



# The Clery Act, Campus Security Authorities and You

An overview of what it means to  
be a Campus Security Authority



# Introduction



Compliance with the Clery Act is a collaborative effort, requiring everyone to work together.

- The Clery Act's main goal is to provide the campus community with prompt and accurate crime information that allows it to keep itself safe; the Act has an **important** and **meaningful** purpose.
- Certain crimes occurring within the campus geography must be reported to University Police for safety analysis and statistic maintenance, not necessarily for investigation. The statistics must be included in UNL's [Annual Campus Security and Fire Safety Report](#) and uploaded to the Department of Education's website.
- **No** names or criminal investigation information is ever included in the statistics, Clery-related reports or timely warnings.
- Crime information is annually requested from UNL employees, as well as law enforcement agencies having jurisdiction over non-campus UNL property.



# The Clery Act

The [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(20 USC § 1092\(f\)\)](#), requires schools to disclose information about crime on their campuses. The "Clery Act" is named for 19 year old Lehigh University freshman Jeanne Ann Clery (pictured right) who was raped and murdered while asleep in her dorm on April 5, 1986; the perpetrator entered through various doors that were propped open. At the time, there was no way for parents to know that there had been 38 violent crimes on Lehigh's campus in a three-year period.



- The law applies to most higher educational institutions that receive federal aid and is enforced by the United States Department of Education.
- Among other things, the Clery Act requires universities to publicize their crime stats, along with policy statements regarding safety and crime reporting, as well as identify educational programs related to safety/security, and issue notifications for incidents that present an immediate or continuing safety threat.





# Campus Security Authorities

The Clery Act identifies certain institutional employees as “**Campus Security Authorities**” (CSAs). These individuals have a mandated duty to report crimes that they witness or that are reported to them. By virtue of their position and function in regards to official job duties, ad hoc responsibilities, or volunteer engagements, CSAs have an obligation under the Clery Act to notify the University (via University Police) of specific crimes.

- Non-law enforcement personnel included as CSAs, as some campus community members may be hesitant to report crimes to police, but may feel comfortable reporting to other campus-affiliated individuals with which they have a more personal relationship.
- Broad range of positions included to try and obtain accurate picture of crime.
- CSAs are defined and identified by their **function, not by their title**.





# Where You Come In

**Per your UNL role, you have been identified as a CSA. The Clery Act defines four general categories of CSAs:**

- University Police;
- Persons responsible for campus security (non-police);
- Institutional individuals/offices to which crimes should be reported (e.g. Title IX, Dean of Students, Human Resources, etc.);
- Officials with significant responsibility for student and campus activities.



