



Clery Act Compliance 2014 Campus Security Authority Training

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1986 Jeanne Clery Act

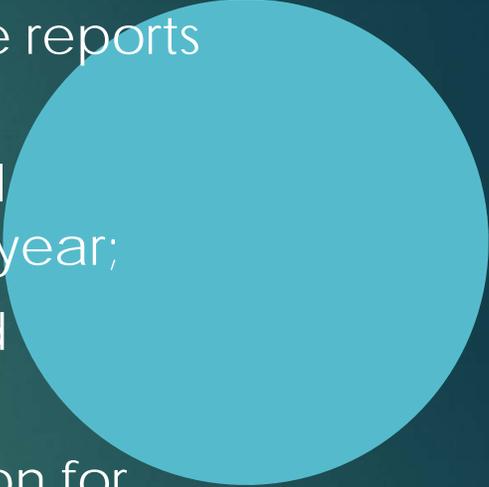
Background

- ▶ Jeanne Clery was raped and murdered in her dorm room at Lehigh University in 1986. For further information on Clery: <http://clerycenter.org>
- ▶ The University did not notify students of the 38 violent crimes that had been committed on campus in the three years preceding her murder.

"Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act"

- ▶ A Federal law that requires institutions of higher education in the United States to disclose campus security information including crime statistics for the campus and surrounding area;
- ▶ The university must distribute crime statistics to current students and all campus employees;
- ▶ Crime Statistics must be made available to all prospective students and employees.

Clery Act Requirements



- ▶ Institutions must collect, classify and count crime reports and crime statistics;
- ▶ Institutions must publish and distribute an annual Campus Security report by October 1st of each year;
- ▶ Institutions must inform prospective students and employees of the Campus Security Report;
- ▶ Institutions must issue a **timely warning** notification for any Clery Act crime that represents an ongoing threat to the safety of students or employees;
- ▶ Violations of this act can result in fines up to \$35,000 by the United States Department of Education.

Requirements continued

- ▶ Institutions must issue an **emergency notification** upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus ;
- ▶ Institutions must create, maintain and make available a daily crime log which will include the date, time and location of the crime as well as an easy-to-understand crime definition and the disposition of the crime;
- ▶ Institutions must have established policies and procedures to ensure safety;
- ▶ Institutions must submit crime statistics to the Department of Education;
- ▶ The report must be published within a single document and may come in electronic and print format.

Three years of Crime Statistics



- ▶ The campus security report provides information on crime statistics for the three years prior to publication;
 - ▶ The 2014 report will include crime statistics from 2011, 2012 and 2013.
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Requirements continued

- ▶ Institutions must collect crime reports from a variety of individuals and organizations on campus;
- ▶ These individuals or groups are referred to as “**Campus Security Authorities**” to provide the most accurate crime statistics possible;
- ▶ If the **Campus Security Authority** receives the crime information and believes it was provided in good faith, he or she should document it as a crime report and forward it to the Fitchburg State University Police Department.

Campus Security Authorities Cont.



- ▶ The Clery Act requires the institution to identify individuals and organizations that meet the definition of a campus security authority;
 - ▶ The Clery Act requires all institutions to collect crime reports for reporting crime statistics from campus security authorities.
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What makes you a Campus Security Authority (CSA)?

The law defines four categories of Campus Security Authority:

- ▶ A campus police department or 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 campus security department;
- ▶ Any individual 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 limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has authority and the duty to take action or respond to a particular issue on behalf of the institution.

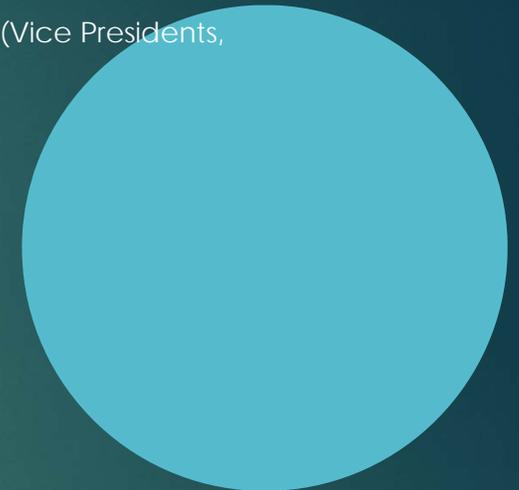
“Function of Employee”

Individuals may be designated as Campus Security Authorities based on whether they perform the following functions:

1. Their official job responsibilities involve significant interaction with students and/or campus activities;
2. They serve as informal or unofficial mentors to students;
3. They serve as a member in an office or of a committee to whom students are instructed and informed to report or discuss crimes, allegations of crimes, and other troubling situations, and/or
4. They have oversight for disciplinary procedures.

