

Clery Act Guidelines for A&M System Campus Security Authorities



Note: This course includes audio narration. Estimated time to complete: 30 minutes.
To obtain a copy of this course in an alternative format, launch the course and click the Resources tab, or contact training@tamus.edu

Areas to be Covered

- What is the Clery Act?
- What are a University's Responsibilities?
- What are My Responsibilities as a Campus Security Authority (CSA)?



What is the Clery Act?



History of the Clery Act

Jeanne Clery, a nineteen year old freshman, was raped and murdered while asleep in her Lehigh University residence hall room in 1986.

As a result, a federal law called the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime statistics Act (Clery Act) was enacted in 1990 and amended in 1992, 1998, 2000, 2008, and 2013 (as amended by the Violence Against Women Act [VAWA]).



Purpose of the Clery Act

The Clery Act promotes a safe and secure campus.

Clery Act requirements provide students and their families with accurate, complete and timely information about crime and campus safety so that they can make informed decisions.



Purpose of the Clery Act

Consequences of non-compliance include significant monetary fines with some schools fined between \$2 million and \$4.5 million in recent years. See [34 CFR 668.84\(a\)\(1\)](#) for the current fine amount per violation (\$67,544 per violation currently).

Non-compliance can also result in potential limitation, suspension, or termination of eligibility for Title IV funding (student financial aid).



What are a University's
Responsibilities?

Requirements of the Clery Act

Colleges and universities participating in student financial assistance programs must comply with the Clery Act and:

- Identify Campus Security Authorities (CSAs);
- Issue emergency notifications and timely warnings;
- Collect, classify, and count crimes reported to the campus police, local law enforcement, and CSAs;
- Publish an annual security report with campus security policies and crime statistics; and
- Submit crime statistics to the Department of Education.



Clery Crime Statistics

To be a Clery crime statistic:

- The crime must occur on the institution's Clery geography.^{*}
 - On-campus property (including on-campus student housing)
 - Public property within or adjacent to and accessible from campus
 - Non-campus buildings or property owned or controlled by the University or a recognized (or registered) student organization

^{*} Additional information is available to review and print in the "Resources" tab above.
The additional information is not covered in the test at the end of the training.



Clery Crime Statistics

In addition:

- The crime must fit a Clery crime category.^{*}
 - Criminal offenses - murder/non-negligent manslaughter, manslaughter by negligence, sexual assault (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson.
 - Hate crimes involving larceny-theft, simple assault, intimidation, and destruction/damage/vandalism in addition to the criminal offenses listed above.
 - VAWA offenses – domestic violence, dating violence, sexual assault (included in criminal offenses), and stalking.
 - Arrests and referrals for disciplinary action – liquor, drug, and weapons law violations.



Clery Act Crime Reporting

The Texas A&M University System encourages victims at System universities to report criminal incidents to the police. However, a victim of a crime may be more inclined to report it to someone other than the police.

Therefore, the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be campus security authorities, or CSAs.



Campus Security Authority (CSA) – Clery-specific Term

A CSA is a Clery-specific term that includes:

- University police officers and security officers
- Individuals outside university police departments who have campus security responsibility



Campus Security Authority (CSA) – Clery-specific Term

The term CSA also includes:

- Any individual or organization specified in the statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; and,
- A university official who has significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings.



