

Clery Act Compliance Training



Campus Security Authorities

Roles and Responsibilities

What is the Clery Act?

- Named in memory of Jeanne Clery, a 19-year-old Lehigh University freshman who was raped and murdered by another student while asleep in her residence hall room on April 5th, 1986.
- Jeanne's parents later discovered that students and the public hadn't been told about 38 violent crimes on the Lehigh campus in the three years before her murder.

What is the Clery Act?

- Congress enacted the law which was originally called the “Crime Awareness and Campus Security Act of 1990.”
- Amended in 1992, 1998, 2000, 2008, & 2013
- 1998 Amendment renamed the act to the “Jeanne Clery Act” or as it is usually abbreviated the “Clery Act”
- 2013 Amendments from Violence Against Womens Act (VAWA) added new reporting requirements

What is the purpose of the Clery Act?

- Disclose information about crimes occurring on and around campuses to students and the public.
- The goal of the act is to help prevent crime on and around campus.

What does the Clery Act Require?

- It requires Colleges and Universities across the United States to disclose information about crimes that occur in and around their campuses.
- The law is tied to an institution's participation in federal student Financial Aid programs.
- **Campus Security Authorities** must be trained/informed of their responsibilities and duties for Clery compliance.

Who is responsible for Clery Act Compliance?

We are all responsible. If you are an employee of Ohio University it is important to know if you are a Campus Security Authority and know your responsibilities for Clery Act compliance.

Campus Security Authority (CSA)

Definition

A CSA is an official of an institution who:

Has a significant responsibility for student and campus activities

Has the authority and the duty to take action or respond to particular issues on behalf of the institution

Campus Security Authority Definition

“Campus Security Authorities” include, but are not limited to, officials of the University with ***significant responsibility for students or campus activities.***

Campus Security Authorities

Who they are at OU

- OUPD
- Individuals responsible for security other than OUPD
 - Eg. Those who monitor access into campus buildings, computer labs, etc.
- Officials or offices designated to receive crime reports
 - Housing, Student Affairs, Institutional Equity, Survivor Advocacy
- Individuals Designated by the Campus
 - Dean's Office, Student Services staff

ARE YOU A CAMPUS SECURITY AUTHORITY?

Campus Security Authorities

Who they are at OU

- **Officials with Significant Responsibility for Student and Campus Activities**
 - Community Standards Officials
 - Staff who oversee student activities/student extracurricular activities
 - Faculty/Staff Club Advisors
 - Coaches for sports (NCAA or club)

ARE YOU A CAMPUS SECURITY AUTHORITY?

Campus Security Authorities

Who they are at OU

- Dean who oversees housing, student center, or extracurricular activities
- Director of athletics, a team coach, or faculty advisor to a student group
- Student RA
- Coordinator of Greek affairs

ARE YOU A CAMPUS SECURITY AUTHORITY?

Who is NOT a Campus Security Authority

- A faculty member who does not have any responsibility for student and campus activities beyond the classroom
- Clerical staff, administrative assistants
- Custodial or grounds staff

Licensure Exclusion

- The following are excluded from Clery CSA reporting if acting within the scope of their license or certification:
 - Medical doctors
 - Licensed counselors
 - Psychologists
 - Survivor advocates
- Ohio University encourages that de-identified reports of Clery violations be submitted by these individuals for inclusion in the annual report but doing so is not required

Campus Security Authority's Primary Responsibility

- **“to report allegations made in good faith to the reporting structure established by the institution”**
- Report crime statistics for inclusion in the University’s Annual Security Report.
- Ohio University Police Department is the designated office to collect crime report information.

CSAs- Reporting in “good faith”

- A crime should be considered reported when it is brought to the attention of a CSA or police by a victim, witness, or other third party or even an offender.
- Neither the reporting party nor individuals involved in the crime need to be affiliated with Ohio University.

CSAs-Reporting in “good faith”

- Reports are required even if police are not able to investigate the crime (victim/suspects may not be able to be located, victim may decline the investigation, etc.).
- If the report is made in good faith, meaning that there is reasonable basis for believing that the information is not rumor or hearsay, the incident is reportable.

Why CSA crime reporting is important

- Fulfill Ohio University's responsibility to annually disclose Clery crime statistics.
- To issue Timely Warnings and Emergency Notifications for Clery crimes and events that pose a serious or continuing threat to the campus community.

What can happen if CSAs do not report a crime/incident?

- The U.S. Education Department can issue civil penalties up to \$35,000 per infraction or limit federal financial aid to a college.
- Depending on the facts of the individual incident(s) and its severity, an individual can be held liable.

CSAs

What They Shouldn't Do

- Do not determine authoritatively whether a crime took place
- Do not try to apprehend the alleged perpetrator of the alleged crime
- Do not force a victim to file a criminal report although OUPD encourages the reporting of all crimes

What to report

- Certain Crimes and Referrals (following)
- Certain crimes that occur in certain campus geographical locations
- Report crimes NOT ALREADY known to law enforcement
- Report referrals NOT ALREADY known to The Office of Community Standards and Student Responsibility
- If you're not sure, report it

What crimes to report?

