

Clery Act Violence Against Women Act Overview

For Students/Faculty/Staff

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By the Otterbein Police Department



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The Purpose

- Provide an overview of an important federal legislation from the United States Department of Education known as the Clery Act and Violence Against Women Act
- Educate the community, especially victims of Clery crimes, regarding options for reporting crimes, and additional important information
- Provide transparency and encourage everyone to read the Annual Campus Security and Fire Safety Report otherwise known as the Annual Security Report located at www.otterbein.edu/police/ and www.otterbein.edu/security/safety-report.asp



Enacted In Memory of **Jeanne Clery**

- Freshman at Lehigh University in 1986
- While asleep in her residence hall, she was assaulted, raped, murdered
- It was later discovered the campus community had not been informed of approximately 38 violent crimes on campus in the three years preceding the murder
- This prompted the formation of the Clery Act



The Clery Act Mandates

- **Compliance from all public/private institutions of post secondary education participating in federal student aid programs**
- **Non-compliance can have a negative impact on the University's ability to maintain financial aid**
- **Institutions are fined \$54,789 per Clery Act violation**



A Quick Summary

- **The thrust of the legislation is to improve campus safety. It emphasizes care for victims of crimes, especially violent crimes, such as sexual assaults. It requires transparency of reporting crimes and crime statistics, as well as policy statements. It mandates institutions to:**
 - 1. Collect/Classify/Count/Disclose Clery Crimes and Policy Statements**
 - 2. Issuing Timely Warnings if the community may be in danger**
 - 3. An Annual Security Report (ASR) must be published**
 - 4. Crime Statistics must be submitted to Department of Education**
 - 5. A Daily Crime and Fire Log must be maintained and available**
 - 6. Disclosure of Missing Student and Emergency Procedures**
 - 7. Disclosure of Fire Safety Information and Statistics**
 - 8. It recommends education for Students and Employees**



Clery Act Requires an Annual Security Report (ASR) with **Mandated Policy Statements to include explanations of:**

- **Campus Law Enforcement or Security**
- **Response to criminal actions on campus**
- **Timely Warnings sent for dangerous situations**
- **How crime statistics are recorded and disclosed**
- **How criminal activity is reported**
- **The Voluntary Confidential Reporting process**
- **The security access systems to campus facilities**
- **The security access systems to residence halls**
- **Security considerations in maintenance campus facilities**



ASR Required **Policy Statements**

- **Campus police relations with local law enforcement**
- **The encouragement of accurate/prompt reporting of crimes to police**
- **Pastoral Counselors and Professional Counselors shall inform those counseled of procedures to report crimes on a voluntary confidential basis for inclusion in the annual disclosure of crime statistics**
- **Security Awareness Programs for students/employees**
- **Crime Prevention Programs for students/employees**
- **How to address criminal activity off campus**
- **Campus alcohol and illegal drug policies**



ASR Required **Policy Statements**

- Substance abuse programs
- Disclosure to alleged victims of crimes of violence
- Emergency Response Protocols
- Evacuation Procedures
- Missing Student Protocols
- Education Programs to promote prevention and awareness of rape and other sex offenses
- Procedures to follow if a sex offense occurs, including who to contact



ASR Required **Policy Statements**

- Preserving evidence
- Who the alleged offense should be reported to
- Student option to notify police
- Notification of on/off campus mental health services
- Notification that living accommodations and/or academic situations will be changed if requested by victim
- Notification of campus disciplinary action
- Notification of sanctions imposed following sex offense
- The sex offender registry
- The Annual Fire Safety Report



ASR Required **Policy Statements**

- **The definition of consent**
- **The definition of sexual activity**
- **Options for bystander intervention**
- **Guidance on risk reduction of violent crimes including recognizing warning signs of abusive behavior and avoiding potential attacks**
- **On-going prevention campaigns for students and employees**
- **The rights of victims to have no contact orders, protection orders**
- **The right to have prompt, fair and impartial investigations and resolutions**
- **Annual training for officials who hear cases**



ASR Required **Policy Statements**

- **Police policies which encourage accurate and prompt reporting of all crimes when the victim elects or is unable to make such report**
- **Specific educational programs to prevent domestic violence, dating violence, sexual assault and stalking**
- **A Statement explaining students/employees will receive the training in above crimes**
- **A Statement describing the procedure the institution will follow once above crimes are reported**
- **A Statement describing evidence standards**