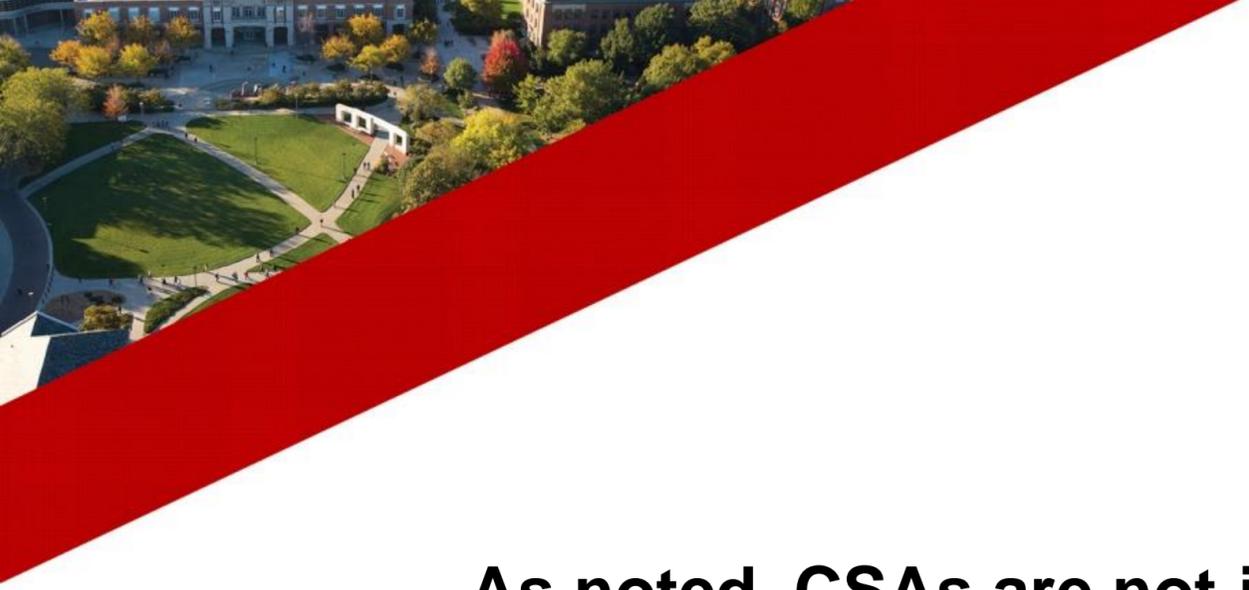


# Who is a CSA?

## Common examples of CSAs include, but are not limited to:

- Team Coaches (head coach down to graduate assistants/volunteer coaches)
  - Advisors (both academic & student organization)
  - Residence Directors/Assistants
  - Greek Affairs Coordinators
  - Guest Relations/Security Attendants
  - Title IX Coordinators/Investigators
  - Student Activity Coordinators
  - Deans/Directors of Student-related Programs
  - Victim advocates/Others providing advocacy services
- Most of the University's CSAs are staff and faculty having "significant responsibility for student and campus activities," meaning they have **direct relationships** with students.





# Advisors as CSAs

**As noted, CSAs are not just campus police or security personnel. The Act defines CSAs as those having the authority and duty to take action or respond to particular issues on behalf of the institution and who have significant responsibility for student and campus activities.**

- Advisors are deemed to have significant responsibility over student activities (undergraduate or graduate students) and have the responsibility of responding to reported crimes, due to their secondary relationship with students. A person performing the following functions **would be** a CSA:
  - Anyone acting as an advisor to a Recognized Student Organization (RSO);
  - Non-faculty employees whose position is serving as an advisor to students;
  - A faculty member or graduate assistant that has responsibility for student and campus activity beyond the classroom (anything not directly related to the course and/or an understanding of course material).





# Student Travel

## Crime reporting and CSA responsibilities extend off-campus when students are involved in travel controlled and/or arranged by the University.

Per the Clery Act, off-site locations become “non-campus property” when specific thresholds are met:

- If your institution sponsors students on an overnight trip **every year** and the students stay in the **same hotel each year**;
- If your institution sponsors short-stay “away” trips of **more than one night** for its students.
- When the above is met, crimes occurring at these locations during the trip must be reported to University Police. As such, any University employee who arranges and/or accompanies the students on the trip **automatically becomes a CSA**.
  - If a Timely Warning is issued by University Police per a crime report, the CSA will be responsible for disseminating it to those on the trip.
- Thorough information regarding travel must be provided to the applicable office **prior to the trip** so that CSA(s) can be identified and made aware of responsibilities.
- **Please note, this only applies to trips that involve students.**

