The Clery Act:
Your Role, Responsibilities & Reporting

Campus Security Authority (CSA) Training
The Clery Act

On April, 5, 1986 19-year-old Lehigh University freshman Jeanne Ann Clery was raped and murdered in her residence hall room. Jeanne's parents, Connie and Howard, discovered that the university hadn’t informed students about 38 violent crimes on the Lehigh campus in the three years prior to her murder. They joined with other campus crime victims and influenced Congress to enact the “Crime Awareness and Campus Security Act of 1990”, which is commonly referred to as the “Clery Act” or “Jeanne Clery Act”.
The Clery Act

Federal law that requires colleges and universities to report crime statistics and other safety and security information to current & prospective students & employees

Colleges and universities must submit this information in an Annual Security Report to the U.S. Department of Education by October 1st of each year

Failure to comply can result in fines, loss of student financial aid, and harm to institution’s reputation
Clery Act Requirements

1. Every institution must:
   - Collect, classify and count crime reports and crime statistics
   - Have and disclose emergency response and evacuation procedures in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus
   - Immediately notify the campus community upon confirmation of an emergency or dangerous situation
   - Warn the campus community in a timely manner about certain crime activity that may pose a continuing danger
   - Publish an Annual Security Report disclosing three years worth of crime statistics and campus security policies
   - Submit crime statistics to the U.S. Department of Education (ED)
Clery Act Requirements

2. If your institution maintains a campus police or security department, you must keep a daily crime log.

3. If your institution has any on-campus student housing facilities, you must:
   - Disclose missing student notification procedures
   - Disclose fire safety information related to those facilities
   - Keep a fire log that is open to public inspection
   - Publish an annual fire safety report containing policy statements as well as fire statistics
   - Submit fire statistics to ED
How Does the Clery Act Impact You?

- Some crimes and incidents, especially sexual offenses, are often not reported to police.

- Some individuals are more hesitant to report crimes and incidents to the police or campus security than to university/college staff.

- The Clery Act requires institutions to collect and publish crime reports from four categories of Campus Security Authorities (CSAs).

- If you fall under the category of a CSA, you have important responsibilities for the safety of your fellow staff and students.
The Clery Act identifies four CSA categories:

- Campus police or security/safety department
- Those responsible for campus security but not a police or security department
- Any individual or organization specified as an individual or organization to whom students and employees should report criminal offenses
- “Officials with significant responsibility for student and campus activities”
Who is a University “Official”?

- The Clery Act describes one CSA category as “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 “University Officials” Designated as CSAs

- A dean of who oversees student housing, a student center or student extracurricular activities and officials who oversee student extracurricular activities.
- A director of athletics or a team coach
- A faculty advisor to a student group
- Representatives of student housing and resident life, or a student who monitors access to student housing
- A physician in a campus health center, a counselor in a campus counseling center or a victim advocate or sexual assault response team in a campus rape crisis center if they are identified by your school as someone to whom crimes should be reported or if they have significant responsibility for student and campus activities.
Examples of “University Officials” Designated as CSAs

- Counselors in a campus counseling center or victim advocates or sexual assault response teams in a campus rape crisis center if they are identified by your school as someone to whom crimes should be reported or if they have significant responsibility for student and campus activities
- Campus police, campus safety officer
- Campus provosts (directors and deans).
- Judicial affairs officers / other officials with responsibility for student discipline
- Directors or managers of student service / support centers
Who is Not Classified as a CSA?

Those not fitting the description of a CSA include:

- A faculty member who does not have any responsibility for student and campus activity beyond the classroom (not an advisor to a student group)
- Clerical staff
- Custodial staff
- Maintenance staff
Who is Exempt from Being a CSA?

- A pastoral counselor associated with a religious order or denomination
- A professional counselor, if acting within the scope of his/her license
- Also remember to do an annual assessment of your CSA list to see if anyone’s job descriptions or responsibilities have changed!
What are Campus Activities?

- Student housing
- Student discipline and campus judicial proceedings
- Athletics
- Student clubs and organizations
CSA Responsibilities: Do’s and Don’ts

**Do:**
- Collect crime report information
- Complete crime report forms or statement forms presented by Campus Safety
- Confer with Campus Safety or law enforcement when in doubt
- Submit reports to Campus Safety regarding crimes or allegations of crimes

**Don’t:**
- Attempt to determine whether or not a crime took place
- Convince or force a victim to report the crime to law enforcement
- Try to apprehend the perpetrator
What crimes must be reported annually for Clery?

- The following information explains the crimes that Daytona State College must count and report annually to be in compliance with the Clery Act.

- Please note that this presentation is to educate you on the Clery Act. You should report *all* crimes or allegations of criminal activity that you witness or are reported to you.
What crimes must be reported annually for Clery?

