

Jeanne Clery Act

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Overview

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- Campus Security Authorities
- Responsibilities and Reporting
- Informing the Campus
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Summary of Jeanne Clery Act

- A university freshman was raped and murdered while asleep in her residence hall in 1986.
- Parents discovered students hadn't been told about 38 violent crimes on campus from the previous three years.
- Congress passed this law that mandates that institutions must disclose statistics for crimes reported to local police agencies and crimes reported to "campus security authorities".





In 1990, Congress enacted the *Crime Awareness and Campus Security Act* of 1990 (Title II of Public Law 101-542), which amended the *Higher Education Act* of 1965 (HEA). This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information.

Information disclosed under the *Clery Act* can assist students and parents in making decisions that affect their personal safety.



Campus Security Authorities (CSAs)

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- ❖ Role – The *Clery Act* is a federal law that requires the institution to identify individuals and organizations that meet the definition of a campus security authority. CSAs have an important role in complying with the law.
- ❖ Responsibilities – “to report to the official or office designated by the institution to collect crime report information...those allegations of *Clery Act* crimes that he or she concludes were made in good faith.”

Who is a Campus Security Authority?



A campus police department and campus security personnel of an institution



Any individual or individuals who have responsibility for campus security but who do not constitute a campus police or security department



Any individual or organization specified by the institution for students and employees to report crimes to.



Officials of an institution who have “significant responsibility for student and campus activities”



**CSAs are defined by job function and not by title.*

Examples of CSAs

- A dean of students who oversees student housing, a student center, or student extracurricular activities
- A director of athletics, a team coach, or faculty advisor to student group
- A student resident advisor or assistant or a student who monitors access dormitories
- A coordinator of Greek affairs



Who is not a CSA?

➤ A faculty member who does not have responsibility for a student or campus activity beyond the classroom

➤ Clerical Staff

➤ Cafeteria staff

✓ Who is exempt?

❖ There are only two categories of individuals are exempt from the reporting requirements set forth by the Clery Act. Those that work in pastoral care roles and professional counselors working in mental health care roles.



Training Elements for CSAs



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CSA Training

Reporting Crimes:

- ❖ CSAs are encouraged to immediately forward reports of crimes to the University Police Department. This is important as a crime report may be the basis for determining if there is a serious or ongoing threat to the safety of the campus security.
- ❖ If you as a CSA are unsure whether an incident is a Clery crime, or even if it's criminal in nature, you should report it.
- ❖ If a victim doesn't want the report to go any further than the CSA, the CSA should explain that he or she is required to submit the report for statistical purposes, but it can be submitted without identifying the victim.

What are you required to report?

Criminal Offences:

- **Criminal homicide (Murder, Negligent or Non-Negligent Manslaughter)**
- **Sex offenses (forcible and non-forcible)**
- **Robbery**
- **Aggravated Assault**
- **Burglary**
- **Motor Vehicle Theft**
- **Arson**

In March 2013 President Obama signed a bill that strengthened the Violence Against Women Act (VAWA). In the bill, the Campus Sexual Violation Elimination Act (SAVE) was included. This amended the Clery Act to include reporting of the following effective in 2014:

- **Domestic Violence**
- **Dating Violence**
- **Stalking**

What are you required to report?

Hate Crimes:

- ❖ Any of the crime listed above or any other crime causing bodily injury **if it is motivated by** Race, Gender, Religion, Sexual Orientation, Ethnicity/National Origin, Disability.
- ❖ In 2008, the Clery Act was amended to expand hate crimes to include the following:
 - **LARCENY-THEFT, SIMPLE ASSAULT, INTIMIDATION, and**
 - **DESTRUCTION, DAMAGE or VANDALISM of PROPERTY**

Arrests and Referrals for Disciplinary Action

- **Liquor Law Violations**
- **Drug Law Violations**
- **Weapons Law Violations**

Responsibilities and Reporting



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Responsibilities and Reporting

LOCATION – You must report if an incident occurred:

On Campus

(includes streets, grounds, and parking lots within campus boundaries)

- In on-campus housing facilities
- On public property adjacent to the campus (e.g. roads, sidewalks)
- On non-campus property owned or controlled by the University or recognized student

Off Campus

Under the law, some off campus locations are closely related to the University so crimes at these locations are included in campus crime statistics.

