

CLERY ACT REQUIREMENTS

CAMPUS SECURITY AUTHORITIES



Originally Presented at
Founder's Day
Training

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Clery Act Requirements Agenda

- Relevance
- History
- Requirements
- Who Must Comply
- Identifying “Campus Security Authorities”
- Reporting
- Violations
- Questions



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Relevance of the Clery Act to FM

- Promote Campus Safety, Crime Prevention and Awareness
- Recent Events Heightening Concerns
 - National Events, Including the recent Penn State scandal
 - Concerns by College/University Presidents, Boards of Directors/Governors, Faculty, Staff and Students
- The Clery Act is a tool intended to increase communication and reporting
- Reporting is **Mandated** under the Clery Act

The Clery Act

- History
 - *Originally the Higher Education Act of 1965 (HEA)*
 - *HEA of 1965* was amended as the *Crime Awareness and Campus Security Act of 1990*
 - The 1990 Act was amended in 1992, 1998 and 2000.
 - **1998 amendments renamed law to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*** – The Act is named after a student at Lehigh University who was murdered in her dormitory room in 1986.
 - The Act has been further amended as recently as 2008
 - **Institutions covered under the Higher Education Act must comply with all Clery Requirements**

Who has to comply with HEA?

- Any institution which participates in federal Title IV student financial programs, including:
 - Pell Grants
 - Federal Supplemental Educational Opportunity Grants (FSEOGs)
 - Federal Work-Study Program
 - Federal Perkins Loans
 - Direct Loan Program
 - Leveraging Educational Assistance Partnership (LEAP)

The Requirements of the Clery Act

- There are four critical immediate, on-going and annual requirements
 1. *Collect, classify and count crime reports and crime statistics*
 2. Issue campus alerts
 3. Publish annual security and fire safety report(s)
 4. Submit crime statistics to the Department of Education

The Requirements of the Clery Act

Collect, classify and count crime reports and crime statistics...

- Collecting the crime reports/statistics.....
 - **Identifying** Campus Security Authorities (CSA)
 - **Notifying** them they are, in fact, a CSA
 - **Training** CSAs
 - **Monitoring** training compliance
- Classifying and counting are the duties of the designated campus **“Clery Coordinator”** (VP of Student Affairs – Jane Kelley)

Identifying Campus Security Authorities (CSA)

The Clery Act defines four categories of Campus Security Authority:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property). Include individuals who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security or escort students around campus after dark.
- People/offices designated under college policy as those to whom/which crimes should be reported
- *An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline/conduct proceedings and the Title IX Coordinator. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.*

Who **ARE** designated status as a “Campus Security Authority”

The category of “**Campus Security Authority**” is defined broadly to ensure complete coverage and thorough reporting of crimes.

- **Defined by function, not title:**

- **Significant responsibility for student AND campus activities**
- **Regular contact with students**

Most Colleges take an abundance of caution in meeting the spirit and intent of the law (i.e., Siena College has identified 200 staff and faculty as CSA’s having “significant responsibility for student and campus activities”)

Who is **NOT** a CSA?

- **Administrative staff not responsible for students**
(e.g., payroll, facilities)
- **Clerical staff**
- **Individual faculty who DO NOT serve as an advisor to a student club or organization**
- **Doctors or Counselors who only provide direct individualized care to students.**



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Who is **EXEMPT** from Clery Act reporting requirements?

*Licensed professional mental health counselors,
Pastoral counselors* (employed by a religious organization to provide confidential counseling)*

*Provided these individuals are **working within the scope of their license or religious assignment** at the time they receive the crime report.



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Goal of the CSA Designation: Work collaboratively across campus

- Athletics
- Residential Life
- Student Affairs
- Student Activities
- Academic Affairs



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Key positions at FM

- Athletics
 - Athletic Director
 - Compliance coordinator
 - **All** coaches, trainers
 - Academic support staff
 - **All** staff who travel with teams

- Residential Life
 - Resident Director
 - Resident Assistants
 - **All** Professional staff
- Student Activities
 - **All** club/organization advisors
 - **All** club sport coaches
 - **All** Professional staff

- Academic Affairs
 - **All** Faculty serving as advisors to clubs/organizations
 - **All** Academic Advisors
 - Support programs
 - Integrated programs
 - Academic Deans
 - Administrators working with at-risk students
 - Vice President

- Student Affairs
 - Vice President
 - Student Activity Coordinator
 - **All** Student Affairs Professionals
- Public Safety
 - **All** Public Safety staff

Campus Security Authorities (CSA) need to know:

- The basics of the Clery Act
- What makes you a CSA
- Who else is a CSA
- What you have to do as a CSA:
 - What you have to report
 - When you have to report
 - How to report
- What happens if you don't report

What does that have to do with you?

