

**THE CLERY ACT:**  
 Amendments in the Violence Against Women Act of 2013  
 Update from the ACC Safety Policies and Procedures Compliance Committee  
 Fall 2014

**Clery Act-Overview**

- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act – in memory of student slain in dorm room 1986
- First enacted in 1990 – Amended the Higher Education Act of 1965 – Most recent update 2013
- Violence Against Women Act (VAWA) –Also known as Campus SaVE (Sexual Violence Elimination Act)
- New Amendments Take Effect Now- Annual Security Report due October 1, 2014

**Basic Requirements:**

- Publish Annual Security Report with Safety Policies
- Submit Crime Statistics to Department of Education
- Disclose, collect, classify and count crime reports and statistics
- Disclose missing student notification procedures
- Maintain Fire Safety information – including fire log, annual fire report with statistics and policy statements

**Timely Warning, Emergency Notification and Evacuation**

- Policies and procedures must be published in annual security report
- Plan must be tested, evaluated and publicized
- Immediate notification upon “confirmation” of a significant emergency or dangerous situation involving “immediate threat” (i.e.: active shooter in progress, encroaching forest fire, etc.)

**What Crimes Are Covered by Clery?**

- 3 Categories of Crimes... before VAWA

<u>Criminal Offenses</u>	<u>Hate Crimes (any of the crimes listed under Criminal Offenses in addition to the ones below)</u>	<u>Arrests and Referrals for Disciplinary Action</u>
Murder and Non-Negligent Manslaughter	Larceny-Theft	Weapons Law Violations
Negligent Manslaughter	Simple Assault	Liquor Law Violations

Sex Offenses: Forcible, Non-Forcible (i.e. incest and statutory rape)	Intimidation	Drug Law Violations
Robbery	Destruction, Damage, or Vandalism of Property	—
Aggravated Assault	—	—
Burglary	—	—
Motor Vehicle Theft	—	—
Arson	—	—

### **2013 VAWA Amends Clery Act**

- Addresses a broader scope of intimate partner violence including new categories:
  - \* Sexual Assault
  - \* Dating Violence
  - \* Domestic Violence
  - \* Stalking

### **What Else is Required Under VAWA?**

- Offer primary prevention and awareness programming for all incoming students and new employees that includes:
  - Definitions of Stalking, Dating Violence and Domestic Violence
  - Definition of consent in sexual relationships
  - Reporting sex offenses
  - Bystander intervention
  - Risk Reduction
  - Ongoing prevention and awareness campaigns

### **What Else is New?**

- Procedures and Training for investigation of reports and remedial action
- Written Information to be given to Complainant regarding rights and options

### **Findings of Presidential Task Force**

- 1 in 5 women is sexually assaulted while in college.
- Most often, it happens her freshman or sophomore year.
- In the great majority of cases, it's by someone she knows – and also most often, she does not report what happened.
- And though fewer, men, too, are victimized.

- By law, schools that receive federal funds are obliged to protect students from sexual assault.

### **Title IX Compliance is directly involved in Clery Compliance**

- Prohibits discrimination on the basis of sex
- Sexual Harassment is a form of sex discrimination and includes violent and non-violent sex offenses reportable under Clery
- The College must investigate and take prompt remedial action in response to a report of sexual harassment

### **Drug-Free Campus & Community Act**

- Colleges must annually give every student and employee a publication addressing the legal and health risks associated with drugs and alcohol, and information regarding resources in the community for treatment and prevention.

### **Risk of Non-Compliance**

- Fines – up to \$35,000 per violation
- Termination or suspension of eligibility for federal student aid
- 60 Requirements for Basic Compliance
- Department of Education and Office of Civil Rights have increased focus on compliance
- Non-Compliance becomes evident when an incident of violence occurs

### **Clery Basics:**

- Crime Reporting
- Requires institutions to annually report
  - Where crimes occurred
  - To Whom the crimes were reported
  - Type of crimes reported and
  - Year in which crimes were reported

### **Where?**

- On-Campus
- On public property within or adjacent to campus
- In or on non-campus buildings or property owned or controlled
- “Controlled by” means rents, leases or some type of written agreement –no payment for space required

### **Who?**

- Policy must state who is surveyed to collect statistics, including:
- Campus Security Authorities and Law Enforcement Agencies and Third Parties
- It is not necessary for the crime to have been investigated by the police or a campus security authority to be reportable.
- It is “reported” when brought to the attention of a campus security authority or local law enforcement – by victim, witness or 3rd party

### **Who is a CSA?**

How is a campus official designated as a Campus Security Authority (CSA)?

- CSAs are defined by function and not by title.
- CSAs have significant responsibility for student AND campus activities
  - The law broadly interprets “significant responsibility for student and campus activities” to ensure thorough reporting of crimes.

### **Examples of CSAs**

- Deans
- Athletic Coaches
- Student Activities Coordinator
- Title IX Coordinator
- VP of Academic and Student Affairs
- Assoc. VP of Academic and Student Affairs
- Student Judicial Officers
- Student Advisors
- Faculty Advisors to student organizations

### **Our Task**

- Review current policies from various sources
- Board Policies, Student Handbook, Employee Handbook, Emergency Procedure Manual
- Identify Policy Changes Needed and Recommend Policies
- Consider and identify new materials and programming that will be implemented to comply with policy

### **Safety Policies and Procedures Compliance Committee- Update**

- Initial committee composed of R. Sutherland, C. Daoust, N. Seguin, with attorneys, K. Bennett and M. Richey to review existing policies and develop new policies and procedures.
- Board of Trustees adopted new policies in April 2014- Campus Safety and Security Policies, Series 7000
- Committee developed list of goals and tasks and work assignments in April 2013 and met biweekly during the summer to complete task

- Anna Soik joined the committee as the Clery Act Coordinator
- Jay Walterreit and Jess Ruppert joined committee to assist with brochures and website component
- Developed all forms, letters and other printed material to be provided to students, staff, law enforcement, etc.
- Met with local law enforcement officials to update them on new laws and obtain their input on how to efficiently gather information
- Met with College Park Apartments Manager to discuss new law and cooperative system for reporting

### **Committee Update Safety Policies and Procedures Compliance Committee- Update**

- Created an inventory of locations, buildings and sites reportable under Clery and contact information for each
- Developed new publication for Sexual Misconduct Awareness- (Handout Available)
- Developed reporting form for Clery Incidents (handout available)
- Developed publication on Drugs and Alcohol required by Dept of Ed. (handout available)
- Updates to website with all required information and resources available online

### **Clery Act Checklist**

- Department of Education publishes a 10 pages checklist to help schools determine if they are meeting all the components of compliance with the Clery Act
- The committee has successfully checked off 89 of the 107 items, with the remainder to be completed prior to October 1

### **What's next ?**

- Complete information gathering and finalize Annual Security Report and Fire Safety Report by October 1, 2014
- Training for CSAs and Title IX Coordinator
- Add members to committee (student representation, others)
- At least one drill, announced or unannounced per year, meeting Clery Act requirements
- Ongoing review and recommendations for compliance, programming, website additions.

### **McCaskill Report on Campus Sexual Violence**

- Sexual violence is a community issue that calls for our full and immediate attention. We believe that colleges and universities that embrace the letter and the spirit of the Jeanne Clery Act and other intersecting laws will create safer, more transparent campus communities.
- But a transformation of campus climate requires more than data or new legislation. This issue demands leadership through explicit, unwavering support from members of the entire campus community.