These Officials May Include (but not limited to:

- ▶ Officials of the institution with significant responsibility for student and campus activities (Vice Presidents, Deans, Directors, etc.), including but not limited to the areas of:
 - ▶ Dean of Students
 - ▶ Student Affairs
 - ▶ Counseling and Student Development
 - ▶ Multicultural Student Services
 - ▶ University Health Center and affiliates
 - ▶ Judicial Affairs
 - ▶ Residential Life (to include student resident advisors and directors)
 - ▶ University Recreation (Athletic Directors and Coaches)
 - ▶ Faculty Advisors to Student Groups
 - ▶ Student Affairs Professionals
 - ▶ Disability Services
 - ▶ Orientation
 - ▶ Career and Academic Planning
 - ▶ Human Resource Director
 - ▶ ROTC
 - ▶ Administrators of Branch Campuses



Who is NOT a Campus Security Authority?

- ▶ You have significant responsibility for Student and Campus Activities but... **YOU DO NOT HAVE TO REPORT IF...**
- ▶ You are a **licensed** mental health counselor or a pastoral counselor (employed by a religious organization to provide confidential counseling) **AND** you are working within the scope of your license or religious assignment;
- ▶ Those who are exempt by law also include: Student Health Center Clinicians who only provide care to individual students;
- ▶ FSU encourages professional and pastoral counselors, although **not required** to report crimes, to tell victims about the confidential reporting process. The counselor must make a judgment call: Is it appropriate to discuss crime reporting in this particular situation;
- ▶ Victims can report crimes confidentially by utilizing the Anonymous Witness Form on the University Police Web site or by calling 978-665-3111.

Campus Security Authority's primary responsibility is....

"To report allegations made in good faith to the reporting structure established by the institution"

In "good faith" means there **is a reasonable basis for believing that the information is not simply rumor or hearsay**. This is, there is little or no reason to doubt the validity of the information.

Keep in mind, the intent is the statistical disclosure for public accountability

Campus Security Authority's Major Responsibilities

- ▶ Encourage crime victims and witnesses to report any mandatory reportable crime to the University Police;
- ▶ Formally notify the University Police Department of any reportable crime you are made aware of.

General Crime Reporting



- ▶ In an emergency situation always dial 911!
- ▶ Contact the Fitchburg University Police at 978-665-3111.
- ▶ You should report a crime whenever a victim or witness calls it to your attention even if the victim or witness decides not to report it to law enforcement.

Three Part Test



- ▶ Was the crime reported to a Campus Security Authority, Fitchburg University Police, Academic Affairs, Residential Life?
- ▶ Did the crime occur in a Clery reportable geographic area?
- ▶ Is the crime a Clery reportable crime?

What crimes need to be reported?

- ▶ The Clery Act specifies 11 crime categories that must be reported. They are as follows:

- ▶ Aggravated Assault
- ▶ Arson
- ▶ Burglary
- ▶ Criminal Homicide
- ▶ Sex Offenses-forcible & non forcible
- ▶ Robbery
- ▶ Motor Vehicle Theft
- ▶ Arrests & Disciplinary referrals for violations of liquor, drug & weapons laws
- ▶ Hate Crimes
- ▶ **Dated violence**
- ▶ **Domestic violence**
- ▶ **Stalking**

*** Recently added to the Clery report relative to the Violence Against Women Act**



Definitions of Clerly Reportable Crimes

- ▶ ***Murder and Non-negligent Manslaughter***- The willful (non-negligent) killing of one human being by another. This includes death or injury received in a fight, argument, quarrel, assault or commission of a crime.
- ▶ ***Negligent Manslaughter***-The killing of another person through gross negligence
- ▶ ***Sex Offense Forcible***- Any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against a person's will where the victim is incapable of giving consent. This includes forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling
- ▶ ***Sex Offense Non-forcible***- Unlawful, non-forcible sexual intercourse. This includes incest and statutory rape
- ▶ ***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