Identifying CSAs

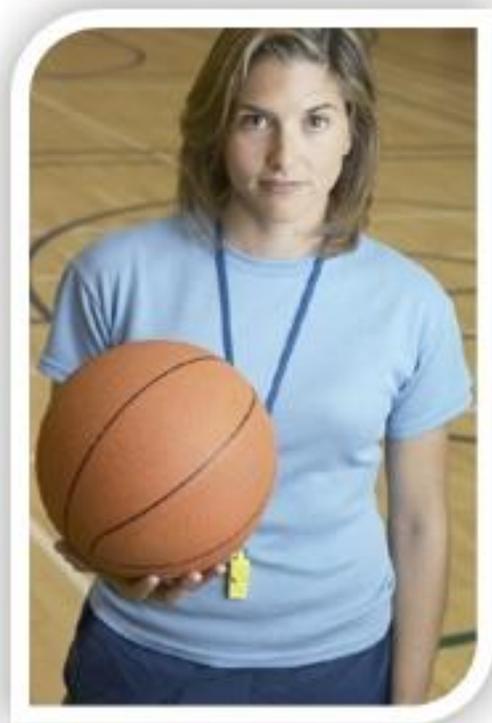
A&M System universities are responsible for identifying individuals and organizations at their institutions that meet the Clery Act definition of a CSA.

- An individual's or organization's function determines whether or not the individual or organization is a CSA;
- When an institution identifies CSAs, officials whose functions involve relationships with students should be carefully considered; and
- If a person has significant responsibility for students and campus activities, he or she is a CSA.



Examples of CSAs

Examples of persons who meet the criteria of a CSA:



- A dean of students who oversees student housing, a student center or student extracurricular activities;
- A director of athletics, all athletics coaches, or a faculty or staff advisor to a student group;
- Ombudsperson (including student ombudsperson);
- Title IX Coordinator;
- Faculty or staff who travel with students.



Examples of non-CSAs

Examples of persons who do **not** meet the criteria of a CSA:

- Faculty who do not have any responsibility for student and campus activity beyond the classroom.
- Support staff such as clerical or cafeteria staff.



Exemption

- While having responsibility for student and campus activities, professional and pastoral counselors are allowed an exemption from reporting Clery crimes while acting in the scope of their official duties as a counselor.



What are My Responsibilities as a CSA?

CSA Responsibilities

1. CSAs are responsible for reporting allegations of crimes specified in the Clery Act that are reported to them in their capacity as a CSA.
 - Under the Clery Act, a crime is reported when it is brought to the attention of a CSA or law enforcement by a victim, a witness, other third party, or the offender.
 - It does not matter if the person involved in or reporting the crime is associated with the university.



CSA Responsibilities

2. CSAs should immediately forward crime reports to the designated officials, whether they be your university police or security department (if you have one), or to another designated official charged with the responsibility of compiling the institution's crime statistics. Prompt reporting of crimes is important.
 - The report may be the basis for determining if there is a serious or continuing threat to the safety of the campus community that requires a timely warning or an immediate threat requiring an emergency notification.
 - After the CSA makes a report, the crime must be entered into the crime log within 2 business days of when it was reported to the university police or security department.



CSA Responsibilities

3. CSAs should encourage individuals to report crimes to their university's police department.
 - A list of [A&M System university police departments](https://www.tamus.edu/business/safety/system-member-police-departments/) is available at: <https://www.tamus.edu/business/safety/system-member-police-departments/>
 - In an emergency situation, the reporting person should call 911 or the CSA may call on their behalf.



CSA Responsibilities

4. If the person needs assistance, the CSA should provide information for seeking help and let the person know that help is available even if the person does not want an investigation conducted.
5. If the reporting person does not want to contact the police, the CSA should report the crime to the university police or official designated by the university to collect Clery crime report information.
 - To make sure the university is aware of the crime reported to the CSA, the CSA should also submit a report to the university police or designated official to alert them of the crime even if the reporting party indicates that they will contact the police.



Not a CSA's Responsibilities

A CSA is not responsible for

- investigating,
- determining whether a crime took place,
- trying to convince a victim to contact law enforcement if the victim chooses not to do so, or
- investigating or reporting incidents that they overhear (students discussing in a hallway conversation); that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.

A CSA should not try to apprehend the alleged perpetrator of the crime. These matters are best left to the police.



Reporting Alleged Crimes

CSAs should report crimes to the police department or designated official at their institution. A list of designated officials at all A&M System universities is available at: <https://www.tamus.edu/legal/ethics-and-compliance/resources/clery-act-contacts-by-member/>



Reporting Alleged Crimes

If a crime is reported to a CSA but goes no further than that, Clery Act requirements will not have been fulfilled, and the campus community might not have important safety information they need.



