



Comprehensive Clery Act Training Seminar (CATS)

SETTING THE STAGE

POST-COVID IN PERSON GATHERING



CATS *GROUP* NORMS

Embrace the Growth Mindset

- Flexibility
- Engagement
- Participation
- Curiosity
- Support



CATS *INDIVIDUAL* NORMS

Put in what you hope to get out

- Be honest with yourself about what you hope to gain from this experience
- Identify your takeaways from this training
- Take responsibility for your part in the process





POLLING FEATURE PRACTICE

WHAT FOODS DO YOU LIKE?

- A. Pizza
- B. Nachos
- C. Salad
- D. Chocolate
- E. Soup

slido



Select all that apply.

WHAT IS YOUR FAVORITE COLOR?

- A. Blue
- B. Green
- C. Orange
- D. Purple
- E. Red
- F. Yellow
- G. Other

Select only one.

slido



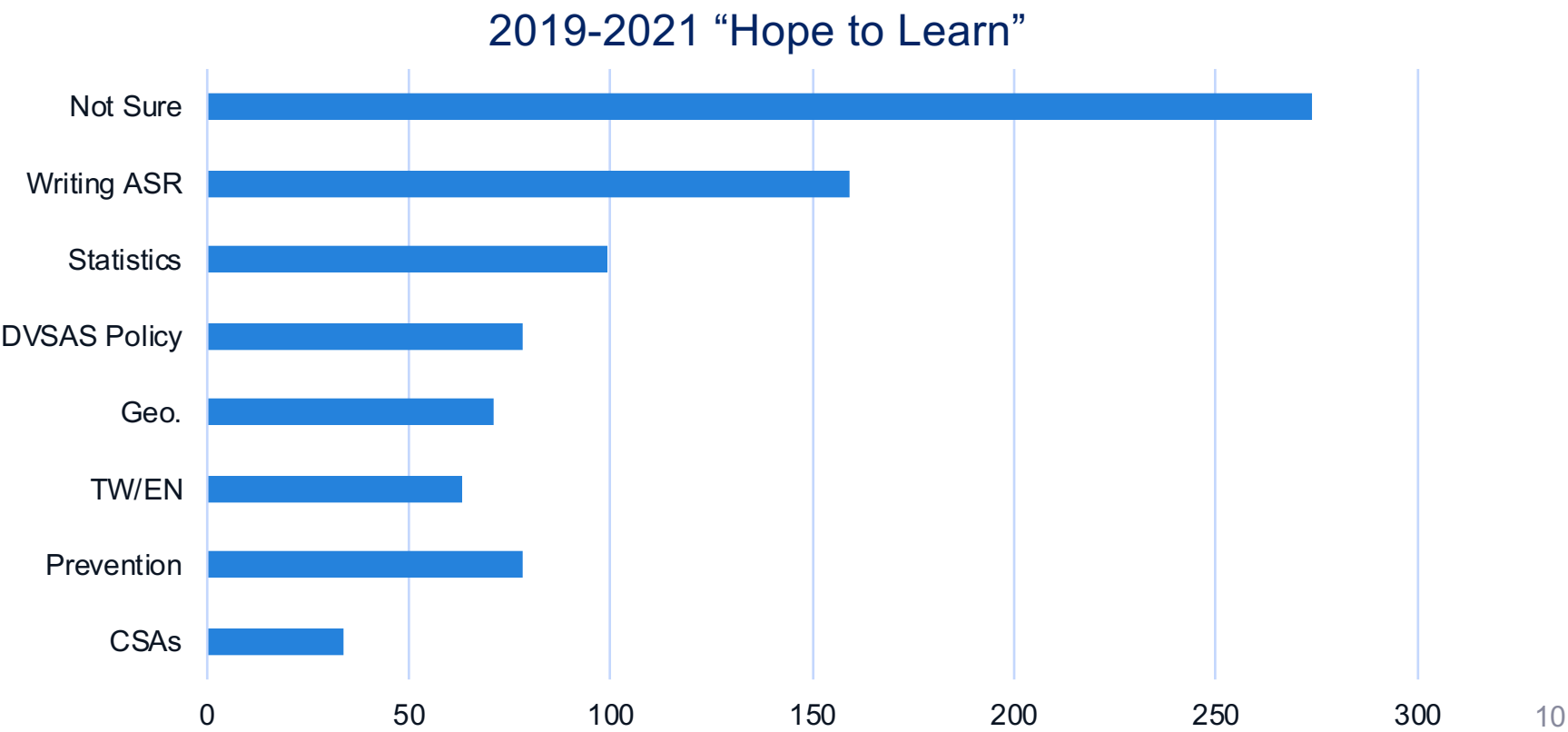
FROM WHERE ARE YOU STARTING?

- A. I was “voluntold” to attend **slido**
- B. My position has Clery Act compliance responsibilities
- C. In my position I have Clery Act adjacent obligations
- D. I want to further expand my knowledge regarding Clery compliance
- E. More than one of the above

Select only one.



OUR COMMITMENT TO YOU



FOUNDATIONS

Understanding Clery Center and the Clery Act

FINDING THE WHY



What happened to Jeanne
Clery was a tragedy.

But it inspired us to empower colleges and
universities to create campuses that are safer for
every student, every day.





OUR MISSION:

Working together with college
& university communities to
create safer campuses.

OUR VALUES:

Expertise • Mission-driven
Collaborative • Authentic
Inclusive • Innovative

WHAT WE DO:



Education
& Training



Membership

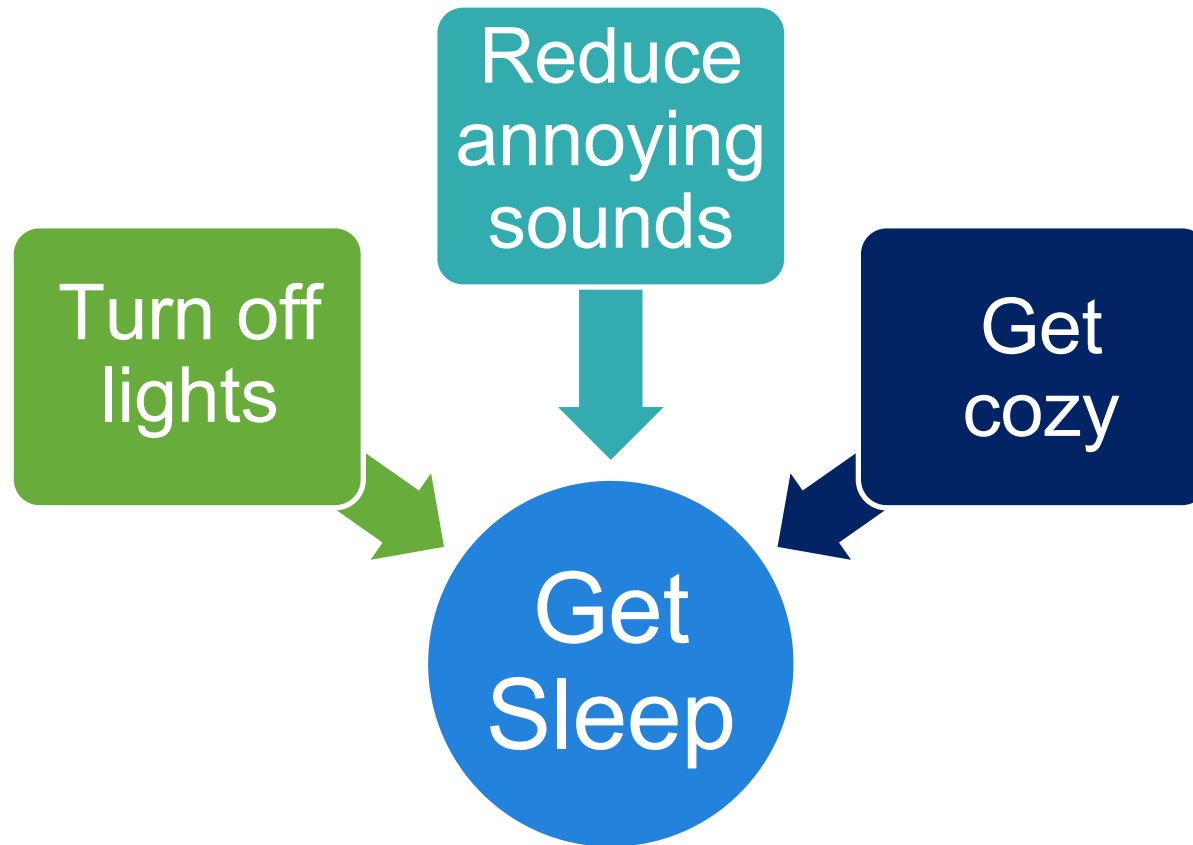


Policy Advocacy

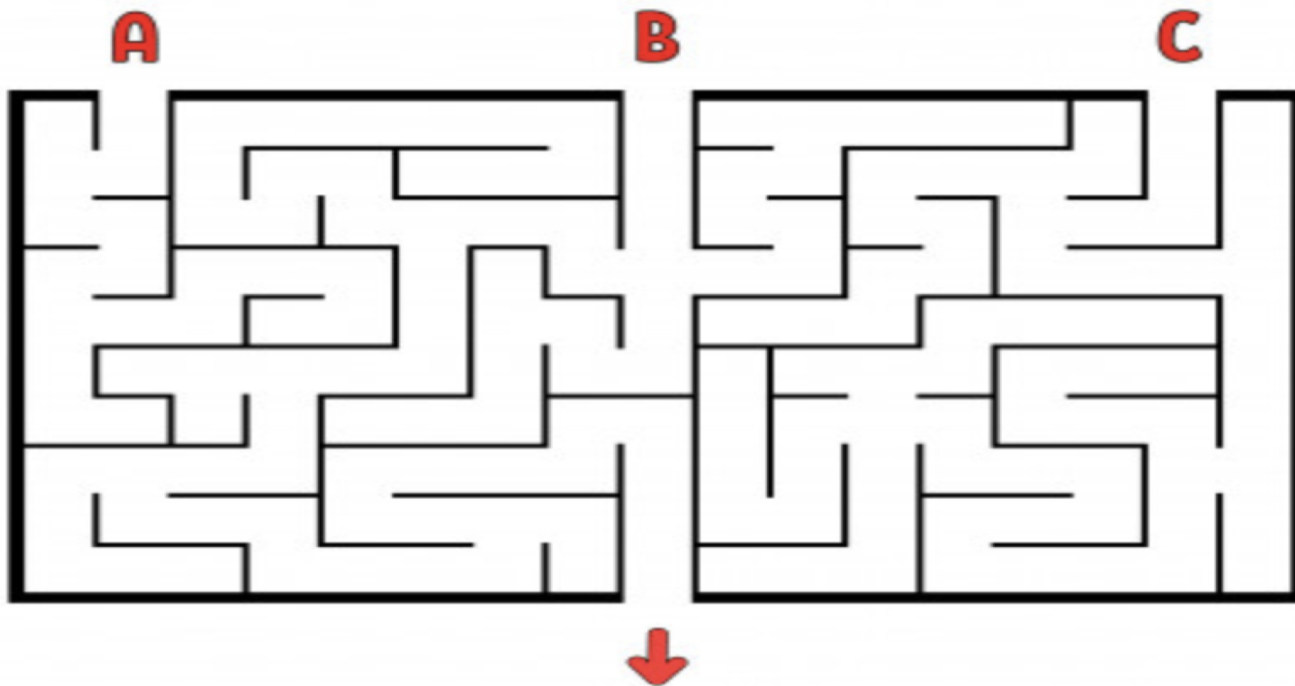


Initiatives:
Free topic-specific
resources

EQUIFINALITY



CLERY EQUIFINALITY

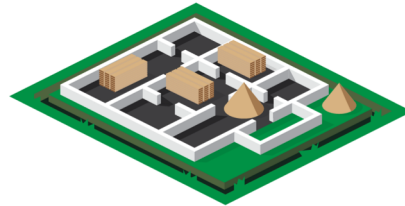


CLERY ACT COMPLIANCE AND CRIME PREVENTION AND RESPONSE

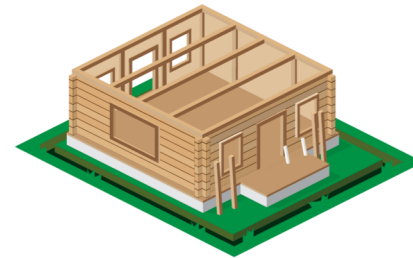
OUR STARTING POINT: CLERY STATISTICS

- Familiarity
- Components
 - Geography – difficult and unique
 - Crime categories- specific to Clery Act
 - Reporting parties—where you come in!

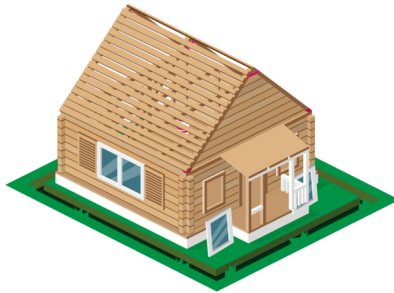
CLERY ACT TRAINING SEMINAR (CATS): BUILDING (SKILLS) FROM THE GROUND UP



4 W's



Ongoing
Disclosures



Community
Education



Intersections



Putting it All
Together

TRAINING OVERVIEW

The 4Ws

Where

Clery Act geographic locations

What to Report (What and Which)

Reviewing counting and classifying
Clery crime statistics

Who

- Defining and identifying CSAs
- Training CSAs
- Discussing tips for collecting crime reports from CSAs and local law enforcement

Ongoing Disclosures

Devise/implement policies for timely warnings and emergency notifications

Community Education & Intersections

- Assess compliance requirements and develop implementation strategies
- Expand collaborative approaches to support victims of dating violence, domestic violence, sexual assault, and stalking

Putting it All Together

- ASR assessment
- What to do with gathered crime reports and statistics

TAKE NOTE



WORKBOOK/TRAINING ICONS TO NOTE

These icons are used in the slides and in the Workbook to indicate:



Workbook activities incorporated into the training



Workbook activities or sections to be completed or reviewed “Back on Campus” (BOC)



Breakout groups designed to encourage small group conversation



Polls to gauge understanding and current practices



References online Clery Center supplemental materials website



Self reflection

CLERY ACT TIMELINE

1988

College and University Security Act
(PA)

1990

Crime Awareness and Campus
Security Act of 1990
(Title II of Public Law 101-542)

Amended the Higher
Education Act of 1965
(HEA) (original Clery Act)

1992

Buckley amendments (FERPA) and
Campus Sexual Assault Victims' Bill of
Rights amended HEA

CLERY ACT TIMELINE

1998

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

2008

HEA is amended by the Higher Education Opportunity Act which amended the Clery Act

2013

Violence Against Women Act Reauthorization Act (Section 304) amended the Clery Act

THE CLERY ACT

- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) federal **statute** codified at [20 U.S.C. § 1092](#)
- With implementing **regulations** in the U.S. Code of Federal Regulations at [34 C.F.R. 668.46](#)
- **Guidance:** Currently the Clery Act Appendix for the Federal Student Aid Handbook; formerly the Handbook for Campus Safety and Security Reporting

KEY RESOURCES

KEY PLAYERS

- Department of Education (ED)
Clery Act Compliance Division
 - Fine Per Violation
- Westat
- Department of Education Office
for Civil Rights (OCR)

RESOURCES

- The Clery Act – Statute and
Regulations
- Clery Act Appendix for Federal
Student Aid (FSA) Handbook
- ED Program Review Findings
- OCR Guidance

HANDBOOK FOR CAMPUS SAFETY AND SECURITY REPORTING TIMELINE

2005

- First Handbook published

2011

- Updated Handbook released to reflect HEOA (2008) updates

2016

- Updated Handbook released to reflect VAWA Amendments

2020

- Handbook rescinded, archived, and replaced with the Clery Act Appendix for the Federal Student Aid Handbook

If the Clery Act did not exist, what campus safety efforts would your institution implement to keep the campus community safe?

BECAUSE OF CLERY...

- Standardization of campus safety policies and procedures
- Professionalization of emergency and evacuation procedures
- Rights and options for survivors of dating violence, domestic violence, sexual assault, and stalking
- Increased transparency between campuses and community members



BREAK TIME: 5 MINUTES

WHO: Campus Security Authorities

Understanding the 4Ws of Crime Statistics

PERFORMANCE OBJECTIVES

- Define campus security authorities under the Clery Act
- Practice identifying CSAs based on their function
- Share strategies for standardizing CSA identification





“Chris” Case Study

“CHRIS”

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
- Chris tells the RA, “I think Sam raped me.”
- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam’s room before blacking out and shares all of this with the RA.
- Chris is scared and wants to figure out what really happened but doesn’t want to make Sam mad or upset.
- Chris wants help understanding what happens when something like this is reported but Chris does not want “one of those warning emails” to go out to the entire campus.
- Chris doesn’t know what to do next.

SHARE YOUR INSTITUTION'S POSITION ON THE IDENTIFICATION OF CAMPUS SECURITY AUTHORITIES (CSAS):



1. We have an established and documented system for determining CSAs by function.
2. We have an idea of who our CSAs are, but no formal system for determining and/or documenting that information
3. We have an inconsistent system for determining CSAs.
4. What's a campus security authority?

CAMPUS SECURITY AUTHORITIES

- Campus police/security department
- Individuals responsible for security
 - Access monitor
 - Resident assistant
- Individual or offices designated to receive crime reports
- Officials with significant responsibility for student and campus activities

CAMPUS SECURITY AUTHORITY TRAINING VIDEO

- Important to have formal system for identifying who is required to report (campus security authorities)
- While watching video:
 - Consider what CSAs need to know to meet the requirements
 - Consider tone/strategy for informing CSAs of that role



NIKHITH KALKUNTE
Resident Advisor

*Person's **function** determines if **CSA**.*

CAMPUS SECURITY AUTHORITY EXAMPLES

- Dean of students who oversees student housing, a student center, or student extracurricular activities
- Director of athletics, all athletic coaches (including part-time employees and graduate assistants)
- Faculty advisor to a student group
- Student resident advisor or assistant
- Student who monitors access to residence halls or buildings that are owned by recognized student organizations
- Coordinator of Greek affairs
- Title IX Coordinator

CSA EXAMPLES (cont'd)

- Ombudsperson (including student ombudspersons)
- Director of a campus health or counseling center
- Victim advocates or others who are responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.
- Members of a sexual assault response team (SART) or other sexual assault advocates
- Officers from local law enforcement who are contracted by the institution to provide campus safety-related services

WHO IS NOT A CAMPUS SECURITY AUTHORITY?

- Faculty without responsibility for student or campus activities outside the classroom
- Support staff
 - Clerical
 - Food service workers

WHO IS EXEMPT?

- Pastoral counselors
- Professional counselors
 - Applies to mental health counselors employed or under contract by the institution
- Person uncertified but acting under the supervision of an exempt counselor

CONDITIONAL CSAS

- If your institution directs students or employees to report crimes to other individuals, those individuals are CSAs, including:
 - Physicians in a campus health center
 - Counselors, including peer counselors (except for professional or pastoral counselors)
 - Health educators
- Some roles might not meet the definition of a CSA but also might not be exempt

IDENTIFICATION OF CSAs

- Designate an individual or office to oversee CSAs
- Engage key stakeholders
- Consider function
- Be consistent
- Document process



CSA IDENTIFICATION

- The next slides include descriptions of roles on campus.
- You will have a few minutes to read the descriptions and write down your answers.
- Reference *CSA Questions to Ask* in the workbook, when answering. Based on the description of the role, indicate whether the roles are CSAs (yes/no/maybe).

EXAMPLE 1

Mallory is an academic advisor in the Career Center and has accepted an offer to serve as an advisor for an alternative spring break trip. In this capacity she meets with students weekly for the months leading up to the trip and accompanies them on the trip itself.



Would this person be a CSA?

- ☐ Yes
- ☐ No
- ☐ Maybe - I need more information

If maybe, what additional information do you need?

EXAMPLE 2

Professor Kent is a faculty member in the Gender Studies department.

Dr. Kent is the chair of the department and advises the PRISM club on campus, but they only meet once per month.



Would this person be a CSA?

- ☐ Yes
- ☐ No
- ☐ Maybe - I need more information

If maybe, what additional information do you need?

EXAMPLE 3

Quinn is a maintenance worker in the residence halls. Quinn completes work orders and addresses other facility concerns within the four halls on campus.



Would this person be a CSA?

- ☐ Yes
- ☐ No
- ☐ Maybe - I need more information

If maybe, what additional information do you need?

EXAMPLE 4

Riley works in the Office of Equity and Inclusion. Students meet with Riley regularly to discuss their rights and options following an instance of dating violence, domestic violence, sexual assault, or stalking.



Would this person be a CSA?

- ☐ Yes
- ☐ No
- ☐ Maybe - I need more information

If maybe, what additional information do you need?

EXAMPLE 5

Dr. Johnson is the Director of Counseling and Psychology Services (CAPS) office on campus. Dr. Johnson supervises interns and works as a counselor, meeting one-on-one with students.



Would this person be a CSA?

- ☐ Yes
- ☐ No
- ☐ Maybe - I need more information

If maybe, what additional information do you need?

EXAMPLE 6

Peyton is a Chapter Advisor to a Greek organization.

The University officially recognizes Fraternities and Sororities and multiple chapters own houses across the street from campus.



Would this person be a CSA?

- ☐ Yes
- ☐ No
- ☐ Maybe - I need more information

If maybe, what additional information do you need?

BACK ON CAMPUS: WORKBOOK ACTIVITY

CSA Diagramming

- Analyze which roles at the institution are definitely CSAs based on their function and put those in the Y column.
- Determine which roles are not CSAs based on their function and write those in the N column.
- List all those for whom you need more information about their function in the “?” column.

A CAMPUS SECURITY AUTHORITY'S PRIMARY RESPONSIBILITY IS...

to report allegations of Clery Act crimes
reported to them to the official or office
designated by the institution to collect crime
report information.

CSAs ARE NOT RESPONSIBLE FOR....

Investigating or reporting incidents

- Overheard from students talking in a hallway or mentioned during an in-class discussion
- A victim mentions during a speech, workshop, or any other form of group presentation
- Learned indirectly

NAVIGATING POTENTIAL ROADBLOCKS

When addressing pushback on CSA role consider:

- Role and responsibility clarification
- Streamlining information sharing
- Inviting groups to engage in training their departments
- Train the trainer

Other ideas?

