

The Clery Act:

Online Education Module for
Campus Security Authorities



KEAN

KEAN



Module Overview

- Overview of the Clery Act
- The Role of Campus Security Authorities
- The Responsibilities of Campus Security Authorities

Overview: The Clery Act

- The Clery Act was named in memory of Jeanne Clery, who was raped and murdered in her Lehigh University residence hall room.
- The intent of the Clery Act is to provide ***accurate, complete, and timely information*** regarding crimes committed on or around the Kean University campus community as well as the safety resources and procedures used to keep the community safe.

Jeanne Clery Disclosure Of Campus Security Policy And Campus Crime Statistics Act Campus Crime Statistics Act (20 USC § 1092(f))

Jeanne Clery Disclosure of Campus Security Policy And Campus Crime Statistics Act
Campus Crime Statistics Act (20 USC § 1092(F))

- Requires universities to:
 - Issue timely warnings;
 - Issue emergency notifications;
 - Provide annual information about campus crime statistics and security policies

Accurate Information Regarding Campus Safety

- Many crimes, particularly sexual assault, are not reported to police.
- The Clery Act requires that the University gather and publish crime data from multiple sources to ensure accurate information regarding potential dangers on campus.
- Students and employees are notified by *October 1* of each year that the annual campus security report is updated and available.
- The goal of the Clery Act is to maintain a well informed, safe campus community.

Campus Security Authorities at Kean University

- Kean University Police
- Non-police security staff responsible for monitoring University property (for example, residence hall resident assistants and desk attendants)
- “Officials with significant responsibility for students and activities” (Student Affairs administrative staff; administrative staff in Athletics; academic deans; executive directors; academic advisement; faculty advisors to student groups)
- Designated individuals with responsibility for reporting crimes (Title IX officer and deputies)

Individuals who are *not* designated as Campus Security Authorities

- Administrative staff not responsible for student activities (for example, payroll)
- Clerical staff
- Kean Counseling Center clinicians functioning within the scope of their license or certification
- Kean Health Services clinicians
- Pastoral counselors working within the scope of their religious assignment

NOTE: Although licensed mental health clinicians and pastoral counselors are exempt from Clery Act requirements, Kean University encourages these individuals to advise survivors about the Confidential Reporting Process. This means that the University will keep a record that a crime has occurred but will not publish any identifying information.

What to Report

- Criminal Homicide
- Sex Offenses, Forcible and Non- Forcible
- Aggravated Assault
- Robbery
- Burglary
- Motor Vehicle Theft
- Arson
- Hate Crimes, including any crime listed above, or any crime *motivated by race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability*
- Arrests and student conduct referrals of students, staff and faculty for liquor, drug and weapons law violations
- Report any incident that is *a crime or that you believe may be a crime.*
- When in doubt, **REPORT.**

What to Report: Definitions

- **Criminal Homicide:**
murder, non -negligent manslaughter and 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 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
- **Robbery:**
taking/ attempting to take something by force, violence, threat, or by putting victim in fear
- **Burglary:**
unlawful entry into a structure to commit a felony or theft
- **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 to Report: Definitions

- **Hate Crimes:**

Any of the above 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, gender identity, religion, national origin, disability, or sexual orientation, including damage done to property such as graffiti in residence halls or administrative buildings

- **Liquor, Drugs and Weapons related crimes:**

The Office of Community Standards and Student Conduct at Kean University reports statistics on disciplinary referrals for drug liquor and referrals for drug, liquor, and weapon law violations (except when the student was also arrested for the same act). The statistics reflect number of persons involved (head count), not just number of incidents

- **Dating Violence:**

Violence committed by a person—

- A. *who is or has been in a social relationship of a romantic or intimate nature with the victim; and*
- B. *where the existence of such a relationship shall be determined based on a consideration of the following factors:*
 - i. *The length of the relationship.*
 - ii. *The type of relationship.*
 - iii. *The frequency of interaction between the persons involved in the relationship*

What to Report: Definitions

- **Domestic Violence:**

The term “domestic violence ” includes felony or includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the acts under the domestic or family violence laws of the jurisdiction.

- **Stalking:**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- A. fear for his or her safety or the safety of others; or*
- B. suffer substantial emotional safety of others; or*
- C. suffer substantial emotional distress*

How to Report:

Kean University's Reporting Options

- Contact Kean University Police directly at (908) 737-4800 or at kupolice@kean.edu for assistance.
- Contact the Office of Community Standards and Student Conduct at (908) 737- 5240 or by entering an incident report at:
<https://publicdocs.maxient.com/incidentreport.php?KeanUniv>
- In the event that an individual wishes to report anonymously, use the following CSA reporting form:
<http://www.kean.edu/sites/default/files/images/CSAReportForm.pdf>

NOTE: In the case of an anonymous report, Kean University faculty and staff must provide information regarding campus resources and all available reporting options contained in the policy above.

Document

- **WHEN** the incident occurred and **WHEN** it was reported to you
- The law requires that a crime must be reported in the year that the crime was **reported** to a campus security authority- not when it occurred
- Any incident that is **a crime or that you believe may be a crime**

Reportable Crime Locations

- On Campus:
 - Property owned and controlled by Kean University; or
 - Property reasonable contiguous to Kean University; or
 - Property that directly supports or relates to Kean University's educational purposes
 - In Residence Halls
- On Public Property adjacent to the campus (*roads and sidewalks*)
- On non- campus property owned or controlled by the University or a recognized student organization (*Kean University does not have fraternity housing*)

IMPORTANT!

- If a violent crime is in progress, call 9-1-1 *immediately*.
- Offer resources and support to *all involved parties*, even if they wish to remain anonymous.

Best Practice

- When in doubt if an incident is reportable under the Clery Act, **report** it.
- Remember to refer all individuals (*including witnesses*) involved in an incident to campus resources:
 - **Kean University Police:**
x74800; Downs Hall
 - **Kean Counseling Center:**
x74850; Downs Hall, Room 127
 - **Kean Health Services:**
x74880; Downs Hall, Room 126
 - **The Office of Community Standards and Student Conduct:**
x75240; Miron Student Center, Room 317

By Reporting...

- Campus Security Authorities help to ensure a well- coordinated, informed campus community that takes the safety and well-being of Kean University members seriously.

KEAN



For Further Information...

- Regarding the Annual Campus Security and Fire Safety Report contact Kean Police at x74800 or visit <http://www.kean.edu/police>
- Regarding Student Conduct policies and procedures contact the Office of Community Standards and Student Conduct at x75240 or visit <http://www.kean.edu/offices/community-standards-student-conduct>
- In relation to issues of sexual misconduct or bias related incidents, contact Dr. Charlie Williams, Title IX Coordinator at x73300, Townsend Hall Room 133

Additional Resource

- Haven for Employees:
<http://www.kean.edu/policies/sexual-assault-misconduct-violence/haven-employees>

Acknowledgments

- US Department of Education
- Rutgers University
- The University of California at Davis
- Purdue University

KEAN



Appendix:

Specific University Requirements under the Clery Act

- Disclose, collect, classify and count crime statistics
- Issue Timely Warnings for ongoing threats to the safety of students and employees
- Issue Emergency Notifications of significant emergency of dangerous situations involving an immediate threat to health or safety of students and employees
- Publish an Annual Campus Security Report
- Submit crime statistics to the Department of Education
- Maintain a publicly available daily crime log
- Implement missing student notification procedures
- Maintain fire safety information
- Kean University's Annual Security and Fire Safety Report can be accessed at:
<http://www.kean.edu/annual-campus-security-and-fire-safety-report>