action: The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

We are required to report any of these offenses that occur on campus (including clarification of if it occurred in a residence hall), on public property within or immediately adjacent to the campus, and in or on non-campus property that is owned or controlled by the institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. (Examples include the stables, ball fields, boat house, and woodlands used for studies)

We are currently in the process of compiling this data for the calendar year from January 1 - December 31, 2016. If you have any questions contact Timothy Munro, Director of Campus Safety at x5569.

NOTICE: *We are only interested in affirmative responses by July 14, 2017. If you have not received any information regarding these crimes and violations or the information you have already been reported to us or the local police you do not need to respond.*

Reportable Crimes Under Clery

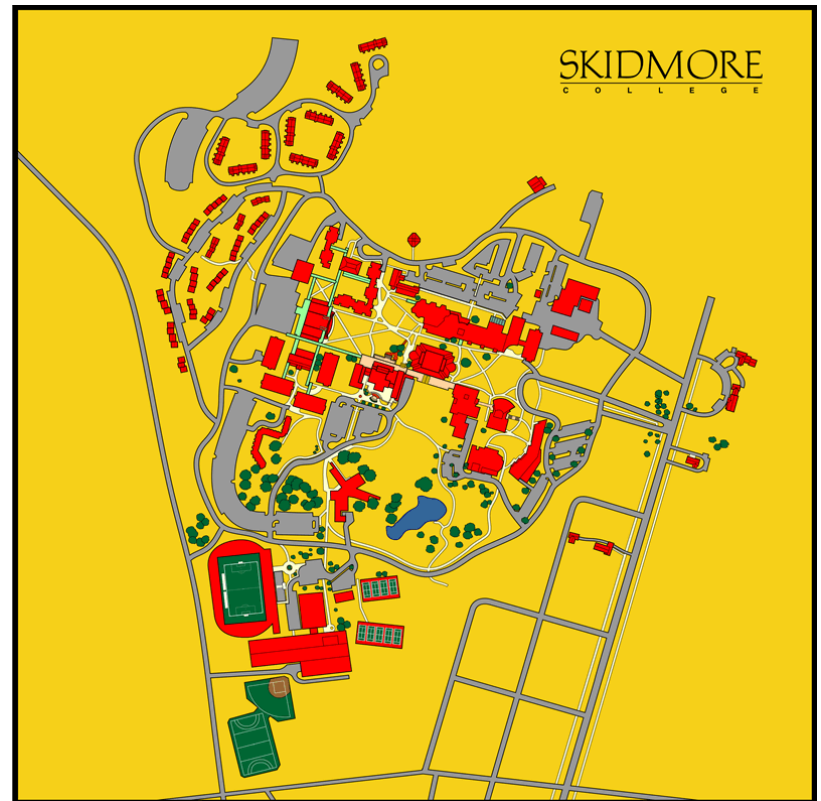
- Offenses
 - Murder and Non-Negligent Manslaughter
 - Manslaughter by Negligence
 - Sexual Assault (Rape, Fondling, Incest & Statutory Rape)
 - Robbery
 - Aggravated Assault
 - Burglary
 - Motor Vehicle Theft
 - Arson

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

- There are three location categories and one subset category defined by the Clery Act
 - On Campus
 - Residence Halls
 - Non-Campus Building/Property
 - Public Property



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-Campus statistics.

Example: If four aggravated assaults occur on campus, but only two occur in residence halls, the statistics would be represented as follows:

Aggravated Assaults On Campus – 4

Aggravated Assaults Residence Halls – 2

What is Non-Campus?

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 – i.e. 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

What to do When a Crime is Reported

- Determine whether the crime was reported to the police. If the person does not wish to report the crime to the police, complete the proxy form or call Campus Safety.
- If the person needs assistance, refer them to the our resources; Health Services, Counseling, Campus Safety, police.
- Document the information and keep your notes

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.

Skidmore College Clery Report Proxy Form

[http://cms.skidmore.edu/campus_safety/clery/upload/Skidmore Proxy Report Form.pdf](http://cms.skidmore.edu/campus_safety/clery/upload/Skidmore_Proxy_Report_Form.pdf)

Skidmore College CLERY REPORT PROXY FORM

(This form is to be used to report any of the crimes listed below that have not been reported to Campus Safety or local police.)

Skidmore Proxy Report Form.doc (2/2012)

Reporting Person: _____	Phone Number: _____
Classification (see definitions below): _____	Date Incident Occurred: _____ Date Reported: _____
Location of Incident (building name or address): _____	
Brief description of the incident: _____	
Check the appropriate answer to the following questions:	
Did the crime occur in a Campus Residential building or other campus building? Res Building _____	Other Building _____
Did the crime occur on Skidmore College owned, controlled, or leased property? Yes _____	No _____
Did the crime occur on property adjacent to the College? Yes _____	No _____
Did the crime occur on a Non-Campus College building or property? Yes _____	No _____
(Eg- Denton Rd Fields, Boathouse)	(Describe)

CRIME CLASSIFICATIONS:

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: The killing of another person through gross negligence.

Robbery: The taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear of same.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having legal access thereto and are later abandoned)

Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle, aircraft, or personal property of another kind.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzidine).

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places, bootlegging, operating a still, furnishing liquor to minors or interperate persons, using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance, and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Hate Crimes: Any of the above crimes or any other crime involving injury larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property committed based on the following category of prejudice (race, gender, religion, sexual orientation, ethnicity, disability)

Crime definitions from the Uniform Crime Reporting Handbook

Please send completed form to: Dennis S. Conway, Director of Campus Safety – 815 N. Broadway, Saratoga Springs, NY 12866

Documentation

- If unsure whether an incident is a Clery crime, or even if it's criminal in nature, you should report it.
- Provide as much information about a criminal incident as possible to aid law enforcement and to categorize the crime.
- Crime reports should include personally identifying information if available.