Definitions continued

- ▶ ***Aggravated Assault***- An unlawful attack by one person upon another for the purpose of inflicting sever 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.
- ▶ ***Burglary***- The unlawful entry of a structure to commit a felony or a theft. This includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; and safecracking
- ▶ ***Motor Vehicle Theft***- The theft or attempted theft of a motor vehicle
- ▶ ***Arson***- Any willful or malicious burnings or attempts to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

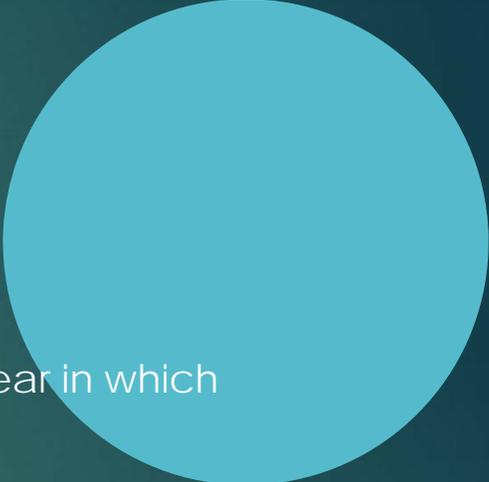
Definitions continued

- ▶ ***Larceny-theft***- The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another
- ▶ ***Hate Crimes***- Offenses and crimes involving bodily injury due to prejudice of race, gender, religion, sexual orientation, ethnicity/national origin, disability
- ▶ ***Domestic Violence***- Includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law
- ▶ ***Dating Violence***- Means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction
- ▶ ***Stalking***- Means a course of conduct directed at a specific person that would cause a reasonable person to fear for his, her or others' safety, or to suffer substantial emotional distress
- ▶ ***Arrest***- Persons processed by arrest, citation or summons. An arrest has occurred when a law enforcement officer detains an adult with the intention or seeking charges against the individual for the specific offense(s) and a record is made of the detention. A juvenile should be counted as "arrested" when the circumstances are such that if the individual were an adult, an arrest would have been counted.

Definitions continued

- ▶ **Referred for Disciplinary Action**- The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction
- ▶ **Illegal Weapons Possession** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosive, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. This also includes the manufacture, sale, or possession of deadly weapons; carry deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; illegal aliens possessing deadly weapons; and attempts to commit any of the above
- ▶ **Drug Law Violations** – The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium, or cocaine, and the derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics-manufactured narcotics which can cause addiction (Demerol, methadone); and dangerous non-narcotic drugs (Barbiturate, Benzedrine)
- ▶ **Liquor Law Violations** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. This includes: The manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; under age possession; using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance; and attempts to commit any of the above

Timely reporting is Critical



Be sure to document-

- ▶ When the crime or incident occurred and;
- ▶ When it was reported 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 by a Campus Security Authority.

Timely Warnings/Reporting of Crimes That Threaten Campus Safety

- ▶ Notification may be given by several venues including the Fitchburg State University Police Website, E-Mails and in immediate emergencies via the RAVE Alert Mass Notification System;
- ▶ The campus must be notified in a timely manner.

Where did it happen?



A crime must be reported if it occurred:

- ▶ On campus;
 - ▶ On campus, in residence halls;
 - ▶ On public property adjacent to campus;
 - ▶ On non-campus property owned or controlled by the University or a recognized student organization.
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Campus Property Definitions

- ▶ **Non-Campus Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relations to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution
- ▶ **Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus
- ▶ **Residential Facility:** Dormitories or other residential facilities for students on campus is a subset of the on-campus category. Institutions must disclose the total number of on-campus crimes, including those in dorms or other residential facilities for students on campus, and must also make a separate disclosure limited to the number of crimes occurring in student dorms or residential facilities on campus