CSA VITAL ROLE TO COMPLIANCE

Recommended practices:

- Make sure that CSAs know who they are
- Provide job training/description
- Give CSAs crime definitions and geographic areas
- Provide reporting materials/forms
- Emphasize the importance of timely reports



WORKBOOK ACTIVITY: CSA TRAINING PLANS



Go to the *CSA Training Plans: Questions to Consider Activity*

Depending on the audience consider:

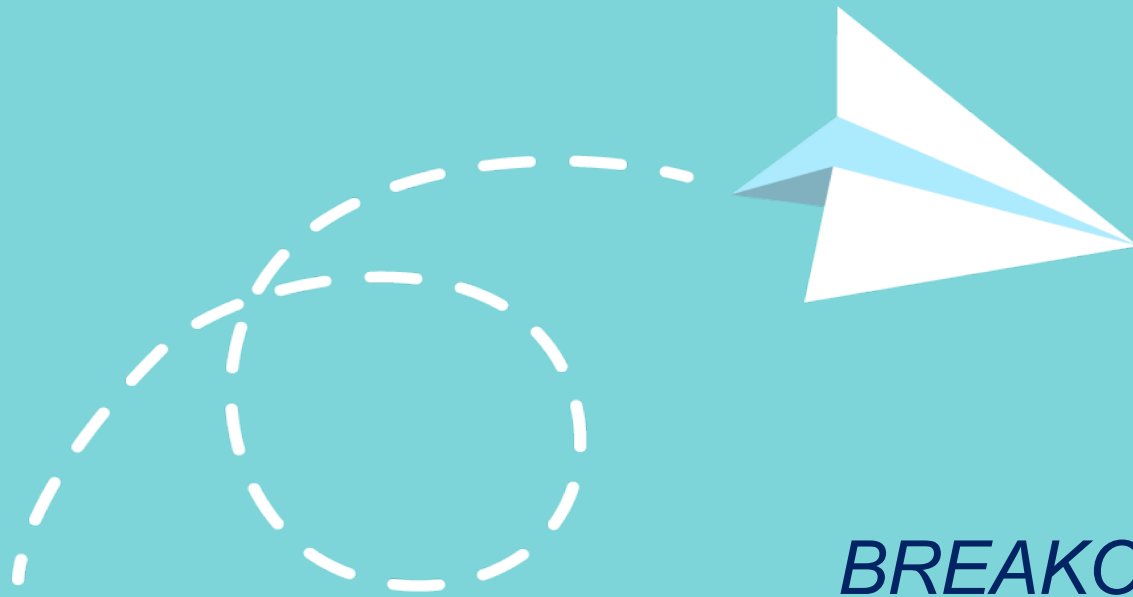
- Training mode and venue most efficient
- Specific instructional methods to use
- Most ideal time to train
- Amount of time needed
- Anticipated challenges

4WS: TRAINING CSAS AND COLLECTING CRIME REPORTS	
CSA TRAINING PLANS: QUESTIONS TO CONSIDER In the below chart, begin to develop a CSA training plan, or enhance your existing plan, for two training audiences (e.g., campus police/security and resident assistants) by answering these questions: <ul style="list-style-type: none">• What training mode (in-person, video conference, online, etc.) and venue (during employee orientation/in-service meetings, RA training, police/security roll call, etc.) would be most efficient in facilitating learning for this audience?• Are there specific training methods (to address their varying learning styles) that would likely work/not work for this audience?• When would it be ideal to train this CSA audience (annually, on a rolling basis as new employees come on board, etc.)? How much time do you need to train this audience?• Who can help you coordinate or facilitate this training with this audience? Who will be the trainer(s)?• What might be challenging in training this audience? Use the same process to consider other key CSA audiences for which you need to develop a training plan.	
CSA Training Audience: Training mode and venue most efficient in facilitating learning for this audience?	CSA Training Audience: Training mode and venue most efficient in facilitating learning for this audience?
Specific instructional methods to use with this audience?	Specific instructional methods to use with this audience?

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WB 13



***BREAKOUT GROUP:
Clery City***

WB 15

BACK ON CAMPUS: CSA TRAINING SLIDES



Plan: CSA Training Slides

- Use this activity as a skill builder for yourself or a subcommittee/team focused on training CSAs
- Practice prioritizing training points based on time allotted

PLAN: CSA TRAINING SLIDES

Consider if you had 10 minutes to train a specific CSA audience (start with campus police/security or what to include in an orientation for resident assistants). What key presentation slide points and activities would you use? What would you add/change if you had 30 minutes, 60 minutes, or whatever time you think you will be able to secure for training? Repeat this activity to develop training plans for additional CSA audiences.

Key Presentation Slide Points/Activities for CSA Training

10 minutes (Key points/activities)	30 minutes (Key points/activities)	60 minutes (Key points/activities)

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WB 81

INADEQUATE SYSTEM FOR COLLECTING CRIME STATISTICS

FAST FACTS

- Didn't gather reports in manner likely to result in accurate reporting
- Lack of coordination and communication between offices
- Lack of training (including on proper documentation)

ACTION ITEMS

- Established policies and procedures for gathering and compiling incidents of crimes reported to CSAs
- Revised reporting forms and report-writing resources
- Updated method of CSA notification



“CHRIS”

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
 - Chris returns to Post Hall and checks in with the RA.
 - Chris tells the RA, “I think Sam raped me.”
 - Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam’s room before blacking out and shares all of this with the RA.
 - Chris is scared and wants to figure out what really happened but doesn’t want to make Sam mad or upset.
 - Chris wants help understanding what happens when something like this is reported but Chris does not want “one of those warning emails” to go out to the entire campus.
 - Chris doesn’t know what to do next.
- Did Chris disclose to any campus security authorities?

SELF REFLECTION



Take a moment to note:

- Three questions
- Three takeaways from today's session

MESSAGING TO YOUR CAMPUS



Take a minute on your own to note on your Reminders that you would like to share with your campus community:

WB 17

- *Reminders: CSAs* page: a few key messages about prevention requirements.

WHERE: Clery Act Geography

Understanding the 4Ws of Crime Statistics

PERFORMANCE OBJECTIVES

- Accurately describe the geographic locations from where crime data is collected
- Evaluate location descriptions to determine whether a location falls within Clery geography



SHARE YOUR INSTITUTION'S POSITION ON THE UNDERSTANDING AND DOCUMENTATION OF YOUR CLERY GEOGRAPHY:

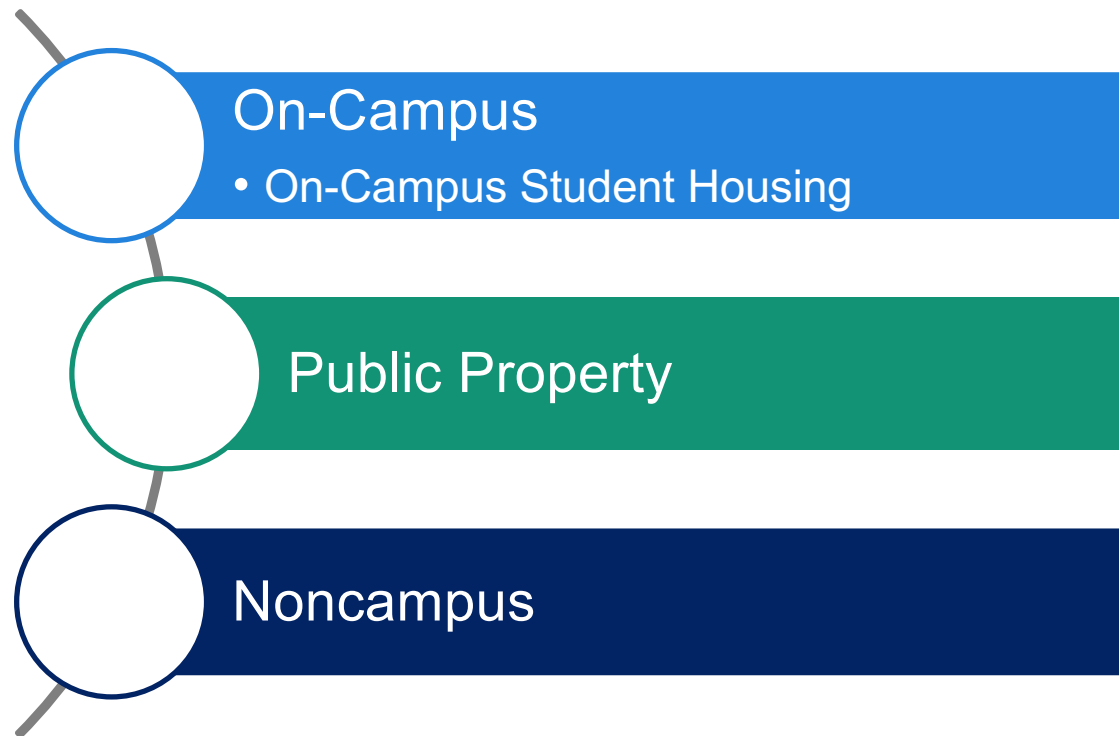


1. We have documentation for all the buildings and property that fall in our Clery geography (i.e. list, map).
2. We have an understanding of what falls in our Clery geography, but no formalized system of documentation.
3. We understand some of our geography, but have some buildings and property we're unsure about.
4. What is Clery geography?

**Failure to Properly Report Crimes
Based on Geography**

CLERY GEOGRAPHY

- Accurate picture
- Update annually
- Separate maps/lists for each campus



ON-CAMPUS

WHAT IS ON-CAMPUS?

- Owned or controlled by the institution
- Within the same reasonably contiguous geographic area, and
- Used to meet or support the institution's educational purposes:
 - Residence halls
 - Administrative buildings
 - Buildings that house classrooms/labs
 - Fraternity & sorority houses



REASONABLY CONTIGUOUS

The Department of Education does not apply any specific or measurable distance definition to “reasonably contiguous geographic area.”

Ex.: Any property included on a campus map or designated by signage as a campus facility is considered to meet “reasonably contiguous geographic area.”



SUPPORTS OR RELATES TO EDUCATIONAL PURPOSES REFERS TO...

The function of the building or property.

For example: Residence halls on campus that house students.

ON-CAMPUS ALSO INCLUDES

Any building or property on campus:

- Owned by the institution but controlled by another person
- Frequently used by students, and
- Used to support institutional purposes:
 - Food vendors
 - Book stores
 - Other retail vendors

ON-CAMPUS STUDENT HOUSING FACILITIES

STUDENT HOUSING FACILITIES

In essence, institutions are required to “report” occurrences in student residential facilities **twice** – one for on-campus and one in on-campus student housing facilities.

STUDENT HOUSING FACILITIES INCLUDE

- Undergraduate, graduate, or married student housing
- Single-family houses used for student housing
- Summer school student housing
- Buildings housing students and faculty, staff, and/or other individuals
- Buildings owned by a third party with written agreement to provide student housing – doesn't matter who pays rent, i.e., institution or student
- Fraternity or sorority houses that are owned or controlled or are located on property owned or controlled by the institution

GREEK HOUSES

- Are On-Campus Only If...
- Owned or controlled by the institution OR
- Building is owned by the institution but controlled by the fraternity or sorority OR
- Property (land) is owned by the institution, but building is controlled by the fraternity or sorority

SEPARATE CAMPUSES

According to the Clery Act Appendix:

- “An additional location, branch campus, school within the institution, or an administrative location is not within a reasonably contiguous area, such location would be considered a separate campus for reporting purposes.”

Each campus, whether main, branch or satellite,
must comply separately with Clery Act
requirements.

Includes U.S.-owned foreign institutions
and branches of domestic institutions located
abroad.

Includes institutions that **share a campus**, if both
are Title IV institutions.

A BRANCH

Considered independent if it...

- Is permanent
- Offers programs leading to a degree or other recognized educational credential, and
- Has its own:
 - faculty
 - administrative body (at least one person on site)
 - budgetary and hiring authority

SCHOOL

A division that:

- Offers instruction of a defined type
- Not contiguous to the main campus
- May include:
 - Business
 - Law
 - Medical

QUESTIONS TO CONSIDER

- Does the location have significant managerial authority and autonomy?
- Are there administrative personnel on site?
- Does the location have significant budgetary and hiring authority?

STUDY ABROAD MAY BE:

SEPARATE

Example:

- Branch Campus

NONCAMPUS

Example:

- Own/control
- Frequently used by students
- Not part of core campus or separate campus

NOT REPORTABLE

Example:

- Do not own or control buildings or property

PUBLIC PROPERTY



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.
- No specific measurable distance definition into adjacent public property.

PUBLIC PROPERTY

Examples:

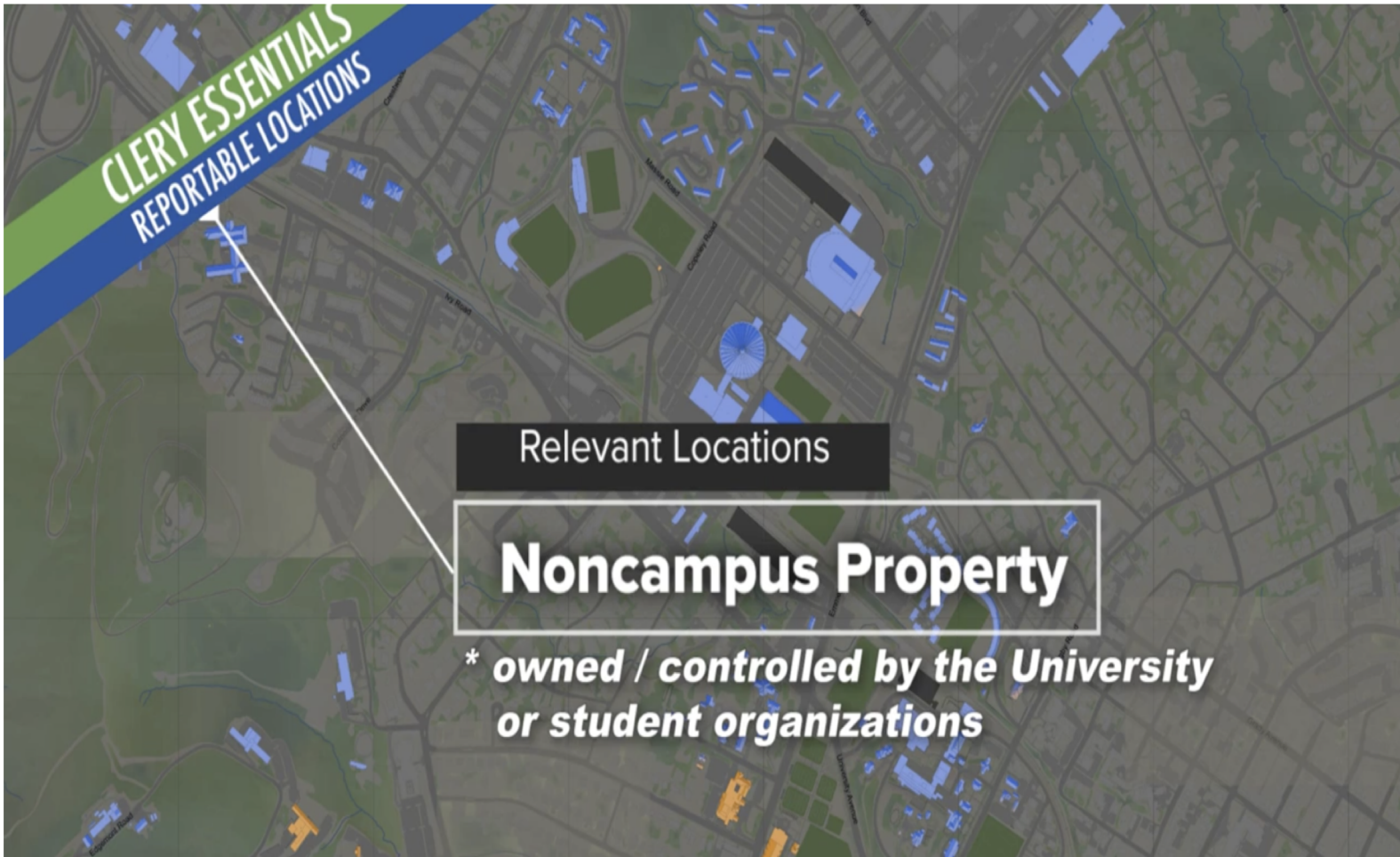
- Thoroughfares, streets, sidewalks, bike paths
 - Standard practice: “sidewalk, street, sidewalk”
- Public parking facilities
 - on campus or immediately adjacent
 - accessible from the campus
- A public park or waterway
 - if adjacent to and accessible from the campus for the period of time that is accessible
- Public transit stops
 - on campus or immediately adjacent
 - point where rider is required to pay a fare

Incidents that occur on institutionally owned roads or bike paths should be reported under the on-campus category.

NOT PUBLIC PROPERTY

- Private homes or businesses not owned or controlled
- Privately owned parking facility/lot that borders or runs through the campus
- Area surrounding noncampus property or buildings
- Property separated from campus by man-made barriers or fences
- Fenced in public parks or waterways that are adjacent to and inaccessible from the campus

NONCAMPUS



WHAT IS NONCAMPUS?

Any building or property not part of the main campus nor a separate campus and is:

- Owned or controlled by the institution
- Used in support of or in relation to the institution's educational purposes, and
- Frequently used by students

NONCAMPUS EXAMPLES

- Research boats/ships/vans or other mobile classrooms
- Space rented or leased for the purpose of offering classes for set periods of time
- Off-campus housing units owned or controlled by the institution

A NONCAMPUS BUILDING
OR PROPERTY MAY ALSO BE...

“owned or controlled by a student organization that is
officially recognized by the institution such as
fraternity and sorority houses”

NONCAMPUS CONTROL CONSIDERATIONS

- Count crimes committed during times institution controls space
 - time
 - dates
 - space
- Regardless of whether students are present
- Include common areas
 - stairway
 - hallway
 - lobby
- Do not include statistics for an incident that occurred in a noncampus location outside of the time the institution leases/controls it
- Do not include statistics in a non-controlled portion of a leased building even if the incident involved a student

NONCAMPUS CONTROL CONSIDERATIONS (CONT'D)

- Noncampus locations do not have a public property reporting requirement
- A location's geographic identity can shift as the function of that property shifts

OTHER NONCAMPUS CONSIDERATIONS

LIKELY INCLUDE

- Corporate offices owned/controlled & not on main campus if frequented by students
- Third party agreements that give control
- Locations shared with other institutions if both maintain control over the space

LIKELY DO NOT INCLUDE

- Prisons, military, hospitals without agreements
- Owned by institution but controlled by third party and not frequently used by students or supporting educational purposes
- Student housing recommendations

STUDY ABROAD MAY BE:

SEPARATE

Example:

- Branch Campus

NONCAMPUS

Example:

- Own/control
- Frequently used by students
- Not part of core campus or separate campus

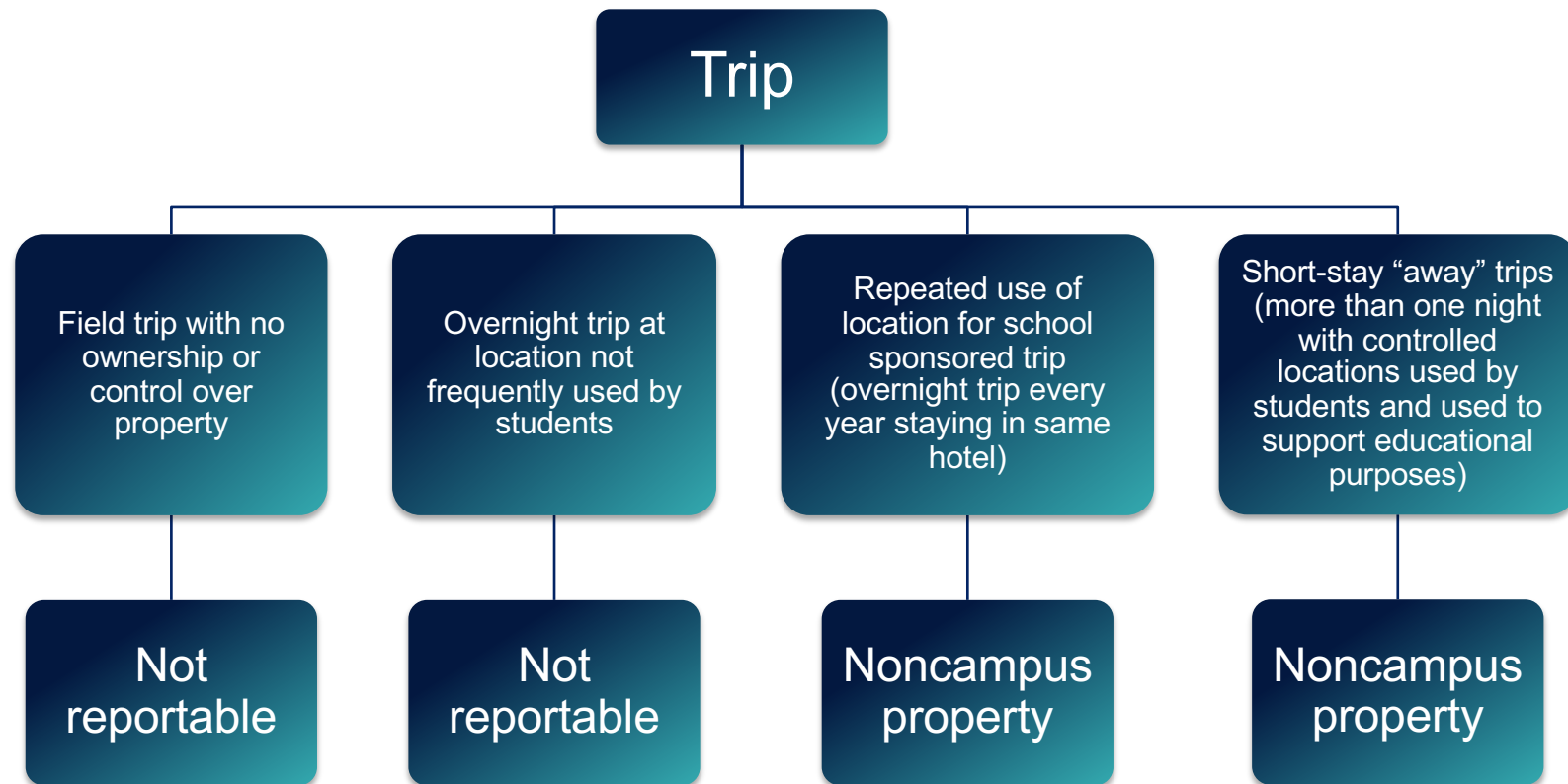
NOT REPORTABLE

Example:

- Do not own or control buildings or property

FROM THE HANDBOOK

EVALUATING SCHOOL-SPONSORED STUDENT TRIPS



REVIEW: DETERMINING GEOGRAPHY

DETERMINING CLERY GEOGRAPHY

Based on the information provided:

Is the location within Clery geography?

If yes, where does it fall?

- On-campus
- On-campus student housing
- Noncampus
- Public property



1. This fast food vendor is located in the student union on campus.

Is this location within Clery geography?

- 1) Yes, On-campus
- 2) Yes, On-campus student housing
- 3) Yes, Noncampus
- 4) Yes, Public property
- 5) No, not in Clery geography

2. This fraternity house is located three miles from campus. The Greek organization owns and controls the building. The fraternity is officially recognized by the institution.



Is this location within Clery geography?

- 1) Yes, On-campus
- 2) Yes, On-campus student housing
- 3) Yes, Noncampus
- 4) Yes, Public property
- 5) No, not in Clery geography

3. This convenience store is located two blocks from campus. Students go there frequently to buy snacks. It is not run by the institution.



Is this location within Clery geography?

- 1) Yes, On-campus
- 2) Yes, On-campus student housing
- 3) Yes, Noncampus
- 4) Yes, Public property
- 5) No, not in Clery geography

4. This building is two miles from campus. The institution does not own the building but has an agreement to host classes at this location from 12:00 PM to 5:00 PM on Mondays and Wednesdays.



Is this location within Clery geography?