- Many crimes, especially sexual assaults, are not reported to police.
- The Clery Act requires that we gather and publish crime data to ensure that students and others know about dangers on campus.
- Data is collected from a wide variety of “Campus Security Authorities” – That’s where you come in.

As a Designated 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
- Under Clery, a crime is “reported” when it is brought to the attention of a campus security authority (CSA) or local law enforcement personnel by a victim, witness, other third party or even the offender.
- It doesn’t matter whether or not the individual is involved in the crime, or reporting the crime, or associated with the college.

Reporting an incident

- If a campus security authority receives crime information and believes it was provided in good faith, he or she should document it as a crime report.
- In “good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

WHAT do you have to report?

- These crimes **must** be reported:
 - Homicide
 - Aggravated Assault
 - Robbery
 - Burglary
 - Stolen Vehicles
 - Arson
 - Sex Offenses
 - Hate Crimes
- Also, you **must** report
 - Arrests & Disciplinary Referrals for alcohol, drug and weapons violations

Location

For a crime to be reportable under Clery, the incident must have taken place:

- **On campus**, including residence halls (Clery requires specific identification of those crimes in campus residence halls)
- **On public property adjacent to campus** (e.g.. roads, sidewalks)
- On **certain** off-campus property . . .

You must report if any of these crimes occur at locations that FM is using for events

What about Off or Non Campus Property?

- **Field Trips**

You are **not required** to disclose statistics for crimes that occur on field trips at locations FM does not own or control.

- **Overnight College Sponsored trips**

If FM sponsors students on an overnight trip, for example to see a play, and they rent motel rooms, you **not required** to disclose crimes that occur in those rooms because they don't meet the frequently-used-by-students criterion.

- **Study Abroad Programs**

If FM sends students to study abroad at an institution that FM does not own or control, you are **not required** to disclose statistics for crimes that occur in those facilities.

What about Off or Non Campus Property?

If in doubt about whether the crime
occurred on
Off or Non Campus Property,

REPORT IT!

Although this training session is focused upon the responsibilities of a
Campus Security Authority under the Clery Act,

**FM expects all employees to report any crime information or
crime incident to the Department of Public Safety or the
Vice President of Student Affairs.**

Just Report the Facts

- **Public Safety will categorize the reported incidents. Your job is to get the information the person is willing to tell you:**

Who, What, When, and Where

- **Remember:**
 - You are not expected to be a police officer or investigator**
 - You don't have to prove what happened or who was at fault, or classify the crime**
 - You aren't supposed to find the perpetrator**
- **If the victim reported confidentially, complete the report but do not include their name.**
- **Use the FMCC DPS Incident Report, available the Public Folders under "Forms".**



