THE CLERY ACT

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

"An Internationally Accredited Law Enforcement Agency"
Today we will discuss...

- The Clery Act: A Brief History
- What does it require
- How does it impact Rutgers University
- What are my responsibilities
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 on April 5, 1986.

She was murdered by Josoph Henry, then a 20 year old student who lived off campus and entered Clery’s dorm through 3 propped doors. (Henry was formerly of NJ)
JEANNE CLERY

November 23, 1966 – April 5, 1986
Jeanne's parents, Connie and Howard, discovered that students hadn't been told about:

+ 181 previous reports of propped doors.
+ Lehigh had 5,400 students with 12 security guards and 38 violent crimes in 3 years prior to her murder.

In comparison:

+ Penn State in the last 3 years had 24 violent crimes with 6 times the student population.

They joined with other campus crime victims and persuaded Congress to enact this law, which was originally known as the “Crime Awareness and Campus Security Act of 1990.”
The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements.

The 1998 amendments formally named the law in memory of Jeanne Clery.

Subsequent amendments in 2000 and 2008 added provisions dealing with registered sex offender notification and campus emergency response, respectively.

The 2008 amendments added a provision to protect crime victims, "whistleblowers", and others from retaliation.
The landmark federal law requires colleges and universities across the US to disclose information about crime on and around their campuses.

The law is tied to participation in federal student financial aid programs and applies to most institutions of higher education.

It is enforced by the U.S. Department of Education.
THE ACT REQUIRES...

- Emergency notification & evacuation procedures;
- Timely Warnings;
- Crime and Fire Logs;
- Crime Reports from CSAs;
- Crime Statistics from Local Law Enforcement;
- Submission of Crime and Fire Statistics to the US DOE;
- Missing Student Notification Procedures;
- Publish an Annual Security and Fire Safety Report.
For Immediate Release
June 6, 2008

Eastern Michigan University Agrees To Pay Largest Ever Clery Act Fine Of $350,000

Ypsilanti, MI—Eastern Michigan University (EMU) announced today, according to published reports, that they will pay a record fine of $350,000 to the U.S. Department of Education (ED) for violations of the federal Jeanne Clery Act campus crime reporting law. The fine is for failing to warn the campus community about the murder of student Laura Dickinson in her on-campus residence hall in December of 2006 and numerous other violations that subsequently came to light.

"This is the largest fine ever imposed for a Jeanne Clery Act violation," said Jonathan Kassa, Executive Director Security On Campus, Inc. the non-profit organization responsible for securing passage of the Act. "This action sends an important signal that colleges will be held accountable and that compliance with the Jeanne Clery Act can not be ignored. By taking this step the U.S. Department of Education is helping to protect the safety of millions of college students across the country."

How this case was handled also led to the departure of three top campus officials, including President John Fallon who was fired. EMU reached a $2.5 million dollar settlement with Dickinson's family. Orange Taylor III, a fellow student unknown to Dickinson, has been convicted of murder in the case and sentenced to life in prison.
How does this impact **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 dangers on campus.
- Data is collected from a wide variety of “Campus Security Authorities”.
FOUR CATEGORIES OF CSA?

- Campus Police.
- Non-police security staff responsible for monitoring University property.
- People/offices designated under our policy as those to whom/which crimes should be reported.
- Officials with significant responsibility for student and campus activities – That’s you
EXAMPLES OF “CSAS”:

- Dean of Students who oversees student housing, a student center or student extracurricular activities
- A director of athletics, a team coach or a faculty advisory to a student group
- A student resident advisor or assistant or a student who monitors access to dormitories
WHO IS NOT CONSIDERED A CSA?

- Administrative staff not responsible for students (e.g., payroll, facilities)
- Individual faculty who do NOT serve as an advisor to a registered student organization
- Clerical staff
- Doctors in the Student Health Center, or Counselors in the Counseling Center, who only provide care to individual students.
OTHER EXCEPTIONS:

- Licensed professional mental health counselors and
- Pastoral counselors (employed by a religious organization to provide confidential counseling)
- Who are working within the scope of their license or religious assignment at the time they receive the crime report.
If someone tells you about a crime or an incident that may be a crime, you must record the information and submit a report.