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 institution.
- 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.

Sanctions for Noncompliance

The US Department of Education can issue civil fines up to \$55,907 per violation for substantial misrepresentation of the number, location or nature of crimes to be reported. Also, noncompliance can lead to the suspension or limiting the institution's Title IV eligibility.

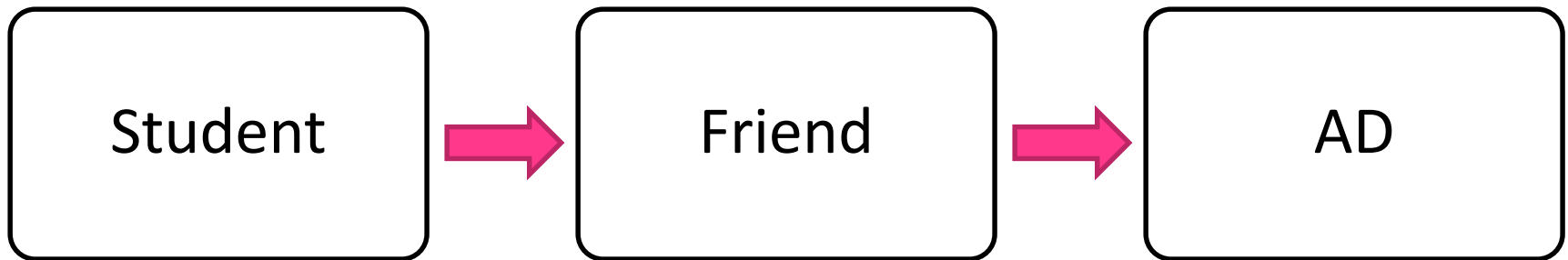
Failure to Comply

	University Name	Date	Amount
1	Penn State	2016	\$2,400,000
2	University of Montana	2018	\$1,000,000
3	Green River College	2018	\$574,000
4	Paul Smith's College of Arts & Sciences	2010	\$260,000
5	University of Jamestown	2017	\$210,000
6	Wayne State University	2018	\$127,500
7	Occidental College	2017	\$83,000
8	University of Scranton	2017	\$70,000

Chart updated as of 3/15/19

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.

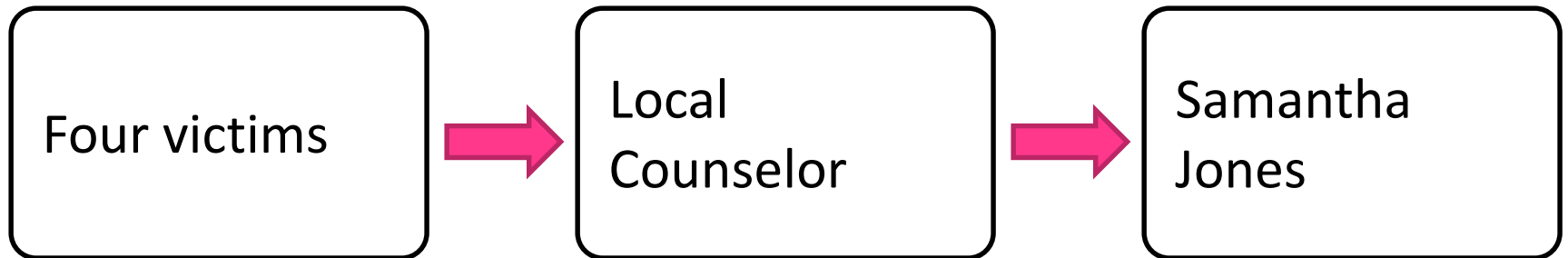


Example 1 (cont.)

- Analysis:
 - Clery geography?
 - Clery crime?
 - Report made to CSA in good faith?
- The AD should document the information and forward it to Campus Safety.

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.

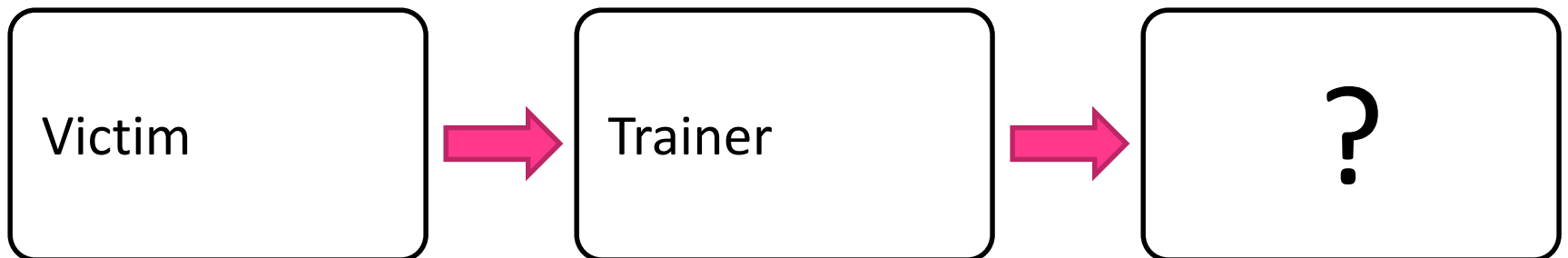


Example 2 (cont.)

- Analysis:
 - Clery geography?
 - Clery crime?
 - Report made to CSA in good faith?
- These 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.



Example 3 (cont.)

- Analysis:
 - Clery geography?
 - Clery crime?
 - Report made to CSA in good faith?
- What is required by Clery?
- What should the trainer do?

Questions?

Please contact Campus Safety at 580-5567.