- 1) Yes, On-campus
- 2) Yes, On-campus student housing
- 3) Yes, Noncampus
- 4) Yes, Public property
- 5) No, not in Clery geography

Department of Education Finding

FAILURE TO PROPERLY DEFINE CAMPUS IN ACCORDANCE WITH FEDERAL REGULATIONS; FAILURE TO OBTAIN CRIME STATISTICS FOR ADDITIONAL LOCATIONS

FAST FACTS

- Didn't report for noncampus locations
- No collection of statistics from CSAs at noncampus locations
- No good faith effort to obtain statistics from local law enforcement

ACTION STEPS

- Identification/list of Clery geography by category (on-campus, on-campus student housing, noncampus, public property, separate campuses)
- Documentation of request to law enforcement and CSAs for statistics
- In some reviews, campus submitted copies of property list and policy and procedures manual to demonstrate compliance – finding not sustained



BACK ON CAMPUS: CLERY GEOGRAPHY

- Clery Geography Working Group
- Sample spreadsheets
- Planning checklist

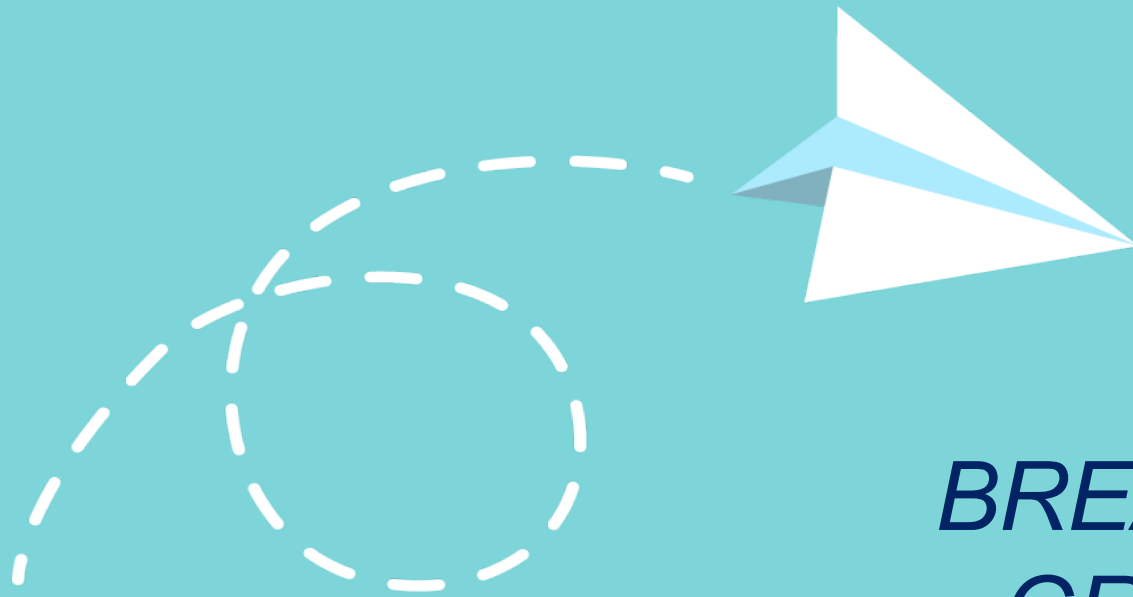


GROUP DISCUSSION

- Review the three case studies in your breakout groups.
- Determine:
 - Does the incident fall in Clery geography?
 - If yes, where does it fall?

GROUP DISCUSSION

- **Case Study 1:** Jessie is studying for the semester in Paris through a program out of another American university. She was sexually assaulted while walking from the metro to her host family home.
- **Case Study 2:** Professor Graham sends students from his Political Science 101 class to the county courthouse to view proceedings from a criminal trial. A student's purse is stolen while she attends the trial.
- **Case Study 3:** Tina is being treated for a broken leg at the University hospital emergency department after being injured during a robbery at the bank in the student union center.



***BREAKOUT
GROUPS:
Case Studies***

SELF REFLECTION



WB 23

- Take a moment to note:
- Three questions
- Three takeaways from today's session

MESSAGING TO YOUR CAMPUS



After this session, take a minute on your own to note on your *Reminders: Geography* page a few key messages about Clery geography that you would like to share with your campus community.

WHAT TO REPORT: Counting and Classifying Crime Statistics

Understanding the 4Ws of Crime Statistics

PERFORMANCE OBJECTIVES

- Understand which definitions to use to count Clery Act crimes
- Identify resources for classifying Clery Act crimes
- Practice classifying and counting Clery Act crimes using the Hierarchy Rule

Department of Education Finding

FAILURE TO REPORT ACCURATE CRIME STATISTICS AND PROVIDE CLEAR AUDIT TRAIL; FAILURE TO PROPERLY CLASSIFY AND DISCLOSE CRIME STATISTICS

FAST FACTS

- Documentation from police department and student conduct office, but documentation from other CSAs insufficient or nonexistent
- Housing reports shredded
- No clear audit trail
- Misclassification of crimes

ACTION ITEMS

- For review itself, submitted information to the Department of Education to show incidents were classified properly and included in disclosure
- In some instances, finding was sustained, in others, it was not
- Established documentation systems and revisited application of crime definitions and record retention strategies

CLERY ACT CRIMES

Criminal Offenses

Homicide • Sex Offences • Robbery • Aggravated Assault
Burglary • Motor Vehicle Theft • Arson

Hate Crimes

Crimes within the Criminal Offenses Category (see above)
Plus: Larceny-theft • Simple Assault • Intimidation
Destruction, Damage, or Vandalism of Property

VAWA Offenses

Dating Violence • Domestic Violence • Stalking

Arrests & Disciplinary Referrals

Weapons Law, Drug Abuse, & Liquor Law Violations

Hate Crime Bias Categories

- Race
- Gender
- Gender Identity
- Religion
- Sexual Orientation
- Ethnicity
- National Origin
- Disability

THE HIERARCHY RULE

- Used for the Criminal Offenses category
- Only most serious offense should be counted
- Used when:
 - Offenses are committed at the same time and place
 - Time interval and distance between offenses is insignificant

OFFENSE HIERARCHY

1. Murder & Non-Negligent Manslaughter
2. Manslaughter by Negligence
3. Sex Offenses
4. Robbery
5. Aggravated Assault
6. Burglary
7. Motor Vehicle Theft

HIERARCHY RULE EXCEPTIONS

Sexual Assault

- If rape, fondling, incest, or statutory rape occurs in the same incident as a murder, the institution must record both the sex offense and the murder in its statistics

HIERARCHY RULE EXCEPTIONS

Dating Violence, Domestic Violence, & Stalking

- Dating violence, domestic violence, and stalking are not listed in the hierarchy in the final regulations for the VAWA amendments to the Clery Act

HIERARCHY RULE EXCEPTIONS

Arson

- Arson is always counted
- Multiple offenses – report most serious along with arson
- Incidents in which persons are killed as a direct result of arson - classified as a homicide and arson

HIERARCHY RULE EXCEPTIONS

Hate Crimes

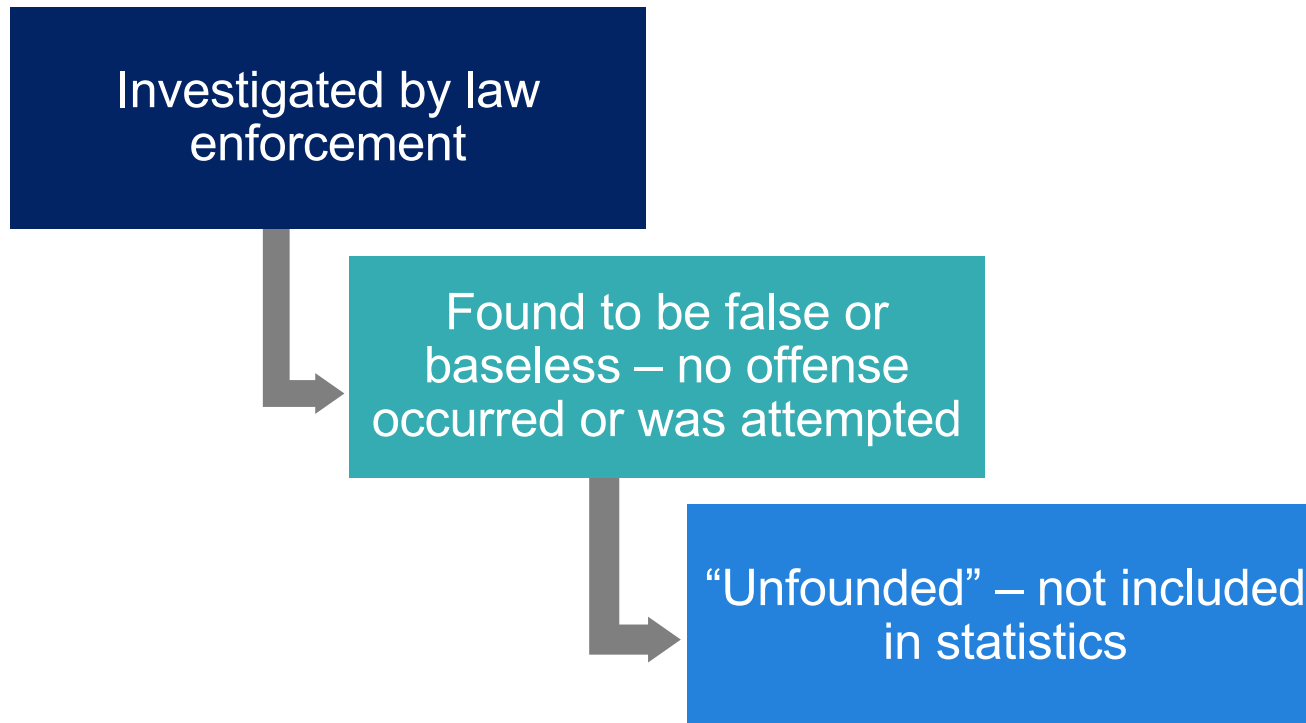
- Disclose all of the offenses committed in a multiple offense incident that are bias-motivated
- In a multiple-offense incident, only the crimes that are bias-motivated should be classified as hate crimes

*Remember that the Hierarchy Rule **doesn't**
apply to the Daily Crime Log*

EXCLUDED CRIMES

- Non-Clery Act crimes (vandalism, theft, disorderly conduct, drunk driving, etc.)
- Crimes outside Clery geographic area
- Unfounded crimes

UNFOUNDED CRIMES



DO NOT COUNT AS UNFOUNDED

- Recovery of stolen property
- Low value of stolen property
- Refusal of victim to cooperate
- Failure to make arrest

Institutions must report to the
Department of Education and disclose
in their annual security reports the total number
of crime reports that were “unfounded.”

ATTEMPTED CRIMES

- Do not differentiate between attempted and completed crimes
- Only exception is attempt to murder where the victim does not die - these should be classified as aggravated assaults rather than homicides

PERSONAL IDENTIFICATION ELEMENTS

- Status of victim and/or perpetrator to the institution is irrelevant (ex. student, employee, individual not associated with the institution)

Clery Act reporting does not require
initiating an investigation OR
disclosing identifying information
about the victim.

RECORDING STATISTICS: THINGS TO REMEMBER

- Statistics are tied to Clery Act geography
- Hierarchy Rule
- Use Clery crime definitions
- Classify according to the requirements:

Homicide, sex offenses, aggravated assaults, dating violence, domestic violence, stalking	One offense per victim *Special considerations for stalking
Robbery, burglary	One offense per each distinct operation
Motor vehicle theft	One offense for each stolen vehicle
Arson	One offense for each distinct arson operation

MURDER & NON-NEGLIGENT MANSLAUGHTER

COUNT:

- One offense per victim
- Deaths caused by injuries received in a fight, argument, quarrel, or commission of a crime

DO NOT COUNT:

- Suicides
- Fetal deaths
- Traffic fatalities
- Accidental deaths
- Attempted murder
- Justifiable homicide

MANSLAUGHTER BY NEGLIGENCE

COUNT:

- One offense per victim

DO NOT COUNT:

- Deaths of persons due to their own negligence
- Accidental deaths not resulting from gross negligence
- Traffic fatalities

SEX OFFENSES

Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent

- Rape
- Fondling
- Incest
- Statutory rape

COUNTING SEX OFFENSES

COUNT

- Victims not offenders
- For statutory rape, count victims that fit your state statutory limit

NOTE

While the definitions of sexual assault include lack of consent as an element of the offense, no determination as to whether that element has been met is required.

ROBBERY

COUNT:

- One offense for each distinct incident, including attempts
- Carjacking counts as robbery only and not as a motor vehicle theft

DO NOT COUNT:

- Number of victims robbed, offenders, or those present
- If force or threat of force doesn't exist
- If injury results in death - count as homicide

AGGRAVATED ASSAULT

Factors to consider:

- Type of weapon or method used
- Seriousness of the injury
- Intent to cause serious injury

AGGRAVATED ASSAULT

COUNT:

- The number assaulted as the number of offenses
- Offense per victim - even if injury does not result, if a weapon is used that could have caused serious personal injury

DO NOT COUNT:

- Offenses based on local law classification or policy definitions

BURGLARY

COUNT:

- One offense for each distinct operation
- One offense per residence, residential room, or structure if more than one room was entered

DO NOT COUNT:

- More than one offense per academic building regardless of the number of classrooms or offices entered
- Do not use local law classifications or policy definitions

MOTOR VEHICLE THEFT

COUNT:

- One offense for each stolen vehicle
- Only if taken by a person who doesn't have legal access or owner consent
- Attempts and joyriding, even if the vehicle is recovered

DO NOT COUNT:

- Embezzlement of vehicles
- Thefts from motor vehicles
- Farm equipment, bulldozers, airplanes, construction equipment, sailboats, motorboats, house boats or jet skis
- Items taken from open access area

ARSON

COUNT:

- One offense for each distinct incident
- Any fire that an investigation determines meets the definition of arson designated institutional official
- Multiple offenses if in conjunction with arson

DO NOT COUNT:

- If origin is not in the institution's jurisdiction

HATE CRIME CATEGORIES

CRIMINAL OFFENSES:

- Murder and Non-negligent manslaughter
- Sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

PLUS:

- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

HATE CRIMES

Include any of the above crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's bias.

Bias Categories:

- Race
- Gender
- Gender identity
- Religion
- Sexual orientation
- Ethnicity
- National origin
- Disability

HATE CRIMES

COUNT:

- If sufficient objective facts are present to conclude that actions in whole or part were motivated by bias
- Offense per victim by geographic location
- All incidents of hate crimes in a multiple offense incident

DO NOT COUNT:

- Unless evidence - knowing perpetrator is prejudiced not enough
- Based on victim's perception
- Rape unless there is clear evidence of bias

DETERMINING BIAS

- Oral comments, written statements, or gestures
- Drawings, markings, symbols, or graffiti
- Several incidents in same area
- Incident on a holiday or a date of significance
- Previous involvement in a similar hate crime

CAVEATS

- Assess each case separately
- Be alert to misleading facts
- Be alert to feigned facts meant to give false impression of bias
- Offender's mistaken perception that the victim was part of a group

GROUP ACTIVITY

- For each scenario, use your available resources (participant's manual/CCC guide) to answer the following questions:
 - Is this a Clery Act crime?
 - Did the incident fall within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
 - If applicable, how should this incident be counted?
- You can record your answers in the Workbook.

SAMPLE QUESTION

A student's 17-year-old sibling who is visiting the campus reports that she was raped at a house owned by the institution and located on campus grounds, but leased to a fraternity.

Is this a Clery Act crime?

☐ Yes

☐ No

If yes, did it fall within Clery Act geography? (on-campus, on-campus student housing, noncampus, public property)?

How should this incident be counted?

EXAMPLE 1

Three women report that they were each raped by a group of five men at an off-campus fraternity house owned by the fraternity. Each man raped each of the women. All involved were students.

Would this incident be counted under Clery?

- ☐ Yes
- ☐ No

WHY?

If applicable:

- ☐ Which Clery Act crime is it?
 - ☐ How did you know?
- ☐ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
 - ☐ What information led to this conclusion?
- ☐ How should this incident be counted?

EXAMPLE 2

Two players on the university recognized intramural golf team get into an argument. After some pushing and shoving, one grabs a golf club and breaks the other's knee cap. The altercation occurred at the team owned house five blocks from the main campus.

Would this incident be counted under Clery?

- ☐ Yes
- ☐ No

WHY?

If applicable:

- ☐ Which Clery Act crime is it?
 - ☐ How did you know?
- ☐ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
 - ☐ What information led to this conclusion?
- ☐ How should this incident be counted?

EXAMPLE 3

Riley is a resident assistant and uses their keys to perform random room checks to ensure prohibited items such as candles or alcohol are not being stored in the residence hall. After checking two other rooms, the third room Riley enters happens to be that of a star football player. Once inside the room, Riley decides to steal the player's jersey and sweaty towel.

Would this incident be counted under Clery?

- ☐ Yes
- ☐ No

WHY?

If applicable:

- ☐ Which Clery Act crime is it?
 - ☐ How did you know?
- ☐ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
 - ☐ What information led to this conclusion?
- ☐ How should this incident be counted?

EXAMPLE 4

Early in the morning, two Latino brothers are attacked by two men while attending a party at an officially recognized fraternity house three blocks from the main campus. The brothers were embraced in a hug when they were attacked. The attackers used anti-gay and anti-Latino slurs when beating the brothers. Both brothers were knocked unconscious and had broken bones from the assault.

Would this incident be counted under Clery?

☐ Yes
☐ No

WHY?

If applicable:

- ❑ Which Clery Act crime is it?
 - ❑ How did you know?
- ❑ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
 - ❑ What information led to this conclusion?
- ❑ How should this incident be counted?

EXAMPLE 5

While walking back from a watch party at the bars, a group of students are confronted by two people with guns pointed at them telling them to give them their wallets, cell phones, and shoes. The encounter takes place on the city sidewalk outside of their residence hall.

Would this incident be counted under Clery?

- ☐ Yes
- ☐ No

WHY?

If applicable:

- ☐ Which Clery Act crime is it?
 - ☐ How did you know?
- ☐ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
 - ☐ What information led to this conclusion?
- ☐ How should this incident be counted?

DOMESTIC VIOLENCE

- Felony or misdemeanor crimes 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.

CONSIDERATIONS

- Count one offense per victim
- Roommates
- State domestic violence laws inclusive of dating violence

DATING VIOLENCE

COUNT:

- Sexual or physical abuse
- The threat of such abuse

DO NOT COUNT:

- Acts covered under the definition of domestic violence

WHEN CLASSIFYING STALKING INCIDENTS

COUNT:

- At only the first location within the institution's Clery geography in which:
 - Perpetrator engaged in the stalking course of conduct
- OR
- Victim first became aware of the stalking

*Reminder: Not necessary for all activities in the course of conduct to occur within Clery geography in order to count the incident

When recording reports of stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a campus security authority.

EXAMPLE 6

Officers respond to a call from the Residence Hall Director for Graduate and Family Housing, located on the west end of campus. When they arrive, a professor reports that her husband repeatedly hits her, slaps her, kicks her, and punches holes into their walls. She says that the evening before, he arrived home intoxicated, threatened to kill her, and refused to let her leave the residence hall room.

Would this incident be counted under Clery?

☐ Yes

☐ No

WHY?

If applicable:

- ❑ Which Clery Act crime is it?
 - ❑ How did you know?
- ❑ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
 - ❑ What information led to this conclusion?
- ❑ How should this incident be counted?

EXAMPLE 7

A resident discloses to his RA that he is scared of his boyfriend. He shows the RA bruises covering his arms and says that while visiting his room the evening before, his boyfriend got angry and assaulted him.

Would this incident be counted under Clery?

- ☐ Yes
- ☐ No

WHY?

If applicable:

- ☐ Which Clery Act crime is it?
 - ☐ How did you know?
- ☐ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
 - ☐ What information led to this conclusion?
- ☐ How should this incident be counted?

EXAMPLE 8

Right before midterms, a graduate teaching assistant (TA) reports to her academic advisor that one of the students in her class has been following her from class to her on-campus office and continually leaving her gifts.

She's concerned that his behavior is escalating because he's begun to threaten her safety if she doesn't respond. The student has learned her schedule and shows up at the library any time she's there. She tells the advisor that the behavior started five days into the class.

Would this incident be counted under Clery?

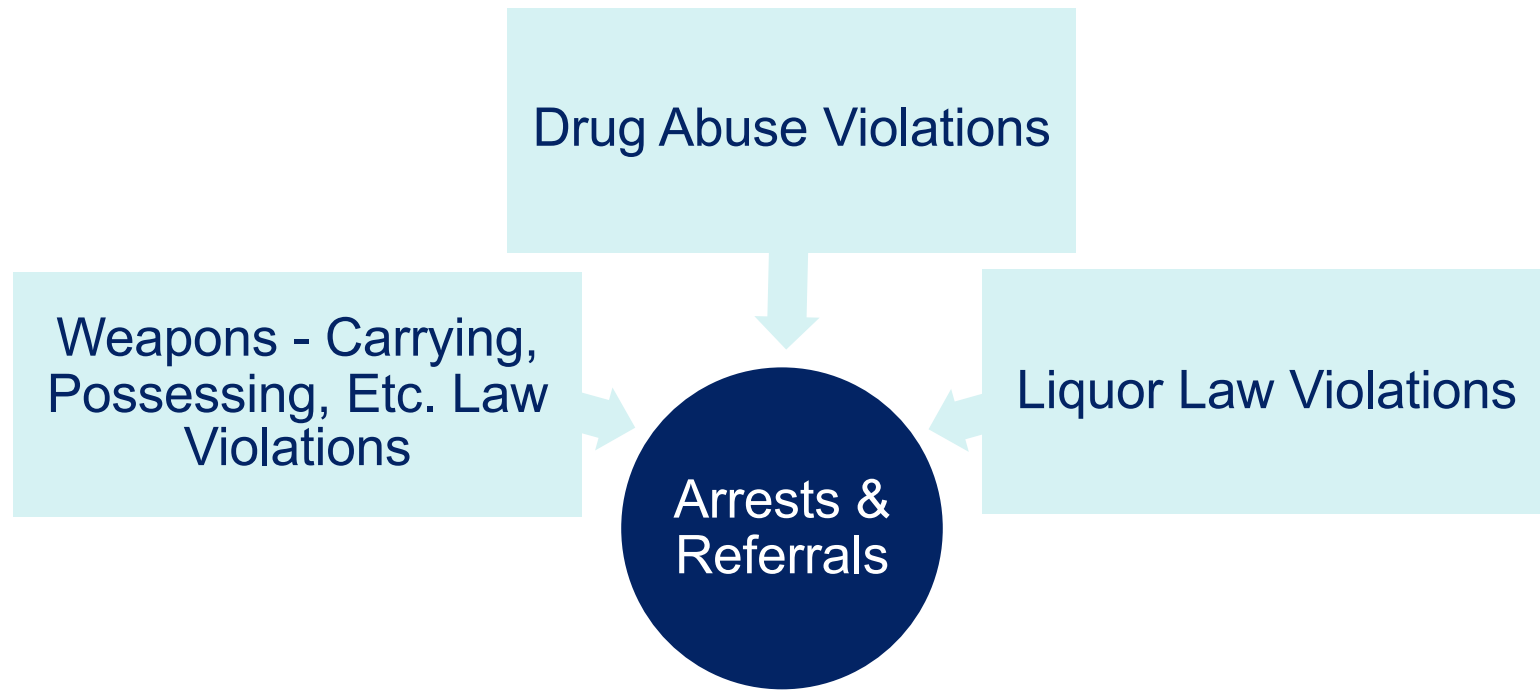
☐ Yes

☐ No

WHY?

