

Clery Act Compliance Training for Campus Security Authorities



Overview



- The Clery Act
- Campus Security Authorities
- What to Report
- How to Report



The Jeanne Clery Campus Safety Act (Clery Act)

- Named in memory of Jeanne Clery, a 19-year-old Lehigh University freshman, who was raped and murdered by another student while asleep in her residence hall room on April 5, 1986.
- Jeanne and her parents chose Lehigh University in part due to its reputation as a safe campus.
- At the time there was no requirement the university disclose that 38 violent crimes occurred on the Lehigh campus in the three years prior to her murder.



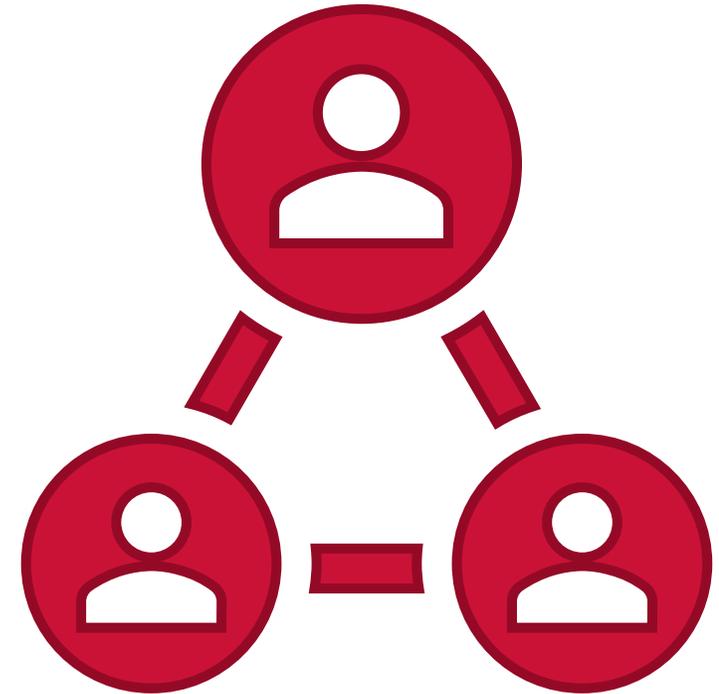
The Jeanne Clery Campus Safety Act (Clery Act)

- Originally enacted in 1990, the Clery Act is a federal consumer protection law that requires universities to:
 - Collect and report certain crime statistics in an Annual Security Report,
 - Maintain a crime log,
 - Provide timely warnings or emergency notifications to the campus community, and
 - Communicate policies and resources to the campus community
- These requirements are tied to a university's participation in federal student financial aid programs.



Who is responsible for Clery Act Compliance?

Clery compliance is a University-wide responsibility.



Officials With Responsibilities Under the Clery Act

1. Campus Security Authorities (CSAs):

- CSAs are any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.
- CSAs are also those with significant responsibility for student and campus activities.
- *Note:* they must be informed of their responsibilities and duties for Clery compliance.

2. Offices with responsibilities for:

- disciplinary processes
- security and facilities access
- providing support resources



Officials With Responsibilities Under the Clery Act

Examples of Campus Security Authorities (CSAs):

- Individuals specifically designated as CSAs
- Campus police/security department, and others that receive crime reports
- Student Services Staff
- Those controlling entrance/access into institutional property (labs, gyms, libraries)
- Officials with significant responsibility for student and campus activities



Officials With Responsibilities Under the Clery Act

- Campus Security Authorities (CSAs) are not:
 - A faculty member with no responsibility for student and campus activities beyond the classroom
 - Clerical staff without building security responsibilities
 - Custodial or grounds staff
 - Medical doctors, clergy and counselors responsible for student care when working in their official capacity

However, each member of the campus community can play a role in the prevention and reporting of crime.



Campus Security Authorities: Primary Responsibility

- The primary responsibility is to report allegations made in good faith to the reporting structure established by the institution.
 - CSAs are to report crimes to the designated office for their campus: either campus police or security department.
 - Some WSU locations rely on a partner institution's security department for this.
 - Always call 911 for crimes in progress prior to reporting for Clery statistics.



Campus Security Authorities: Reporting in Good Faith

- Mandatory obligation to report information about crimes that occur on and around campus.
- Neither the reporting party nor individuals involved in the crime need to be affiliated with WSU.
- Reports are required even if police are not able to investigate the crime.
- If the report is made in good faith (there is reasonable basis for believing the information is not a rumor or hearsay) the incident is reportable.



What Campus Security Authorities Should Not Do

- Do not determine authoritatively whether a crime took place.
- Do not try to apprehend the alleged perpetrator of the alleged crime.