**The Annual Security Report
Requires **Crime Statistics** For the Crimes Below
For The Last Three Calendar Years**

- **Murder & Non-Negligent Manslaughter**
- **Negligent Manslaughter**
- **Sex Offenses**
- **Robbery**
- **Aggravated Assault**
- **Burglary**
- **Arson**
- **Motor Vehicle Theft**
- **Domestic Violence**
- **Dating Violence**
- **Stalking**



Annual Security Report

Requires Crime Statistics For **Hate Crimes**

- **Hate Crimes associated with Clery crimes plus crimes related to:**
 - **Larceny**
 - **Theft**
 - **Simple Assault**
 - **Intimidation**
 - **Vandalism**
 - **Bodily injury crimes**
- **Persons arrested for**
 - ✓ **Liquor Law Violations**
 - ✓ **Drug Law Violations**
 - ✓ **Illegal Weapons**
- **Persons referred for disciplinary action for above crimes**



Crimes Must Be Reported At These Locations

- **On Campus** (any building owned or controlled by University)
- **Residential Facilities**
- **Non-Campus Facilities** (any building or property owned or controlled by a student organization officially recognized by the university)
- **Public Property** (sidewalk, street, sidewalk)



Everyone Is Encouraged to Report Crimes However, The Following Must Report Clery Crimes

- Persons identified as **Campus Security Authorities (CSA)**
- ✓ CSAs are defined by function not titles. They have significant responsibility for students and campus activities and campus security. They include Police, Residence Life, Dean of Students, Athletic Director, Coaches, Advisors to student Organizations, and People or Offices designated to report crimes



The Following Are Not CSAs And Not Required To Report Clergy Crimes

- **Pastoral and licensed professional counselors / psychologists** 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
- **Note:** Even though they are not mandated to report Clergy crimes, they are highly encouraged to do so
- [More on CSAs in another Power Point training session](#)



The Annual Security Report Is:

- Created by the Otterbein Police Department (OPD) with oversight by the Vice President for Student Affairs
- It's sent to the Department of Education before October 1st of each year
- It's also sent to all enrolled students and employees before October 1st
- As well as to all prospective students and employees upon request
- Found at www.otterbein.edu/security/safety-report.asp



Clery Act Information Is Located At:

- <http://www.otterbein.edu/public/campuslife/healthandsafety/police.aspx>
- www.otterbein.edu/police/



What if someone was sexually assaulted?

- **Get to safe location**
- **Call 911**
- **Call OPD at 614-823-1222 and report the crime**
- **Call the Westerville Division of Police at 614-901-6790 and report the crime**
- **Don't wash, use rest room, change clothes (preserve evidence)**
- **Get to hospital**



There are other reporting options

1. You don't have to make a police report
2. You can choose to make a Title IX Judicial report only
 - ✓ SA personnel
 - ✓ HR Director
1. You can report to your Residence Life people RA/ADRL
2. You can call or visit the Otterbein Chaplin
3. You can request through SA to call the Otterbein Psychologist
4. You can call or visit the Women's Gender Resource Group (WGRC)
5. You can report to any CSA

Advocates will be provided at above offices

YOU ARE NOT ALONE!



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You Can Make a **Confidential Report**

- If you choose not to pursue action in the criminal justice system or university judicial system you can still file a confidential report with the Otterbein Police
- The purpose of the confidential report is to keep the matter confidential while taking steps to ensure the future safety of you and others on campus. It allows the university to keep track of incidents and determine if a pattern exists and alert the community of potential danger
- The reports are counted in the annual crime stats



Confidential Report Continued

- **The info will only be shared with university officials assisting with the investigation and/or resolution of the complaint**
- **All immediate threats to community will require a timely warning for safety purposes. Most timely warnings include incidents in which force and/or weapons were used or other forms of violence or circumstances that represent a serious and ongoing threat to the community. Keep in mind all personal info will be protected**



Clery Crime Definitions

- ***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 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.
- ***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. It is not necessary that the injury result from an aggravated assault when a gun, knife or other weapon is used which could, or probably would, result in a serious potential injury if the crime were successfully completed.



Clery Crime Definitions

- **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.



Clery Crime Definitions

- **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 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.)



Clery 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 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.



Summary

- The Clery Act is important federal legislation which benefits the campus community in several ways. It requires transparency of reporting crimes and dangerous situations on campus. It provides victims of crimes with options on how to report crimes in a manner which is most comfortable for them. It requires an Annual Security Report be distributed to students and employees so all can be informed regarding important safety information
- Please refer any questions to the Chief of Police at 614-823-1222
- ✓ www.otterbein.edu/police/
- ✓ [http://www.otterbein.edu/public/campuslife/healthandsafety/polic
e.aspx](http://www.otterbein.edu/public/campuslife/healthandsafety/polic
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