- **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 of value from 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 result from an aggravated assault when a gun, knife or other weapon is used which probably would result in a serious potential injury if the crime were successfully completed.
What crimes must be reported annually for Clery?

- **Sex Offenses: Forcible** - Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent. Includes:
  - A. Forcible Rape
  - B. Forcible Sodomy
  - C. Sexual Assault With An Object
  - D. Forcible Fondling

- **Sex Offenses: Non-forcible** - Unlawful, non-forcible sexual intercourse.
  - A. Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - B. Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.
What crimes must be reported annually for Clery?

- **Domestic Violence:** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner 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 or intimate partner, 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.
What crimes must be reported annually for Clery?

- **Dating Violence**: violence committed by a person—
  - who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship.
    - The type of relationship.
    - The frequency of interaction between the persons involved in the relationship.

- **Stalking**: engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - fear for his or her safety or the safety of others or
  - suffer substantial emotional distress.
What crimes must be reported annually for Clery?

- **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 - including 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.
What crimes must be reported annually to Clery?

- **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.

- **Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

- **Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned.
What crimes must be reported annually to Clery?

Note that for weapons law, liquor law, and drug abuse violations, incidents that only resulted in a Judicial Affairs referral must be reported if the incident involved a violation of the law.

**Hate Crime Statistics:**

Report those offenses that “...manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, gender identity, ethnicity, national origin, or disability...” as stated in the ED handbook and are:

- Otherwise reportable statistics under the Clery Act
- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism or property
- Any other crime involving bodily injury
What Do I Need to Know to Report a Crime?

*Get the facts...*

- **Who** was involved?
- **What** crime or incident occurred?
- **When** did the crime or incident occur?
- **When** did the person report it to you?

The law requires that the **crime be reported for the calendar year in which it was first reported to a Campus Security Authority** – not when it occurred, not when it was reported to police.

- **Where** did the crime or incident occur?
Clery Geography

You must report if it occurred:

- On campus
- On campus, in residence halls, fraternity & sorority houses, athletic facilities, library, classrooms, student union, parking lots, etc.
- On public property within the campus or adjacent to & accessible from campus
- On non-campus property owned or controlled by the institution or a recognized student organization
- In spaces used to access controlled spaces, such as parking lots, elevators, stairwells, restrooms and lobbies
Reporting Sexual Assault, Sexual Misconduct

- Sexual assault and sexual misconduct means forcible and non-forcible sex offenses as well as domestic violence, dating violence, and stalking. Preventing these crimes and responding properly to a report of a sexual assault or misconduct are crucial in providing a safe community. Title IX and Clery place great emphasis on what institutions should do in regard to preventing and responding to sex offenses.

- As a CSA you should be aware of what you need to do to meet the immediate needs of a survivor of sexual assault or misconduct and know their rights.
Meeting the Immediate Needs of Survivors

- Assist the survivor in getting to a safe place if necessary
- Assist the survivor in getting medical attention if needed.
- If a sexual assault has occurred recently and the survivor wants to make a report to the police, inform the person not to bathe or douche and to preserve clothing.
- Providing emotional support important. Make sure to talk in a private location and contact a victims’ advocate, such as the College Counseling Dept. or a community resource. Encourage the survivor to seek the support of trusted family members and loved ones. **DO NOT** try to coerce the survivor into making a police report if they do not wish to do so.
- If there is a crime scene on campus, arrange to have Campus Safety preserve the scene
Ensure that medical needs are addressed by contacting the appropriate emergency services.

Notify survivors of their options for contacting law enforcement. (Campus Safety Officers do not have law enforcement authority and are not sworn law enforcement officers.) These options include the right not to report to law enforcement. If requested, contact law enforcement on a survivors’ behalf or assist in doing so.

If there is a crime scene on campus, arrange with Campus Safety to maintain preservation of the scene.

Treat survivors with courtesy, respect, dignity and sensitivity.

Act thoughtfully without prejudging.
Rights of Survivors of Sexual Assault, Domestic Violence, Dating Violence, and Stalking

- Ensure that a College victims' advocate is available throughout the process to address your and concerns as well as those of significant others. Contact Campus Safety or Counseling for assistance.

- Notify survivors of available counseling and community victims' advocacy services and assist in contacting them.

- Maintain survivors’ confidentiality as provided by law.

- If a survivor wishes to be interviewed, do so in a private location. Offer to have a person of the same gender speak to the survivor.
Rights of Survivors of Sexual Assault, Domestic Violence, Dating Violence, and Stalking

- Assist students who report a sexual assault, domestic violence, dating violence or stalking that has occurred off campus or at a prior time on campus in contacting the appropriate legal authorities and/or service agencies. Please visit the Resources for Survivors page on the Daytona State College Campus Safety Website at http://www.daytonastate.edu/campus_safety/resources_for_survivors.html for information on contacting community, state, and federal victims' advocacy and mental health service agencies.