If applicable:

- ☐ Which Clery Act crime is it?
 - ☐ How did you know?
- ☐ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
 - ☐ What information led to this conclusion?
- ☐ How should this incident be counted?



Arrests and referrals for these law violations are not covered by the Hierarchy Rule used to count Criminal Offenses.

DEFINITION OF ARREST

Persons processed by arrest, citation,
or summons

REPORTING ARRESTS FOR ANY VIOLATION

- Use state laws or local ordinances
- Don't use institutional policy
- Count the number of arrests for weapons, drug, and liquor law violations separately
- Count for all required geographic areas
- Do NOT combine arrests and referrals

COUNT ARREST IF...

- Person is arrested and released without a formal charge
- Juvenile taken into custody but merely warned and released without being charged
- Official action is taken beyond a mere interview or warning

IF...

- Same person is arrested more than once for multiple separate incidents, count each separate arrest
- Referred for another violation (e.g., arrested for a drug law violation and referred for a liquor law violation) — count only the arrest
- Referred for the same violation (e.g., a drug law violation) — count only the arrest

ARRESTS: USE DISCRETION

- If there are multiple arrest or referral counts for the same individual within a singular incident, determine which to count and document justification.
- Officer discretion is allowed only for illegal weapons possession, drug, and liquor law violations that occur during the same incident.

ARRESTS

DO NOT COUNT ARRESTS IF:

- Police contact a juvenile who has committed no offense
- Police take a juvenile into custody for their own protection, but no crime was committed

REFERRALS: 3 CRITICAL ELEMENTS

- 1) Receiving official must initiate disciplinary action
- 2) Record must be kept
- 3) Action may, but doesn't have to, result in a sanction

The results of the disciplinary process (found responsible or not or accepts lesser violation as a “plea bargain”) are irrelevant.

REFERRALS: OTHER IMPORTANT ELEMENTS

Not necessary that:

- Referrals originate with police
- A sanction be imposed

Count:

- Referrals within required geographic areas
- Violations of law (not just policy)
- Weapons, drug, and liquor law violations separately

Do not combine statistics for arrests and referrals.

HOW TO COUNT REFERRALS

COUNT:

- Number of persons, not violations
- Each referral if same person is referred more than once for multiple separate incidents
- Include “mediation” as long as fits definition

REFERRALS: USE DISCRETION

- If a person is referred for multiple violations during a single incident, use discretion to determine which violation to count
- Justify and document determination

EXAMPLE 9

Two non-students are arrested during an on-campus football game for possession of cocaine. They were also cited for underage possession of alcohol.

Would this incident be counted under Clery?

☐ Yes

☐ No

WHY?

If applicable:

- ☐ Which Clery Act crime is it?
 - ☐ How did you know?
- ☐ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
 - ☐ What information led to this conclusion?
- ☐ How should this incident be counted?

EXAMPLE 10

Two students are involved in a verbal altercation in the parking lot of a bar across the street from their residence hall. Both are 19 years old and are intoxicated. One student begins to beat the other with a concrete block. Campus police respond and arrest both students for underage drinking and the aggressor for the assault.

Would this incident be counted under Clery?

☐ Yes
☐ No

WHY?

If applicable:

- Which Clery Act crime is it?
- Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
- How should this incident be counted?

EXAMPLE 11

A faculty member is referred for disciplinary action for having a firearm in their office in violation of school policy, but in a state without a law against possessing a firearm on campus.

Would this incident be counted under Clery?

- ☐ Yes
- ☐ No

WHY?

If applicable:

- Which Clery Act crime is it?
- Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
- How should this incident be counted?

EXAMPLE 12

A student is referred for disciplinary action for smoking marijuana in his on-campus residence hall. Because this is his first offense, he is issued a warning and no sanction is given. A record is kept of the action.

Would this incident be counted under Clery?

- ☐ Yes
- ☐ No

WHY?

If applicable:

- Which Clery Act crime is it?
- Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
- How should this incident be counted?

MINUTE ANALYSIS

Scenario:

Alex is originally from Nebraska but moved to Colorado to attend college. While waiting outside of their residence hall for friends to pick them up to celebrate their 18th birthday, Alex decides to smoke a joint. The Area Housing Coordinator sees Alex smoking, and after speaking with them, writes an incident report and refers Alex for a hearing with the Conduct board. Alex is very confused because one of the reasons they chose a school in Colorado was because adults (21+) may possess 1 ounce of cannabis, 8 grams of concentrate (also known as hash, marijuana concentrate, wax, resin or shatter), or 800 mg of edibles legally.

COLLECTING STATISTICS FROM CSAs & LOCAL LAW ENFORCEMENT

GETTING CRIME REPORTS FROM CSAS

- **CSA Reporting Procedures**
- Report forms for CSAs
- Training CSAs



CSA REPORTING FORM

CAMPUS SECURITY AUTHORITY REPORTING FORM

Date of report: _____

Name of campus security authority: _____

Date that incident occurred (mm/dd/yyyy): _____

If multiple incidents were reported or if the date the incident occurred is unknown, please note below:



ESTABLISHING COOPERATIVE RELATIONSHIPS

- Determine correct local police agency
- Call early in the calendar year - speak with a supervisor
- Inquire about extent of their authority
- Determine contact points
- Determine when to contact
- Document good faith effort

DOCUMENT GOOD FAITH EFFORT

- What is needed?
- Why is it needed?
- When is it needed?
- Where should it be sent?
- To whom it should be sent
- The format in which it needs to be provided



WHAT ABOUT....

If you're directed to a website?

- Can use if you can identify statistics for Clery geography and confirm the website is up to date
- Must still request statistics annually

If you get non-UCR statistics?

- Personnel familiar with UCR may be able to reclassify
- Can request clarification

If you get statistics you can't attribute to Clery geography?

- If you can't determine whether any statistics apply to or include Clery geography, provide caveat explaining statistics were requested but not provided in usable format

RED FLAGS

- Burglaries on public property
- Large numbers of crimes on public property
- Missing geography
- Statistics for incest and statutory rape

“CHRIS”

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
- Chris tells the RA, “I think Sam raped me.”
- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam’s room before blacking out and shares all of this with the RA.
- Chris is scared and wants to figure out what really happened but doesn’t want to make Sam mad or upset.
- Chris wants help understanding what happens when something like this is reported but Chris does not want “one of those warning emails” to go out to the entire campus.
- Chris doesn’t know what to do next.

- Did any crimes occur within Clery geography?
- If so, how would this incident be reflected in an institution’s statistics?

WB 32

SELF REFLECTION



WB 33

- Take a moment to note:
- Three questions
- Three takeaways from today's session

MESSAGING TO YOUR CAMPUS



WB 34

After this session, take a minute on your own to note on your *Reminders: What to Report* page a few key messages about Clery geography that you would like to share with your campus community.

Ongoing Disclosures

PERFORMANCE OBJECTIVES

- Understand timely warning policy statement requirements
- Understand emergency notification policy statement requirements
- Understand the difference between an emergency notification and timely warning
- Develop an emergency notification and timely warning
- Practice articulating rationale for a decision to send or not send an alert



DAILY CRIME LOG

DAILY CRIME LOG PERFORMANCE OBJECTIVES

- Define daily crime log requirements
- Develop crime log templates
- Differentiate between daily crime log and crime statistics reporting requirements

EXEMPT FROM CRIME LOG

Institutions:

- Without security or police departments
- With local law enforcement personnel who patrol on or near campus without written agreement or contract
- With individual(s) with limited responsibility for campus security
- With security personnel contracted by landlord

CRIME LOG REPORTING REQUIREMENTS

- Contains all reported crimes
- Logged only if reported to police or security
- May include wider geographic area
 - On-campus
 - Noncampus buildings or property
 - Public property
 - **Department patrol jurisdiction**

DAILY CRIME LOG INCLUDES

- Nature of the crime
 - Date/time occurred
 - Date/time reported (recorded in order received)
 - General location
 - Disposition
- Easily Understood
 - Must Be Made Public



THE NATURE OF THE CRIME

- UCR definitions not required
- Hierarchy rule doesn't apply
- State crime categories permissible
 - Use easily understood definitions
 - “Simple assault” or “rape”
 - Don't use state penal codes or citation numbers
- Detailed description desirable

TIME PERIODS

- Date/Time Offense Occurred
- Date/Time Offense Reported
- Recorded in Order Received

GENERAL LOCATION

- Use a meaningful description
- Be specific enough – not generic
- Be careful – do not disclose personally identifiable information

DISPOSITION OF THE COMPLAINT

Include status (if known)

- Open
- Pending
- Closed
- Disciplinary referral
- Unfounded

Log can only be updated

- Do not delete entries
- Recorded within 2 business days of report
- Update entries for 60 days after reported



WITHHOLDING INFORMATION

Limited information may be temporarily withheld if release would:

- Jeopardize an ongoing investigation
- Jeopardize the safety of an individual
- Cause a suspect to flee or evade detection
- Result in the destruction of evidence

MAKING THE LOG AVAILABLE

- Hard or electronic copy
- On-site at each campus
- Truly available to the public/media
- Most recent 60 days
- During normal business days/hours
- Portion of log older than 60 days available within two (2) business days of a request

Archived for at least 7 years



SAMPLE DAILY CRIME LOG

Nature (Classification)	Date/Time Reported	Date/Time Occurred	General Location	Disposition
Larceny	01/20/20 505hrs	01/10/20 0800hrs	Admin. Building	Closed 02/24/20
Vandalism	01/27/20 1231hrs	01/17- 01/22/20	Jacobs Hall	Closed 02/24/20
Vandalism	02/12/20 1937hrs	02/10/20 1930hrs	Lester Hall	Open
Liquor Law Violation	02/23/20 0300hrs	02/22/20 0300hrs	South Parking Lot	Disciplinary Referral

FIRE LOG

FIRE LOG OVERVIEW

- Daily reporting requirement
- Applicable only to institutions with on-campus housing facilities
- Reported to any official at the institution

REPORTABLE FIRES

- Already extinguished
- Discovered while burning
- Fires necessitating a 911 call
- Minor fires, easily extinguishable

FIRE LOG REQUIREMENTS

- Date fire reported
- Nature of the fire
- Date and time of fire
- General location of fire

MAINTAINING THE FIRE LOG

Entries must be added to fire log:

- Within 2 business days
- Most recent 60 days available for public inspection
- Entries older than 60 days going back 7 years must be made available within 2 business days
- Public access includes media

MAINTAINING THE FIRE LOG

Institutions may decide:

- Who/which department maintains
- Where log is kept
- If electronic or hard copy
- Must be accessible on-site(s)

COMBINING FIRE & DAILY CRIME LOGS

If combined:

- Label to clearly indicate that it is a fire and crime log
- Contains required element of both fire and crime log



COMBINING FIRE & DAILY CRIME LOGS

If separate:

- Fire log records all reported fires, including arson, in on-campus student housing facilities
- The daily crime log records:
 - All arsons and attempted arsons reported to campus police/security that occur in on-campus, on-campus student housing, noncampus, or public property or within the patrol jurisdiction



SEPARATE AND DISTINCT

EMERGENCY NOTIFICATIONS

- Broader scope – any significant emergency or dangerous situation
- Anywhere on campus
- Entire campus or segment(s)
- Issue alert immediately upon confirmation

TIMELY WARNINGS

- Narrower focus – Clery Act crimes
- Clery Act geographic area
- Reach entire campus community
- Issue warning as soon as pertinent info is available

SHARE YOUR INSTITUTION'S POSITION ON POLICY AND PROCEDURES FOR TIMELY WARNINGS:



- A. My institution has an established and documented system for issuing a timely warning.
- B. My institution consistently issues timely warnings, but has no formal system for determining and/or documenting that information.
- C. My institution has an inconsistent system for issuing timely warnings.
- D. I'm not sure what my institution's process is for issuing timely warnings.

CIRCUMSTANCES THAT TRIGGER WARNINGS

- Clery Act crimes (included in annual statistics)
- Reported to CSA or local law enforcement
- Occurred in Clery geographic areas
 - On-campus (including on-campus student housing)
 - Public property
 - Noncampus
- Represents a serious or continuing threat
 - Students
 - Employees

DECISION TO ISSUE A WARNING

- Specify Who Is Responsible
 - Individual (Title)
 - Department/Office
 - Consultation Process
- Open Communication
- Case-By-Case Basis



TIMELY WARNING DISSEMINATION PROCESS

- Must be quick (timely)
 - As soon as pertinent information is available
- Community-wide
 - Likely to reach the entire campus community
- Aid in the prevention of similar crimes
- Specify methods
 - Text messages
 - E-mail, social media
 - Posters
 - Other methods and/or combination of methods

TIMELY WARNINGS INCLUDE

- Information that promotes safety
- Allows individuals to protect themselves
- Time, location, and type of crime

TIMELY WARNINGS: CONFIDENTIALITY

- Withhold as confidential the names and other identifying information of victims
 - Required in the institution's dating violence, domestic violence, sexual assault, and stalking policy



EXEMPT CASES

- Crimes Reported to:
 - Pastoral or professional counselor
- Privileged Information Protected by State Law:
 - Medical doctor
 - Attorney/client

TIMELY WARNING DECISION-MAKING



- Need for process to evaluate reports and document decisions

WB 35

- Tool: *Timely Warning Decision Matrix* template in the Workbook

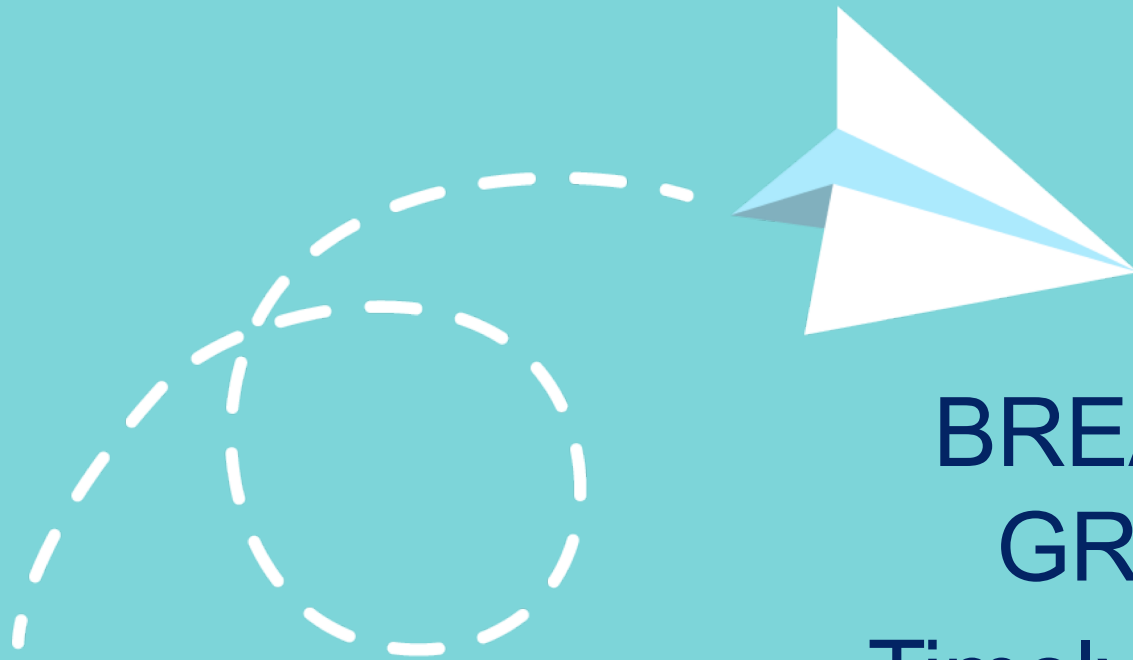
Timely Warning Analysis

TIMELY WARNING GONE WRONG

Timely Warning- Reported Case of Rape

College Police are investigating a rape reported to have occurred on the evening of XX-XX-XX in a classroom in the Science Building. A female graduate student, who is an academic tutor with the science department, was approached in a hallway by the suspect asking her for assistance in studying for a test. Assuming he was a student, she agreed to enter an empty classroom with him. The graduate student reported the suspect shut the door, raped her, and then fled the room and building. The graduate student reported the incident to the McGrath hall resident assistant at 7 a.m. the following morning, who in turn reported the incident to Campus Police.

The suspect was described as a white man, late 20s, six feet tall, with brown eyes, short curly brown hair, and a beard and mustache, wearing a gray t-shirt and army green pants. Despite the delayed report, Campus Police continues to survey the area for suspects matching the description. Your safety is important to the College. Please report all suspicious activity to Campus Police. Choose well-lit walking paths on campus and be aware of blue light telephones on campus.

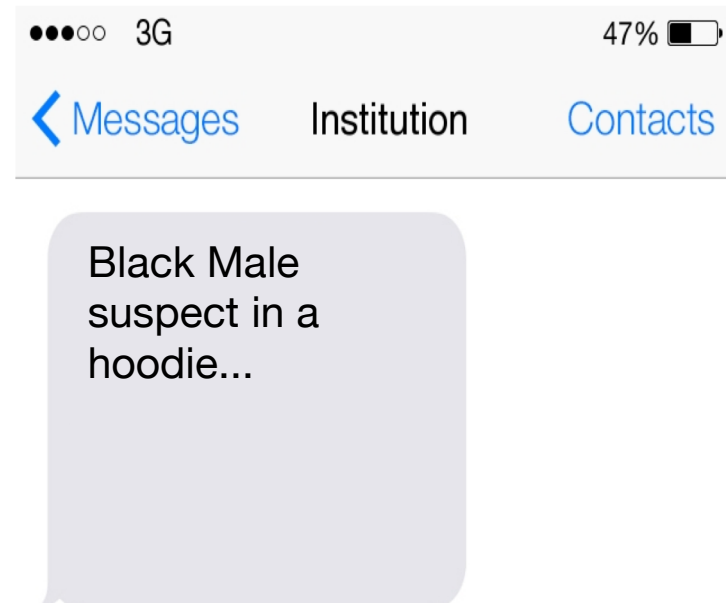


BREAKOUT GROUPS: Timely Warning Analysis

WB 39

ADDRESSING POTENTIAL BIAS

- Raise awareness around **what** rather than **who** is a “serious” or “ongoing threat.”
- Avoid creating suspect descriptions that create an atmosphere of fear and suspicion, rather than helpful information.



SHARE YOUR INSTITUTION'S POSITION ON POLICY AND PROCEDURES FOR EMERGENCY NOTIFICATION:



- A. My institution has an established and documented system for issuing an emergency notification.
- B. My institution issues emergency notifications, but has no formal system for determining and/or documenting that information.
- C. My institution has an inconsistent system for issuing emergency notifications.
- D. I'm not sure what my institution's process is for issuing emergency notifications.

IMMEDIATE THREATS

All Hazards:

- Terrorist attack
- Active shooter
- Natural disaster
- Environmental
- Weather
- Other

YOUR TURN

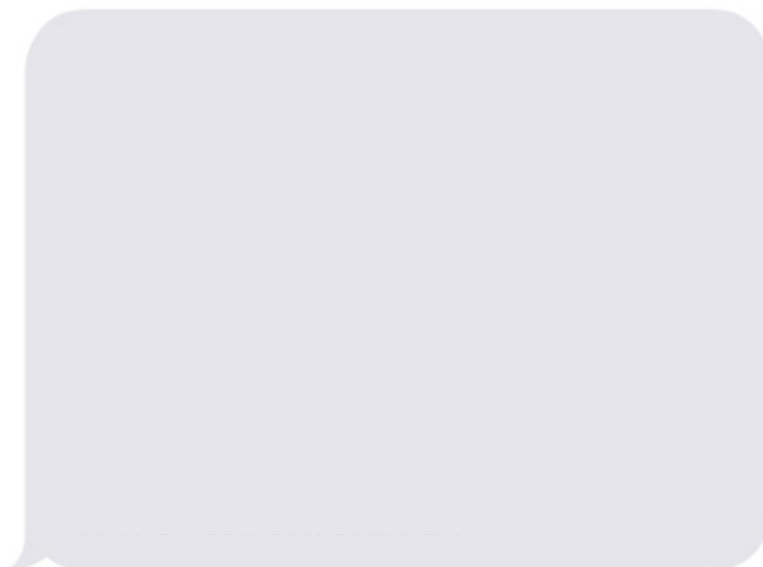
Use Slido to draft an emergency notification for the following situation:

The institution receives confirmation of a fire occurring at the Clark Science Center on the north end of campus.

The notification may be no longer than 160 characters.

slido





ALERTING GONE WRONG



COVID-19: THE ULTIMATE CASE STUDY

- Policies and procedures
 - Do what you say, say what you do
- Opportunities for information sharing beyond what is required
- Create a process for After Action Planning & Evaluation

COVID-19 CONSIDERATIONS

REVISIT

- Procedures for sharing information
- Making reports and filing complaints while remote
- DVSAS Written Explanation of Rights & Options
- Options to conduct disciplinary proceedings

RESPOND

- Proactively identify and share resources to support community members
- Provide institutional and national resources
- Ask folks what they need

WORKBOOK ACTIVITY: CASE STUDIES (1)



Go to the *Case Studies (1)* Workbook activity.

WB 40

For each case study, answer the following questions:

- Is an emergency notification or timely warning warranted?
- If so, how quickly should an emergency notification or timely warning be issued?
- How widely should the emergency notification or timely warning be issued?

“FONDLING”

- On **Thursday** night Jane Smith reports to her RA that she was waiting for the campus shuttle when a white man in his 20's with shaggy brown hair grabbed her breasts before running off.
- **That evening** the RA reports the incident to her hall director who subsequently reports the incident to campus police on Friday morning.
- On **Friday** afternoon Rebecca Brown, a graduate teaching assistant, calls campus police to report that a white man put his hand down her pants. She noted that he was wearing sunglasses and had a hooded sweatshirt that covered his hair. She was waiting for the campus shuttle when it occurred.

FOR THE FONDLING CASE STUDY, WE WOULD:

- A. Send an emergency notification.
- B. Send a timely warning.
- C. We would not send out an alert.



“FONDLING” CASE STUDY ANALYSIS

- Is an emergency notification or timely warning warranted? Why or why not?
- If so, how quickly should an emergency notification or timely warning be issued?
- How widely should the emergency notification or timely warning be issued?

“THE ARSONIST”

- On **Friday night** and into **Saturday morning** a series of three fires are set in the basement and two storage areas on occupied floors of the East Campus Residence Hall.
- Campus security responds to each fire and puts them out within several minutes.
- On **Saturday morning** investigators with the state Fire Marshal’s office confirm that the fires were arsons.

FOR THE ARSONIST CASE STUDY, WE WOULD:

- A. Send an emergency notification.
- B. Send a timely warning.
- C. We would not send out an alert.



“THE ARSONIST” CASE STUDY ANALYSIS

- Is an emergency notification or timely warning warranted? Why or why not?
- If so, how quickly should an emergency notification or timely warning be issued?
- How widely should the emergency notification or timely warning be issued?

“CHRIS”

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
- Chris tells the RA, “I think Sam raped me.”
- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam’s room before blacking out and shares all of this with the RA.
- Chris is scared and wants to figure out what really happened but doesn’t want to make Sam mad or upset.
- The next day, two other students that attended the same party as Chris report similar experiences of drinking a lot, apparently blacking out and being sexually assaulted.
- Additionally, members of the fraternity that held the party report being uncomfortable with an act of hazing they were told to participate in that involved supplying alcohol to friends that attended and to “hook up” with them. These fraternity members did not participate but knew of other pledges who had.

