Jeanne Clery Act

Texas State University Police Department

Texas State University

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MEMBER THE TEXAS STATE UNIVERSITY SYSTEM™
Overview

- The Jeanne Clery Act
- Campus Security Authorities
- Responsibilities and Reporting
- Informing the Campus
- Case Studies
- References
- Student Resources
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)
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

- Director of Residence Life, who oversees student housing, a student center, or student extracurricular activities
- Director of Athletics and athletics coaches
- Faculty advisor to student group
- Title IX Coordinator
- 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        Custodial 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.
Campus Security Authorities

• Requirement – 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.” *(There is a reasonable basis for believing that the information is not simply rumor or hearsay. This is, there is little or no reason to doubt the validity of the information.)*
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/survivor 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 (rape, fondling, incest and statutory rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

In March 2013 President Obama signed a bill that strengthened the Violence Against Women Act (VAVA). 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 (In Texas, Family 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, Disability, Gender Identity and National Origin.
- In 2008, the Clery Act was amended to expand hate crimes to include the following:
  - Larceny-Theft
  - Simple Assault
  - Intimidation
  - Destruction, Damage or Vandalism of Property

Arrests and Referrals for Disciplinary Action
- Liquor Law Violations
- Drug Law Violations
- Weapons Law Violations

Note: The Hierarchy Rule[1] does not apply for arson, sexual assaults, and hate crimes.
Responsibilities and Reporting

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Responsibilities and Reporting

Location – Clery Geography

You must disclose statistics for reported Clery crimes that occur:

- **On campus** - housing facilities, campus buildings
- **Public property**, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

- **Non-campus** property that:
  - Is owned or controlled by the institution;
  - Is frequently used by students; and
  - Supports or is used for the institution’s educational purposes;
  - Is not considered part of the core campus.

Examples of non-campus locations:
- Greek houses that are officially recognized by the university
- Freeman Ranch, Fire Station Studio, Star Park…
- Remote classrooms, residential dorms, hotels
Responsibilities and Reporting

Location – Clery Geography – Continued

- **Non-campus** – University sponsored/arranged domestic and international student trips. The designee(s) who is/are administratively responsible for student trips are expected to report student trip information to the University Police Department for compliance.

*If the University has a written agreement with a third party to arrange trip accommodations and/or academic space for use of the accommodations or space; If the same accommodations are used by students (are frequently used by students); and Supports or is used for the institution’s educational purposes*

- As your department enters into contracts for off-campus student housing or programs, remember to address and document the details regarding institutional control. Such as Residence Life, Study Abroad, and Athletics Department, etc. should be informing the Police Department so that accurate record keeping can be made.
# Trip Form

- The University has a written agreement with end provider for trip accommodations and/or academic space for use of the accommodations or space.

- The same accommodations are used every year or more frequently.

## Clery Act Domestic and International Trip Form

This form is used if the University (department) has a written agreement with a third party to arrange trip accommodations and/or academic space for use of the accommodations or space, if the same accommodations are used by students (frequently used by students), and supports or is used for the institution’s educational purposes.

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<tr>
<th><strong>Point of Contact (Full Name)</strong></th>
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<td>The designee(s) who is/are administratively responsible for student trips are expected to report student trip information.</td>
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<th><strong>Sponsoring Department or University Organization</strong></th>
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<th><strong>This trip is (check one):</strong></th>
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<td>1. One-time trip</td>
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<td>2. Repeated each semester</td>
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<td>3. Repeated annually</td>
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<td>4. Other</td>
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<td>(provide trip frequency)</td>
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<th><strong>Hotel, Building Name, etc.</strong></th>
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<th><strong>Address, City, State, Zip</strong></th>
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<th><strong>International Address, Country</strong></th>
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<th><strong>Comments:</strong></th>
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Submit completed form to University Police Department, Liza Ramos (hr19) or Adam Marmolejo (am19), phone 512-245-8255 or 2890. This form is also available in online submission at [http://www.police.txstate.edu/Clery.html](http://www.police.txstate.edu/Clery.html).
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 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.

➢ Complete a Crime Reporting/Incident Form (*see attached Crime Report Forms*) by answering the questions. You don’t have to know the classification.
Texas State University, University Police Department
CRIME STATISTICT REPORT FORM
Please forward this completed form to: Liza Ramos, br18@txstate.edu, ph: 512-245-8255 or Adam Marmolejo, am29@txstate.edu, ph: 512-245-2890

If no crimes were reported to you in 2014, please check the box below, print your name and initial. This form is being used to document that you have received this reporting form and that no crimes were reported to you for the previous reporting cycle.