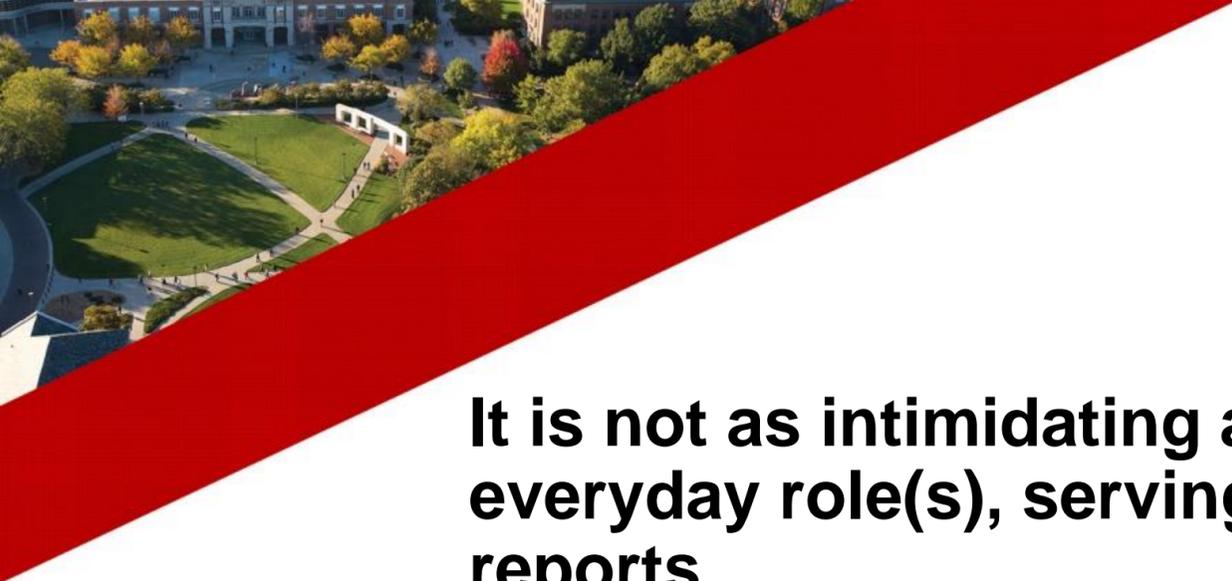


# Why Me, Not Them?

**Not everyone meets the definition of “Campus Security Authority” and is required forward crime reports.**

- The following are not CSAs (not all inclusive):
  - Assistants or administrative staff who do not advise, hire or manage students (i.e. clerical, dining hall, maintenance staff);
  - Faculty having no responsibilities for students and campus activities beyond the classroom;
  - Pastoral/professional licensed counselors when acting as such.
    - ❑ While not CSAs, counselors are free to explain the reporting process and its purpose, if, in their judgment, it is appropriate, and then report the incident with approval from the victim.
- Encourage anyone not currently identified as a CSA, but whose role may meet the definition, to notify UNL’s Accreditation/Compliance Manager so they may be identified. A list of current CSAs available at: <http://police.unl.edu/campus-security-authorities>.
- **All employees are strongly encouraged to report crimes to University Police as soon as possible.**





# What Must I Do?

**It is not as intimidating as it sounds. Being a CSA is simply acting in your everyday role(s), serving as a resource if needed, and forwarding any received reports.**

- If receiving a report, obtain as much information as the person is willing to tell, then forward by either:
  - Relaying the report directly to a UNL Police Department officer; **or**
  - Completing an electronic [Clery Act Crime Survey Form](#) in situations where victim confidentiality is requested and/or police contact is explicitly not desired.
- You don't have to prove what happened, who was at fault, determine or find the perpetrator, or convince the reporting party to contact police; just get the facts and forward (at minimum, what happened and when/where did it occur).
  - Only crimes directly reported to you must be forwarded; anything simply overheard or coming from a 3<sup>rd</sup> party does not apply.
- Report to a UNLPD officer or via an electronic form **immediately** upon notification of the crime; complete an annual verification upon request.
- **If aware of a crime, don't assume someone else knows and has reported, report it yourself (double-reporting is not an issue).**





# Crimes To Report

**The Clery Act specifically identifies those crimes occurring within the campus geography which must be reported.**

- The main reportable crimes are:

- Criminal homicide
- Sex offenses
- Aggravated assault
- Robbery
- Burglary
- Motor vehicle theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking

- **Don't worry about correctly classifying a crime; simply identify as deemed appropriate and provide information.**





# Additional Crimes: Hate Crimes

**Any crime that appears to be motivated by hate or bias must specifically be identified as a “Hate Crime” per the Act.**