Three General Crime Categories

1. Seven main types of criminal offenses
2. Hate crimes
3. Arrests & referrals for disciplinary action (for certain crimes)

Crimes to Report

1. Criminal Homicide:

- Murder & Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.
- Negligent Manslaughter: the killing of another person through gross negligence.

2. Sex Offenses:

- Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental or physical incapacity.
- Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Crimes to Report

3. **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.

4. **Aggravated Assault**: An unlawful attack by one person upon another for the purpose of inflicting, severe or aggravated bodily injury. This type of assault is usually 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 could or probably would result in a serious injury if the crime were successfully completed.

Crimes to Report

5. **Burglary:** The unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny (theft) or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
6. **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.

Crimes to Report

7. 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 joyriding.

Hate Crimes

- **A Hate Crime is:** *Any crime* with evidence that the victim was intentionally selected because of the perpetrator's bias, based on their race, gender, gender identity, religion, sexual orientation, ethnicity/national origin or disability.
- A hate crime can include the before mentioned crimes as well as larceny/theft, simple assault, intimidation, destruction/damage/vandalism of property and any other crime involving bodily injury.

Crimes to Report (VAWA)

Domestic Violence: crimes of violence committed by:

- A. A current or former spouse or intimate partner of the victim
- B. 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
- C. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- D. 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.

Crimes to Report (VAWA)

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

Crimes to Report (VAWA)

Stalking: 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 for the safety of others
- B. Suffer substantial emotional distress

Arrests & Referrals for Disciplinary Action for certain crimes

Campus security authorities must report all arrests and disciplinary referrals for illegal weapon possession, drug law violations and liquor law violations.

Definition of an arrest: Persons processed by arrest, citation or summons.

Definition of referrals: The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Arrests & Referrals for Disciplinary Action for certain crimes

- 1. Illegal Weapons Possession:** The violation of laws or ordinances dealing with weapon offenses that are regulatory in nature

Arrests & Referrals for Disciplinary Action for certain crimes

2. Drug Law Violations: Violations of laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of illegal drugs.

Arrests & Referrals for Disciplinary Action for certain crimes

3. Liquor Law Violations: Are the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages

- Not drunkenness or drunk driving

The Clery Geography of Ohio University

- Data is ONLY collected for the Clery Act for the following locations
 - On-Campus
 - Non-Campus
 - Public Property adjacent to campus

Geography

- On-Campus
 - Owned/controlled
 - Reasonably contiguous
- Non-Campus
 - Owned/controlled/officially recognized
 - Not reasonably contiguous
- Public
 - Public property adjacent to and accessible from the above

Report only if in one of these three areas

For example- a sexual assault that occurred off-campus at a private residence. While this should be reported to law enforcement, it is not a Clery reportable crime.

Review: Crimes to Report

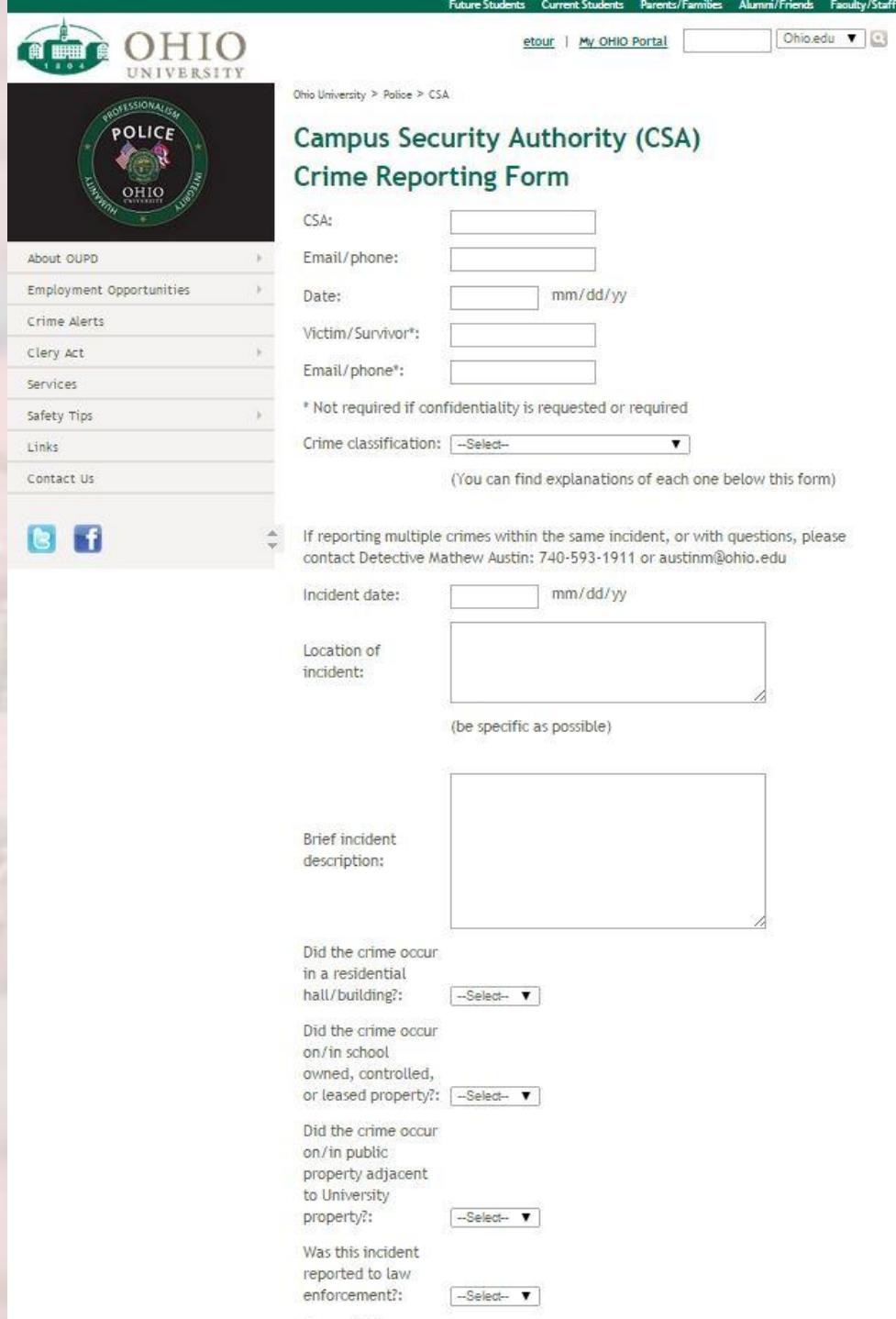
- Murder/manslaughter
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Weapon Law Arrests/Referrals
- Drug Abuse Arrests/Referrals
- Liquor Law Arrests/Referrals
- Rape
- Fondling
- Incest
- Statutory Rape
- Domestic Violence
- Dating Violence
- Stalking
- **Report only if NOT already reported to OUPD/Community Standards**