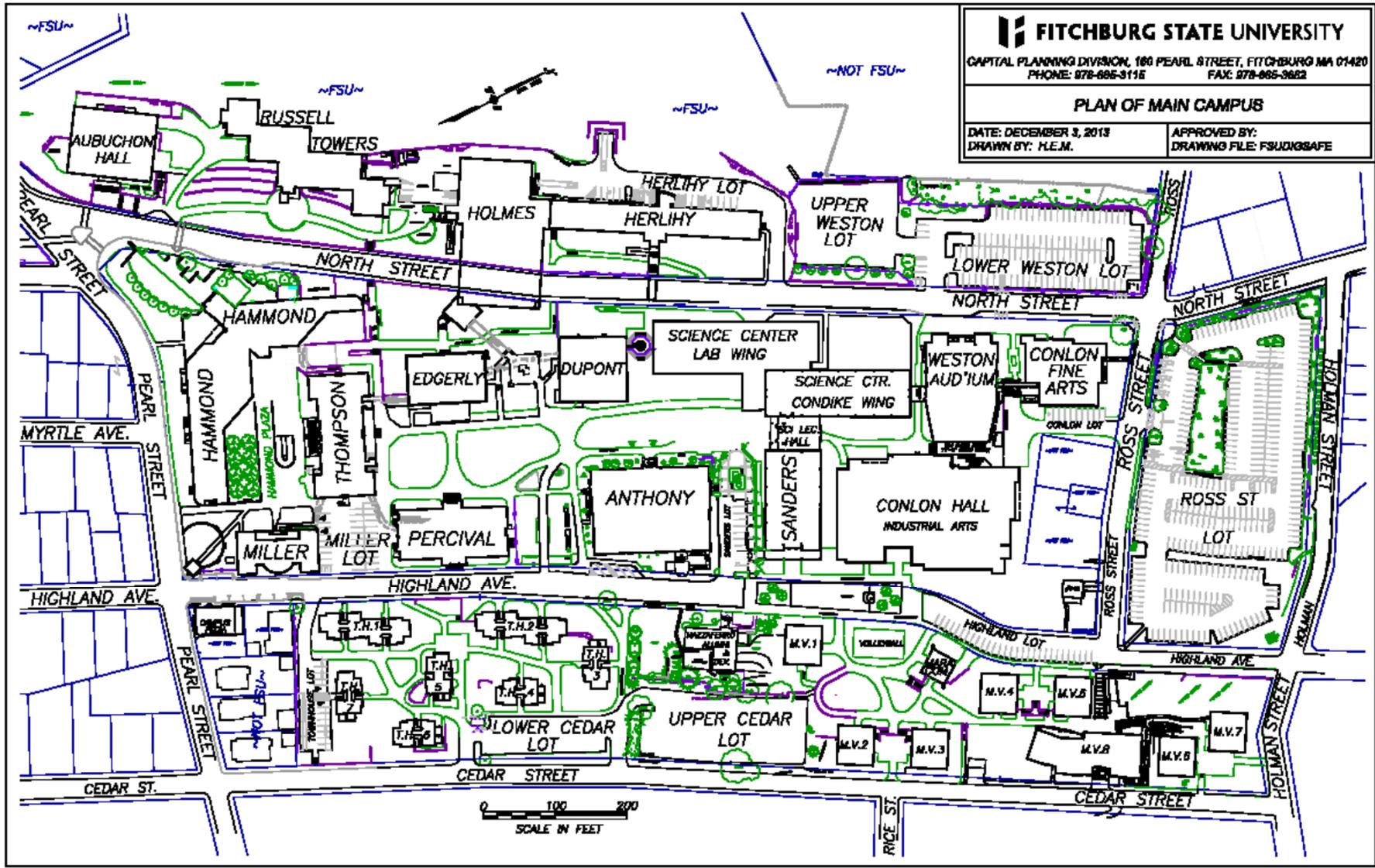
FITCHBURG STATE UNIVERSITY

CAPITAL PLANNING DIVISION, 160 PEARL STREET, FITCHBURG MA 01420
PHONE: 978-685-3115 FAX: 978-685-3682

PLAN OF MAIN CAMPUS

DATE: DECEMBER 3, 2013
DRAWN BY: H.E.M.