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SJS #No. 08-

Fulton-Montgomery Community College
Department of Public Safety
Incident Report

Report Day	Date	R/Time	Occurred On/From	Day	Date	Time	Occurred To:	Day	Date	Time
Incident Location : <input type="checkbox"/> PE Bldg <input type="checkbox"/> Admin Bldg <input type="checkbox"/> College Union Bldg <input type="checkbox"/> Evans Library <input type="checkbox"/> Student Development <input type="checkbox"/> PE <input type="checkbox"/> Classroom Bldg <input type="checkbox"/> Montgomery Hall <input type="checkbox"/> Fulton Hall <input type="checkbox"/> CV Administration Bldg <input type="checkbox"/> CV Parking Lot <input type="checkbox"/> Student Parking Lot A <input type="checkbox"/> Student Parking Lot B <input type="checkbox"/> Student Parking Lot C <input type="checkbox"/> Student Parking Lot D <input type="checkbox"/> Faculty Parking Lot #1 <input type="checkbox"/> Faculty Parking Lot #2 <input type="checkbox"/> Faculty Parking Lot #3 <input type="checkbox"/> Faculty Parking Lot #4 <input type="checkbox"/> Faculty Parking Lot #5 <input type="checkbox"/> Visitors Parking Lot <input type="checkbox"/> North Loop Road <input type="checkbox"/> South Loop Road <input type="checkbox"/> West Loop Road <input type="checkbox"/> BOCES - FMCC Offices <input type="checkbox"/> BOCES - FMCC Parking Lot <input type="checkbox"/> Riverfront Center Campus <input type="checkbox"/> College Athletic Field (specify in "Other") (Specific location if not covered above): <input type="checkbox"/> Other:										
Type of Incident (check all that apply): <input type="checkbox"/> Aggravated Assault <input type="checkbox"/> Use of Drugs <input type="checkbox"/> Robbery <input type="checkbox"/> Auto Theft <input type="checkbox"/> Use of Alcohol <input type="checkbox"/> Burglary <input type="checkbox"/> Rape/Sexual Assault <input type="checkbox"/> Sexual Offense <input type="checkbox"/> Criminal Mischief <input type="checkbox"/> Accidental fall <input type="checkbox"/> Harassment <input type="checkbox"/> Medical Emergency <input type="checkbox"/> Weapons Possession <input type="checkbox"/> Aggravated Harassment <input type="checkbox"/> Arson <input type="checkbox"/> Homicide <input type="checkbox"/> Found Property <input type="checkbox"/> Missing Property <input type="checkbox"/> Petit Larceny <input type="checkbox"/> Grand Larceny <input type="checkbox"/> Hate Crime <input type="checkbox"/> Disorderly Conduct <input type="checkbox"/> Property Damage MVA <input type="checkbox"/> Personal Injury MVA <input type="checkbox"/> Pedestrian MVA <input type="checkbox"/> Missing Person(s) <input type="checkbox"/> Personal Injury- (Non-Athletics' Related) <input type="checkbox"/> Personal Injury- (Athletics' Related)										
<input type="checkbox"/> Other (Be Specific):										
Person(s) Type: Complainant (CO) Victim (VI) Suspect (SU) Witness (WI) Arrested (AR) Person Reporting (PR) Other (OT) Person Interviewed (PI) Driver -1, 2, 3, etc. (D-1, 2, 3, etc.)										
Type	Name (Last, First, Middle, Title)	DOB: Mo / Day / Yr	Address				Phone #			
Property of: Victim <input type="checkbox"/> Suspect <input type="checkbox"/>	Stolen <input type="checkbox"/> or Recovered <input type="checkbox"/>	Property Make	Model	Serial No.	Description		Evidence Yes <input type="checkbox"/> No <input type="checkbox"/>	Seized Yes <input type="checkbox"/> No <input type="checkbox"/>		
Narrative of Incident										
Reporting Officer Signature			Id No.		Date		Complainant's Signature			
Incident Report forwarded to: <input type="checkbox"/> Incident Reports <input type="checkbox"/> Dept. of Public Safety <input type="checkbox"/> Buildings & Grounds <input type="checkbox"/> Bursars Office										

Timing is Critical

Be sure to document:

- When the crime or incident occurred and
- When it was reported to you and
- Report the incident **IMMEDIATELY** to Public Safety or Student Affairs

Describe Options

- **Let the person know about options to report crimes to Public Safety**
 - A person who talks to you may not want to talk to police, **and does not have to**
 - Always let the person know not only do **they have the right to report the incident to the police**, and if they so desire, **the College will provide a staff person to assist them**



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Reporting Confidentially

- **Victims can report crimes confidentially to any Campus Security Authority.** If a victim of a crime does not want to pursue action within the College Student Conduct System or the Criminal Justice System, we strongly encourage them to make a confidential report.
- The Office of Public Safety, along with the College, will make every effort to safeguard a confidential report. The College may be required to share information but will only do so when it is completely necessary; therefore, we cannot guarantee total confidentiality and anonymity, but will take extra measures to protect them.
- A confidential report allows the Office of Public Safety and other responding College officials to protect the victim's safety as well as others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the College.

Other referrals to on and off campus resources....

- Vice President for Student Affairs
- Deans
- Center for Counseling and Student development
- Health Services
- Residential Life Staff
- Victim Advocates
- Public Safety
- County Crime Victims and Sexual Violence Support Services Center
- County District Attorney – victim can make a confidential report to them as well
- Student Outreach Services

ANNUAL CRIME STATISTICS

You may view a copy of FM's annual crime statistics within the College Safety Report:

- Go to our Homepage
- Click on “About FM”
- Select “Campus Safety” From the List, and view the report

Why this training is important to FM and You

U.S. Dept. of Ed to Investigate Penn State Scandal

STATE COLLEGE, Pa. (11/9/11) — The U.S. Department of Education has launched a probe into whether Penn State violated the Clery Act when it did not report child sexual abuse allegations to the proper authorities. Penn State officials received a letter on Wednesday officially notifying them of the investigation.

REMEMBER:

Compliance is monitored by the United States Department of Education which can impose civil penalties up to **\$27,500 per violation**, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

CLERY VIOLATIONS

Virginia Tech – fined \$55,000 on March 29, 2011 for their failure to issue a timely warning

Eastern Michigan University - fined \$357,500 in December 2007 for failing to warn the campus of a student's assault and death

Salem International University - fined \$250,000 for failure to report numerous campus crimes between 1997 and 1999

Not only do the Institutions get fined,
CSAs and College Administrators have been dismissed for their omissions in not reporting their awareness of a Clery-classified crime reported to them