- Note that survivors have the right to change academic and (if applicable) living and transportation arrangements with Daytona State College.
Resources for Survivors of Sexual Assault and Misconduct

- Contact the College Counseling Department at extension 3038 or visit their website at http://www.daytonastate.edu/counseling/

- Contact Campus Safety at extension 4444 or visit their website at http://www.daytonastate.edu/campus_safety/

(direct link to Campus Safety Resources for Survivors page) http://www.daytonastate.edu/campus_safety/resources_for_survivors.html
Reporting Child Abuse

- While the scope of this training is making you aware of the crime reporting responsibilities of Campus Security Authorities as defined by the Clery Act, it is important for us to be aware of Florida law regarding the reporting of child abuse.

- Therefore, the Daytona State College Annual Security Report and Campus Safety Guide includes the following information regarding child abuse reporting. The document also includes links to more information.
1. What is abuse?

For children:
“Abuse” means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

For adults:
“Abuse” means any willful act or threatened act by a relative, caregiver, or household member which causes or is likely to cause significant impairment to a vulnerable adult’s physical, mental, or emotional health. Abuse includes acts and omissions.

2. What is neglect?

For children:
“Neglect” occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.

For adults:
“Neglect” means the failure or omission on the part of the caregiver or vulnerable adult to provide the care, supervision, and services necessary to maintain the physical and mental health of the vulnerable adult, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, which a prudent person would consider essential for the well-being of a vulnerable adult.

The term “neglect” also means the failure of a caregiver or vulnerable adult to make a reasonable effort to protect a vulnerable adult from abuse, neglect, or exploitation by others.

Florida Law (Florida Statutes Chapters 39 [http://www.flsenate.gov/Laws/Statutes/2012/Chapter39] and 415 [http://www.flsenate.gov/Laws/Statutes/2012/Chapter415]) requires any individual who suspects that a child has been abused by any person to make a report with the Florida Abuse Hotline. Any allegations a child was abused or neglected by a caregiver will be investigated by the Department of Children and Families, while allegations of child abuse by someone other than a caregiver will be accepted at the Hotline and immediately electronically transferred to the appropriate local law enforcement agency where the child lives.
3. What is exploitation?

“Exploitation” means a person who:

A. Stands in a position of trust and confidence with a vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a vulnerable adult’s funds, assets, or property with the intent to temporarily or permanently deprive a vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult;

or

B. Knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, the vulnerable adult’s funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult.

4. Who do you consider a child?

A child is an unmarried person who is born, under the age of 18, and who has not been emancipated by order of the court.

5. Who do you consider a vulnerable adult?

A vulnerable adult is a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to disability, brain damage, or the infirmities of aging.

6. What should I do if I suspect a child or vulnerable adult is being abused, neglected, or exploited?

Everyone, including professionally mandatory reporters, should contact the Florida Abuse Hotline when they know or have reasonable cause to suspect that a child or a vulnerable adult has been abused, abandoned, neglected, or exploited. The Abuse Hotline Counselor will determine if the information provided meets legal requirements to accept a report for investigation.

7. When should I call?

Any person, including professionally mandatory reports, should contact the Florida Abuse Hotline when they know or have reasonable cause to suspect that a child or vulnerable adult has been abused, abandoned, neglected, or exploited. The Hotline has counselors available 24 hours a day, 7 days a week. The Hotline counselor will determine if the information provided meets legal requirements to accept a report for investigation.
Be prepared to provide specific descriptions of the incident(s) or the circumstances contributing to the risk of harm, including who was involved, what occurred, when and where it occurred, why it happened, the extent of any injuries sustained, what the victim(s) said happened, and any other pertinent information are very important.

Information callers should have ready includes:

- Name, date of birth (or approximate age), race, and gender, for all adults and children involved.

- Addresses or another means to locate the subjects of the report, including current location.

- Information regarding disabilities and/or limitations of the victims (especially for vulnerable adult victims).

- Relationship of the alleged perpetrator to the child or adult victim(s).

- Other relevant information that would expedite an investigation, such as directions to the victim (especially in rural areas) and potential risks to the investigator, should be given to the Abuse Hotline Counselor.

For a complete list of information please see the What We Need to Know page [http://www.myffamilies.com/service-programs/abuse-hotline/what-we-need-know](http://www.myffamilies.com/service-programs/abuse-hotline/what-we-need-know)

Please contact the Hotline’s toll free reporting number if you believe a child or vulnerable adult is at imminent risk of harm.
FAX

To make a report via fax, please send a detailed written report with your name and contact telephone or FAX contact information using the Florida Abuse Hotline’s fax reporting form to: 1-800-914-0004.