APPROVED BY:
DRAWING FILE: FSU013SAFE



CRIMES THAT ARE NOT REPORTABLE

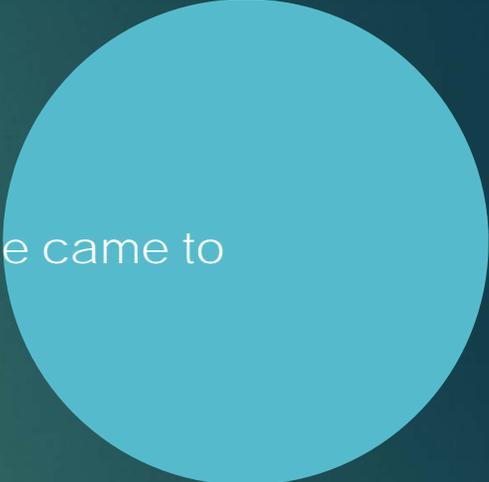


DO NOT REPORT CRIMES IF:

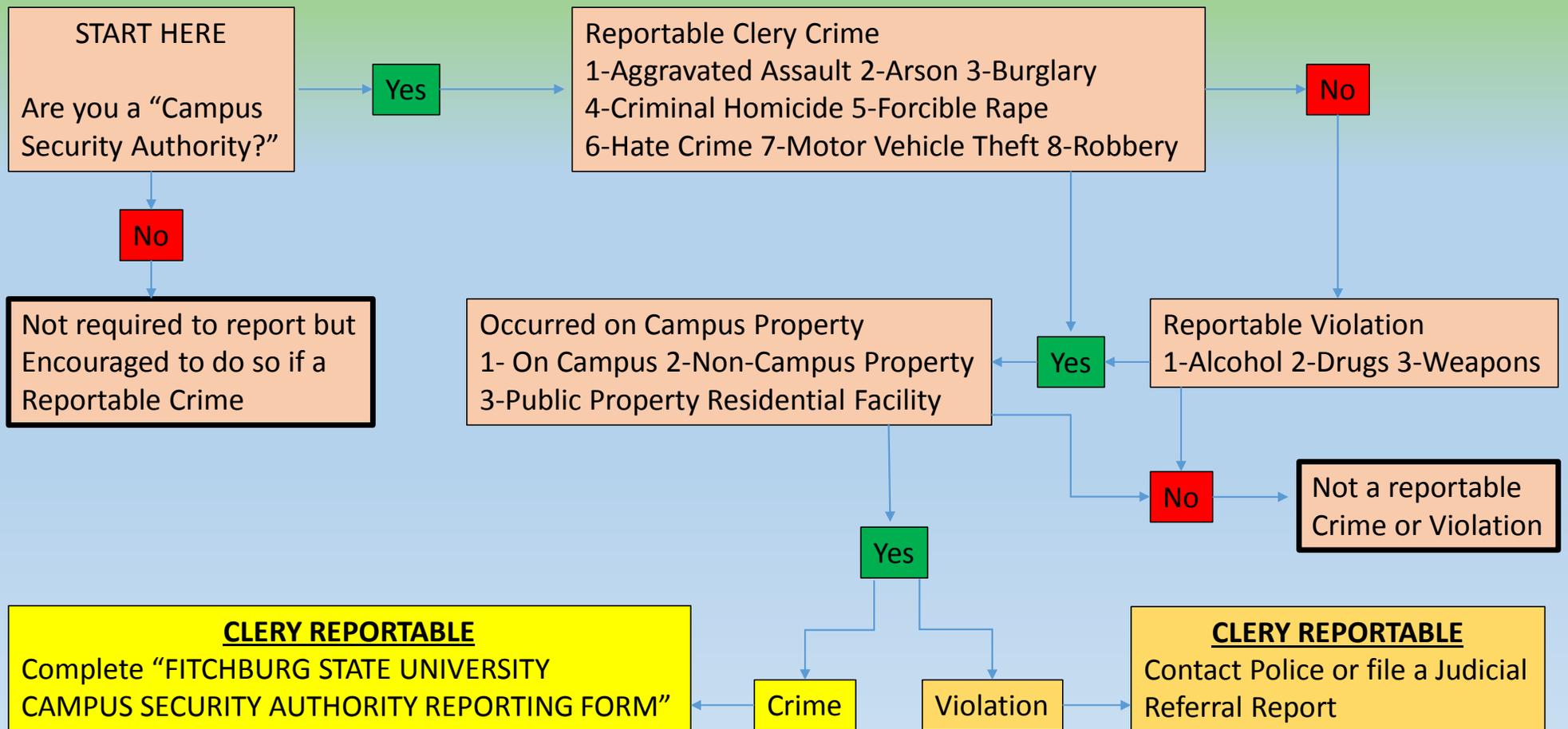
A person tells you about a crime that occurred before he/she came to Fitchburg State University

Or

While he/she was away from campus and not involved in a Fitchburg State University activity (Ex: At home or on spring break).