Just get the facts, the police department will figure out what offense (if any) occurred.

When in doubt, report it.
WHAT DO YOU HAVE TO REPORT?

These crimes must be reported (definitions follow):

- Criminal homicide
- Sex offenses, forcible & non-forcible
- Aggravated assault
- Robbery
- Burglary
- Motor vehicle theft
- Arson
You must also report:

- **Hate crimes**, including any of the seven crimes listed above, or any other crime causing bodily injury, if motivated by hate

- **Liquor, drug, and weapons** – both arrests AND disciplinary referrals
A crime must be reported if it occurred:

- On campus
- On public property within or immediately adjacent to the campus
- In or on non-campus buildings or property that Rutgers Owns or controls.

See definitions sheet
TIMING IS CRITICAL

Be sure to document

- **When** the crime or incident occurred AND
- **When** it was reported to you

The law requires that the crime be reported for the calendar year in which it was first reported to a Campus Security Authority – not when it occurred, not when it was reported to police.
CONFUSED YET?
LOCATIONS NOT INCLUDED:

- Locations not connected to Rutgers
- For Example:
  - A student tells you about a crime that occurred at a different college before he/she transferred to Rutgers; or
  - A student reports an assault that happened while he/she was away from campus and not involved in a campus activity – e.g., at home on spring break, on vacation, or at a summer job with a private company.
IN THESE CASES...

❌ Please provide the student with reporting options or referral for help:

❌ For example:

+ A student tells you that he/she was raped by another student at an off-campus apartment.

+ Although the crime did not occur at a location covered by Clery reporting, the accused student is subject to University disciplinary action for this off-campus conduct.

+ In addition, the victim is eligible for victim assistance and resources.
WHAT SHOULD YOU DO?

- Police will categorize the report: your job is to get the information the person is willing to tell you.

Remember:

- You don’t have to prove what happened or who was at fault, or classify the crime
- You aren’t supposed to find the perpetrator
- Discuss options:
- Let the person know about options for reporting to police
- A person who talks to you may not want to talk to police – and doesn’t have to.
OTHER AVAILABLE RESOURCES:

- Victims’ assistance programs for sexual assault and other crimes.
- Available medical treatment
- Counseling services for students and staff

Information on resources are available by calling University Police.
THE QUESTIONS:

- Is a violent crime in progress?
  + If so, call police at 9-1-1 or local emergency number immediately!
- Has the victim sought or is the victim in need of assistance/services?
- What happened? How, when, and where did it happen? Is there an identified suspect?
- Has the incident been reported to police or to another CSA?
- Does the victim wish to remain anonymous?
DEFINITIONS:

- **Criminal Homicide:** murder, non-negligent manslaughter, and negligent manslaughter (including vehicular manslaughter)

- **Aggravated Assault:** unlawful attack upon another with intent to inflict severe injury, using weapon or means likely to produce death or great bodily harm
Sex offenses, forcible and non-forcible

Forcible sex offenses: rape, sodomy, sexual fondling, sexual assault with object

Non-forcible: statutory rape and incest

Questions reference sex offenses:

Was crime committed forcibly/against victim’s will?

Was victim incapable of giving consent because of temporary/permanent mental/physical incapacity, or because underage?