FOR THE “CHRIS” CASE STUDY, WE WOULD:

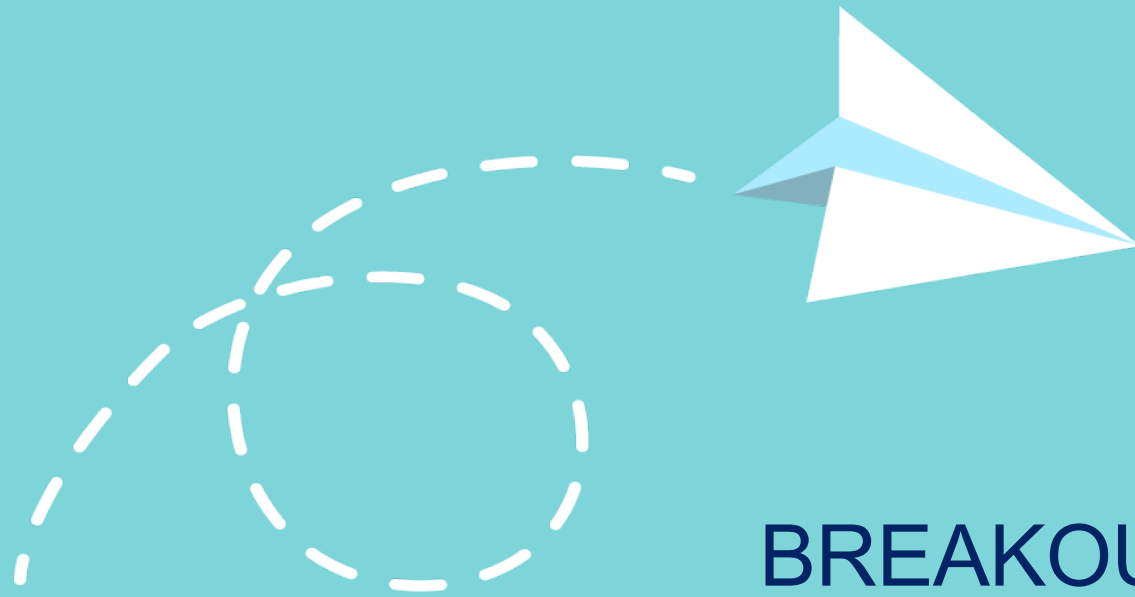
- A. Send an emergency notification.
- B. Send a timely warning.
- C. We would not send out an alert.



“CHRIS” CASE STUDY ANALYSIS

- Would you issue a timely warning or emergency notification? Why or why not?
- If you would issue an alert, identify when the alert would be issued and who would receive the alert.
- If you would not issue an alert, draft your rationale for why you would not send the alert.





BREAKOUT GROUPS: Case Study Activity

WORKBOOK ACTIVITY: CASE STUDIES (2)



Go to the *Case Studies (2)* Workbook activity.

WB 43

For each case study, answer the following questions:

- Would you issue a timely warning or emergency notification? Why or why not?
- If you would issue an alert, identify when the alert would be issued and who would receive the alert.
- If you would not issue an alert, draft your rationale for why you would not send the alert.

“ANONYMOUS THREAT”

- A student calls public safety to report a threat posted on an anonymous social media app.
- The threat contains specific details on where, when, and how a shooting will take place in the university commons.

FOR THE “ANONYMOUS THREAT” CASE STUDY, WE WOULD:

- A. Send an emergency notification.
- B. Send a timely warning.
- C. We would not send out an alert.

slido



“ANONYMOUS THREAT” CASE STUDY ANALYSIS

- Would you issue a timely warning or emergency notification? Why or why not?
- If you would issue an alert, identify when the alert would be issued and who would receive the alert.
- If you would not issue an alert, draft your rationale for why you would not send the alert.



“DOMESTIC VIOLENCE”

- An administrator in student life reports to a human resources administrator (who the campus identifies as a CSA) that her spouse hit her repeatedly in the stomach in the parking garage on-campus after accusing her of having an affair with another campus administrator.
- She discloses that this is not the first time he has hit her or expressed jealousy but it is the first time it has occurred on campus.
- When she exited the garage, he threatened, “Someone will pay for this.”

FOR THE “DOMESTIC VIOLENCE” CASE STUDY, WE WOULD:

- A. Send an emergency notification.
- B. Send a timely warning.
- C. We would not send out an alert.

slido

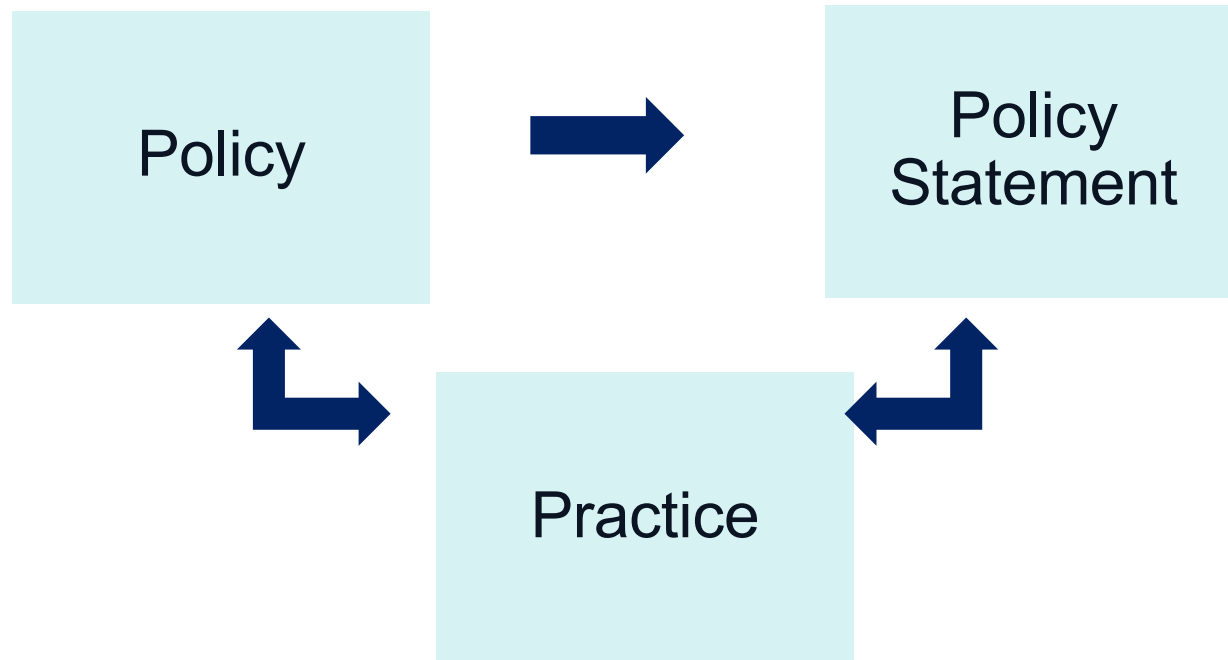


“DOMESTIC VIOLENCE” CASE STUDY ANALYSIS

- Would you issue a timely warning or emergency notification? Why or why not?
- If you would issue an alert, identify when the alert would be issued and who would receive the alert.
- If you would not issue an alert, draft your rationale for why you would not send the alert.



TIMELY WARNINGS & EMERGENCY NOTIFICATION POLICY STATEMENTS



POLICY STATEMENTS

- Annual security report
 - Required statements of policy
- Snapshot of campus safety practices
- “Do what you say; say what you do”

SEPARATE AND DISTINCT

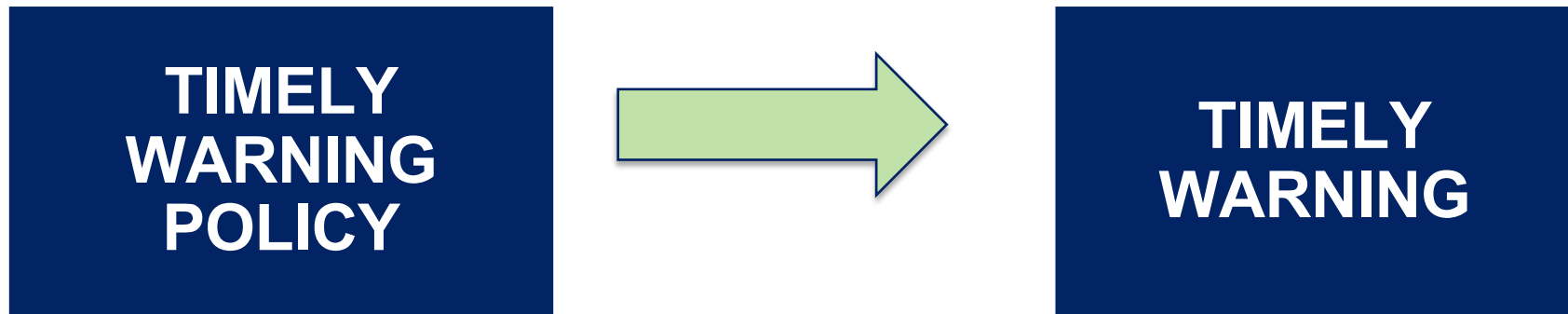
EMERGENCY NOTIFICATIONS

- Broader scope – any significant emergency or dangerous situation
- Anywhere on campus
- Entire campus or segment(s)
- Issue alert immediately upon confirmation

TIMELY WARNINGS

- Narrower focus – Clery Act crimes
- Clery Act geographic area
- Reach entire campus community
- Issue warning as soon as pertinent info is available

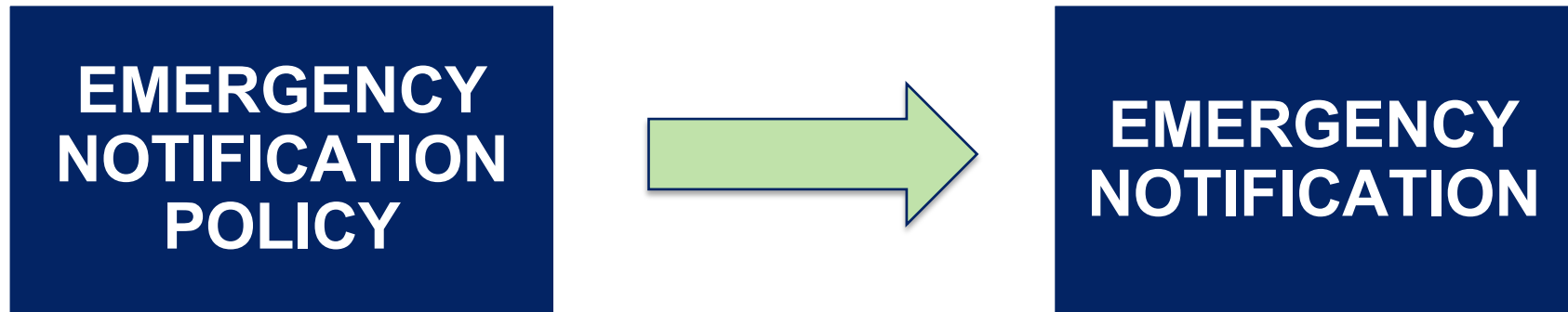
TIMELY WARNING POLICY & WARNINGS



TIMELY WARNING POLICY STATEMENT COMPONENTS

- Circumstances regarding issuance
- Individual or office responsible
- Dissemination manner

EMERGENCY NOTIFICATION POLICY AND NOTIFICATIONS



EMERGENCY NOTIFICATION POLICY REQUIREMENTS

Policy Must:

Articulate the **process used to confirm that there is a significant emergency or dangerous situation** involving an immediate threat to the health or safety of students or employees occurring on campus

EMERGENCY NOTIFICATION POLICY REQUIREMENTS

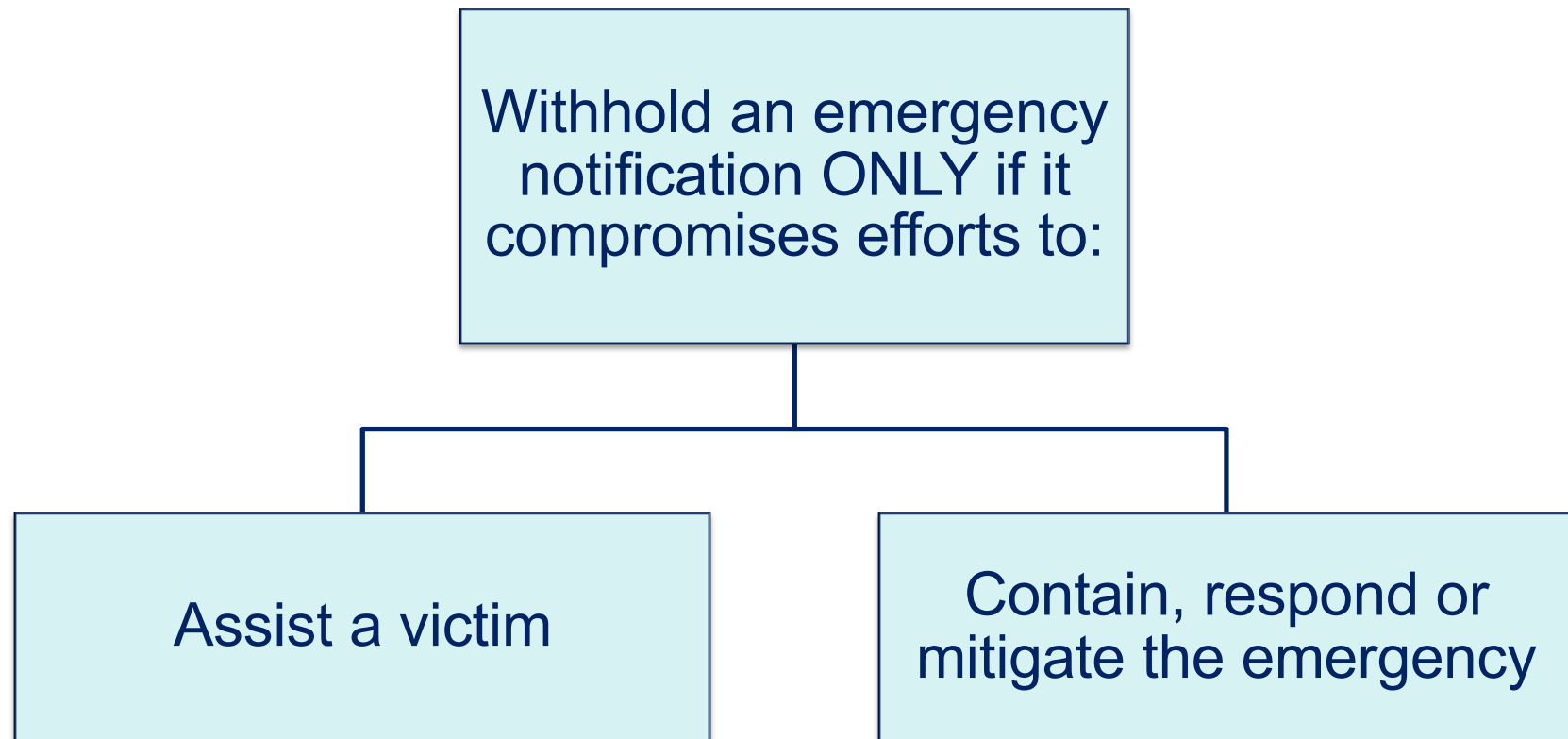
Policy Must:

- Disclose the **process** used to determine which segment(s) receive notification
- Explain **how** the content of the notification will be developed
- Disclose which **officials** by title are responsible for each step
- Initiate notification **without delay and taking into account the safety of the community**

EMERGENCY NOTIFICATION POLICY REQUIREMENTS

Following confirmation the institution must:

- Determine what information to release
- Initiate notification
- Take into account safety of the campus community
- Provide adequate follow-up information



Determination must be made by responsible authorities
identified in the policy statement

*If emergency notification is issued,
there is **NO NEED** to issue a timely warning
for the same circumstance.*

PROGRAM REVIEW EXAMPLE #1: 2007

Finding: Failure to Provide Timely Warning

- “[Institution] argues that it acted swiftly to eliminate any possible threat to the community by placing both of the accused students on interim suspension and therefore, no warning was needed.”
- “The Clery Act and the Department’s regulations do not specifically define when a warning is “timely”...the warning should be issued as soon as pertinent information is available... The Department does not agree that suspending the accused students achieves this requirement.”

PROGRAM REVIEW EXAMPLE #1: 2007 (CONT'D)

“[Institution] concedes that there was never any official consideration of whether to issue a warning in regard to the April...sexual assault because the institution’s basketball coaches did not inform the school officials responsible for such warnings of the assault reported to them. Thus, [institution] did not follow its established procedures for considering such warnings.... [and] did not have an appropriate process for communicating and reporting incidents in a timely manner to the officials who have the administrative responsibility for determining whether a timely warning should be issued.”

PROGRAM REVIEW EXAMPLE #2 - 2017

“The Department carefully considered [institution’s] rationale for not issuing a TW and has determined that, under the circumstances, it was reasonable for University officials to believe that the threat created by the assailant’s actions were addressed and contained. The individual was terminated from his employee as a security guard and was removed from campus housing. Moreover, the individual was only permitted on campus to attend classes and was ordered to stay away from the victim. As such, [institution’s] explanation of its choice to not issue a TW was found to be acceptable.”

CONSIDERATIONS FROM PROGRAM REVIEWS

- Documentation of timely warning analysis important
 - Did campus security authority reports get to the individuals responsible for determining whether a timely warning is necessary?
 - Did the analysis take place in relation to the incident? How soon?
 - Did the institution follow its own policy for who makes such decisions and methods of dissemination?
 - What mitigating or aggravating factors led to the decision of whether it was a serious or ongoing threat?

SELF REFLECTION



Take a moment to note:

- Three questions
- Three takeaways from this section

WB 45

MESSAGING TO YOUR CAMPUS



Take a minute on your own to note on your Reminders that you would like to share with your campus community:

WB 46

- *Reminders: Ongoing Disclosures* page: a few key messages about timely warning and emergency notification requirements.

COMMUNITY EDUCATION

PERFORMANCE OBJECTIVES

- Identify and understand required community education programs under the Clery Act
- Establish a process for evaluating compliance of existing programs
- Identify campus partners in prevention

PRIMARY PREVENTION AND AWARENESS

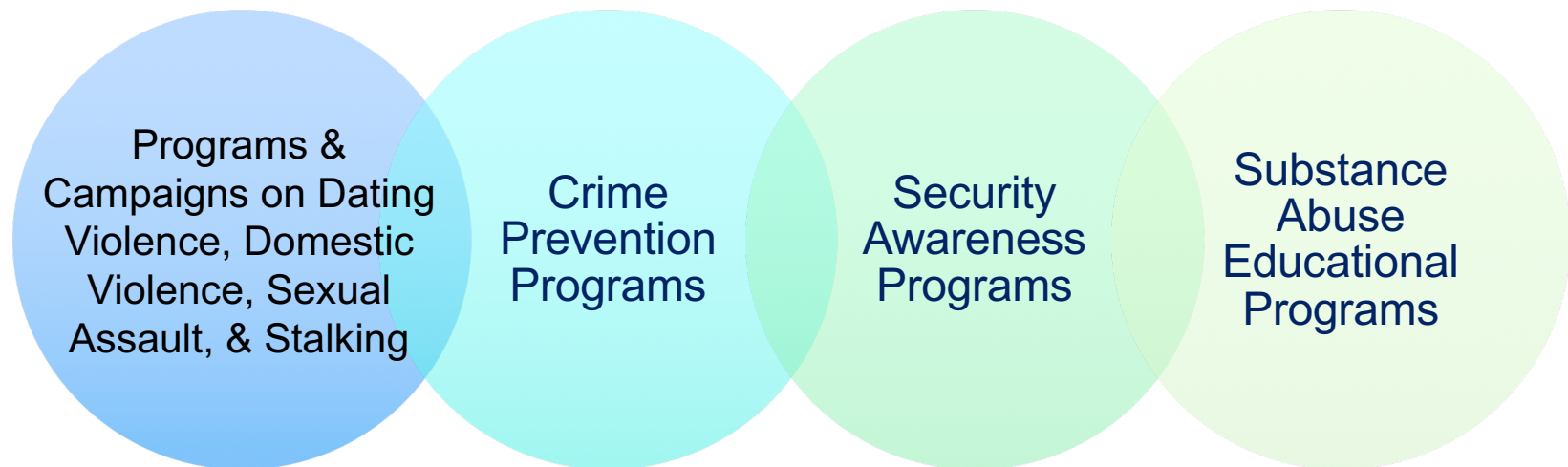
PRIMARY PREVENTION

- Informed by research or assessed for value, effectiveness, or outcome
- Intended to stop violence before it occurs
- Changing social norms & stereotypes
- Promotion of positive & healthy behaviors

AWARENESS

- Increase audience knowledge about crimes
- Share information and resources to prevent violence, promote safety, and reduce perpetration

CLERY-REQUIRED PROGRAMS



CRIME PREVENTION PROGRAMS

- Designed to inform students and employees about the prevention of crime
- Annual security report (ASR) should include:
 - Description of programs (explanation of program, target audience – students, employees, or both, etc.)
 - Disclose if no programs are offered

SECURITY AWARENESS PROGRAMS

- Designed to inform students and employees about campus security procedures and practices
- Encourage students and employees to be responsible for their own security and that of others
- ASR should include:
 - Description of programs (type, frequency, target audience – students, employees, both, etc.)
 - Disclose if no programs are offered

DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, & STALKING (DVSAS) PROGRAMS

- Primary prevention and awareness programs for **all incoming students and new employees**
- Ongoing prevention and awareness campaigns for **students and employees**

A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking....and of procedures that the institution will follow when one of these crimes is reported



PRIMARY PREVENTION AND AWARENESS

PRIMARY PREVENTION

- Informed by research or assessed for value, effectiveness, or outcome
- Intended to stop violence before it occurs
- Changing social norms & stereotypes
- Promotion of positive & healthy behaviors
 - Healthy and respectful relationships and sexuality
 - Safe bystander intervention

AWARENESS

- Increase audience knowledge about these crimes
- Share information and resources to prevent violence, promote safety, and reduce perpetration

POLICY STATEMENT: PROGRAMS TO PREVENT

- Primary prevention and awareness programs for all incoming students and new employees:
 - ✓ Statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined under Clery
 - ✓ Definition of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction
 - ✓ Definition of consent in reference to sexual activity in the applicable jurisdiction
 - ✓ Description of safe and positive options for bystander intervention
 - ✓ Information on risk reduction
 - ✓ Procedures for response and disciplinary process
- Ongoing prevention and awareness campaigns

POLICY STATEMENT: PROGRAMS TO PREVENT



Statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined under Clery.

POLICY STATEMENT: PROGRAMS TO PREVENT



Definition of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction.

Definition of consent in reference to sexual activity in the applicable jurisdiction.