Tips for Successful Fax Reporting

http://www.myffamilies.com/service-programs/abuse-hotline/tips-successful-fax-reporting

This form is available in PDF Format, (requires that you use Adobe Acrobat to view and print).

Web Reporting:

Web reporting should not be used for situations requiring immediate attention. Please contact the Hotline’s toll free reporting number if you believe a child or vulnerable adult is at imminent risk of harm.

To make a report via the Florida Abuse Hotline’s web reporting option, please gather all of your information in advance and go to the following page to access the web reporting option: https://reportabuse.dcf.state.fl.us/

Notification of Report:

• Telephone reporters will always be told prior to concluding your conversation, whether the information provided has been accepted as a report.

• Fax reporters will only be notified if they request notification in the designated area on the fax reporting form.

http://www.dcf.state.fl.us/programs/abuse/docs/faxreport.pdf

Please do not fax multiple allegations of abuse or neglect for multiple families at a time. By submitting them one at a time, they will likely get processed faster.

For more information on reporting child abuse, please visit: http://www.myffamilies.com/service-programs/abuse-hotline or contact Campus Safety.
Example Scenarios

The following scenarios are examples based on the Dept. of Education’s Handbook for Campus Safety and Security Reporting, which can be found at http://www2.ed.gov/admins/lead/safety/handbook.pdf

These examples are to enhance your understanding and do not cover every situation. Remember to contact Campus Safety or law enforcement if you are ever in doubt on how to proceed.
Example Scenarios

- A CSA is told by a student that she has been raped on campus and is seeking emotional and medical support.

- The CSA should document this information with Campus Safety as a crime report. The student’s medical needs should be addressed immediately. (Emergency medical services should be contacted through 911 if needed.) The student should be directed to victims’ services and mental health resources on campus and in the community. The victim should be assisted with contacting law enforcement if she wants to, but not coerced if she doesn’t. If there is a crime scene on campus, Campus Safety should be contacted immediately so the scene can be secured.
Example Scenarios

- A student mentions to her boyfriend that an apartment at the off-campus student housing was broken into during the previous night’s game. Later that day, her boyfriend tells the Athletics Director what he heard.

- The Athletics Director should ask which apartment it was and what, if anything else, the boyfriend knows about the incident.

- The Athletics Director should document the information and forward it to Campus Safety.
Example Scenarios

- A CSA gets a call from the director of a counseling center in town. The caller wants to let the director know that two students from the College sought assistance at the center and told the center’s counselors that they had been sexually assaulted on campus and were seeking emotional support. They did not want police investigations.

- These are third party reports and the CSA, having no reason to believe that they were not made in good faith, should document all of the information and forward the reports to the Campus Safety Department.
What Are the Consequences for Non-Compliance?

Along with compromising the safety of the campus community, failing to comply with the Clery Act can result in...

- **Fines** – The DOE may fine an institution up to $35,000 per violation.
- Loss of student financial aid
- Serious harm to your institution’s reputation by negative publicity, and perception that you are not a safe place
- Drop in enrollment due to this perception
Important Reminders

- You should always call 911 during an emergency (remember 9-911 from a College phone). Please follow up by calling Campus Safety as soon as possible.

- The Campus Safety Department on the Daytona Beach campus is available 24 hours a day, 7 days a week and can assist you with making a report at any time. If you need assistance call Campus Safety at 386-506-4444 or visit the office in bldg. 540 on the 1st floor.
Important Reminders

- If someone is in immediate danger, take immediate action and call 911 followed by Campus Safety.
- If the victim does not want to report to police or Campus Safety, inform him/her that you are obligated to report the incident as an anonymous statistic, without identifying anyone.
- Don’t attempt to convince or force the victim to file a report with police. You can refer them to appropriate offices for support and services on campus.
- Your role is to report, not determine if the crime was committed. Leave that to law enforcement.
- Don’t try to apprehend the perpetrator. Leave that to law enforcement.
- Send an incident report to Campus Safety as soon as possible.
- When in doubt, consult with Campus Safety.
For more information

Daytona State College Annual Security Report and Campus Safety Guide available at
www.daytonastate.edu/campus_safety/security_report

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The Handbook for Campus Safety and Security Reporting from the U.S. Department of Education is available at
www.ed.gov/admins/lead/safety/campus.html

For questions about the ED Handbook, you can email HandbookQuestions@ed.gov
For more information

Free US Department of Education online training in Campus Safety And Security Reporting is available here http://www2.ed.gov/admins/lead/safety/campus.html#training