- Any building or property owned or controlled by a student organization that is recognized by the university
- Any building or property owned or controlled by the university that is used in direct support of the university. Educational purposes is frequently used by students and is not “on campus” property



Responsibilities and Reporting

Reporting an incident:

As a Campus Security Authority you are required to :

- Obtain the facts – When, what, where who, etc.
- Report all Clery Act related crimes immediately to the Police Department so the campus can comply with *timely warning* policies and have accurate crime statistics for the annual security report.
- Inform victims of their options, including confidential reporting options and offer referrals to resources.

Responsibilities and Reporting

Reporting an Incident (*Continued*):

- Complete a Crime Reporting/Incident Form (*see attached Crime Report Forms*) by answering the questions. You don't have to know the classification.
- Describe the incident/crime as completely and accurately as you can. It is helpful if you write a brief description of the incident.
- You do not need to make a judgment about what happened, just get the facts

Note: if the victim reports a crime to you, but wishes to remain anonymous, we ask that you still submit a Crime Reporting/Incident Form (you don't need to identify the victim)

Informing the Campus

**Timely Warning
Emergency Notification
Daily Crime/Fire Log**



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Informing the Campus

Timely Warning

Timely Warnings are generated by crimes that have already occurred but represent an ongoing or serious threat to the university community

- The crime must be reported to Campus Security Authority or local law enforcement
- It occurred in within the university Clery geography
- Issue a warning as soon as the pertinent information is available

OR

Emergency Notification

Emergency notification is generated by an event that is currently ongoing or immediately threatening the campus.

- Immediate Notifications are issued when there is an immediate threat to the health or safety of campus community members.
- Applied to situations that occur on your campus
- The College is not required to issue a Timely Warning based on the same circumstances

Informing the Campus

Sample Scenarios Regarding Emergency Notification and Timely Warning

Scenario 1: In a single night there are several random arsons in unoccupied classrooms and basements of buildings on campus. Upon confirmation, there is an arsonist on campus so you follow your emergency notification procedures. There is no need to issue a timely warning for the arsons as well. As soon as it's available, disseminate pertinent follow-up information to the campus community.

Scenario 2: An employee spots an armed intruder in a classroom building. The employee alerts a campus police officer who is present in the building and who confirms the situation. Following your emergency notification procedures, the officer alerts the campus police chief who initiates campus-wide emergency notification procedures. In the course of trying to apprehend the intruder, the intruder shoots and wounds two people trying to flee the building. Although emergency notification procedures were initiated, the circumstances have changed and you must issue a timely warning for the shootings (i.e., the crimes of aggravated assault).

Informing the Campus

University Police Department maintains the a **60 Day Crime/Fire log** including:

- All reported criminal incidents and alleged criminal incidents that are reported to UPD and within the university geographical locations.
- All fires on campus
- The 60 Day Crime/Fire log is available at
<https://www.police.txstate.edu/60-day-Crime-and-Fire-Log.html>

***UPD may temporarily withhold information only if there is clear and convincing evidence that the release of information would:**

- Jeopardizes an ongoing investigation
- Interfere with the safety of an individual
- Cause a suspect to flee
- Result in destruction of evidence

Case Studies



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Case Studies

Scenario: Brad and Tim were involved in a physical altercation in a campus parking lot behind their dormitory. Brad pulled a canister of Mace from his pocket and sprayed Tim in the face, causing him severe burning and discomfort. Tim fled the scene and sought medical attention.

**Do we count?
If so how many?
Which category?**

Case Studies

Scenario: Brad and Tim were involved in a physical altercation in a campus parking lot behind their dormitory. Brad pulled a canister of Mace from his pocket and sprayed Tim in the face, causing him severe burning and discomfort. Tim fled the scene and sought medical attention.

Do we count? YES

If so how many? ONE

Which category? On-campus Aggravated Assault

Case Studies

Scenario: A student is cited for having a firearm in his or her classroom in violation of state law.

**Do we count?
If so how many?
Which category?**

Case Studies

Scenario: A student is cited for having a firearm in his or her classroom in violation of state law.

Do we count? YES

If so how many? ONE

Which category? Weapon's Law Violation

Case Studies

Scenario: Three students are referred to Student Affairs for disciplinary action for possessing marijuana in a restroom located on college property.

