

# Building a Clery Act Policy at CSU

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# What is the Clery Act?



- In 1986, freshman Jeanne Clery was raped and murdered in her dorm room at Lehigh University. This was not the first violent crime to occur on the campus.
- Jeanne's parents believed they would not have chosen Lehigh if they knew that there was a history of violent crime on campus; they formed Security on Campus to lobby Congress.
- Result: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, signed in 1990--[20 U.S.C. § 1092\(f\)](#), [34 C.F.R. 668.46](#)

# Goals of the Clery Act

- To ensure students, prospective students, parents and employees have access to accurate information about crimes committed on campus and campus security procedures.
- To provide survivors of sexual assault, domestic violence, dating violence, and stalking with specific information about reporting and response
- To provide options such as changes to academic, transportation, living, or working situations, if the student or employee chooses.
- Provides both parties in a campus disciplinary process certain rights.

# Clery Act Requirements

- Maintain daily crime, fire logs for public inspection
- Report **Clery crime statistics** to Dept of Education (including arrests and disciplinary referrals for weapons, drug, alcohol violations)
- Publish Annual Security Report (at CSU, **AFSR**) containing past 3 years' crime statistics, institutional policies, fire safety data
- Issue **timely warning** when Clery crime is reported that represents an ongoing threat (e.g., shooter) or **emergency notification** when there is any immediate danger to safety (e.g. tornado)
- Provide **missing student** notification procedures
- Identify and train **Campus Security Authorities (CSAs)**
- Have emergency **evacuation procedures** and disclose them
- Provide **sexual assault** policies and procedures

# Campus Security Authorities (CSAs)

- Defined by job function—not title
- University Police
- Non-police security staff (anyone with security duties)
- Any official with *significant responsibility* for student and campus activities
  - Faculty, staff, student, or anyone assigned such responsibilities—examples:
    - Resident Assistants, Directors
    - Student Conduct officials
    - Athletics coaches
    - Student advisors
- Anyone CSU identifies as someone to whom crimes should be reported
- Responsibility to document, report to higher authority/CSUPD

# Clery Crimes

Homicide (murder and negligent/non-negligent manslaughter)

Sex offenses (forcible, non-forcible)

Robbery

Aggravated Assault

Burglary

Motor Vehicle Theft

Arson

Hate Crimes: if victim intentionally selected because of actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability

- All above crimes, plus
- Larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property
- Any crime involving bodily injury

VAWA Amendments:

- Dating Violence
- Domestic Violence
- Stalking

Arrests/Disciplinary Referrals for:

- Liquor law violations
- Drug law violations
- Illegal weapons possession

# Clery Geography

## Campus Property

- Buildings, streets, grounds on or reasonably contiguous to main campus
- Residence Halls/Apts

## Non-Campus Property

- Any property owned/controlled by CSU (leased, rented, or used by recognized student organization, e.g. frat house)

## Public Property

- Must be immediately adjacent to campus property (sidewalks, roads)

# Clery Act Sanctions

- Violators can be fined up to \$35,000 per incident by the U.S. Department of Education, the agency charged with enforcement of the Act
- Penalties imposed on institutions for non-compliance have topped \$350,000 (Eastern Michigan--under prior, lower fines)
  - Failed to disclose rape, homicide of student in dorm room for 2 months
  - No timely warning issued
  - Multiple failures to report accurate statistics
  - Lack of timely warning policy and other policy statements
  - Failure to maintain daily crime log
  - Fired: President, VP Student Affairs, Dir. of Public Safety
- Other sanctions include limitation or suspension of federal aid, or the loss of eligibility to participate in federal student aid programs
- Reputation damage to the institution

# Preparing Crime Statistics Disclosures

- Identify Responsible Office
  - Usually Campus Police/Security
- Coordinate with key office that receive Clery crime reports
  - Student Conduct
  - Title IX Coordinator
  - Victim Advocates
  - Study Abroad/Alternative Break

# Campus Offices to Consult/Advise

- Admissions
- Human Resources
- Victim Advocates
- Title IX Coordinator
- Study Abroad/Alternative Break Office

