

Clery Act Training

Fall 2013

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

Eastern Michigan University's Commitment

Campus security and safety are important issues in institutions of higher education. Providing students with a safe environment in which to learn and keeping the campus community well informed about safety and security are goals of all stakeholders.

Eastern Michigan University is committed to ensuring that we are in full compliance with regulations governing the disclosure of campus security and the enforcement of such regulations remain a priority.



Background of Cleary Act

Jeanne Clery was a 19 year old freshman at Lehigh University who was raped and murdered in her residence hall room on April 5, 1986.

Jeanne's parents discovered that students had not been told about violent crimes on the Lehigh campus. They, along with other interested groups, persuaded Congress to enact what is now titled the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This Act is commonly referred to as the "The Clery Act".



EMU Compliance

The Clery Act is landmark federal law that requires colleges and universities across the United States to disclose information about crimes on and around their campuses.

The information gleaned from Clery Act compliance provides current and prospective students and employees with the information they need to make informed decisions.

This presentation was designed to assist you to learn important information necessary for compliance with this law.

At the end of this course, the Learner will:

- Understand the purpose of the Clery Act
- Understand how it impacts the University
- Identify who is responsible for gathering and publishing data
- Know what crimes must be reported
- Know the steps to take when reporting a crime

- Many crimes and incidents, especially sexually assaults, are not reported to the police. A Campus Security Authority (CSA) may be told of these incidents.
- To ensure that current and prospective students and employees know about dangers on and around campus, the Clery Act requires institutions to gather and publish data about crimes from CSAs.

What makes you a Campus Security Authority?

The law defines categories of Campus Security Authorities. Those that apply to EMU are:

1. Campus Police Department of an institution.
2. An official of an institution who has significant responsibility for student and campus activities.

What makes you a Campus Security Authority?

“Officials with significant responsibility for student and campus activities ...”

1. To determine specifically which individuals are CSAs under this definition, consider the function of that individual.
2. Look for officials whose functions involve relationships with students.

EMU Department of
Public Safety

"Officials with Significant
Responsibilities for
Student and Campus
Activities"

EMU Department of Public Safety

"The mission of the Eastern Michigan University Department of Public Safety is to organize security and public activities which enhance the quality of campus life, and protect life, property, and individual rights."

All crimes should be reported to the EMU Department of Public Safety (DPS), located at 1200 Oakwood (formerly Hoyt Conference Center).

Eastern Michigan University Police Officers are vested with full law enforcement powers and responsibilities, identical to the local police or sheriff's department in your home community.

For more information, please visit:

<http://www.emich.edu/publicsafety/police/>

Department of Public Safety: 734 - 487 - 1222

DPS Administration: 734 - 487 - 0892

EMU Department of
Public Safety

"Officials with Significant
Responsibilities for
Student and Campus
Activities"

"Officials with Significant Responsibilities for Studen..."

The second category of "Campus Security Authority" at EMU is defined broadly to ensure complete coverage and thorough reporting of crimes.

EMU Officials with significant responsibilities for student and campus activities include but are not limited to:

- Student Housing Officials
- Student Conduct & Judicial Officers
- Athletic Directors & Team Coaches
- Student Activities Coordinators
- Faculty & Staff Advisors to Student Groups
- Student Health Center Director

Focus on Student activities, not faculty and staff

- Focus on function, not title

If someone tells you about an incident which may be a crime, you must record the information and submit it to the EMU Department of Public Safety.

- Be sure to provide as much information about the incident as possible. This will aid DPS in categorizing the crime and prevent double counting of incidents.
- You don't have to prove what happened or who was at fault.
- You are not suppose to investigate the incident or find the perpetrator.
- The victim may choose to remain anonymous.

- Resources available to crime victims are described in the EMU Annual Security Report.
- These resources are still available to those victims who do not want the police involved or an investigation conducted.
- In the midst of an emergency, a CSA should contact EMU DPS immediately by calling 734-487-1222 or 911.

CSA crime reports are used by EMU to:

- Fulfill its responsibility to annually disclose Clery Crime statistics, and
- To issue timely warnings for Clery crimes that pose a serious or continuing threat to the campus community.

What crimes should be reported?