Clery Reporting Flowchart



Just get the facts

- ▶ The report will be categorized by the Clery Compliance Authority: your job is to get the information the person wants to tell you
 - ▶ You are not a detective;
 - ▶ You don't have to prove what happened or who was at fault;
 - ▶ You aren't supposed to find the perpetrator;
 - ▶ You DON'T have to identify the victim;
 - ▶ Encourage the person to report the crime to the police (but don't insist);
 - ▶ Tell the person how he/she can report anonymously;
 - ▶ www.fitchburgstate.edu;
 - ▶ Go to Campus Police;
 - ▶ Anonymous reporting form;
 - ▶ But, the decision isn't yours
 - ▶ A person who talks to you may not want to talk to police and does not have to;
 - ▶ Exception: When the victim reports a crime to a professional who is mandated by law to report specific crimes; for example, child abuse.

Clery Reporting Forms

- ▶ Anyone identified as a Campus Security Authority must complete and submit the “Fitchburg State University Campus Security Authority Clery Reporting Form” when a Clery reportable crime is brought to their attention
- ▶ Under “Description of the incident or crime”
 - ▶ Get as accurate and complete a description of what happened as you can;
 - ▶ Who, What, When, Where and How;
 - ▶ Is a violent situation in progress?;
 - ▶ Is there imminent danger to the victim or others?;
 - ▶ Is it an emergency or crime in progress;
 - ▶ If not sure, report.

Offer help



Provide the person with information on

- ▶ Reporting to campus police;
- ▶ Campus programs for assisting victims of sexual and/or other forms of assault;
- ▶ Procedures for seeking medical help;
- ▶ Counseling and Psychological Services.

How to report

- ▶ If someone reports an incident which may be a crime, record the information on the crime statistics form and submit it to FSU Police Department Clery Compliance Officer unless the incident has been reported directly to the FSU Police, the Office of Housing and Residential Service Student or Academic Life which forwards all crime statistics for Clery compliance to the FSU Police
- ▶ The form for submittal can be found at:
 - ▶ <http://www.fitchburgstate.edu/offices/campus-safety/campus-police/>

Filling out the form

- ▶ Do these allegations have to go through a hearing, or the individual be disciplined, before they are eligible for Clery Act reporting statistics?
- ▶ NO!! Just as is with crime reporting, violations eligible for disciplinary actions only have to be reported to the CSA to be counted in the crime statistics report. The CSA must then report the statistic to the FSUPD

Examples of CSA's Reporting Crimes

- ▶ Ex: A coach is required to report a sexual assault that is reported to him/her....
- ▶ Ex: A faculty advisor refers a student to Academic Affairs regarding an alleged drug violation that he/she becomes aware of through a member of his/her student organization...
- ▶ Ex: A person working as an access monitor is required to report a burglary that is reported to him/her while working the desk is told by a female student that she was forcibly raped by an unidentified male while jogging along a campus trail
- ▶ Ex: A Housing Director is told by a female student that her ex-boyfriend had sex with her in her campus residence hall room while she was unconscious after a night of drinking alcohol
- ▶ Ex: An assistant dean of students is required to report a suspicious fire that could potentially be classified as an arson
- ▶ Ex: The Director of Athletics is required to report a rape that was reported to him/her by the parent of a victim involving one of his/her athletes who may be the perpetrator...

Clery Act Resources



- ▶ Fitchburg State University Police Department Web Page

www.fitchburgstate.edu/offices/campus-safety/campus-police/communication-division/

- ▶ Security on Campus Inc:

<http://clerycenter.org>

Contact the Fitchburg State University Police Department Administration
for Questions Concerning Proper Clery Reporting

978-665-3595

CSA INCIDENT REPORT FORM

Fitchburg State University Police
Campus Security Authority Incident Report Form

Located at:

<http://www.fitchburgstate.edu/offices/campus-safety/campus-police/>

Submit the form to the FSU Clery Compliance Officer:

Kleary10@fitchburgstate.edu

CAMPUS SECURITY AUTHORITY TRAINING VERIFICATION

To verify you have received and understood the content and reporting requirements and your responsibility as a Campus Security Authority please send an email to the FSU Clery Compliance Officer

<https://survey.fitchburgstate.edu/TakeSurvey.aspx?PageNumber=1&SurveyID=785K572&Preview=1>