

# **The Clery Act**

## **Campus Security Authority Training**

*What you need to know if you are a  
Campus Security Authority*

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*By The Otterbein Police Department*



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# The Clery Act

- In 1986 Jeanne Clery, a freshman at Lehigh University, was murdered and sexually assaulted in her campus residence hall room.
- Her school hadn't informed students about 38 violent crimes on campus in the three years preceding her murder.
- The **“Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”** (formerly the Campus Security Act) is 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 areas.



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# What is a CSA? (Campus Security Authority)

Although every institution wants its campus community to report criminal incidents to law enforcement, we know that this doesn't always happen. Even at institutions with a police department on campus, a student who is the victim of a crime may be more inclined to report it to someone other than the campus police. For example, a victim of a sexual offense may turn to a resident advisor for assistance, or a student athlete whose car was stolen may report the theft to the school's athletic director.

For this reason, the *Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be "campus security authorities."* CSA's are a vital part of data collection for the annual safety and security report.

**YOU ARE A CAMPUS SECURITY AUTHORITY!**



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# The Law Defines Four Categories of Campus Security Authority

- All members of a campus police or security dept.
- Any individuals who have responsibility for campus security but who do not constitute police or security officers (e.g. an individual who is responsible for monitoring the entrance into institutional property). It includes individuals responsible for event security or escort students around campus.
- People designated by the University whom crimes should be reported
- Officials with significant responsibility for students and campus activities



# Examples of Campus Security Authorities

- **Dean of Students**
- **Residential housing staff**
- **Athletic coaches/athletic directors**
- **Student activities coordinators**
- **Student judicial officers**
- **Vice President for Student Affairs**
- **Faculty advisors to student organizations**



# Who is not a Campus Security Authority

- **Pastoral and licensed professional counselors** if working within the scope of their license or religious assignment at the time they receive the crime report
- **Medical Doctors**
- **Faculty and support staff** who do not have responsibility for student and campus activities beyond the classroom



# So I am a CSA? What do I have to do?

- The function of a campus security authority is to report to OPD those allegations of *Clery Act crimes that he or she concludes were made in good faith.*
- A campus security authority's key responsibility is to encourage crime victims and witnesses to report crimes to the campus police
- Must be timely
- Timely Warning

**When in doubt, report it!**



# What do I have to report?

- The following crimes
  - Murder
  - Non-Negligent Manslaughter
  - Rape
  - Fondling
  - Incest
  - Statutory Rape
  - Aggravated Assault
  - Robbery
  - Burglary
  - Motor Vehicle Theft
  - Arson
  - Domestic Violence
  - Dating Violence
  - Stalking
- Report
  - Liquor, drug and weapons – both arrests AND disciplinary referrals





# Must Report Hate Crimes

- **HATE CRIMES**, including any of the crimes previously listed; any crime causing bodily injury; or any of the following crimes that were motivated by hate or bias
  - Larceny-Theft
  - Simple assault
  - Intimidation
  - Vandalism of Property



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# How do I report?

- You will be emailed three forms which you must complete and send back to OPD
1. Clery **Notification Letter**
  2. Clery **Crime Reporting Form**
  3. Clery **Sexual Assault Reporting Form**
- You should call OPD at 614-823-1222



# Importance of Documentation of CSAs

- The reporting forms must provide as much info about the incident as possible including personally identifiable info unless:
- The victim doesn't want the report to go any further than the CSA. The CSA is required to tell the victim that they are required to submit the report to OPD for statistical purposes, **but it can be submitted without identifying the victim.**
- The need for timely submission of reports is important for the university to fulfill its obligation under the law, and for the campus community to be warned if unsafe conditions exist



# Timing and Location are Critical

## Be sure to document-

- **When** the crime or incident occurred .
- **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.**

## A crime must be reported if it occurred

- **On campus**
- **On-campus residence hall**
- **On public property** adjacent to campus (e.g.. roads, sidewalks)
- **On non-campus buildings or property** owned or controlled by a student organization that is officially recognized by Otterbein
- **Other locations are not reportable under Clery**



# Just the facts please...

- Just get the information the person is willing to tell you.
  - You don't have to prove what happened or who was at fault, or classify the crime. Police will determine the proper classification of the crime.
  - You aren't supposed to find the perpetrator.
  - Use the report form, **but don't identify the victim unless he/she gives you permission.**

• **Encourage the person to report to the police (but don't insist).**  
The decision isn't yours, the person talking to you may not want to talk to police and doesn't have to.

• If the person does NOT want to make a report to the police, you **MUST** still report the criminal incident for statistical purposes since you have been identified as a campus security authority.



# What if I'm not sure the incident is a Clery Crime?

- Call OPD at 614-823-1222 and ask for clarification



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# Clery Crime Definitions

- ***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.
- ***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 consent of the victim. This offense includes both the rape of males and females.
- ***Fondling:*** The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.



# Clery Crime Definitions

- ***Incest:*** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- ***Statutory Rape:*** Sexual Intercourse with a person who is under the statutory age of consent.
- ***Robbery:*** The taking or attempting to take anything of value of the care, custody or control of a person or persons by force or threat of force or violence and/or putting the victim in fear.



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# Clery Crime Definitions

- **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 accompanied by the use of 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. 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).



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# Clery Crime Definitions

- **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.



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# Clery VAWA Crimes Definitions

- **Domestic Violence:** A felony or misdemeanor crime 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 domestic or family violence laws of the jurisdiction in which the crime of violence occurred. 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 in which the crime of violence occurred.
- **Stalking:** Engaging in a course of conducted directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.



# Clery VAWA Crime Definitions

- **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. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.



# Clery Crime Definitions

## Liquor/Drug/Weapons

- ***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 a 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. (Drunkenness and driving under the influence are not included in this definition.)
- ***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.



# CSA Summary

- **Tremendous responsibility**
- **Federal Law**
- **Consequences for non-reporting**
- **Clery Act about protecting our students, faculty and staff**
- **Encourage participation in campaigns and programs**



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# Contact information

All questions should be directed to:

Chief of Police at  
614-823-1222

[ibanaszak@otterbein.edu](mailto:ibanaszak@otterbein.edu)

- Note: OPD is available to make presentations on the Clery Act and Campus Security Authorities to all students, employees and groups on campus upon request



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