What	Where	Why
Clery Act definitions of sexual assault (which includes rape, fondling, incest, and statutory rape), dating violence, domestic violence, stalking	Clery Act crime statistics	Consistent definitions across institutions
Clery Act definitions of sexual assault (which includes rape, fondling, incest, and statutory rape), dating violence, domestic violence, stalking	Campus sexual assault, domestic violence, dating violence, and stalking policy/policies (adjudication)	Base definitions across institutions
Jurisdictional definitions for dating violence, domestic violence, sexual assault, stalking, and consent (in reference to sexual activity)	Sexual assault, domestic violence, dating violence, and stalking prevention policy	Community understanding of criminal code vs. campus policy

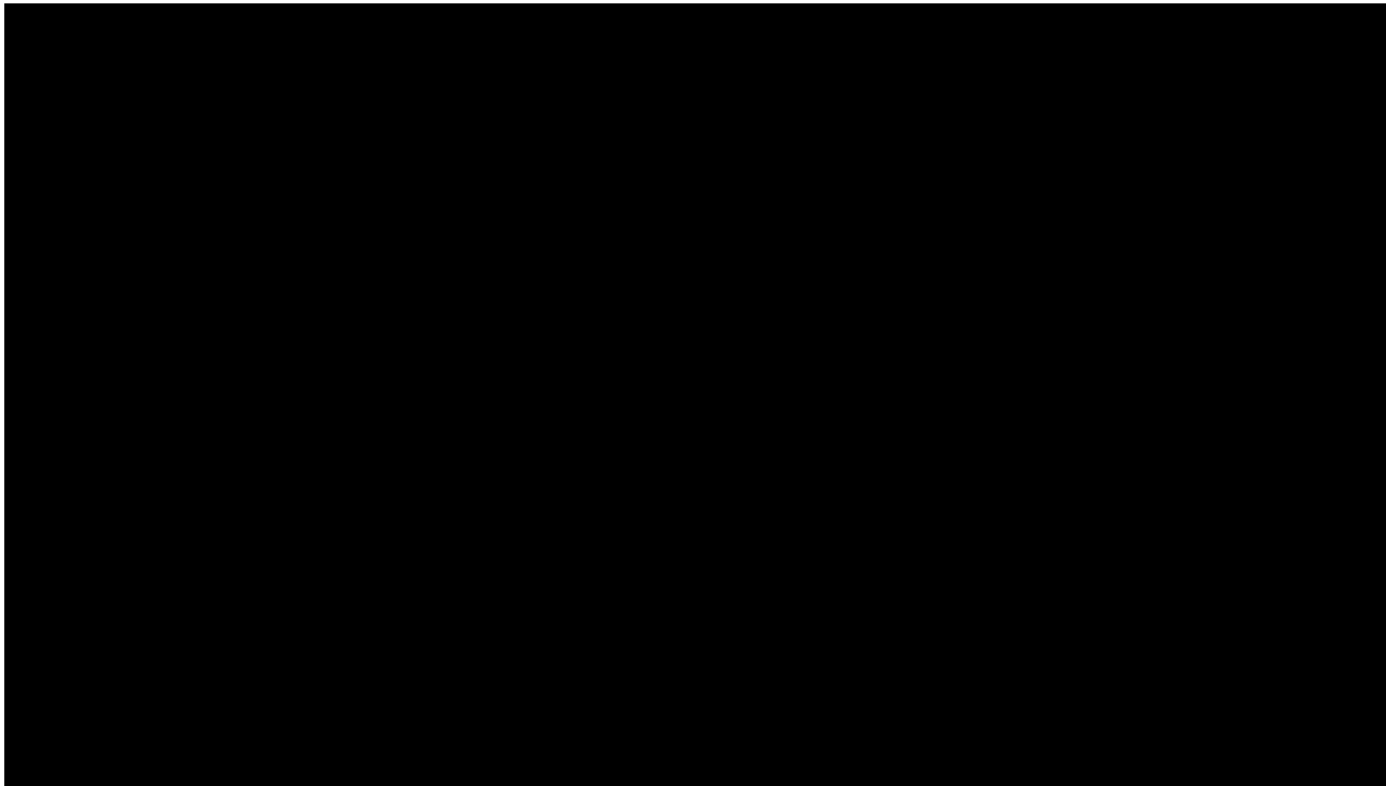
POLICY STATEMENT: PROGRAMS TO PREVENT



Description of safe and positive options for bystander intervention.

BYSTANDER INTERVENTION

- Safe and positive options to prevent harm or intervene including:
 - Recognizing situations of potential harm
 - Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene



It's On Us. (2017, March 28). *Autocorrect* [Video File]. Retrieved from <https://www.youtube.com/watch?v=qk6aauThmW8>

POLICY STATEMENT: PROGRAMS TO PREVENT



Information on risk reduction.

RISK REDUCTION

- Options designed to:
 - Decrease perpetration and bystander inaction
 - Increase empowerment for victims in order to promote safety and help individuals and communities address conditions that facilitate violence



Not risk reduction under Clery

- Puts onus on potential victim, while also using victim-blaming language



Risk reduction under Clery

- Decrease perpetration



WANT QUICK ACCESS TO INFORMATION ABOUT
SEXUAL ASSAULT POLICIES, RESOURCES, AND PROGRAMS?

DOWNLOAD THE REACH OUT APP.



- Search “Reach Out Editions” in the app store
- Select “University of Pennsylvania” as your school



Risk reduction under Clery

- Empowerment for victims
- Addressing bystander barriers

POLICY STATEMENT: PROGRAMS TO PREVENT



Procedures for response and disciplinary process.

Ongoing prevention and awareness campaigns

NATIONAL CALENDAR

January

- National Stalking Awareness Month

February

- National Dating Violence Awareness Month

April

- National Victims' Rights Week
- National Child Abuse Month
- National Sexual Assault Awareness Month

August

- National Night Out

September

- National Campus Safety Awareness Month

October

- National Domestic Violence Month
- National Alcohol Awareness Month
- National Crime Prevention Month

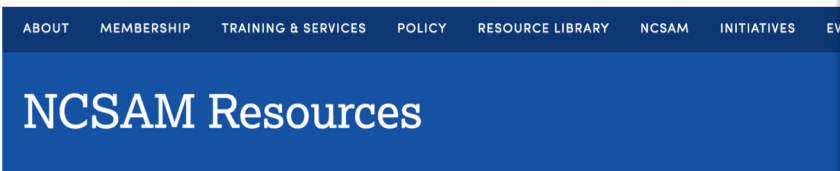
December

- World AIDS Day

NATIONAL CAMPUS SAFETY AWARENESS MONTH



at the heart of campus safety



NCSAM Archives

2020

- Webinars
 - [Intersectionality and its Role in Crime Reporting and Support](#)
 - [Dating and Domestic Violence in the Age of COVID-19](#)
- Podcasts
 - [The Same, Yet Different: An Introduction to NCSAM](#)
 - [I See You: How Intersectionality Can Inform Direct Services](#)
 - [When Dating Hurts](#)
- Other Resources
 - [Introduction to NCSAM 2020: Resources to Consider](#)
 - [Viewing the Clery Act through an Intersectional Lens](#)
 - [Guide to Creating a Written Notification](#)

2019

- Webinars
 - [Statement of Policy or Description of Practice](#)
 - [Using Evidence to Implement Real Change](#)



WORKBOOK ACTIVITY: PREVENTION PROGRAMS

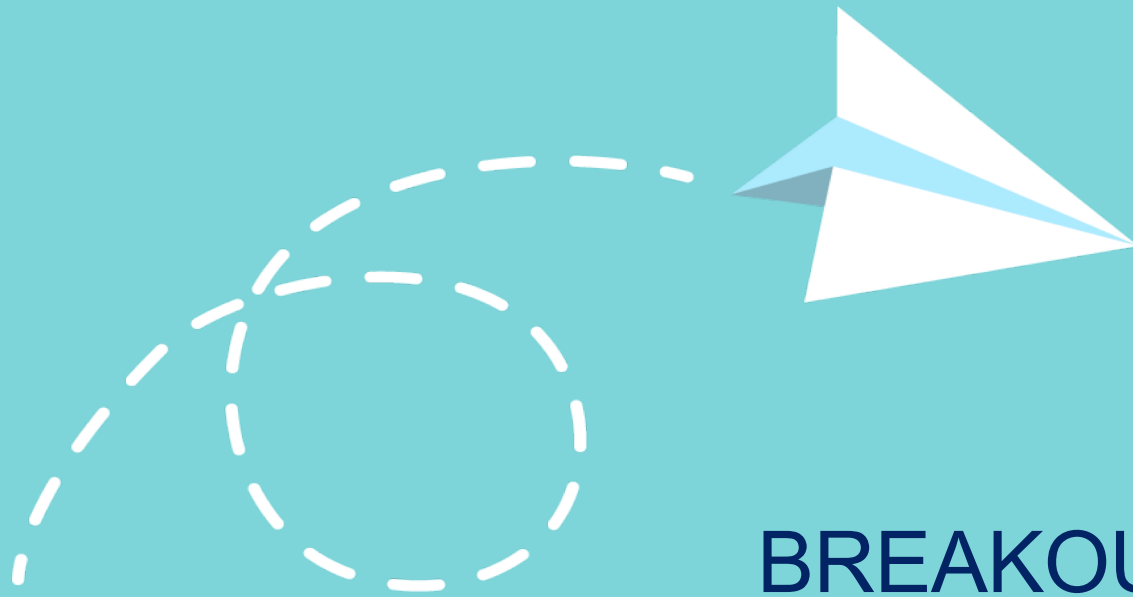


- Go to the *Program Areas* Workbook activity.

WB 47

- Read the definition/description of the program category assigned to you
- Using the Clery definitions, list/describe programs that meet that requirement





BREAKOUT GROUPS: Prevention Programs

PROGRAM EXAMPLES

CRIME PREVENTION

- Personal safety
- Theft prevention
- Campus watch program
- Crime bulletins
- Student/employee safety brochures
- Website postings – crime log, handouts, tips, etc.

SECURITY AWARENESS

- University 100/101 Classes
- “Don’t Cancel That Class”
- Student organization-specific (like Greek life)
- Theater
- Posters (university reporting, disciplinary process, etc.)
- Training for RAs
- Safe Spring Break

PREVENTION & AWARENESS CAMPAIGN EXAMPLES

- Communication strategies (social media posts, email blasts, notices on bulletin boards, posters, and/or radio and newspaper advertisements)
- Programs (Take Back the Night, Safe Walk, promotional materials for programs)
- Programming coordinated with and delivered to individual groups on campus (presentations or workshops for individual sports teams, fraternity or sorority houses, or residence halls)
- Booths at campus events
- Classroom discussions (issues, available services) or advertisements for programs and events

DRUG FREE SCHOOLS AND COMMUNITIES ACT (DFSCA)

- Section 120(a) through (d) of the Higher Education Act
- Annual notification of
 - Drug and alcohol abuse prevention program (DAAPP)
 - To all students and employees
- Biennial review of the effectiveness of the DAAPP

DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM (DAAPP)

Clery Act requires description and allows for **cross-reference** to DFSCA materials which include:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees
2. A list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol
3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs

DAAP (CONT'D)

4. A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students
5. A clear statement that the institution of higher education will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution

If not cross-referencing to other materials (DAAPP), each component must be described fully within the ASR itself.

“CHRIS”

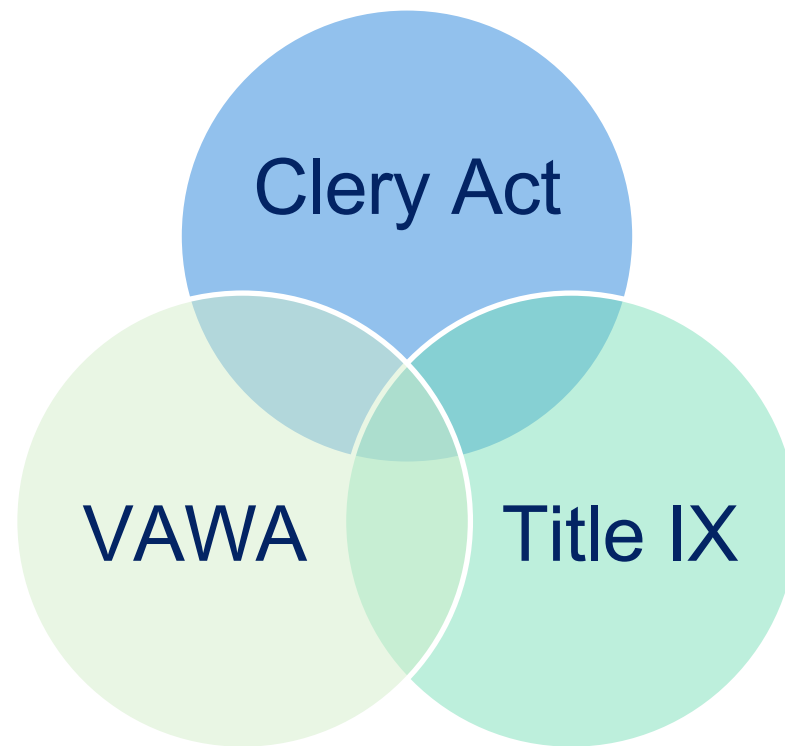
- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
 - Chris returns to Post Hall and checks in with the RA.
 - Chris tells the RA, “I think Sam raped me.”
 - Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam’s room before blacking out and shares all of this with the RA.
 - Chris is scared and wants to figure out what really happened but doesn’t want to make Sam mad or upset.
 - Chris wants help understanding what happens when something like this is reported but Chris does not want “one of those warning emails” to go out to the entire campus.
 - Chris doesn’t know what to do next.
- What options and resources must the institution afford Chris under the Clery Act?

Intersections

All the requirements in this lesson are for
dating violence, domestic violence,
sexual assault, and stalking.

Sexual assault is an offense that
meets the definition of rape, fondling,
incest, or statutory rape.

AS OF MAY 2020



WHAT WORDS COME TO MIND WHEN YOU THINK
OF TITLE IX?

slido



TITLE IX DEFINES SEXUAL HARASSMENT AS

- Conduct on the basis of sex that satisfies one or more of the following:
 - (1) An employee of the recipient (institution) conditioning the provision of aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
 - (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's (institution's) education program or activity;or....

- ... (3) Sexual assault (which includes rape, fondling, incest, and statutory rape), domestic violence, dating violence, and stalking under the *CLERY ACT*

INTERSECTIONS BETWEEN THE CLERY ACT AND TITLE IX

THE CLERY ACT

- Reporting requirements
- All Clery crimes*
- Accommodations
- Disciplinary procedures

TITLE IX

- Reporting requirements
- Sexual harassment
 - Including dating violence, domestic violence, sexual assault, and stalking (DVSAS) as defined in the Clery Act
- Measures
- Grievance procedures

WORKBOOK ACTIVITY:



WB 50

- Go to the *Clery/Title IX Intersections* Workbook activity.
- Answer the questions independently.
- Reference your answers as we move through today's content.

GEOGRAPHY/JURISDICTION

THE CLERY ACT

- Four geographic locations for reporting
 - On-campus
 - On-campus student housing
 - Noncampus
 - Public property
- For response: on and off campus

TITLE IX

- Educational programs and activities
- May be on campus or off campus plus owned or controlled by recognized student organizations

REPORTING REQUIREMENTS

THE CLERY ACT

- Broader focus of reporting responsibility
- Non-personally identifiable information (nature, date, time, general location, current disposition)
- All Clery crimes

TITLE IX

- Higher threshold for a reported incident to be considered “actual knowledge”
- Sexual harassment – one category being DVSA as defined under Clery

Under the Clery Act a crime is “reported” when it is brought to the attention of a campus security authority, the institution’s police department or campus safety office, or local law enforcement personnel by a victim, witness, other third party or even the offender.

WHAT IS CONSIDERED A REPORT TO THE INSTITUTION UNDER TITLE IX?

- Institutions must respond when the institution has *actual knowledge*, meaning a notice of or allegations of sexual harassment (as previously defined) to:
 - The institution's Title IX coordinator; or
 - Any official...who has the authority to institute corrective measures on behalf of the recipient

WHAT MUST AN INSTITUTION DO WHEN IT RECEIVES A REPORT?

THE CLERY ACT

- A report of a Clery crime to a CSA leads to institutional actions required under Clery, including:
 - Determining whether there is a serious or ongoing threat that would require **a timely warning**

TITLE IX

- The institution must respond promptly in a manner that is not deliberately indifferent:
 - The Title IX Coordinator must promptly contact the complainant to discuss:
 - The availability of supportive measures
 - The individual's wishes with respect to supportive measures

WHAT MUST AN INSTITUTION DO WHEN IT RECEIVES A REPORT? (cont'd)

THE CLERY ACT

- Providing the individual with a written explanation of their rights and options, regardless of whether the incident took place on or off campus
- Determining whether information must be added to the daily crime log or in next year's annual security report

TITLE IX

- The availability of supportive measures with or without the filing of a formal complaint
- The process for filing a formal complaint

FORMAL COMPLAINT UNDER TITLE IX

Formal Complaint (document filed by complainant or signed by TIXC alleging harassment and requesting investigation)

- Complainant must be participating in or attempting to participate in education program or activity at time of complaint
- Filed with TIXC in person, by mail, e-mail, or other methods of contact
- Physical or digital signature or otherwise indicates complainant is person filing.

“CHRIS”

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
 - Chris returns to Post Hall and checks in with the RA.
 - Chris tells the RA, “I think Sam raped me.”
 - Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam’s room before blacking out and shares all of this with the RA.
 - Chris is scared and wants to figure out what really happened but doesn’t want to make Sam mad or upset.
 - Chris wants help understanding what happens when something like this is reported but Chris does not want “one of those warning emails” to go out to the entire campus.
 - Chris doesn’t know what to do next.
- Is the RA required to report the information disclosed to them?
 - Why or why not?
 - How are reporting authorities directed to make reports at your institution?
 - How might the RA’s responsibilities differ under Title IX regulations?

VICTIM SUPPORT



WB 50

What steps might survivors take after an incident of dating violence, domestic violence, sexual assault, and stalking that might immediately impact their health or safety?



BREAKOUT GROUPS

Procedures victims should follow in cases of dating violence, domestic violence, sexual assault, and stalking



POLICY STATEMENT(S): PROCEDURES TO FOLLOW

Importance of Preserving Evidence

Reporting Options

“CHRIS”

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
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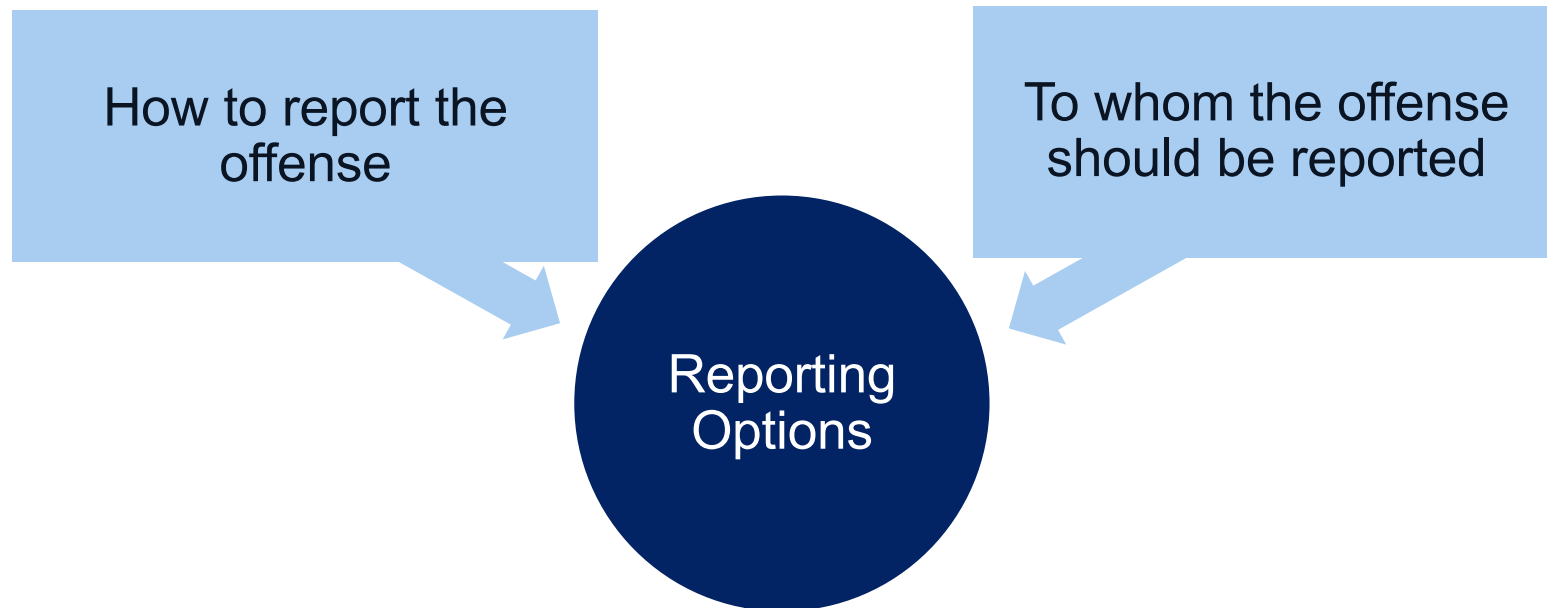
Based on what we know from the case study facts, what does Chris need to know related to preservation of evidence?

PROCEDURES TO FOLLOW: PRESERVING EVIDENCE

Importance of Preserving Evidence

- **Proof in a criminal or campus disciplinary proceeding**
- **May be helpful in obtaining a protection order**
- Knowledgeable of what may be preserved and for how long
- Recent/fresh complaints
- Basic preservation instructions/tips

PROCEDURES TO FOLLOW: REPORTING OPTIONS



PROCEDURES TO FOLLOW: REPORTING OPTIONS

Involvement of law enforcement and campus authorities, including notification of the victim's option to:

- **Notify** proper law enforcement authorities, including on-campus and local police
- **Be assisted** in notifying law enforcement authorities if victim so chooses
- **Decline** to notify authorities
- **Rights of victim and institution's responsibilities** for orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal court or by the institution

PROCEDURES TO FOLLOW: CONFIDENTIALITY

Information about how the institution will protect the confidentiality of victims and other necessary parties

- Publicly available record-keeping (ex: timely warnings, daily crime log)
- Without the inclusion of personally identifying information about the victim
- Any accommodations or protective measures provided to the victim (to the extent it will not impair institution's ability to provide them)

IN THE “CHRIS” CASE STUDY:

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
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- Chris is scared and wants to figure out what really happened but doesn’t want to make Sam mad or upset.
- Chris wants help understanding what happens when something like this is reported but Chris does not want “one of those warning emails” to go out to the entire campus.
- Chris doesn’t know what to do next.

The report indicates Chris does not want a timely warning to go out to campus about what happened. How should the institution respond to this concern about confidentiality?

ACCOMMODATIONS & MEASURES



WB 51

What are examples of Clery accommodations or Title IX measures available to victims of DV/SAS?



BREAKOUT GROUPS

IN THE “CHRIS” CASE STUDY:

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
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- Chris wants help understanding what happens when something like this is reported but Chris does not want “one of those warning emails” to go out to the entire campus.
- Chris doesn’t know what to do next.

Are there any accommodations you think might potentially be helpful to Chris?

