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

Campus Security Authorities Training

FAIRLEIGH DICKINSON UNIVERSITY
Reporting Crimes at Fairleigh Dickinson University Metropolitan Campus

- This presentation is intended to help you understand the requirements of the Clery Act
- All questions pertaining to the reporting of crimes should be directed to the Department of Public Safety
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal law that requires institutions of higher education in the United States to disclose campus security information including crime statistics for the campus and surrounding areas.

This act required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information.
Clery Act? What’s That

- Jeanne Clery was a student at Lehigh University and in 1986 was raped and murdered in her dorm room. The law was enacted in her memory and is intended to ensure that students and others are informed about campus crimes.
Which schools must comply with the Clery Act

- All public and private postsecondary institutions that participate in federal student aid programs must comply with the *Clery Act* regulations.
- This act requires an annual campus security report as well as timely warnings.
But what does it have to do with You?

- Many crimes especially sexual assaults, are not reported to police.
- The Clery Act requires that we gather and publish crime data to ensure that students and others know about the dangers on campus.
- Data is collected from a wide variety of “Campus Security Authorities” and that is where you come in.
What makes you a Campus Security Authority

The Clery Act regulations define a Campus Security Authority as:

- A member of a campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, that’s you
If someone tells you about a listed crime or an incident that may be a crime, you must record the information and submit a report.

- Just get the facts
- Use the form which will be shown at the end of the presentation.

- When in doubt - Report It.
What do you have to report?

Crimes that should be reported are:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- All hate crimes including any of the crimes listed above or any other crime causing bodily injury if motivated by hate, or theft, simple assault, intimidation, or vandalism.
- All liquor, drug or weapons law violations and disciplinary referrals
- For purposes of reporting, please assume that a hate crime is any crime with evidence that the victim was selected because of the victim’s actual or perceived race, religion, sexual orientation, gender identity, national origin, or disability.
Starting with Calendar year 2013, The Department of Higher Education added three new crimes that need to be reported:

Domestic Violence

Dating Violence

Stalking

IF YOU ARE IN DOUBT AS TO WHETHER A CRIME IS REPORTABLE, PLEASE REPORT THE INCIDENT
Who do you Report the Information To

All information on any of the listed crimes is to be reported immediately upon you receiving the information to only one location and department. That department is:

The Department of Public Safety
“Campus Security Authorities”
Exemptions

Certain individuals who have significant responsibility for student and campus activities are exempted from disclosing information:

- **Pastoral counselor.** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

- **Professional counselor.** A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

- To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. This means that a dean of students who has a professional counselor’s license, but is employed by the institution only as a dean and not as a counselor, is not exempt from reporting.
Fairleigh Dickinson University is required to disclose crime statistics based on four factors:

- where the crime occurred;
- the type of crime;
- to whom the crime was reported; and
- when the crime was reported:

If the individual receiving the crime information believes it was provided in good faith, he or she should document this as a crime report. *In good faith* means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.
You must report if the crime occurred:

- On Campus
- On Campus, in Residence Halls
- On Public Property adjacent to campus
Offer Help

Provide the person with information on:

- Reporting to Public Safety and the local police.
- Seeking medical assistance
- Campus services for counseling
What Do You Have To Do?

When In Doubt ..... REPORT
Fines for Clery Act Violations

• Violations of the Clery act can now result in fines up to $35,000.00 by the US Department of Education.
• The Department of Education has become more focused on Campus Security.
  • 1997 – 2008 there were 25 completed Clery Act reviews
  • 2009 to 2012 there have been 31 completed Clery Act reviews.
Some University Fines

• Highest fine to date is $350,000.00 to Eastern Michigan University for classifying a murder as a death by natural causes.

• Tarleton State University in Texas was fined $110,000.00 for failure to report 3 sex offenses and 1 robbery. 70 other unreported offenses have not yet been fined.

• Virginia Tech received a fine of $55,000.00 for failure to provide a timely warning of the shootings to the campus community in April 2007. Appealed and fine was reduced to $27,500.00
Campus Security Authority Crime Report Form

Date:_____________________

Crime reported by: __________________________Phone number:_______________________________

Classification (see definitions below): ______________________Date incident occurred:____________

Location of Incident (building name or address):_____________________________________________

Brief description of the incident:______________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________ 
_____________________________________________________________________________________ 
_____________________________________________________________________________________ 
_____________________________________________________________________________________ 

Check the appropriate answer to the following questions:

Did the crime occur in a building or on the street? Building: _____Street: ______

Did the crime occur on school owned, controlled, or leased property? Yes: _____No:_____

Did the crime occur at a University-sponsored activity or event? Yes: _____No:_____

**Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Negligent Manslaughter:** the killing of another person through gross negligence.

**Robbery:** the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding)

Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Crime definitions from the Uniform Crime Reporting Handbook
USE TOP OF FORM TO REPORT HATE CRIMES

We are also required to report statistics for bias-related (hate) crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug abuse violations and/or weapons: possessing carrying, etc. (see definitions on the front page) and larceny-theft, destruction/damage/vandalism of property, intimidation, and simple assault (see definitions below).

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

- **Vandalism**: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

- **Intimidation**: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document. A bias-related (hate) crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc... the assault is then also classified as a hate crime.

If a bias-related (hate) crime was reported to you, please fill out the top section of Page 1 and then complete the following information about the type of bias involved in the crime.

Type of Crime (List classification as defined above): ____________________________________________

Type of Bias (circle one): Race Religion Ethnicity/National Origin

Please this completed form to:
Department of Public Safety-Metropolitan Campus
Director David Miles
TPS1-01
1000 River Road
Teaneck, NJ 07666
Final Recap

Recently some members of the campus community attending a training session regarding the Clery Act. The instructor asked which telephone call do you want to receive:
The one that states you are reporting too much information or the one that states you have failed to report.
I think we all know which one we would want to receive.
What Are Your Responsibilities

If you receive any information on any crimes or if you are unsure what to do, the answer is very simple.

REPORT

All crime statistics and fire statistics are available on the Fairleigh Dickinson University Department of Public Safety section of the University website.
Questions?

Contact Information:
Director David Miles
201 692-2227
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