



# *Clery Act Compliance*

# Institutional Responsibility

Chief Charles Wilson

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The *Clery Act* is a consumer protection law that aims to provide transparency around campus crime policy and statistics.

### **Report Campus Crime Data**

Requires colleges and universities that receive federal funding to disseminate a public *Clery Act* annual security report (ASR) to employees and students every October 1st. This ASR must include statistics of campus crime for the preceding 3 calendar years, plus details about efforts taken to improve campus safety.

### **Provide Support for Victims**

Victims of sexual assault, domestic violence, dating violence, and stalking have specific rights, options, and resources guaranteed to them by the *Clery Act* in the form of prevention education, student and employee rights, and disciplinary proceedings.

### **Maintain and Communicate Policies & Procedures**

ASRs must also include policy statements regarding (but not limited to) crime reporting, campus facility security and access, law enforcement authority, incidence of alcohol and drug use, and the prevention of/response to sexual assault, domestic or dating violence, and stalking.



## What are the Clery Act requirements?

### Jeanne Clery Act: Overview

- Annual Security Report
  - Policy statements
  - Campus crime statistics
  - VAWA Amendments to Clery
- Ongoing Disclosures
  - Emergency notification
  - Timely warning
  - Public crime log





## **Criminal Offenses**

- Homicide
- Sex Offenses
- 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
- Destruction/Damage/  
Vandalism of Property

## **Violence Against Women Act (VAWA) Offenses**

- Dating Violence
- Domestic Violence
- Stalking

## **Arrests & Referrals for Disciplinary Action**

- Liquor Law Violations
- Drug Abuse Violations
- Weapons Law Violations





<b>OFFENSE</b>	<b>2017</b>	<b>2018</b>
<b>CRIMINAL HOMICIDE</b>		
Murder and Non-negligent Manslaughter	1	0
Negligent Manslaughter	0	0
<b>ROBBERY</b>		
Robbery	1	3
<b>AGGRAVATED ASSAULT</b>		
Aggravated Assault	5	1
<b>BURGLARY</b>		
Burglary	46	26
<b>MOTOR VEHICLE THEFT</b>		
Motor Vehicle Theft	4	6
<b>ARSON</b>		
Arson	0	0
<b>ARRESTS</b>		
Liquor Law Violations	4	2
Drug Abuse Violations	52	79
Weapons Law Violations	11	8



<b>OFFENSE</b>	<b>2017</b>	<b>2018</b>
<b>SEX OFFENSES</b>		
Rape	2	6
Fondling	2	2
Incest	0	0
Statutory Rape	0	0
<b>VAWA OFFENSES</b>		
Dating Violence	7	2
Domestic Violence	2	8
Stalking	5	10



## Who is a Campus Security Authority (CSA)?

- All individuals who work for a campus police department or a campus security department
- 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. security at a campus parking kiosk, monitor access into a campus facility, act as event security, such as for sporting events or large, registered parties).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. 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.



## Examples of CSAs

- Dean of students
- Director of athletics, all athletic coaches (including part-time employees and graduate assistants)
- Faculty advisor to a student group
- Student resident advisor or assistant
- Student who monitors access to dormitories or buildings that are owned by recognized student organizations
- Coordinator of Greek affairs
- Title IX coordinator
- Ombudsperson (including student ombudspersons)
- Director of a campus health or counseling center
- Victim advocates or others who are responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.
- Members of a sexual assault response team (SART) or other sexual assault advocates
- Local law enforcement who are contracted by the institution to provide campus safety-related services
- If your institution directs students or employees to report crimes to other individuals, then those individuals are also CSAs. These individuals could include:
  - Physicians in a campus health center
  - Counselors, including peer counselors (except for professional or pastoral counselors)
  - Health educators, including peer health educators





The U.S. Department of Education (DOE) enforces the *Clery Act* and the Office of Federal Student Aid conducts program reviews to evaluate institutions' compliance with the Act.

### **A review may be initiated by the DOE when:**

- Formal complaint
- Significant media event
- Audits
  - An independent audit or a review selection process that may also coincide with state reviews performed by the FBI's Criminal Justice Information Service (CJIS) Audit Unit.





## Risks of Noncompliance

- A suspension or limiting of the institutions' Title IV funding
- The institution's name will be provided to Congress by the Secretary of Education
- Department of Education can issue civil fines up to **\$57,317** per violation
- Negative media attention and public relations
- Failure to comply with the Clery act can be used in court to demonstrate an indifference to security issues during a litigation



The goal of *Clery Act* compliance is not simply to follow the rules to avoid fines, but to help people stay informed and safe.



## Financial Costs of Noncompliance

- 2010 – Liberty University: \$165,000.00
- 2010 – Virginia Tech: \$55,000.00
- 2011 – University of Texas at Arlington: \$82,500.00
- 2011 – University of Vermont: \$65,000.00
- 2012 – Joliet Junior College: \$55,000.00
- 2012 – Dominican College of Blauvelt: \$262,500.00
- 2013 – Yale University: \$165,000.00
- 2013 – Cornell College: \$55,000.00
- 2013 – Wards Corner Beauty Academy: \$15,000.00
- 2014 – Midlands Technical College: \$47,500.00
- 2014 – Sterling College: \$165,000.00
- 2016 – Penn State University: \$2,397,500.00
- 2019 – Michigan State University: \$4,500,000.00**





## Reporting Responsibilities

Under both laws, certain individuals have reporting responsibilities when they become aware that sexual violence has occurred.

