



CLERY ACT

LEGAL AFFAIRS TRAINING

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Training Objectives

- What is the Clery Act?
- What are the University's responsibilities?
- How does the Clery Act apply to me?



JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT

- Federal statute (20 USC 1092(f)) that requires all colleges and universities that participate in federal Title IV student financial aid programs to disclose campus crime statistics and security information.
- Compliance monitored by U.S. Dept. of Education
- Violations: (1). Up to \$27,500 per violation
(2). Suspend Title IV funding



CLERY ACT



Jeanne Ann Clery

- 19 year old, freshman
- Lehigh University, Bethlehem, PA
- April 5, 1986 - Raped & Murdered in residence hall
- Clery family alleges that students had not been warned about the history of crimes on campus



CHRONOLOGY OF THE CLERY ACT

- 1986: Jeanne Clery raped & murdered
- 1990: Federal Crime Awareness & Campus Security Act
- 1992: Campus Sexual Assault Victims' Bill of Rights
- 1994: Campus Security Act Regulations
- 1998: Higher Education Act Amendments –
(Jeanne Clery Disclosure of Campus Security
Policy and Campus Crime Statistics Act)**
- 1999: Clery Act Regulations Issued
- 2000: Campus Security Statistics Website
- 2005: U.S. Dept. Of Education Clery Handbook
published
- 2008: Higher Education Opportunity Act amendments



UNIVERSITY RESPONSIBILITIES

To comply with the Clery Act, FSU's responsibilities include:

- Policy Disclosure
- Records Collection & Retention
- Information Dissemination



POLICY DISCLOSURE

FSU must provide members of the campus community & the public with accurate statements of current policies & practices regarding:

- Procedures for students & others to report criminal acts & other emergencies occurring on campus
- Security of and access to campus facilities
- Campus law enforcement



RECORDS COLLECTION & RETENTION

FSU must:

- Keep records of crimes reported to **campus security authorities**
- Make efforts to obtain certain crime statistics from other law enforcement agencies
- Keep a daily crime log open for public inspection
- Keep campus records & request records from other law enforcement agencies



INFORMATION DISSEMINATION

FSU must disseminate information in order for members of the campus community to make informed decisions about their safety.

FSU must:

- Provide “timely warnings” of Clery Act crimes that might represent an on-going threat to the campus community
- Provide access to crime logs during normal business hours



INFORMATION DISSEMINATION

FSU must:

- Publish & distribute an annual security report to members of the campus community
- Inform prospective students & employees about the report's content & availability
- Inform the campus community where to obtain information about registered sex offenders
- Submit campus crime statistics to the U.S. Department of Education



CLERY ACT CRIMES

- Murder & non-negligent manslaughter
- Negligent manslaughter
- Sex Offenses (Forcible & Non-forcible)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Thefts
- Arson
- Hate Crimes (bodily injury, HEOA additions)
- Weapon, drug, & alcohol **law violations** resulting in an arrest or disciplinary action



CLERY ACT - GEOGRAPHY

- **Campus** (main and satellite)
- **Non-Campus** buildings or property
- **Public property** (on or immediately adjacent to campus & easily accessible from campus)



HIGHER EDUCATION OPPORTUNITY ACT (2008)

HEOA adds five (5) new requirements to
Clery:

1. Disclosure of working relationship with other law enforcement agencies.
2. Hate Crimes – larceny, simple assault, intimidation, & vandalism of property
3. Disclose policies regarding emergency response & evacuation procedures
4. Fire safety standards – Annual Fire Safety Report
5. Missing person procedures



WHO IS INVOLVED WITH CLERY ACT COMPLIANCE?

“Although Clery Act compliance is an institutional responsibility, full compliance is a campus-wide effort, and concerns all members of the campus community. Policy statements must be developed and crime reports must be collected from a wide variety of **campus security authorities**.”

US Dept. of Education –

The Handbook for Campus Crime Reporting



HOW DOES CLERY APPLY TO ME?

To determine your level of involvement with the Clery Act, answer the following questions...

- Am I a part of the FSU campus community?
- Am I a campus security authority?



CAMPUS SECURITY AUTHORITY

- Campus Police and/or Security
- Persons responsible for campus security but not police/security officers (Ex. Monitoring doors)
- Official of the university with significant responsibility for student and campus activities
- Person or organization specified in policy to receive reports of criminal offenses



CAMPUS SECURITY AUTHORITY?

(NOT ALL-INCLUSIVE)

YES

- Police / Security
- Dean of Students
- Faculty Advisor
- Organization Advisor
- Student Housing -
RA's/ RLC's/RD's
- Athletics – AD/Coach
- Human Resources

NO

- Clerical Staff
- Facilities Staff
- Medical Staff
- Food Service Staff

EXEMPT

- Pastoral counselors
- Professional mental health counselor



CAMPUS SECURITY AUTHORITY DUTIES

To report to the appropriate law enforcement personnel, allegations of Clery Act crimes that have been made to the Campus Security Authority in good faith.

Bottom Line: Report it to campus police!!



GOLDEN RULE FOR REPORTING

If in doubt or unsure, Report It to Police.

Always err on the side of caution.



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