What crimes need to be reported under the Clery Act? – **All Crimes**

Annual Security Report Crimes:

- Criminal homicide
- Manslaughter
- Sex offense
 - Forcible
 - Non-forcible
- Aggravated assault
- Burglary
- Robbery
- Motor Vehicle Theft
- Arson

You must also report:

- Hate crimes related to the previous crimes and the following:
 - Including any of the crimes listed previously
 - Involving bodily injury
 - Intimidation
 - Larceny
 - Destruction of property

You must also report:

- Hate Crimes:

Include any of the previous listed crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's bias:

Race

Gender

Religion

Sexual Orientation

Ethnicity

Disability

Prompt reporting of a crime incident is important because:

- DPS has the responsibility to issue a timely warning to the campus community when a serious or continuing threat is present.
- These timely warnings are meant to aid in the prevention of similar crimes.

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 the Police

- A crime must be reported if it occurred:
 1. On campus
 2. In on-campus student residences
 3. On public property adjacent to campus
 4. In or on certain off-campus property

On Campus

On Campus Student Residences

Non Campus Building or Property

Public Property

On Campus

On Campus refers to 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, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by EMU but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendors).

This includes streets, grounds, and parking lots located within main EMU campus setting and the stadium areas.



On Campus

On Campus Student
Residences

Non Campus Building or
Property

Public Property

On Campus Student Residences

On campus student residences include all campus dormitories and university apartments, including privately owned & operated facilities.

On Campus

On Campus Student Residences

Non Campus Building or Property

Public Property

Non Campus Building or Property

Non campus building or property includes any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e., fraternity or sorority houses), and

Any building or property owned or controlled by an institution that is used in direct support of, or in relations to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution (i.e., EMU Corporate Education Center and Parsons Center).

On Campus

On Campus Student
Residences

Non Campus Building or
Property

Public Property

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

This includes streets and sidewalks around the campus perimeter.

- The CSA Crime Incident Report Form is located on the DPS website:
<http://www.emich.edu/publicsafety/police/documents/csafom.pdf>
- Completed CSA Crime Incident Report Forms should be submitted in a timely manner to DPS.
- Please familiarize yourself with the form.

Crime Incident Report Form

Eastern Michigan University Police Department Crime Incident Report Form for Campus Security Authorities

This form should be completed by those individuals identified as "campus security authorities" who are required to report information they receive about specified crimes pursuant to the federal *Clery Act*. The information collected from these forms will be used to prepare a compilation of statistical crime information that will be included in the University's Annual Security Report.

If a serious crime that may cause an ongoing threat to the Eastern Michigan University community is reported to anyone who is defined as a Campus Security Authority, that individual should not wait to report that incident to the EMU Police Department. The institution has a responsibility to notify the campus community about any crimes which pose an ongoing threat to the community, and as such, Campus Security Authorities are obligated by law to report crimes immediately to the EMU Police Department.

If there is any question about whether an ongoing threat exists, immediately contact the EMU Police department at (734) 487-1222.

Please forward this completed form to: Director of Public Safety
1200 Oakwood St.
Ypsilanti, MI 48197
e-mail: dps_questions@emich.edu

Person (CSA) Receiving Report: _____

CSA's Contact Phone Number: _____ EMU Dept/Group: _____

Reported to the above CSA on: (Date) _____ (Time) _____

Report Made by:

_____ Victim Name (Optional): _____

_____ Third Party, Please identify relationship to victim: _____

Date & Time Incident Occurred: _____

Did the crime occur in a building or on the street? Building: _____ Street: _____

Did the crime occur on EMU owned, controlled, or leased property? Yes: _____ No: _____

Did the crime occur at an EMU-sponsored activity or event? Yes: _____ No: _____

Type of Bias (circle one): Race Religion Ethnicity Gender Sexual Orientation Disability

Description of the Incident or Crime, include witness(es) and location when possible:

Use additional sheets if needed.

The Department of Public Safety will use this form to determine the category of crime and location under which the crime should be reported according to the requirements of the *Clery Act*.

It is the policy of Eastern Michigan University to ensure that victims and witnesses to crime are aware of their right to report criminal acts to the police, and to report University policy violations to the appropriate office (e.g., student conduct violations to the Office of Student Judicial Affairs). However, if a reporting person requests anonymity, this request must be honored to the extent permitted by law. Accordingly, no information should be included on this form that would personally identify the victim without his/her consent.

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

Crime Incident Report Form

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.)

NOTE: The above listed crime definitions from the Uniform Crime Reporting Handbook

Forcible Rape: The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault With An Object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

NOTE: The above listed Sex Offenses Definitions From the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

HATE CRIMES

Eastern Michigan University is also required to report statistics for hate (bias) related 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 (see definitions above) and larceny, vandalism, 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.

Although there are many possible categories of bias, under Clery, only the following six categories are reported:

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national origin.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

A hate or bias related 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/bias crime.

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