- Title IX: These individuals are referred to as “responsible employees.”
- The *Clery Act*: These individuals are “campus security authorities (CSAs).”



## Geography of Responsibility

Under both laws, rights are provided to victims of sexual assault regardless of where the assault occurred.

- Title IX: Off-campus incidents can still affect the environment on-campus. Therefore, educational activities and programs that occur off-campus fall within a school’s reporting responsibility.
- The *Clery Act*: Institutions are responsible to report crimes occurring only within “Clery Geography.”

## Confidentiality Exemptions

Under both Title IX and the *Clery Act*, pastoral and professional counselors are exempt from reporting requirements, but are able to share non-personally identifiable information with the consent of the survivor, via the institution’s voluntary confidential reporting policy.

## Complaint Outcome Notification

Title IX and the *Clery Act* require institutions to provide both the complainant and the respondent with written information about the outcome of a sexual violence complaint. This information must also include any sanctions imposed.



## Geography Definitions

- **On- campus Buildings or Property** (owned or controlled by institution; reasonably contiguous to one another; directly supports/relates to educational purpose)
- **On-campus Student Housing Facilities**
- **Public Property** (streets, sidewalks, parking lots within or immediately adjacent to and accessible from the campus)
- **Non-campus Buildings or Property** (owned or controlled by institution; located off campus or outside of mile radius of main campus; directly supports/relates to educational purpose)





## Non-campus Geography

### **Considerations for Trips to Off-Campus Locations**

Repeated use of a location for school-sponsored trips  
Every year; in the same hotel each year

Short-stay “away” trips

More than one night; all locations used by students during the trip;  
controlled by the institution during the trip and used to support  
educational purposes

Study abroad programs

Location or facility that the institution rents or leases space for  
students in a hotel or student housing facility; in control of that  
space for the time period covered by your agreement





<b>Trip Accommodation and/or Academic Space Usage Agreement</b>	<b>Student Trip Accommodation</b>	<b>Student Trip Accommodation</b>	<b>Clery Act Reportable Student Trip</b>
The University has a written agreement for trip accommodations and/or academic space for use of the accommodations or space	The same accommodations are used in two consecutive years or more frequently	1 night or more	Yes
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	The same accommodations are used in two consecutive years or more frequently	1 night or more	Yes
The University has a written agreement with the end provider for trip accommodations and/or academic space for use of the accommodations or space by 2 or more students	You don't anticipate using the same accommodation every year	10 or more nights	Yes



## **N. C. A&T High Risk Areas**

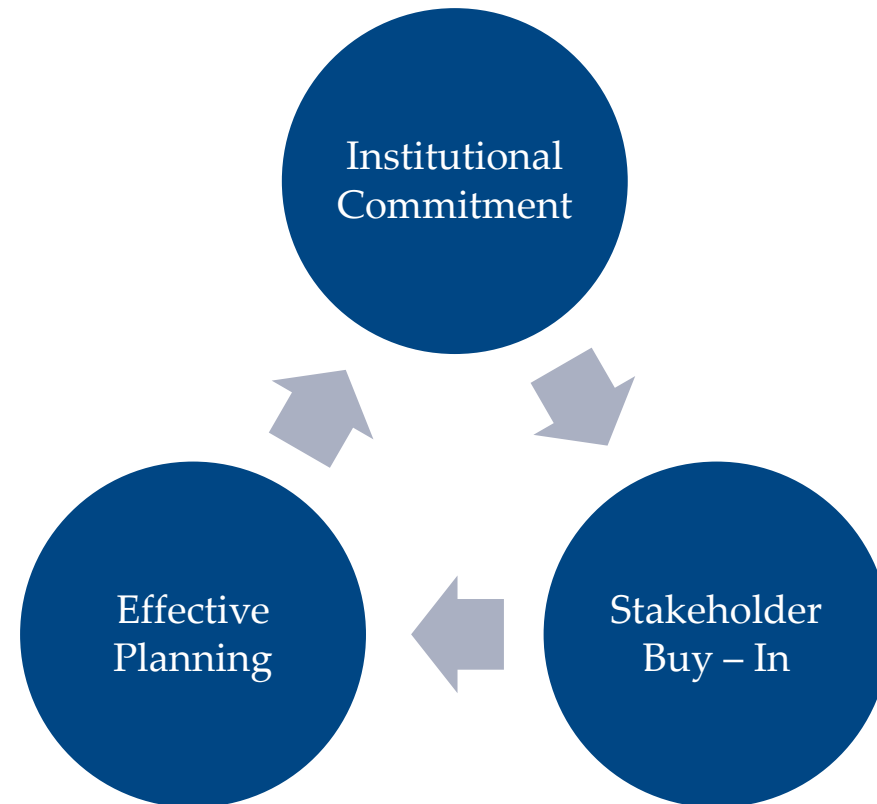
- **Campus Security Authority (CSA) identification and reporting**
- ***Clery Act* Geography: Non-campus Property**
- **Classifying *Clery Act* Crimes**
  - University Police Department
  - Title IX
  - Student Affairs
  - Residential Life








*Clery Act* compliance is an **institutional responsibility**.






# Questions & Comments



*Jeanne Clery*  
November 23, 1966- April 5, 1986

“Jeanne loved life, and loved people; nothing would please her more than to know her legacy has been making students safer so they can live and enjoy life.”

– Connie Clery, 2011 Lehigh Summit



CLERY  
CENTER  
FOR SECURITY ON CAMPUS