Was assault facilitated by giving drugs/alcohol?
**DEFINITIONS: (CONTINUED)**

- **Robbery:** taking/attempting to take something by force, violence, threat, or by putting victim in fear

- Questions reference robbery:
  - Was force or a weapon used or threatened?
  - Was victim injured?
  - Did victim feel fearful, threatened or endangered?
DEFINITIONS: (CONTINUED)

- **Burglary:** unlawful entry into a structure to commit a felony or theft

- Questions reference burglary:
  - Was item taken from inside dorm room, office, store, lab, or other structure?
  - Was structure, room, store, or office open, closed, or locked?
  - How did thief get into the structure/room etc.?
Motor vehicle theft: theft of automobiles, trucks, etc., including “joyriding” (taking by person without lawful access)

Arson: willful or malicious burning/attempt to burn structure, vehicle, or personal property of another
WHAT IS A HATE CRIME?

Any of the already mentioned crimes, or any other crime causing bodily injury (e.g. simple assault) where there is evidence of both

+ hate motivation and
+ the victim was selected because of actual/perceived race, gender, religion, national origin, disability, or sexual orientation
HATE CRIMES TO PROPERTY, QUESTIONS:

- Was the target personal property, a personal residence, house of worship, or ethnic organization?
- Did the incident involve any expression of hatred (e.g. graffiti, comments) re: race, gender, ethnicity, religion, sexual orientation, or disability?
- Did any personal injury result from the incident?
- Report any vandalism to property of a religious, ethnic, gay or lesbian organization as a hate crime.
Police report statistics on arrests for liquor, drug, and weapons-related crimes

Judicial Affairs reports statistics on disciplinary referrals for drug, liquor, and weapon law violations (except when the student was also arrested for the same act)

Statistics must reflect number of persons involved (head count), not just number of incidents
RESOURCES FOR LEARNING MORE

- Security On Campus, Inc.
- National Association of College and University Attorneys (NACUA)
- U.S. Department of Education
  2011 Handbook for Campus Safety and Security Reporting
  Accessible at: http://www2.ed.gov/admins/lead/safety/campus.html
View Safety Matters Online At: http://rupd.rutgers.edu/aboutsafe.shtml

### The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires Region Universities to disclose the results of their efforts to maintain a safe environment. The University has a number of policies and programs in place to protect the rights and safety of students and employees. This information is available at the Public Safety website (http://publicsafety.rutgers.edu) or by calling the Public Safety Office.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1068(f)) is the federal law that requires the University to maintain and annually release a Clery Report that identifies campus safety policies and emergency procedures. The University is required to distribute the Clery Report to students and employees.

The Clery Act is named in memory of Jeanne Clery, a student who was murdered while attending college. The law is intended to provide students with information about campus security and crime.

The University is required to provide information about the following:

- Criminal offenses
- Hate crimes
- Non-forcible offenses
- Physical or sexual assault
- Robbery
- Arson
- Sexual Assault
-agas
- Intimidation
- Robbery
- Sexual Degradation
- Drug/Wine
- Violent
- Poisons
- Criminal
- Weapons

### Crime Statistics 2008 - 2010

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### Timely Warnings

In the event that a crime occurs, either on or near campus, that has the potential to endanger the safety of students and employees, the University will issue a timely warning. The University will provide the following information:

-性质和地点
-发生日期
-已报告的犯罪类型
-预防措施
-联系人

### Public Safety

The University Police Department is responsible for maintaining a safe environment on campus. They provide services such as escort services, lockout services, and other safety-related services. The University Police Department can be reached at (732) 932-2211.
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<th>Campus</th>
<th>Contact</th>
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<tr>
<td>Camden Campus</td>
<td>Capt. Richard Dinan</td>
<td>(856) 225-6009</td>
<td><a href="mailto:dinan201@camden.rutgers.edu">dinan201@camden.rutgers.edu</a></td>
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<td>Newark Campus</td>
<td>Capt. Robert Hahn</td>
<td>(973) 353-5547</td>
<td><a href="mailto:rjhahn@andromeda.rutgers.edu">rjhahn@andromeda.rutgers.edu</a></td>
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<td>New Brunswick Campus</td>
<td>Capt. Michael Rein</td>
<td>(732) 932-8407</td>
<td><a href="mailto:mrein@aps.rutgers.edu">mrein@aps.rutgers.edu</a></td>
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