Clery Act

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

The Jeanne Clery Act is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses. Because the law is tied to participation in federal student financial aid programs it applies to most institutions of higher education both public and private. It is enforced by the U.S. Department of Education.

The “Clery Act” is named in memory of 19-year-old Lehigh University freshman Jeanne Ann Clery who was raped and murdered while asleep in her residence hall room in 1986. Jeanne’s parents, Connie and Howard, discovered that students had not been told about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined with other campus crime victims and persuaded Congress to enact this law.

As part of this law, specific individuals on campus are required to report crimes to the college’s designated official. These Campus Security Authorities (CSAs) are identified and provided training which includes what crimes must be reported and how to report.

Who are Campus Security Authorities (CSAs)?

All members of the campus community are encouraged to report crimes on a timely basis. However, under the Clery Act, CSAs are required to report Clery Act qualifying crimes which occurred on campus, in public areas bordering campus and in certain non-campus buildings owned or controlled by the College.

The law defines four categories of a Campus Security Authority:

- Campus Police
- Non-police security staff responsible for monitoring college property.
- Staff members/offices designated under Lee College policy as those to whom crimes should be reported.
- Officials with significant responsibility for student and campus activities.

Examples of CSAs

- Campus Security
- Deans
- Athletic Director and Athletic coaches
- Title IX Coordinators
- Student activities coordinator
- Counselors and advisors
- Faculty or staff advisors to student organizations

NOT CSAs

- Administrative staff not responsible for student activities (e.g. payroll, facilities)

- Clerical staff
- Individual faculty who DO NOT serve as advisors to registered student organizations

What are the Responsibilities of a CSA?

If someone reports a crime or an incident that might be a crime, the CSA must report it to the institution's designated office or an official responsible for collecting Clery report information.

As part of that report, information is shared as related by the person. The CSA should tell the individual that he or she has the responsibility to report and help the person connect with available options and resources at the college.

It is not the responsibility of the CSA to determine if the crime actually occurred or to investigate. The CSA does not apprehend alleged perpetrators. It is important that the CSA does not persuade or discourage victims from reporting to law enforcement.

What is Clery Geography?

Clery Act crime reporting is not strictly limited to events that occur on campus or within campus buildings. Colleges must include statistics for crime that occur in any of these geographic areas.

On Campus:

As defined by the Clery Act, any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes.

This includes any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

What does this mean? This would be any institution's core, main campus.

Non-campus:

As defined by the Clery Act, any building or property owned or controlled by a student organization that is officially recognized by the institution.

This includes any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

What does this mean? Any building or property that is either owned or controlled by an officially recognized student organization is considered to be a "non-campus" location. Whether the building or property is located on campus or off campus is irrelevant. If it is owned or controlled by recognized student organization, it is non-campus for Clery Act purposes.

Public Property:

As defined by the Clery Act, public property includes property immediately adjacent to, within, or surrounding one's on-campus geography.

What does this mean? The public property that immediately borders and is accessible from the campus. For many institutions, this includes the public sidewalk that borders the campus, the public street, and the public sidewalk on the other side of the street. It also includes public property within the core campus.

What Crimes Must be Reported?

Colleges must include four distinct categories of crime in their Annual Security Report. This includes Criminal offenses, Hate Crimes, VAWA offenses, and arrests and referrals for disciplinary action.

Criminal Offenses:

- Murder and Non-negligent Manslaughter
    - The willful (non-negligent) killing of one human being by another.
- Manslaughter by negligence
    - The killing of another person through gross negligence
- 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 is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any sex of victim or perpetrator.
        - Fondling is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
        - Incest is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
        - Statutory Rape is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent. If force was used to threatened, or the victim was incapable of giving consent because of his/her youth, or temporary or permanent mental impairment, the offense should be classified as forcible rape, not statutory rape.
- Robbery
    - The taking or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.
- Aggravated Assault
    - An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or 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.
- Burglary
    - The unlawful entry into a building or other structure with the intent to commit a felony or a theft

- Motor Vehicle Theft
    - The theft of a motor vehicle.
- Arson
    - To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

Violence Against Women Act (VAWA) Offenses:

- Domestic Violence
    - The term domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.
- Dating Violence
    - The term dating violence means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
        - The length of the relationship.
        - The type of relationship.
        - The frequency of interaction between the persons involved in the relationship.
    - The term dating partner refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of (A) the length of the relationship;(B) the type of relationship; and (C) the frequency of interaction between the persons involved in the relationship.
- Stalking
    - The term stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to
        - fear for his or her safety or the safety of others; or
        - suffer substantial emotional distress.

Hate Crimes:

- All hate crimes involving personal injury, theft, intimidation, and destruction, damage, or vandalism of property
- Hate crimes are those crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, sex, religion, sexual orientation, gender identity, ethnicity, national origin or disability. Crimes listed above as well as crimes of Larceny-theft, Simple Assault, Intimidation, and Destruction, Damage, or Vandalism of property that may show evidence of a hate crime, as well as other crimes involving bodily injury in which the victim was selected based on the aforementioned characteristics.

- Larceny Theft is the unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.
- Simple Assault is 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.
- Intimidation is 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.
- Destruction, Damage, or Vandalism of Property is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Arrests and Referral for Disciplinary Action:

- Arrests and Referrals for Liquor Law Violations
  - The violation of state laws or local laws/ordinances prohibiting the manufacture, sale, purchase, transportation , possession and use of alcoholic beverages.
- Arrests and Referrals for Drug Law Violations
  - The violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing or making of narcotic drugs.
- Arrests and Referrals for 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.

How to Report

If a person reveals that they have been a victim, witness or perpetrator of an incident that might involve a crime, (reportable or otherwise), the incident must immediately be reported. This can be done by calling the Lee College Security Office (281.425.6888). Reporting the incident gives options for handling an incident and helps the college obtain accurate information for statistical reporting.

It is very important that information revealed is reported. That information is evaluated and it is determined if immediate notification should be issued to students, faculty and staff regarding the criminal activity. The timely warning notification will alert individuals about certain crimes in and around our community that may present a threat to the campus community and to heighten safety awareness.

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