Reporting Person (print name): ____________________________ Date: ____________________________
Department: ____________________________ Initial here: 

By placing an X on this line, you are confirming that no crimes, as described below, were reported to you during the requested calendar year. Initial here:

Complete this box if a crime was reported to you, if more than one crime was reported to you, fill out one of these forms for each crime reported.

Reporting Person (print name): ____________________________ Phone Number: ____________________________
Classification (see definitions below): ____________________________ Date Incident Occurred: ____________________________
Location of Incident (building name or address): ____________________________

Brief description of the incident:

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.

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 be intended, unless a person had actual knowledge with a great degree of certainty that the use of a weapon or other weapon was 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 lawful access, even though the vehicles are later abandoned—excluding joy riding)

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

Domestic Violence: The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. *Texas Statutes and Codes: Family Code, Subtitle A, General Provisions, Chapter 71, Definitions, Sec. 71.001, Family Violence means an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, sexual assault, or that is a threat that reasonably places that person in fear of imminent physical harm, bodily injury, sexual assault, but does not include defensive measures to protect oneself.

Dating Violence: The term “dating violence” means violence committed by a person—(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship; (iv) The amount of violence by any other person involved in the relationship.

Stalking: The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

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.
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

**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 university is not required to issue a Timely Warning based on the same circumstances
Informing the Campus

Daily Crime and Fire Log

University Police Department maintains the a Daily Crime/ Fire log that includes; all reported criminal incidents; alleged criminal incidents that are reported to UPD and that are within the university geographical locations; all fires on campus.

The Daily Crime/Fire log is available at:

• Website:  http://www.police.txstate.edu/Records/Police-Blotter.html

• UPD in the lobby, a computer available

• You may view it at Police Records, Nueces Building, 615 N. LBJ San Marcos, TX during normal business hours.

*UPD may temporarily withhold information only if there is clear and convincing evidence that the release of information would:
  - Jeopardizes an ongoing investigation
  - Interferes 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
References

U.S. Department of Education - Campus Security
https://www2.ed.gov/admins/lead/safety/campus.html


U.S. Department of Education 34 CFR Part 668, Violence Against Women Act

Clerycenter.org/summary-Jeanne-Clery-act
http://clerycenter.org/summary-jeanne-clery-act
**Student Resources**

**Title IX Coordinator, Office of Equity and Access, JCK 164, at 512.245.2539**

http://www.txstate.edu/oea/

**Campus Watch**


**Sexual Misconduct Policy**

http://gato-docs.its.txstate.edu/equity-and-access/TSUS-Sexual-Misconduct-Policy/_pdf

**Victim Services Card**

http://gato-docs.its.txstate.edu/jcr:88106b0a-6bce-481d-b294-84a69060f77a/VictimsServiceCard.pdf

**Risk Reduction information**

http://gato-docs.its.txstate.edu/university-police/records/RAINNRisk-Reduction/RAINNRisk%20Reduction.pdf

**Personal Safety and Crime Prevention**

**Student Resources**

**Counseling Center & Mental health:** 5-4.1 LBJ Student Center  
512.245.2208, Hrs: 8 a.m.–5 p.m. M–F  
[http://www.counseling.txstate.edu/](http://www.counseling.txstate.edu/)

**Student Health Center:** 298 Student Center Drive, Phone:  
512.245.2161  [http://www.healthcenter.txstate.edu/](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/](http://attorney.dos.txstate.edu/)

**Victim Advocacy:** Hays/Caldwell Women’s Center,  
Ph: 512.396.HELP, City San Marcos  [http://www.hcwc.org](http://www.hcwc.org)

**Victim Advocacy:** Hope Alliance Ph: 512.255.1212, City of Round Rock  
[http://www.hopealliancetx.org](http://www.hopealliancetx.org)

**Transportation** on campus: Bobcat Shuttle, Bobcat Bobbie (safety escort)  
512.245.7233 (SAFE)  [http://www.shuttle.txstate.edu/](http://www.shuttle.txstate.edu/)

**Transportation** off campus: Contact Capital Area Rural Transportation System at 512-805-7433.
CSA Report Forms

- The link below will direct you to the Campus Security Authority Crime Report Form and Sex Offenses 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.

CSA Report Form
Thank You

If you have any questions you may contact University Police Department at 512-245-2890.
Website - www.police.txstate.edu/