CSA Report Form

- Available at

<http://www.ohio.edu/police/CSA/crime-reporting-form.cfm>

- CSAs must provide contact information in case more information is needed



The screenshot shows the Ohio University Police CSA Crime Reporting Form. At the top, there's a navigation bar with links for Future Students, Current Students, Parents/Families, Alumni/Friends, and Faculty/Staff. Below that is a search bar with 'Ohio.edu' and a magnifying glass icon. The main header features the Ohio University logo and the text 'Campus Security Authority (CSA) Crime Reporting Form'. On the left, a sidebar menu includes links for About OUPD, Employment Opportunities, Crime Alerts, Clery Act, Services, Safety Tips, Links, and Contact Us. Social media icons for Twitter and Facebook are also present. The main form area contains fields for CSA, Email/phone, Date (mm/dd/yy), Victim/Survivor*, Email/phone*, and Crime classification (with a note that it's optional). A note below the classification field says '(You can find explanations of each one below this form)'. There's a section for reporting multiple crimes or questions, mentioning Detective Mathew Austin. The form then asks for Incident date (mm/dd/yy) and Location of incident, with a note to be specific. A large text area for Brief incident description follows. Below that are four dropdown menus asking if the crime occurred in a residential hall/building, on/in school owned/controlled/leased property, on/in public property adjacent to University property, and if it was reported to law enforcement.

Ohio University > Police > CSA

**Campus Security Authority (CSA)
Crime Reporting Form**

CSA: _____

Email/phone: _____

Date: _____ mm/dd/yy

Victim/Survivor*: _____

Email/phone*: _____

* Not required if confidentiality is requested or required

Crime classification: —Select—

(You can find explanations of each one below this form)

If reporting multiple crimes within the same incident, or with questions, please contact Detective Mathew Austin: 740-593-1911 or austinnm@ohio.edu

Incident date: _____ mm/dd/yy

Location of incident:

(be specific as possible)

Brief incident description:

Did the crime occur in a residential hall/building?: —Select—

Did the crime occur on/in school owned, controlled, or leased property?: —Select—

Did the crime occur on/in public property adjacent to University property?: —Select—

Was this incident reported to law enforcement?: —Select—

CSAs

What to report for The Clery Act

- CSAs must report basic de-identified information

—what, when & where

- If requested, the victim's/complainant's name may be omitted

*There may be situations as mandated by Ohio Revised Code, Title IX, or the Office of Institutional Equity where a more complete report is required.

- The more information the better
 - Helps prevent double counting of reports
 - Aids in crime prevention and campus alerts

Final Thoughts

- If in doubt- report it or ask OUPD
 - Detective Mathew Austin
 - 740-593-1911 or austinm@ohio.edu
- The goal is to accurately report crime and disclose information about crimes occurring on and around campuses to help prevent crime.
- Remember- we are all responsible for Clery Compliance

Questions?

Please contact the Ohio University Police Department with any questions you may have.

- Detective Mathew Austin: (740) 593-1911 or austinm@ohio.edu