Importance of Crime Reporting



- It is important for Campus Security Authorities to report crime because
 - It promotes University safety.
 - It allows the issuance of “timely warnings” and “emergency notifications” for Clery crimes and events that pose a serious or continuing threat to the campus community.
 - It fulfills WSU’s responsibility to disclose Clery crime statistics annually.



Consequences of Non-Compliance

- The U.S. Department of Education can issue *substantial* civil penalties per infraction or limit federal financial aid to the University.
 - As of January 2025, fines are **\$71,545 per violation**.
- Depending on the facts of the individual incident(s) and its severity, an individual can be held both criminally and civilly liable.
- Importantly, failing to report limits our ability to keep our community safe.



What to Report



Certain categories of crimes



Certain crimes that occur in covered geographical locations, including campuses and other WSU buildings and areas.



Categories of Crimes to Report

- Criminal offenses
 - Criminal homicide, sexual assault, aggravated assault, robbery, burglary, arson, and motor vehicle theft
- Hate crimes
- Hazing
- Violence Against Women Act (VAWA) crimes
 - Dating violence, domestic violence, and stalking
- Arrests and referral for disciplinary action
 - Weapons law violations, drug abuse violations, and liquor law violations



Criminal Homicide

- **Murder and Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter:** the killing of another person through gross negligence.



Sexual Assault

- 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



Robbery



- The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.



Aggravated Assault



- An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.



Burglary

- The unlawful entry of a structure to commit a felony or theft.
 - Includes:
 - Forcible Entry
 - Unlawful Entry – No Force
 - Attempted Forcible Entry



Motor Vehicle Theft



- The theft or attempted theft of a motor vehicle.
 - Includes cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned – including joyriding.



Arson



- Any willful or malicious burning or attempt to burn with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.



Hate Crimes

- Any crime that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.
 - Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability.
- A hate crime can include the previously mentioned crimes, as well as the following that would not be reportable without it also being a hate crime:
 - Larceny-theft,
 - simple assault,
 - intimidation,
 - destruction/damage/vandalism of property, and
 - any other crime involving bodily injury.



Hazing

- Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that –
 - is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
 - causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including...



Hazing

- ... including:
 - whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - causing, coercing, or otherwise inducing
 - sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - another person to consume food, liquid, alcohol, drugs, or other substances;
 - another person to perform sexual acts;
 - any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
 - any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.



Hazing

- **Student Organization:** an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.



Violence Against Women Act Crimes: Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition:
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.



Violence Against Women Act Crimes: Domestic Violence

- A felony or misdemeanor crime of violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.



Violence Against Women Act Crimes: Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.
- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.



Arrests & Referrals for Disciplinary Action

Specific to weapons law violations, drug abuse violations, and liquor law violations

- **Arrest:** Persons processed by arrest, citation or summons.
- **Referral:** The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.



Arrests & Referrals for Disciplinary Action - Weapons

Weapons Law Violations

- The violation of laws or ordinances prohibiting:
 - the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
 - Includes:
 - carrying deadly weapons, concealed or openly
 - furnishing weapons to minors
 - all attempts to commit any of the aforementioned



Arrests & Referrals for Disciplinary Action - Drugs

Drug Abuse Violations

- Violations of laws prohibiting production, distribution, possession, sale, use, cultivating, growing, manufacturing, purchasing, transportation, importation, or making of any controlled drug or narcotic substance.
- Relevant substances include:
 - opium or cocaine and their derivatives (morphine, heroin, codeine)
 - marijuana
 - synthetic narcotics (Demerol, methadone)
 - dangerous non-narcotic drugs (barbiturates, Benzedrine)



Arrests & Referrals for Disciplinary Action - Liquor

Liquor Law Violations

- The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.
 - Does not include driving under the influence or drunkenness.



Geographical Locations of Crimes to Report

- Crimes that occur in Clery geography must be reported.
- Clery geography means buildings and property that are:
 - Part of the institution's campus (including on-campus student housing)
 - Noncampus buildings or property that the University owns or controls
 - Public property within or immediately adjacent to and accessible from campus
- Each campus is required to comply.



WSU Geography: On Campus



- “On-campus” is defined by the Clery Act to include any building or property owned or controlled by WSU within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls;
- “On-campus” at WSU also includes buildings or property:
 - Owned by WSU, but controlled by another person/institution,
 - Frequently used by students, and
 - Used to support institutional purposes . . .
 - Food vendors
 - Book stores
 - Other retail vendors



WSU Geography: Public Property

- Public property associated with campus:
 - Thoroughfares
 - Streets
 - Sidewalks
 - Public parking facilities immediately adjacent to and accessible from the campus
 - The sidewalk across the street from campus
- NOT Public Property
 - Private homes or businesses
 - Area surrounding non-campus properties
 - Property separated from campus by barriers or fences

For more information, including diagrams, see Chapter 2 of the Clery Handbook



How to Report



- The Clery Crime Reporting Form is available for submitting information about Clery Act crimes:

<https://police.wsu.edu/clery-act-compliance/>



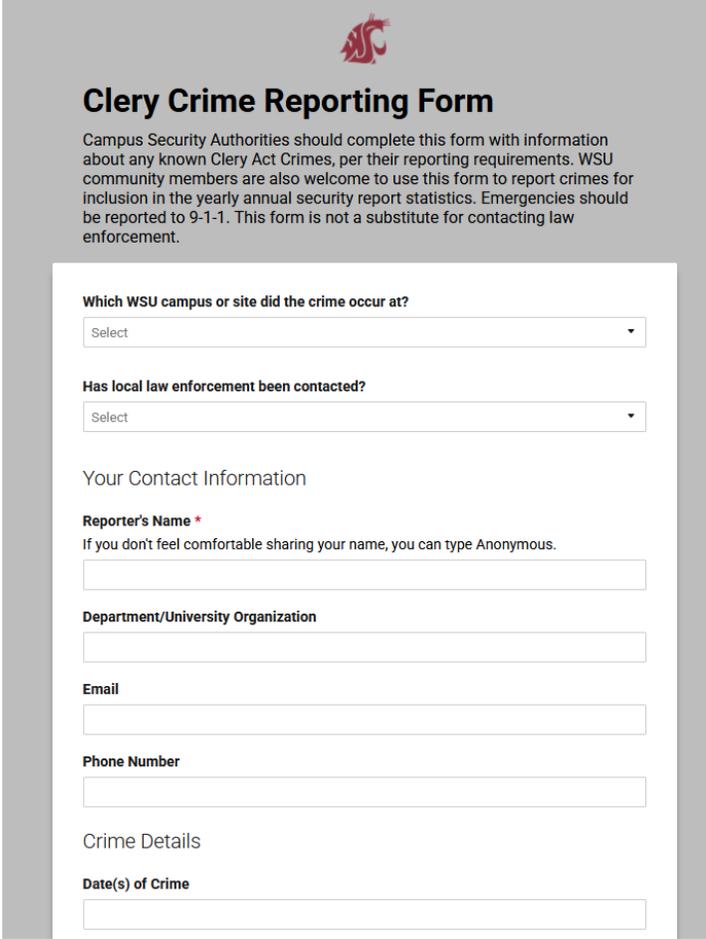


How to Report



- Fill out the Clery Crime Reporting Form with information about any known Clery Act Crimes, per your reporting requirements.
- This form is not a substitute for contacting law enforcement.
- Emergencies should be reported to 911.

<https://police.wsu.edu/clery-act-compliance/>

A screenshot of the Clery Crime Reporting Form. At the top right is the WSU cougar logo. The title is "Clery Crime Reporting Form". Below the title is a paragraph of instructions: "Campus Security Authorities should complete this form with information about any known Clery Act Crimes, per their reporting requirements. WSU community members are also welcome to use this form to report crimes for inclusion in the yearly annual security report statistics. Emergencies should be reported to 9-1-1. This form is not a substitute for contacting law enforcement." The form contains several sections: "Which WSU campus or site did the crime occur at?" with a dropdown menu showing "Select"; "Has local law enforcement been contacted?" with a dropdown menu showing "Select"; "Your Contact Information" section with fields for "Reporter's Name" (with a note: "If you don't feel comfortable sharing your name, you can type Anonymous."), "Department/University Organization", "Email", and "Phone Number"; and "Crime Details" section with a field for "Date(s) of Crime".

Clery Crime Reporting Form

Campus Security Authorities should complete this form with information about any known Clery Act Crimes, per their reporting requirements. WSU community members are also welcome to use this form to report crimes for inclusion in the yearly annual security report statistics. Emergencies should be reported to 9-1-1. This form is not a substitute for contacting law enforcement.

Which WSU campus or site did the crime occur at?
Select

Has local law enforcement been contacted?
Select

Your Contact Information

Reporter's Name *
If you don't feel comfortable sharing your name, you can type Anonymous.

Department/University Organization

Email

Phone Number

Crime Details

Date(s) of Crime

Summary

- The Clery Act is a federal consumer protection law the University must comply with.
- Non-compliance may result in substantial fines.
- Campus Security Authorities play an important role in ensuring Clery Act compliance.



Campus Security Authority Resources

- A CSA Resource Page is available for you, which includes:
 - Overview of reporting requirements
 - Training link
 - Online Reporting Forms
 - Annual Security Report links

<https://police.wsu.edu/clery-act-compliance/>



Questions?



Contact:



WSU Police or Clery Manager

- WSU Police Website: <https://police.wsu.edu>
- WSU Clery Act Information: <https://police.wsu.edu/clery-act-compliance/>
- Phone: (509) 335-8548