# Compiling Statistics

- Develop system to avoid double counting
  - Multiple offices may receive reports of Clery crimes
  - Some offices, such as victim advocates, may have confidentiality requirements but still have received reports of Clery crimes (Title IX/VAWA)
  - Campus police/security should share known Clery crime incidents, and the other offices should cross-reference with their records to avoid double counting and maintain confidentiality
- Meet monthly or quarterly so manageable task to improve accuracy
- Each office must understand process, Clery crimes and be accountable

# Required Institutional Policies

The statute and regulations list over 60 policy statements and subparts that must be in the ASR in order to be in compliance with the Clery Act. These include:

- Procedures for students and others to report crimes or other emergencies
  - Titles of each person or organization to whom students and employees should report
- Timely Warnings and Emergency Notifications—how issued, by whom, follow up
- Emergency Evacuation Procedures and Policies
- Policies on Access to and Maintenance of Campus Facilities
- Alcohol and Drug Policies
- Missing Student Policy and Procedures
- Sexual Assault Policy re: programs to prevent sex offenses and procedures to follow when sex offense occurs
- Jurisdiction of CSUPD and any MOUs with other law enforcement agencies

# Required Institutional Policies— VAWA Amendments

- Procedures victims should follow if a crime of sexual assault, **domestic violence, dating violence, or stalking** has occurred
- Procedures for disciplinary action in cases of alleged sexual assault, dating violence, domestic violence, or stalking
- How we will protect confidentiality of victims and parties in relation to these crimes
- Statement that CSU will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community
- Statement regarding student or employee's rights and options when reporting as a victim

# Why Have a Separate Policy?

Almost all of the required policy statements can and should be contained in the institution's ASR. Why have a Clery Policy?

- Address policy that is “higher level” than the AFSR
  - What is required to be in AFSR
  - How statistics are compiled
- Affirm institutional commitment to comply with Clery
- Set expectations and responsibilities
- Advise campus of role and responsibilities of CSAs
- Include major policies rather than detailed statements and procedures
- Keep the audience in mind

# Where to Start?

How to approach crafting a policy and AFSR?

- Available checklists and guidelines
  - [National Center for Campus Public Safety \(Margolis-Healy\)](#)
  - [American Council on Education \(Acenet\) President's Guide to Clery](#)
  - [Clery Center for Security on Campus VAWA Checklist](#)
  - [Clery Act Handbook – U.S. Dept of Education](#)
- Other institutions' policies
- Consultant training materials

# Policy Outline

## Intro/Policy Purpose

- Cite Clery Act, explain goals
- Affirm institutional commitment to compliance

## Definitions

- AFSR
- Campus, non-campus, public property
- Campus Housing
- Campus Security Authority (CSA)
- Clery Act
- Clery Crimes
- Daily crime, fire logs
- Emergency Notification
- Hate Crime
- Pastoral/professional counselors
- Resident student
- Timely Warning

# Policy Outline

- Duty to publish AFSR in a timely manner and make available to community
- What will be included in the AFSR—policy statements and other components
  - Appendix listing everything
- How crime statistics disclosures are prepared
- Responsibilities of CSAs
  - Identifying CSAs
- Training for CSAs and others (such as PST)
- Reporting crimes and emergencies (incl. **confidential reporting**)
- Reporting interpersonal violence
- Confidential resources—pastoral/professional counselors, victim advocates (check state law)

# Policy Outline

- How timely warnings and emergency notifications are issued
- Campus security/access
- Emergency response and evacuation
- Missing student notification procedures
- Requirement to retain records
- Distribution of AFSR
- Campus police authority/jurisdiction
- MOUs with law enforcement agencies

# Policy Review

- Clery Compliance Committee
  - Josh Zugish, Legal Counsel
  - Captain Frank Johnson--oversees Clery reporting
  - Bob Schur, Office of Policy & Compliance
  - Craig Chesson, Student Conduct
  - Ken Quintana, Emergency Manager
  - Joan Williams, CSUPD records coordinator--collects and compiles Clery data
- Margolis-Healy--external expert consultants
- Public Safety Team

# Questions?

Link to AFSR: Public Safety website <http://safety.colostate.edu> or <http://police.colostate.edu/clery-act/>

Link to Clery Policy: <http://policylibrary.colostate.edu>, browse to Public Safety or search for Clery.

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