Reporting Alleged Crimes

When submitting a report, the CSA should provide as much information as is available to assist the university police or designated official in categorizing the crime such as:

- location of the crime,
- when the crime occurred,
- description of the crime,
- injuries or weapons,
- threats of violence,
- commission of crime because of bias, and
- where appropriate, personally identifying information (victim or suspect) if available.



Reporting Alleged Crimes

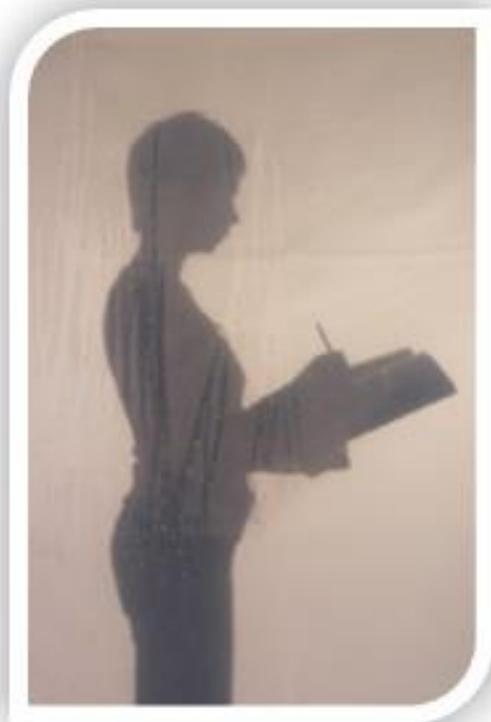
If the reporting person has concerns about the CSA's reporting obligation, the CSA may advise them that a crime can be reported by the CSA without automatically resulting in the initiation of a police or disciplinary investigation.



When completing Clery Act reporting and disclosures made available to the public, institutions protect the ***confidentiality*** of victims.



Reporting Alleged Crimes



If the reporting person does not want the report to go further than the CSA, explain that the CSA is required to submit a crime report for statistical purposes, but the report can be submitted without inclusion of personally identifying information about the victim or others involved.



Reporting Alleged Crimes

When personally identifiable information is provided, it is used for law enforcement purposes to avoid double counting crimes. No personally identifiable information will be included in the Clery statistical disclosures or alerts.



Example of CSA Reporting

Scenario 1

A hall director who has been identified as a CSA is told by a student that she has been raped and is seeking emotional and medical support. The hall director should document this information as a crime report. It should be reported to the university police department or Clery designated official regardless of whether the victim chooses to file a report with law enforcement or press charges. The CSA can submit the report without identifying the victim.



Example of CSA Reporting

Scenario 2

A student mentions to her boyfriend that a number of rooms on her dorm floor were broken into during the previous night's football game. Later that day, her boyfriend tells the athletics director (AD) what he heard. The AD asks which dorm it was and what, if anything else, the boyfriend knows about the incident. The AD should forward the information promptly to the university police department or designated official.



Important to Remember

If unsure whether an incident is a Clery crime, or criminal in nature, the CSA should report it to the university police department or designated official and let them make the decision.



Additional Resources

- The U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting*, 2016 Edition, Washington, D.C., 2016. This report is maintained for historical and reference purposes at: <https://www2.ed.gov/admins/lead/safety/handbook.pdf>
- On October 9, 2020, the Department of Education under President Trump rescinded the 265-page 2016 Clery Handbook and replaced it with a 13-page addendum to a departmental guide on financial aid. The addendum can be found at: <https://fsapartners.ed.gov/sites/default/files/attachments/2020-10/CleryAppendixFinal.pdf>. This is an official website of the U.S. government.
- Additional information is available to review and print under the “Resources” tab in the top right corner of this course window.

