



Frequently Asked Questions for Campus Security Authorities

What is the Clery Act?

The Clery Act, officially known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, is a federal law in the United States that aims to promote campus safety and transparency. The law was enacted in 1990 and requires all colleges and universities that participate in federal student aid programs to disclose information about crime on and around their campuses.

Under the Clery Act, educational institutions must:

- **Maintain and Disclose Campus Crime Statistics:** Colleges and universities are required to collect, publish, and distribute annual statistics about crimes that occur on or near their campuses. These statistics include various categories of crimes, such as sexual assault, robbery, burglary, and hate crimes.
- **Issue Timely Warnings:** Institutions must issue timely warnings to alert the campus community about certain crimes that pose a threat to students and employees. Timely warnings are meant to enable people to take precautions to protect themselves.
- **Compile and Publish an Annual Security Report (ASR):** Schools must publish an Annual Security Report (ASR) by October 1st of each year. The ASR includes crime statistics, information about campus safety policies and procedures, and details about the enforcement authority of campus security personnel.
- **Disclose Fire Safety Information:** Institutions with on-campus housing facilities are also required to publish an annual fire safety report containing information about fire safety practices and standards in campus housing.

The Clery Act provides valuable information to current and prospective students, parents, and employees about the safety and security of college campuses. By promoting transparency and awareness, the Clery Act encourages educational institutions to create safer environments and fosters a sense of security within the campus community. Failure to comply with the Clery Act can result in significant fines and penalties for institutions.

Who is a Campus Security Authority (CSA)?

A Campus Security Authority (CSA) is an individual or group of individuals at an educational institution who have significant responsibility for student and campus activities. Under the Clery Act, institutions are required to designate and identify CSAs. Once notified of their status as a CSA, they must report Clery Act covered crimes that are reported to them or that they otherwise become aware of that occur within the institution's Clery Geography. Their role is vital in ensuring accurate and comprehensive reporting of crimes on and around campus.

CSAs can include a wide range of individuals such as campus police or security personnel, employees in student housing, officials responsible for student and campus activities, athletic coaches, and faculty advisors to student groups. The goal of designating CSAs is to ensure that there are multiple sources of information about campus crimes, allowing for a more comprehensive understanding of the safety environment on campus. This information, when properly collected and reported, helps students and their families make informed decisions about the safety of the institution they are associated with or considering attending.

What are the responsibilities of CSAs?

Under the Clery Act, CSAs have specific responsibilities, which include:

- **Reporting Crimes:** CSAs are obligated to report crimes they are made aware of to the campus law enforcement or security personnel. This reporting is essential for including accurate crime statistics in the institution's Annual Security Report (ASR).
- **Providing Support:** While CSAs are not responsible for investigating or resolving crimes, they can play a crucial role in providing support and resources to victims. They should inform victims about available support services, counseling, medical assistance, and reporting options.
- **Maintaining Confidentiality:** CSAs are encouraged to respect the privacy of victims and should not disclose identifying information about

the victim when reporting a crime, unless the victim consents to the disclosure or there is an imminent threat to the campus community.

- **Identifying Reportable Locations:** CSAs need to be aware of the geographical locations for which they are responsible. This includes not only the main campus but also any satellite campuses, affiliated properties, and public areas immediately adjacent to the campus.

What crimes do I need to report under the Clery Act?

Under the Clery Act, Campus Security Authorities (CSAs) are required to report specific types of crimes that occur on or around campus. These crimes are referred to as "Clery Act crimes" and include the following categories:

1. MURDER AND NON NEGLIGENT MANSLAUGHTER

The willful (non-negligent) killing of one human being by another.

2. NEGLIGENT MANSLAUGHTER

The killing of another person through gross negligence.

3. AGGRAVATED ASSAULT

An unlawful attack by one person upon another for the purpose of inflicting severe 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. Simple assaults are excluded.

4. ARSON

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Note that only fires determined through investigation to have been willfully or maliciously set are classified as arsons. Arson is therefore the only Clery Act offense that must be investigated before it can be disclosed. If other Clery Act offenses were committed during the arson incident, the most serious is counted in addition to the arson.

5. BURGLARY

The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

6. 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.

7. MOTOR VEHICLE THEFT

The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Sex Offenses: The Clery Act has four defined sex offenses for which crime statistics must be collected on Clery geography. They are: rape, fondling, incest and statutory rape.

8. RAPE

The 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.

9. 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 and/or because of his/her temporary or permanent mental incapacity.

10. INCEST

Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

11. STATUTORY RAPE

Non forcible sexual intercourse with a person who is under the statutory age of consent.

Alcohol, drug and weapon violations: The Clery Act requires institutions collect statistics for violations of state law and or ordinances for drug, alcohol and weapons violations.

12. 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; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

13. WEAPONS POSSESSION

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; and all attempts to commit any of the aforementioned.

14. 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).

Hate Crimes: The Clery Act requires institutions collect crime statistics for hate crimes associated with either the commission of a primary crime or the lesser offenses of larceny-theft, simple assault, intimidation, destruction of or vandalism of a building or property.

15. HATE CRIMES

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Under the Clery Act, Hate Crimes include any of the following offenses motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property. Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in your Clery Act statistics only if they are Hate Crimes

Larceny-theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Simple Assault

An unlawful physical attack by one person on another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a

weapon or subjecting the victim to actual attack. Includes cyber-intimidation if victim is threatened on Clery geography.

Destruction, damage or vandalism of property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property.

Violence Against Women Act (2013) Crimes

16. 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 the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or 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.