Do we count?

If so how many?

Which category?

Case Studies

Scenario: Three students are referred to Student Affairs for disciplinary action for possessing marijuana in a restroom located on college property.

Do we count? Yes

If so how many? Three

Which category? Drug Law Violation

Case Studies

Scenario: A party at an off-campus, university-owned fraternity house is busted, and 6 students are both arrested and referred for disciplinary action for state liquor law violations by campus police.

**Do we count?
If so how many?
Which category?**

Case Studies

Scenario: A party at an off-campus, university-owned fraternity house is busted, and six students are both arrested and referred for disciplinary action for state liquor law violations by campus police.

Do we count? Yes

If so how many? Six

Which category? Liquor Law Violations

Student Resources

- ❖ Office of Equity and Access, Title IX Coordinator, JCK 164, at 512.245.2539.
<https://www.txstate.edu/oei/>
- ❖ Campus Watch https://gato-docs.its.txstate.edu/pdf/web/viewer.html?file=/jcr:fd7163c5-2266-4fed-8241-3a4f6b21cf60/POD_Campus_Watch_Brochure_FINAL-1.pdf
- ❖ Sexual Misconduct Policy <https://www.txstate.edu/oei/title-IX.html> Victim Services Card <https://gato-docs.its.txstate.edu/jcr:88106b0a-6bce-481d-b294-84a69060f77a/VictimsServiceCard.pdf> Risk
- ❖ Reduction information <https://gato-docs.its.txstate.edu/university-police/records/RAINNRiskReduction/RAINNRisk%20Reduction.pdf>
- ❖ Personal Safety ad Crime Prevention <https://gato-docs.its.txstate.edu/university-police/records/Personal-Safety-and-Crime-Prevention--2-/Personal%20Safety%20and>
- ❖ Counseling Center & Mental health 5-4.1 LBJ Student Center
512.245.2208, Hours 8 a.m.–5 p.m. M–F <http://www.counseling.txstate.edu/>

Student Resources

- ❖ Student Health Center: 298 Student Center Drive,
Phone: 512.245.2161 <http://www.healthcenter.txstate.edu/>

- ❖ Legal Assistance: Attorney for Students, LBJ Student, Center 5-1.5
- ❖ Ph: 512.245.2370 <http://attorney.dos.txstate.edu/>

- ❖ Victim Advocacy: Hays/Caldwell Women's Center,
- ❖ Ph: 512.396.HELP, City San Marcos <http://www.hcwc.org>

- ❖ Victim Advocacy: Hope Alliance Ph: 512.255.1212, City of Round
- ❖ Rock <http://www.hopealliancetx.org>

- ❖ Transportation on campus: Bobcat Shuttle,
- ❖ Bobcat Bobbie (SafeRide) <https://www.police.txstate.edu/campus-safety/tap-ride.html>

- ❖ Transportation off campus: Contact Capital Area Rural Transportation
- ❖ System at 512-805-7433.

REFERENCES:

U.S. Department of Education - Campus Security

<https://www2.ed.gov/admins/lead/safety/campus.html>

The Handbook for Campus Safety and Security Reporting (February 2011)

<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

Clerycenter.org/summary-jeanne-clery-act

<http://clerycenter.org/summary-jeanne-clery-act>

New Requirements Imposed by the Violence Against Women Reauthorization Act

<http://www.acenet.edu/news-room/Documents/VAWA-Summary.pdf>

CSA Report Forms

- ❖ **The link below will direct you to the Campus Security Authority Crime Report Form** Please use these forms to report a crime. It is important to provide as much information as possible and to include personally identifying information if available, this will avoid double counting crimes.
- ❖ If a victim doesn't want the report to go any further than the CSA, the CSA should explain that he or she is required to submit the report for statistical purposes, it can be submitted without identifying the victim.
- ❖ **Timely Report Submission** – upon receiving information of a crime it should be reported to University Police Department in a timely manner. UPD will determine if the crime poses a serious or continuing threat to the campus community.

[Campus Security Authority Report Form](#)

Thank you.

If you have any questions you may contact
University Police Department at 512-245-2805.
Website - <http://www.police.txstate.edu/>



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