ACCOMMODATIONS & MEASURES

THE CLERY ACT

- Accommodations
- Must be provided in writing
- Options for, available assistance in, and how to request changes to:
 - Academic
 - Living
 - Transportation
 - Working
 - Protective Measures
- If requested by the victim
- If reasonably available
- Regardless of whether the victim chooses to report to campus police or local law enforcement

TITLE IX

- Supportive Measures
- Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge
- To the complainant or the respondent
- Before or after the filing of a formal complaint or where no formal complaint has been filed

DISCIPLINARY PROCESS

THE CLERY ACT

- Prompt, fair, and impartial
- Describe the standard of evidence
- Be conducted by officials who receive annual training
- Advisor of choice
- Simultaneous notification of results

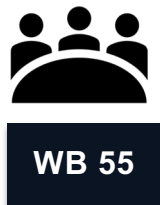
TITLE IX

- Prompt and equitable
- Regulations inform standard of evidence
- Annual training requirements
- Advisor of choice with role in cross-examination
- Simultaneous notification of results

PROCEDURES TO FOLLOW: INSTITUTIONAL DISCIPLINARY ACTION

- Explanation of procedures, including:
 - Type of [proceeding](#)
 - Steps involved
 - How institution determines which type to use
- How to file a disciplinary complaint

Go to the *Title IX Required Process Flow Chart* in the Workbook. Reflect upon your institution's disciplinary procedures.



PROCEDURES TO FOLLOW: INSTITUTIONAL DISCIPLINARY ACTION

- Range of protective measures institution may offer following an allegation
- Proceedings will
 - Include a prompt, fair, and impartial process from the initial investigation to the final result

PROCEEDING UNDER CLERY

INCLUDES:

- Fact-finding investigations
- Formal or informal meetings
- Hearings

DOES NOT INCLUDE:

- Communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim

STANDARD OF EVIDENCE

THE CLERY ACT

- Must describe the standard of evidence that will be used

TITLE IX

- Must state whether institution uses preponderance of the evidence or clear and convincing
- Must be same standard for formal complaints against students as for formal complaints against employees
- Must apply same standard of evidence to all formal complaints of sexual harassment

SANCTIONS & REMEDIES

THE CLERY ACT

- Must list all possible sanctions
- Must describe range of protective measures

TITLE IX

- Must describe range of sanctions, but...
- Must describe range of remedies

TRAINING

THE CLERY ACT

- Proceedings must be conducted by officials who receive annual training on:
 - Issues related to dating violence, domestic violence, sexual assault, and stalking
 - How to conduct an investigation and hearing process that protects the safety of victims and promotes accountability

TITLE IX

- Individuals involved in process must receive training on specific topics listed in regulations
- Must make training materials publicly available on the institution's website (or if no website, available upon request for inspection)

ANNUAL TRAINING COMPONENTS

- Definitions in policy and scope of educational program or activity
- **Relevant evidence and how it should be used during a proceeding**
- **Proper techniques for interviewing witnesses**
- How to serve impartially
- **Basic procedural rules for conducting a proceeding**
- Training on technology to be used at a live hearing
- **Avoiding actual and perceived conflicts of interest**

OTHER POSSIBLE TRAINING COMPONENTS

- Effects of trauma
- Cultural awareness training
- Any others to highlight here?

ADVISOR OF CHOICE

THE CLERY ACT

- Both parties must have same opportunities to be accompanied by an advisor of choice
- May not limit choice of advisor
- Allows institutions to establish restrictions on how the advisor may participate as long as applied equally to both parties

TITLE IX

- Both parties notified that they may have an advisor of choice who may, but is not required to be, an attorney
- Responsible for conducting cross-examination (directly, orally, and in real time)
- Must be included in party's receipt of evidence and investigator's report
- May also serve as witness
- If no advisor, institution must provide one to conduct cross-examination (institution's choice, does not have to be an attorney, but...)

NOTICE OF OUTCOME

THE CLERY ACT

- Simultaneous notification in writing of:
 - Result of any institutional disciplinary proceeding
 - Procedures for accused and victim to appeal the result, if such procedures are available
 - Any change to the result
 - When such results become final
- Must include rationale for the results and the sanctions

TITLE IX

- Simultaneous written determination, including:
 - Allegations potentially constituting sexual harassment
 - Procedural steps taken
 - Findings of fact supporting determination
 - Conclusions regarding application of code of conduct to the facts
 - Statement of, and rationale for, the results as to each allegation

PROCEDURES TO FOLLOW: WRITTEN INFORMATION

TO STUDENTS & EMPLOYEES

- Notification of on- and off- campus services
- Counseling
- Health
- Mental Health
- Victim Advocacy
- Legal assistance
- Visa and immigration assistance
- Student financial aid
- Other services available for victims

TO VICTIMS AFTER A REPORT




- Accommodations
- Rights & options

BACK ON CAMPUS: WRITTEN NOTIFICATION



Guide to Creating a Written Notification

- Use this resource to carefully assess processes and consider how a network of people, offices, and activities all come together to support survivors
- Look at this guidance, as well as other samples from other colleges and universities as you create your own



VIEWING THE CLERY ACT THROUGH AN INTERSECTIONAL LENS

The Clery Act, a federal consumer protection law designed to promote transparency and accountability between institutions of higher education and the campus communities they serve, contains elements that, when viewed through the lens of intersectionality, block the accessibility of campus safety services for marginalized individuals and communities. Use this resource as a guide to examine your own institution's practices and to name areas of disconnect as a first step in creating more inclusive resources and options for all campus community members.

Intersectionality:
The complex, cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism, and classism) combine, overlap, or intersect especially in the experiences of marginalized individuals or groups.

"Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects."

KIMBERLÉ CRENSHAW
esteemed scholar, law professor, and civil rights activist

Clery Act Fact: The Clery Act requires certain roles called campus security authorities (CSAs) to report crimes that are disclosed to them to the institution. The only roles considered exempt from CSA reporting responsibilities, and therefore confidential, are pastoral and professional counselors functioning in that capacity.

Resulting Challenges:

- Many students, particularly within marginalized communities, may not have positive associations with pastoral or professional counseling and may not view them as accessible resources.
- As a result, many that need a place to confidentially process trauma do not have a space to do so on college campuses.

What Campuses Can Do:

- Hire pastoral and/or professional counselors who represent the identities of the campus community to increase the potential that marginalized community members will seek them out as a resource.
- Strengthen the resources of identity group centers/offices/departments on campus so they can continue to support students in other needed capacities, even if they cannot be a confidential reporting mechanism.
- Educate on the difference between privacy and confidentiality on campus; although other identity group centers/offices/departments are not fully confidential, many can maintain privacy by only sharing the information with those who need to know for reporting and response purposes and not including personal identifiers in publicly available information.

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WB 148

BIGGER PICTURE QUESTIONS

- Who are your campus partners in responding to these crimes?
- How do Clery requirements enhance institutional response?
- How can compassionate response by campus community be promoted?
- What are next steps to build upon Clery efforts related to response to these crimes and the collaboration underlying that effort?

IN THE “CHRIS” CASE STUDY:

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- Chris doesn’t know what to do next.

WHAT WOULD HAPPEN IF CHRIS DISCLOSED TO SOMEONE ELSE?



DEVELOPING A PREVENTION AND RESPONSE PROCESS: PROMISING PRACTICES

- Multidisciplinary team
 - Sexual Assault Response Team
- Peer support program
- Funding sources
- Collaborative partnerships



SELF REFLECTION



Take a moment to note:

- Three questions
- Three takeaways from today's session

WB 58

MESSAGING TO YOUR CAMPUS



Take a minute on your own to note on your Reminders that you would like to share with your campus community:

WB 59

- *Reminders: Intersections* page: a few key messages about intersections between Title IX and Clery Act requirements for dating violence, domestic violence, sexual assault, and stalking.

PUTTING IT ALL TOGETHER

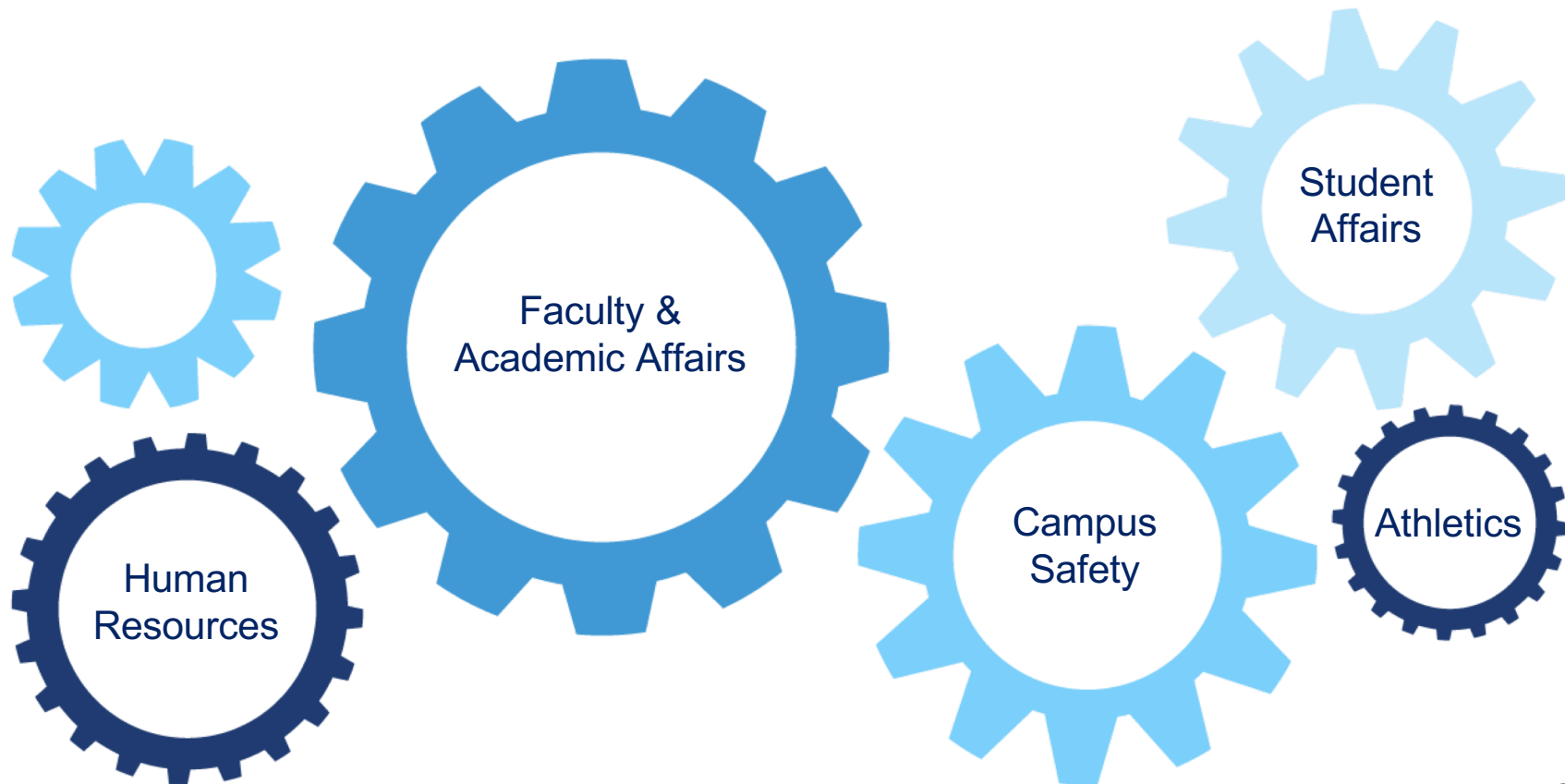
PERFORMANCE OBJECTIVES

- Discuss importance of an institutional team approach to Clery compliance work
- Determine if your ASR contains all required policy statements, elements, and statistics
- Develop effective ASR distribution methods and maintain appropriate documentation to demonstrate compliance

ACCOUNTABILITY AND TRANSPARENCY

- Source of information
 - Prospective students, employees, media
- Consumer Protection Law
- Prevention Mechanism
 - Compliance
 - Risk-management
 - Standard

CAMPUS SAFETY: INSTITUTIONAL RESPONSIBILITY



INSTITUTIONALIZATION

“To cause (a custom, practice, law, etc.) to become accepted and used by many people.”

- Process which translates an organization's code of conduct, mission, policies, vision, and strategic plans into action.
- Aims to integrate fundamental values and objectives into the (school's) organizational culture and structure.

INSTITUTIONALIZATION ON CAMPUS

PEOPLE • PRIORITIES • PLACES • PURSE STRINGS

- Outward commitment from senior leadership
 - Inclusion in institutional strategic plan and mission/vision statements
- Compliance team or working group
 - Members
 - Frequency
 - Level of activity and progress
- Infrastructure, physical space, online presence

MULTIPLE TASKS AND MANY PARTNERS

Clery Compliance Team

- Oversees tasks
- Project management skills
- Coordinates collaboration and communication among partners
- ASR as starting point

WORKBOOK ACTIVITY: CLERY COMPLIANCE TEAM FANTASY DRAFT

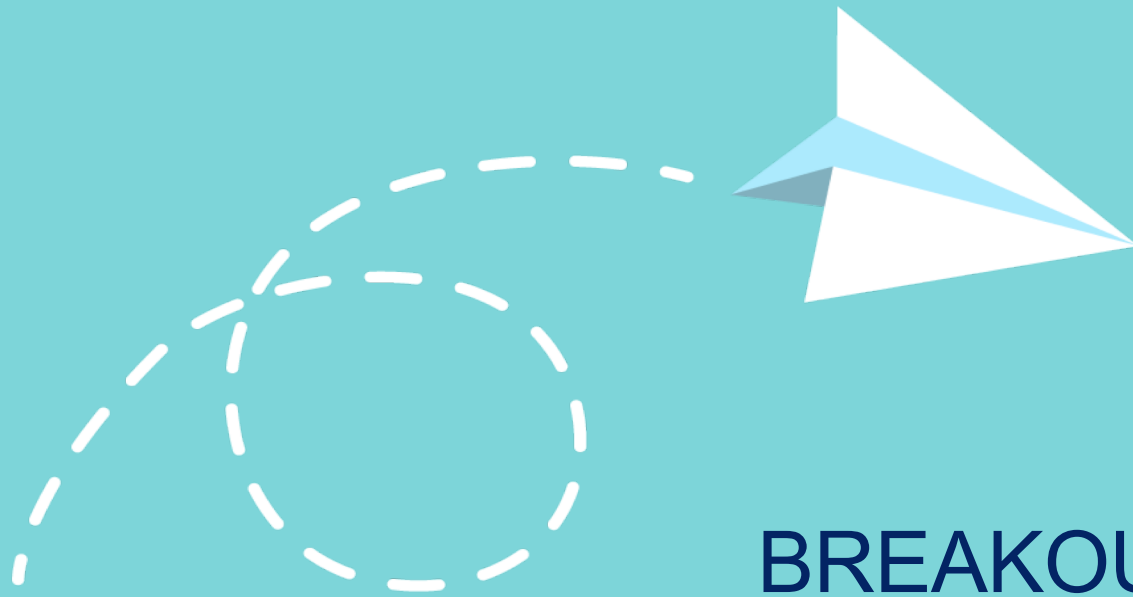


Go to the *Clery Compliance Team Fantasy Draft* Workbook activity.

WB 60

Check off your group's top 10 "Blue Chip Prospects" for the team

* Star your group's top 5 "Sleeper" picks



BREAKOUT GROUPS: Fantasy Draft

TEAM FANTASY DRAFT PICKS

Dean Of Students	Director, Residence Life	Director, Publications
Resident Assistant	Director, Human Resources	Director, Information Technology
Peer Education Coordinator	Director, Diversity & Inclusion	Director, Local Rape Crisis Center
Director, Student Conduct	Director, Athletics	Chief, Local Law Enforcement
Title IX Coordinator	Study Abroad Coordinator	Director, Facilities Management
Chief Of Police/Public Safety	Director, Admissions	Secretary To President
Director, Environmental Health/Safety	Provost/Academic Affairs	Director, Financial Services
Coordinator, Emergency Management	Senior Class President	Coordinator, Greek Life
General Counsel	Director, Health/Wellness	WILD CARD (Your Pick)
Compliance/Audit Coordinator	Coordinator, Victim Assistance	WILD CARD (Your Pick)

Department of Education Finding

LACK OF ADEQUATE POLICY STATEMENTS; FAILURE TO PUBLISH AND DISTRIBUTE ASR

FAST FACTS

- Range of gaps, including:
 - Nonexistent policies
 - Existing policies and procedures but not one central, comprehensive ASR or missing specific policy statements
 - ASR with inaccurate information
 - Didn't compile complete crime statistics in ASR
 - Released after October 1

ACTION ITEMS

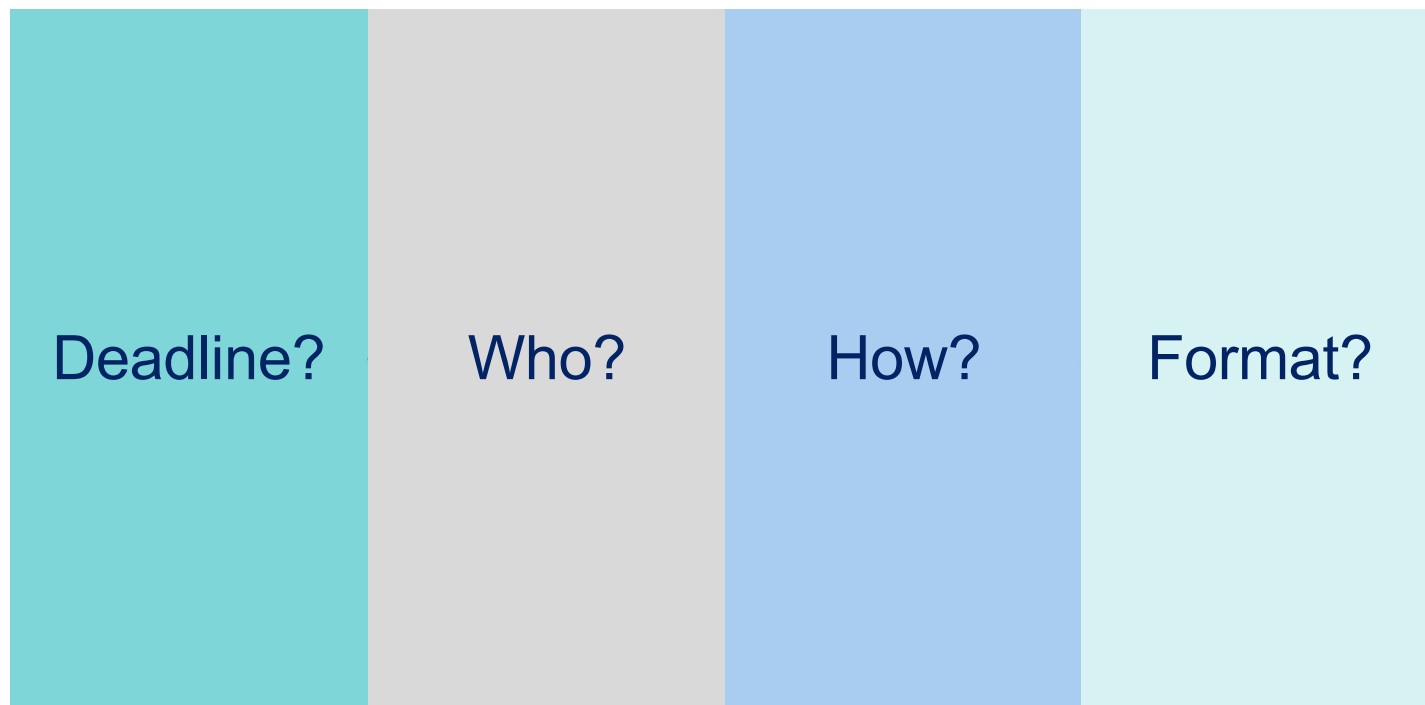
- ASR updates working group
- Reviewed/established required policies and reflected accurate policy statements within updated ASR
- Explanation and correction of crime statistics

ANNUAL SECURITY REPORT

ANNUAL SECURITY REPORT

- You must:
 - Publish the report by the deadline
 - Include the required policy statements
 - Include three years' worth of statistics
 - Determine who gets the report
 - Distribute the report
 - Retain records associated with the report

PUBLICATION & DISTRIBUTION: 4 COMPONENTS



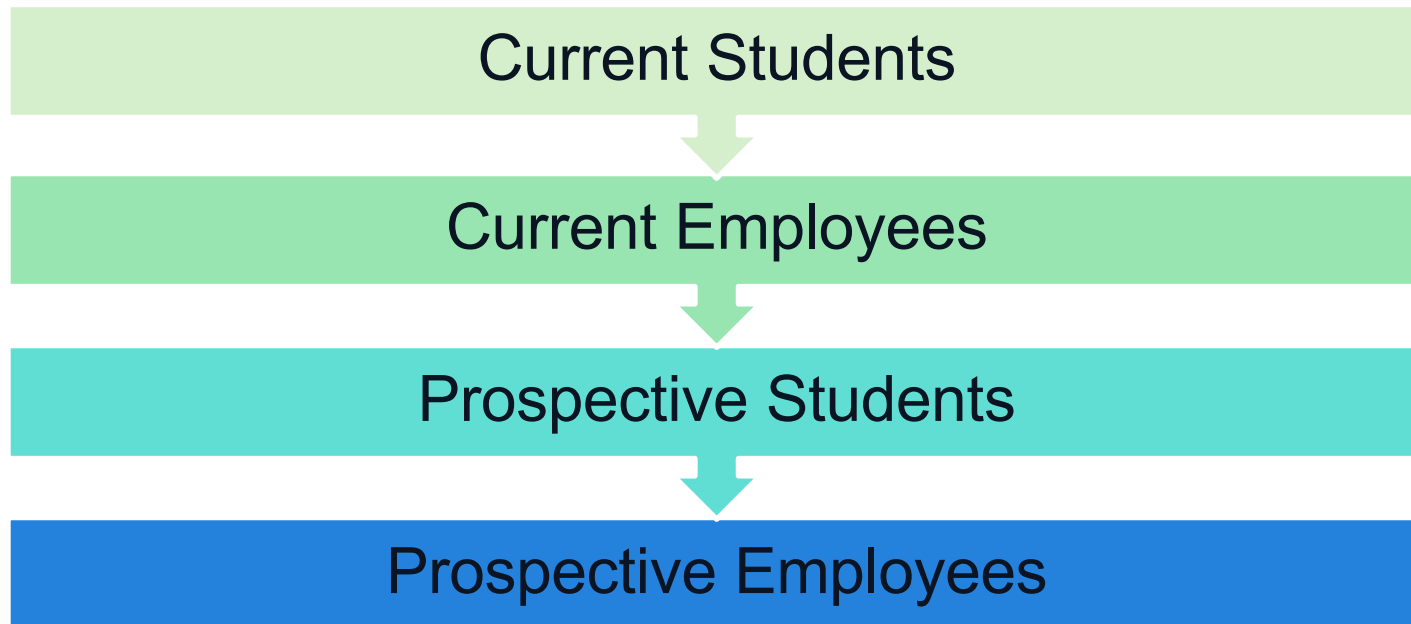
October 1

Earlier

Not
Later

No
Grace
Period

WHO GETS THE ANNUAL SECURITY REPORT?



PROSPECTIVE STUDENTS/EMPLOYEES

Individuals who have contacted an eligible institution requesting information about:

- Admission
- Employment

If institution solicits application for position through an advertisement, it is required to provide a notice of the availability of the ASR to those individuals it interviews.

