The Clery Act

- In 1986, Jeanne Clery, a freshman at Lehigh University, was sexually assaulted and murdered in her campus residence 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.
What is a CSA?

Campus Security Authority

Although every institution wants its campus community to report criminal incidents to law enforcement, we know this doesn’t always happen.

Even at institutions with a campus police department, a student who is the victim of a crime may be more inclined to report it to someone other than the campus police.

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 Security Report.**
What does this have to do with you?

- Many crimes (especially sexual assaults, domestic violence, dating violence and stalking) go unreported to police, but may be reported to other campus officials.

- As a result, the Clery Act strengthens reporting requirements by designating certain campus officials as Campus Security Authorities (CSA).

- Data is collected from the CSA’s to get the most accurate crime statistics possible.

This is where you come in!
Clery Says…

- A crime is “reported” when it is brought to the attention of a Campus Security Authority or local law enforcement personnel by a victim, witness, other third party of even the offender.

- It does not matter if they are associated with the College.

- Was it provided in good faith (reasonable basis to believe it)?

- It is NOT up to the CSA to determine if it truly occurred.
What makes you a CSA?

- The law defines four categories of Campus Security Authority:
  - Police/Public Safety
  - Non-police/university staff responsible for monitoring university property/security (Access monitoring (including parking; contract/event security; safety escorts)).
  - Faculty/Staff/Departments designated by the College to whom crimes should be reported (such as the Dean of Students, Human Resources, Title IX).
  - Officials with significant responsibility for students and campus activities (such as coaches, Housing staff, and student organization advisors).
Campus Security Authorities are:

- Role is defined by function, not title:
  - Significant responsibility for student and campus activities
  - Regular contact with students
  - These definitions can include student workers

- Examples Include:
  - Deans
  - Coaches and athletic directors
  - Student activities coordinators
  - Conduct Officers
  - Faculty and staff advisors to student organizations
  - Faculty & Staff who lead off campus interim and semester programs
  - Office of Housing and Residence Life Staff
Who is not a CSA:

- A faculty member who does not have any responsibility for student and campus activities beyond the classroom.

- Medical staff responsible for student care, with the exception of the Director of Health Services.

- Support Staff
  - Clerical
  - Maintenance
  - Food Service

- Those who are exempt by law:
  - Pastoral and licensed professional counselors.
    - They must be working within the scope of their license or religious assignment at the time they receive the crime report, and are not an advisor to a student organization or coach.

Once a CSA...Always a CSA!
As long as you are still in the defining role!
CSA: What do I have to do?

- The function of a Campus Security Authority is to immediately report to the official or office designated by the institution to collect crime information, those allegations of Clery Act crimes that he or she concludes were made in good faith.

- A Campus Security Authority’s key responsibility is for the intake of information regarding incidents of crimes that have been reported to them.

At Ferris State University, all reported crimes must be reported to the Department of Public Safety.

When in doubt, report it!
What do I have to report?

These crimes must be reported:
- Murder & Non-Negligent Manslaughter
- Manslaughter by Negligence
- Aggravated Assault (severe injury or with a weapon)
- Robbery (theft by force)
- Burglary (unlawful entry into a structure to commit a felony or theft)
- Motor Vehicle Theft
- Arson
- **Sex Offenses**
- **Domestic/Dating Violence**
- **Stalking**

You must also report:
- **Hate Crimes** *(a crime committed because of a specific bias relating to race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity)* including any of the thirteen crimes previously listed, any crimes causing bodily injury or any of the following crimes that were motivated by hate:
  - Larceny – Theft
  - Simple Assault
  - Intimidation
  - Vandalism
  - Liquor Violations
  - Narcotic/Drug Violations
  - Weapons

Crime definitions are provided in the Campus Security Authorities Letter
Why do I have to report?

- The Clery Act’s intent is to **ensure transparency in the reporting of campus crimes**.
- It is FSU’s intent to be in compliance with Clery and provide faculty, staff, students, and visitors with the **most accurate information about crime on campus**.
- Failure to comply with Clery reporting requirements may result in the university receiving **significant fines**, along with the loss of funding from the Federal Government.

- Fines for Violations of the Clery Act:
  - $58,017 per violation
- Institutions who have been fined and the amount they paid:
  - Tarleton State University $100,000
  - Salam International University $250,000
  - Eastern Michigan University $357,500
  - Penn State $2+ Million
  - Michigan State University $4+ Million
Training and Location is Critical

Be sure to document:

- **When** the crime or incident occurred
- **When** it was reported to you
- **What** the crime was
- **Where** the crime occurred

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 CSA.

A crime must be reported if it occurred:

- On-Campus
  - Streets, grounds and parking lots
- On-Campus Housing Facilities
- On public property adjacent to campus (*i.e.* roads, sidewalks)
- On non-campus property owned or controlled by the University or a recognized student organization (*e.g.*, fraternities)
- Any building or property owned or controlled by a student organization official recognized by FSU.
- Any building or property owned or controlled by FSU that is used in direct support of FSU’s educational purposes, is frequently used by students, and is not “on-campus” property

If a crime occurs in a location not listed above, it is **not** a reportable offense under Clery (*e.g.*, a student reports a car being stolen while at home during spring break).
Confidential Reporting Option

Victims can report most crimes confidentially (no names or criminal investigation if the victim so chooses) to the Department of Public Safety or a CSA. However, enough information has to be provided to determine a crime has occurred. *Specifically, what happened and where did it happen?*

However, if the crime is also a Title IX violation, the institution will have an obligation to follow up and some information may need to be shared, so be careful about promising complete confidentiality.
Just the Facts…

• Obtain 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. **Campus 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 or she gives you permission.
  ▪ **Encourage the complainant** to report the crime to the Campus Police Department.
  ▪ **Tell them the report can remain confidential, if appropriate.**
  ▪ If the person **does not** want to report to Campus Police, **you must report the incident as an anonymous statistic.**
Completing the CSA Report Form

If you have any questions on whether a crime should be reported, please contact **Chief Allen** or **Captain Green** at (231) 591-5000

Non-compliance with the Clery Act could result in a **$58,017 fine for EACH violation**, so your participation is greatly appreciated.
Contact Information

All questions should be directed to:

John R. Allen
Director of Public Safety
Ferris State University
1319 Cramer Circle
Big Rapids, MI 49307
(231) 591-5000 – 24/7/365

Johnallen@ferris.edu

Other On Line Resources

Clery Center For Security on Campus

Department of Education Handbook