17. 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 with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

18. STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

CSAs must report these crimes to the campus law enforcement or security personnel, even if the information was shared in confidence, except for those who are exempt from reporting due to a legally recognized privilege, such as pastoral counselors. The accurate reporting of these crimes by CSAs is essential for compiling the Annual Security Report (ASR) and for providing an overall picture of the campus safety environment to the university community.

What is the difference between a CSA under the Clery Act and a Mandatory Reporter under Title IX?

The Clery Act and Title IX are both federal laws that address issues related to campus safety and gender-based discrimination, respectively. Within these frameworks, there are specific roles and responsibilities assigned to individuals, such as Campus Security Authorities (CSAs) under the Clery Act and Mandatory Reporters under Title IX. Here's a breakdown of the differences between the two:

Campus Security Authority (CSA) under the Clery Act:

1. Definition: CSAs are individuals designated by the institution who have significant responsibility for student and campus activities. This includes, but is not limited to, campus police, security staff, athletic coaches, and faculty advisors to student groups.
2. Responsibilities: CSAs are obligated to report certain crimes that occur on or near campus to the campus law enforcement or security department. These crimes are specified in the Clery Act and include offenses such as manslaughter, robbery, arson, sexual assault, dating violence, and hate crimes. CSAs are responsible for reporting these crimes annually to the campus security or police department.
3. Reporting: CSAs report crimes to ensure accurate and timely information is included in the institution's annual security report, which is made available to the public. The purpose is to provide transparency about the safety environment on campus and to provide information necessary for the assessment of any potential threat to the campus community.

Mandatory Reporter under Title IX:

1. Definition: Mandatory Reporters under Title IX are individuals designated by an educational institution who are required to report incidents of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, to the institution's Title IX coordinator. Mandatory Reporters can

include faculty, staff, administrators, and sometimes students, depending on institutional policies.

2. Responsibilities: Mandatory Reporters are obligated to promptly report any incidents of sexual harassment or gender-based discrimination that they become aware of to the institution's Title IX coordinator. This applies whether the incident involves a student, staff member, or faculty.

3. Reporting: Reports made by Mandatory Reporters trigger the institution's obligation to investigate the allegations promptly and impartially. Title IX coordinators are responsible for coordinating the institution's response, including support for victims and investigations and other forms of resolution.

Key Differences:

Focus: CSAs primarily focus on reporting specific crimes under the Clery Act, while Mandatory Reporters under Title IX focus on reporting incidents of sexual harassment and gender-based discrimination. Because Clery Act crimes of sexual assault, dating violence, domestic violence, and stalking may also fall under Title IX, a CSA that is also a Mandatory Reporter under Title IX may be obligated to report the incident to multiple administrators. The Clery Compliance Officer and Title IX Coordinators on your campus will be able to assist you when making a report that triggers both reporting obligations.

Scope: CSAs report crimes beyond just sexual harassment, including various offenses, to maintain campus safety data. Mandatory Reporters under Title IX specifically handle incidents falling under the purview of Title IX, which is primarily about addressing gender-based discrimination and sexual misconduct.

What is the "Clery Geography"?

An institution's "Clery Geography" refers to the specific locations where the Clery Act requires the institution to collect and disclose crime statistics. Clery Geography includes the following areas:

1. On-Campus: Clery Act compliance extends to crimes that occur within any building or property owned or controlled by the institution, within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes.

2. Public Property: Crimes that occur on public property within or immediately adjacent to the campus are also included. Public property refers

to thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus.

3. Non-Campus: Clery Geography extends to any building or property owned or controlled by a student organization that is officially recognized by the institution. It also includes any building or property owned or controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the campus.

4. Residential Facilities: Clery Geography includes any residential facility for students on campus. This includes dormitories, residential halls, fraternity and sorority houses, and other university-owned or affiliated housing.

It's important to note that the Clery Act's geographic boundaries are not limited strictly to the academic or administrative buildings on the main campus. They encompass a broader range of locations to provide a comprehensive view of the safety environment experienced by students, faculty, and staff. Compliance with Clery Geography is essential for accurately reporting crime statistics in the institution's Annual Security Report (ASR) and for providing the campus community with relevant information about safety and security.

How do I report a crime?

Reporting is typically done through a designated form provided by your institution. You may also make a report to the Clery Compliance Officer or Campus Law Enforcement. When making a report, provide as much detail as possible about the incident, including the type of crime, date, time, location, and individuals involved. Follow your institution's reporting protocols precisely.

What information about a crime should I report?

- The date the crime was disclosed to the CSA
- The category of the crime being reported
- The name of the victim*
- The name of the alleged perpetrator*
- The location where the crime occurred
- The date and time when the crime occurred

**If anonymity is requested by the victim, a CSA is still required to report the crime with as much detail as possible about the incident, but the names of the victim and alleged perpetrator can be omitted.*

When should I report a crime?

Timeliness is crucial. Report crimes as soon as you become aware of them. Delays can hinder investigations and impact the safety of the campus community.

What if I'm not sure if an incident should be reported?

When in doubt, report. Clery Act compliance relies on accurate reporting. If you're uncertain, consult with your institution's Clery Compliance Officer or Campus Law Enforcement for guidance.

What training is available for CSAs?

Institutions often provide specific training sessions for CSAs. This training covers Clery Act requirements, reporting procedures, confidentiality guidelines, and examples to ensure CSAs fully understand their responsibilities.

What happens after a crime report is made?

Reported crimes are used to compile annual crime statistics, issue timely warnings, and promote campus safety and awareness. Accurate reporting is essential for creating a safe environment for everyone.

**Note: This FAQ serves as a general guide and may vary based on specific institutional policies and federal regulations. Feel free to further customize and expand this FAQ according to your institution's specific policies and guidelines.*