ASR DISTRIBUTION METHODS: CURRENT STUDENTS & EMPLOYEES

- Direct Distribution
 - US Postal Service
 - Campus Mail System
 - Email
 - Any of the Above
- Posting on the Internet/Intranet

INTRA OR INTERNET DISTRIBUTION METHODS: CURRENT STUDENTS/EMPLOYEES

- Must Include:
 - A statement of the report's availability
 - A list and brief description of the content
 - Exact electronic address (URL)
 - Statement that a paper copy will be provided upon request

AN EXACT URL

- The exact address wherein the report lies –
 - Can't be the institution's homepage
- Permissible to provide links to other pages that provide information on additional required elements or resources such as:
 - Crime log
 - Annual security reports for other campuses
 - Local victim assistance agencies

ASR DISTRIBUTION METHODS: PROSPECTIVE STUDENTS & EMPLOYEES

- Notice of the report's availability
- Description of its content
- Opportunity to request a copy
- Unlike current students and employees, this notice may be provided along with other information

INTERNET DISTRIBUTION METHODS: PROSPECTIVE STUDENTS & EMPLOYEES

- Exact URL where report is posted
- Brief description of the report
- Statement that a paper copy is available upon request

ANNUAL SECURITY REPORT

SAMPLE NOTICE OF AVAILABILITY

This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by (name of institution); and on public property within, or immediately adjacent to and accessible from, the campus.

The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, and other matters.

You can obtain a copy of this report by contacting (name of office) or by accessing the following web site (address of web site).

DISTRIBUTION: FIRE SAFETY REPORT

Institutions that must distribute a fire safety report
(those with on-campus student housing)
should utilize the same distribution methods.

ENSURE THE ASR GETS WHERE IT NEEDS TO GO

- Clery requires multiple pieces of information be provided to campus community members in writing
- Organizing written information is essential
- Turn to [Written Notification Distribution/Publicity Plan](#) in Workbook
- Identify what materials are currently provided to individuals in writing, where they can be accessed, who is responsible for creating, distributing, and promoting them

DISTRIBUTION & PUBLICITY PLAN

TYPE OF NOTIFICATION	TYPE OF NOTIFICATION MATERIALS	DISTRIBUTION LOCATIONS	RELATED TASKS TO DISTRIBUTE
Annual Security Report			
Written explanation of rights and options to victims			
Written information on rights and options			
DAAP			

CORRECTING THE ASR

- If institution makes correction following release, must update ASR
- If institution corrects crime statistics for previous calendar year, must correct statistics in all previous ASRs that included the statistics
 - Ex. December 2015 update to 2013 statistics -> correct 2013 statistics in 2014 and 2015 ASRs
- If policies are updated, must update information in most recent ASR
- Add caveats to note changes (what change was made, date the change was made, and reasons for change)
- Redistribute

RECORDS TO RETAIN



GROUP DISCUSSION

- Do you have a Clery compliance team/any multidisciplinary teams that play a role in Clery implementation?
- Based on what we've covered so far, what are specific tasks a Clery team might accomplish?

WORKBOOK ACTIVITY



Go to the *Your ASR Putting It All Together: List Your Experts*

WB 62

Use this graph to summarize in one place, the key individuals you identified in earlier chapters as having roles in drafting and executing policies and procedures in specific areas of Clery compliance.



USING THE ASR CHECKLIST

- Tool for institutional review
- Use to document whether or not policy statements exist, take notes, and indicate next steps, responsible parties, and timelines
- *Composing Your ASR* handout reiterates which must be supported by policy – can also use as policy checklist for necessary policies
- Will briefly practice this activity during this session

RAISE YOUR HAND IF...

- ☐ You lead the ASR creation process
- ☐ You contribute information to the ASR





BREAKOUT GROUPS

POLL



The easiest part of creating the ASR is probably:

- A. Collecting, classifying, and counting crimes statistics
- B. Updating the policy statements connected to dating violence, domestic violence, sexual assault, and stalking (DVSAS)
- C. Formatting the document
- D. Summarizing policy statements for timely warnings/emergency notification
- E. Other

POLL






The most difficult part of creating the ASR is probably:

- A. Collecting, classifying, and counting crimes statistics
- B. Updating the policy statements connected to dating violence, domestic violence, sexual assault, and stalking (DVSAS)
- C. Formatting the document
- D. Summarizing policy statements for timely warnings/emergency notification
- E. Other

USING THE ASR CHECKLIST

- Tool for institutional review
- Use to document whether or not policy statements exist, take notes, and indicate next steps, responsible parties, and timelines
- *Composing Your ASR* handout reiterates which must be supported by policy – can also use as policy checklist for necessary policies
- Will briefly practice this activity during this session



COMPOSING YOUR ASR

Annual security reports (ASRs) reflect an institution's current, existing policies and procedures and require different elements to convey that information. Use this reference guide as a tool to determine which elements must be included and how they should be represented.

Statements of Policy A statement of policy or policy statement must reflect required elements supported by an institutional policy . <ul style="list-style-type: none">• Procedures for students and others to report criminal actions or other emergencies (timely warnings; annual disclosure of crime statistics; list of titles for reporting; voluntary, confidential reporting)• Security of and access to campus facilities and security considerations for maintenance of campus facilities• Campus law enforcement (enforcement authority; jurisdiction; working relationship; arrest authority; agreements; accurate and prompt reporting; voluntary, confidential (counselors))• Monitoring and recording (noncampus locations of student organizations)• Possession, use, sale, and enforcement – alcohol & drugs• Dating violence, domestic violence, sexual assault and stalking (DVSAS) prevention, response, and disciplinary procedures• Emergency response and evacuation• Missing student notification (on-campus student housing)	Descriptions A description provides an overview of campus practices in a specific area. <ul style="list-style-type: none">• Security awareness programs• Crime prevention programs• Drug or alcohol-abuse education programs (Drug and Alcohol Abuse Prevention Programs (DAAPP) requirements under the Drug-Free Schools and Communities Act)
Statement A statement directs readers to specific information. <ul style="list-style-type: none">• Registered sex offenders	Clery Act Crime Statistics Crime statistics provide information on crimes reported for the previous three calendar years. <ul style="list-style-type: none">• Criminal Offenses• Hate Crimes• WAWA (Violence Against Women Act) Offenses• Arrests & Referrals for Weapons, Liquor, and Drug Law Violations

Note: The Higher Education Act also requires institutions with on-campus student housing facilities to publish an annual fire safety report that contains fire safety policies and fire statistics for each of those facilities. This report can be published in tandem with or separate from the ASR.

Please see the Handbook for Campus Safety and Security Reporting for more information regarding any of the content in this document: <https://www2.ed.gov/admins/lead/safety/handbook.pdf>

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BEFORE WE MOVE FORWARD...

- Creation of ASR ensures policies and processes are in place
- “Say what you do; do what you say.”
- Who is at the table?
- Does it reflect our hard work?
- Is it a useful document?

CLERY ACT REGULATIONS

- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) federal **statute** codified at [20 U.S.C. § 1092](#)
- With implementing **regulations** in the U.S. Code of Federal Regulations at [34 C.F.R. 668.46](#)
 - Best thing to rely on after the statute, before guidance
 - Preamble – what it is and its importance

GENERAL AREAS GOVERNING ISSUANCE OF POLICY STATEMENTS

1. Compiling the Annual Security Report
2. Security Of and Access to Campus Facilities
3. Law Enforcement & Jurisdiction
4. Reporting Crimes and Other Emergencies
5. Timely Warnings & Emergency Notification and Evacuation
6. Security Awareness Programs
7. Crime Prevention Programs
8. Alcohol and Other Drug Policies
9. Dating Violence, Domestic Violence, Sexual Assault, Stalking
10. Student Disciplinary Proceedings Results
11. Sex Offender Registration Policy
12. Missing Student Notification Procedure
13. Fire Safety Report

POLICIES FOR COMPILING THE ASR

- Description of how the ASR is prepared and purpose
- Who prepares ASR
- How and from what sources crime statistics are collected

PRACTICE USING ASR CHECKLIST



- Take a few minutes and look at your institution's annual security report
- Look for the three elements under this policy statement:
 - Description of how the report is prepared
 - Who prepares the annual security report
 - How and from what sources the crime statistics are reported
- Complete the ASR checklist with your notes

SECURITY AND ACCESS POLICY STATEMENT

- Security Of and Access To Campus Facilities
 - Including How:
 - Residences are secured and
 - Students and others access
- Security Considerations in the Maintenance of Campus Facilities

LAW ENFORCEMENT AND JURISDICTION

- Enforcement Authority and Jurisdiction
- Authority to Arrest and Relationships
- Monitoring & Reporting of Criminal Activity
(noncampus locations of student organizations)
- Procedures for Voluntary Confidential Reporting

ENFORCEMENT AND JURISDICTION

- Address the enforcement authority and jurisdiction of security personnel

AUTHORITY TO ARREST AND RELATIONSHIPS

- Be specific and indicate if no authority, limited authority, or who does or doesn't have arrest powers
- Describe the campus security or police department's working relationship with local and state agencies
- Disclose local agreements with law enforcement agencies for investigation of alleged criminal offenses

MONITORING AND REPORTING OF CRIMINAL ACTIVITY

- Indicate whether the institution uses local police to monitor the activities of officially recognized student organizations
- Not mandated to monitor these activities with local police
- May monitor these activities themselves with campus police
- If the institution does not have any noncampus student organizations, it must state so in the policy

REPORTING

- Reporting Crimes and Other Emergencies
 - Accurate and Prompt Reporting
 - Reporting of Criminal Offenses
 - Voluntary Confidential Reporting
 - Procedures for Confidential Reporting

ACCURATE AND PROMPT REPORTING POLICY

- Policy in place that encourages accurate and prompt reporting of all crimes to campus police and appropriate police agencies **when the victim of a crime elects to or is unable to make such a report**
- If the institution does not have a campus police/security department, this should be stated in the policy

REPORTING OF CRIMINAL OFFENSES

- Titles of each person/office to whom crimes **should** be reported
- Location and phone numbers of each person and/or office on campus (Promising Practice)
- The number and office of any off-campus reporting agency (Promising Practice)
- Use of emergency blue light telephone or any other reporting system (Promising Practice)

VOLUNTARY CONFIDENTIAL REPORTING

- Institutions must disclose:
 - Whether they have policies or procedures; and if so
 - Provide a description of those policies and procedures

CONFIDENTIAL REPORTING PROCEDURES

- Procedures that encourage pastoral and professional counselors to inform persons they are counseling of voluntary, confidential reporting options
- Institutions are not required to have such procedures in place but they must be described if they exist

ALERTING/ONGOING DISCLOSURES

- Timely Warning and Emergency Notification and Evacuation Policy Statements

TIMELY WARNING POLICY COMPONENTS

- Circumstances regarding issuance
- Individual or office responsible
- Dissemination method(s)



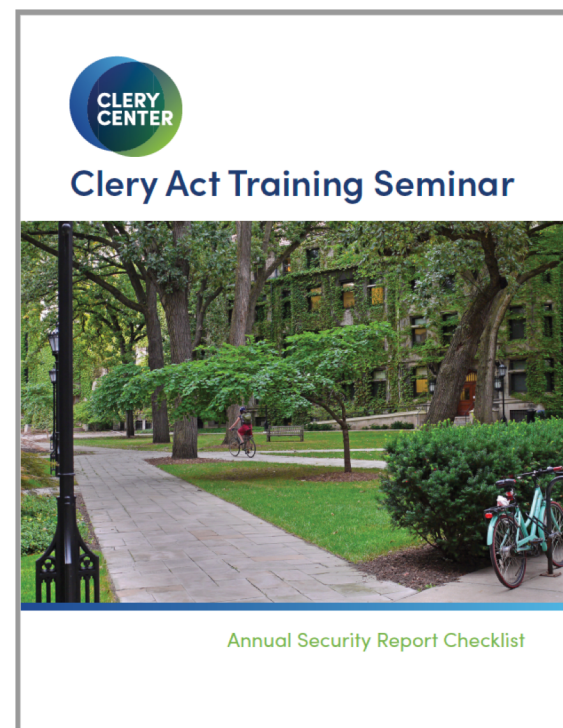
PRACTICE USING ASR CHECKLIST

- Take a few minutes and look at your institution's annual security report
- Look for the three elements under this policy statement:
 - Circumstances regarding issuance
 - Individual or office responsible
 - Dissemination method(s)
- Complete the ASR checklist with your notes.

ASR CHECKLIST

Open the ASR Checklist:

- ❑ Look at your ASR and begin to review your policy statements for one of the following sections, choose the one you have the most questions about:
 - Compiling the ASR
 - Security and access to campus facilities
 - Law enforcement and jurisdiction
 - Reporting of crimes and other emergencies
- ❑ Note whether the required elements are reflected in the ASR and draft next steps, responsible parties, and timelines.



POLL



Which Policy Statement did you review?

- A. Compiling the ASR
- B. Security of and Access to Campus Facilities
- C. Law Enforcement and Jurisdiction
- D. Reporting of Criminal Offenses
- E. None



POLL

What next steps will you take?

- A. Reach out to colleagues to verify information
- B. Add in the missing information on your own
- C. Correct the typos you noticed
- D. Streamline text
- E. Other (Share your answer in the chat)

EMERGENCY NOTIFICATION AND EVACUATION POLICY COMPONENTS

- Procedures institution will use to immediately notify the campus community upon confirmation
- **Process** used to confirm significant emergency or dangerous situation involving immediate threat to health and safety
- **Process** to determine which segment(s) will receive notification
- Explanation of **how** the content of a notification will be developed
- Explanation of **process** to initiate notification system
- List of title or office of those responsible

EMERGENCY NOTIFICATION AND EVACUATION POLICY COMPONENTS (CONT'D)

- Statement that notification will be made **without delay and taking into account the safety of the community** unless notification will compromise efforts to assist a victim or contain, respond to, or otherwise mitigate emergency
- **Procedures** for disseminating emergency information to the larger community
- **Procedures** to annually schedule drills, exercises, and appropriate follow-through activities
- **Procedures** to annually publicize emergency response and evacuation in conjunction with a test and documentation of each test

GENERAL PREVENTION AND AWARENESS PROGRAMS

- Security Awareness Programs
- Crime Prevention Programs
- Alcohol and Other Drug Policies

SECURITY AWARENESS PROGRAMS

- Describe **type** and **frequency** of security awareness programs designed to:
 - Inform campus community about safety procedures and practices
 - Encourage campus community to be responsible for their own security and the security of others
- State if no programs

CRIME PREVENTION PROGRAMS

- Describe programs designed to inform students and employees about crime prevention
- State if no programs

ALCOHOL AND OTHER DRUG POLICIES

- Alcohol Policy
 - Possession, Use, and Sale
 - Enforcement of State Underage Laws
- Drug Policy
 - Possession, Use, and Sale
 - Enforcement of State and Federal Laws
- Drug Free Schools and Communities Act (DFSCA)
drug and alcohol abuse prevention program (DAAPP)
description or cross-reference

DRUG FREE SCHOOLS AND COMMUNITIES ACT (DFSCA)

- Section 120(a) through (e) of the Higher Education Act
- Annual notification of
 - Drug and alcohol abuse prevention program (DAAPP)
 - To all students and employees
- Biennial review of the effectiveness of the DAAPP

SUBSTANCE ABUSE EDUCATIONAL PROGRAMS

Clery Act requires description and allows for **cross-reference** to DFSCA materials which include:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees
2. A list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol
3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs

SUBSTANCE ABUSE EDUCATIONAL PROGRAMS (CONT'D)

4. A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students
5. A clear statement that the institution of higher education will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution

PRACTICE USING ASR CHECKLIST



- Take a few minutes and look at your institution's annual security report
- Review your sections on Emergency Notification and Prevention Programs to see if you have the required elements.
- Complete the ASR checklist with your notes.

DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING (DVSAS)

- Dating Violence, Domestic Violence, Sexual Assault, and Stalking Prevention and Response Policy Statements
- Student Disciplinary Procedures
- Sex Offender Registration

DVSAS POLICY STATEMENTS – OVERVIEW

- Description of primary prevention programs and awareness campaigns for new and current students and employees
- Procedures to follow
 - Importance of preserving evidence
 - Reporting options
 - Involvement of law enforcement and campus authorities

DVSAS POLICY STATEMENTS OVERVIEW (CONT'D)

- Confidentiality
- Written notification
 - All students and employees:
 - On/off campus services
 - Victims:
 - Accommodations (academic, housing, working, transportation, protective measures)
 - Rights and options
 - Disciplinary procedures (including timelines and sanctions)
- *Note breakdown in checklist per crime and per students vs. employees*

STUDENT DISCIPLINARY PROCEDURES

Statement that upon request institution will disclose the results of a disciplinary proceeding for a violent crime or non-forcible sex offense (incest or statutory rape) to:

The victim of such crime or offense

OR

The next of kin, if the victim is deceased

REGISTERED SEX OFFENDER INFORMATION

- Advises the campus community where information provided by the state concerning registered sex offenders may be obtained
 - Only required to inform the campus community
 - NOT required to collect information

ON-CAMPUS STUDENT HOUSING FACILITY SPECIFIC POLICY STATEMENTS

- Missing Student Notification
- Fire Safety Report

On-campus student housing facility



A dormitory or other residential facility for students
that is located on an institution's campus

MISSING STUDENT NOTIFICATION POLICY STATEMENTS

- List of titles of persons or offices to report
 - 24 hours missing
- Immediate referral to campus security, police, or law enforcement
- Option to identify contact person

MISSING STUDENT NOTIFICATION POLICY STATEMENTS (CONT'D)

- Advise that contact information is registered and confidential
- Advise if under 18 & not emancipated that custodial parents must be notified within 24 hours
- Advise that local law enforcement will be informed within 24 hours

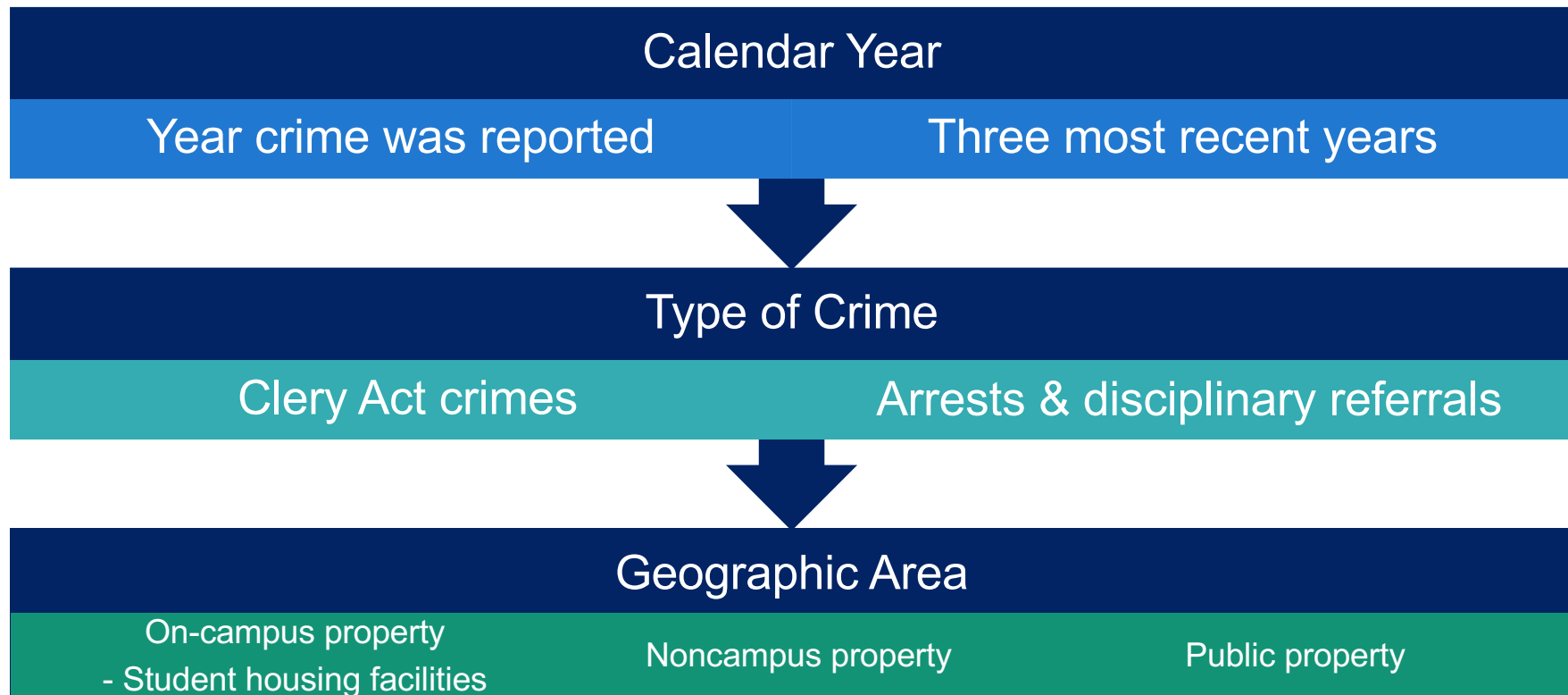
ANNUAL FIRE SAFETY REPORT

- A description of each on-campus student housing facility fire safety system
- The number of fire drills held during the previous calendar year
- Institution's policies or rules on portable electrical appliances, smoking, and open flames in a student housing facility
- Institution's procedures for student housing evacuation in the case of a fire

ANNUAL FIRE SAFETY REPORT (CONT'D)

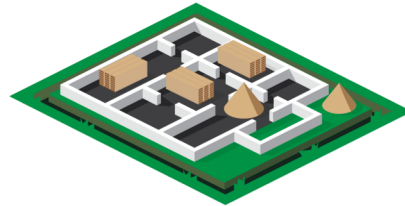
- Policies regarding fire safety education and training programs provided to students and employees
 - Describe procedures that students/employees should follow in the case of a fire
- A list of titles to which students and employees should report that a fire occurred
- Plans for future improvements in fire safety

CRIME PRESENTATION: THREE REQUIRED ELEMENTS

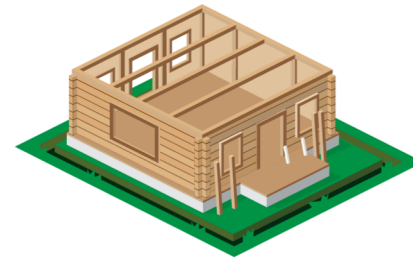


PUTTING IT ALL TOGETHER

CLERY ACT TRAINING SEMINAR (CATS): BUILDING (SKILLS) FROM THE GROUND UP



4 W's



Ongoing
Disclosures



Community
Education



Intersections



Putting it All
Together

BUILDING A SUSTAINABLE STRUCTURE

- Heart of compliance - prevention
- Institutionalization
- Making it part of the culture- cultural shift
- Establishing buy-in
- Developing a culture of compliance and a standard of crime prevention and response

SELF REFLECTION



Take a moment to note:

- Three questions
- Three takeaways from today's session and/or the entire training

WB 65

MESSAGING TO YOUR CAMPUS



Take a minute on your own to note on your Reminders that you would like to share with your campus community:

WB 66

- *Reminders: Putting it all Together* page: a few key messages about annual security report requirements.

LOOKING FORWARD

- Review all of your “Messaging to Your Campus” pages
- Clery Membership
- Future Trainings
- Post-assessment completion
- Evaluation and certificate





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