- Hate crimes can include any of the main Clery Act crimes, **or** one of the following:

- Larceny-Theft

- Intimidation

- Simple Assault

- Destruction/Vandalism

- The **type** of bias must also be identified. The categories include the victim's actual (or that perceived by the perpetrator):

- Race

- Sexual Orientation

- Religion

- Ethnicity

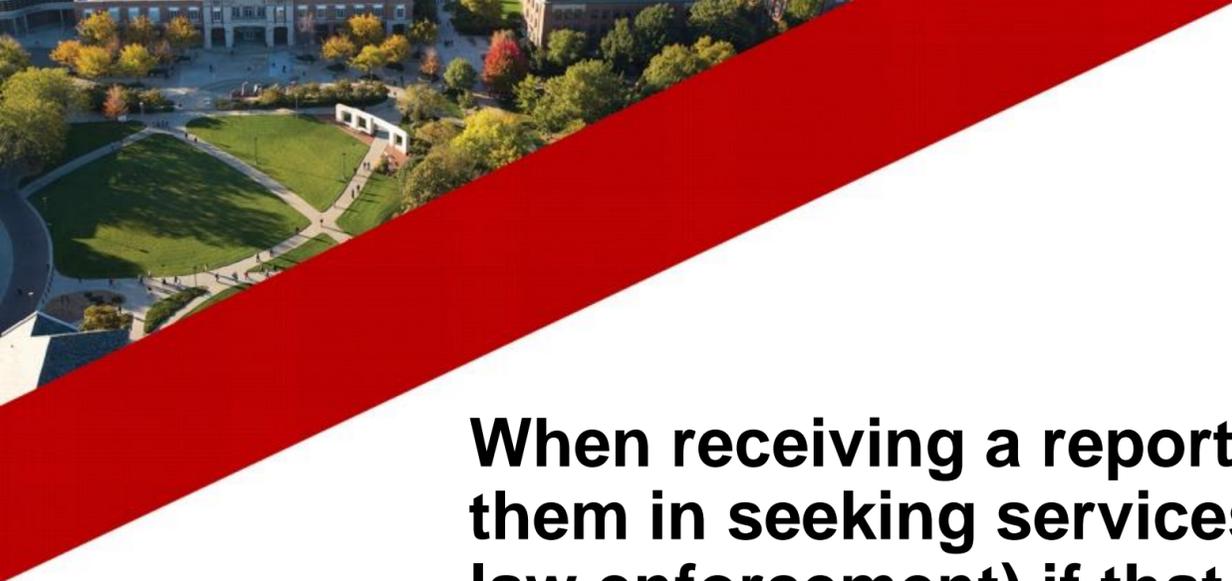
- Gender

- National Origin

- Gender Identity

- Disability





# Dealing With Reporting Individuals

**When receiving a report, let the individual know you are there to help and will aid them in seeking services and/or reporting the incident to authorities (UNL and/or law enforcement) if that is what they would like.**

- Inform him/her of the available resources, which include:
  - University Police Department;
  - Victim Assistance programs (Voices of Hope, Friendship Home, etc.);
  - Title IX Coordinator, within the Office of Institutional Equity & Compliance;
  - Dean of Students Office;
  - Human Resources;
  - Lincoln area hospitals (Bryan campuses, CHI, LinCare, etc.);
  - Counseling services (CAPs, EAP, etc.).
- Let victim know he/she has the option to report directly to the police, or that a report can be made with no police involvement.
- Let victim know you are required to forward the report only for statistical purposes, and that names will be withheld from your report if so desired.
- Let victim know the reporting options and subsequent action taken are completely up to them; they can choose none, some or all options. Suggest, but don't pressure, that the incident be reported to authorities for official action.





# Reporting In a Nutshell



## Being a Campus Security Authority is really very simple.

- Joseph Storch, Associate Counsel with the Office of General Counsel for the State University of New York, has developed a succinct summary statement (useful, but not officially recognized):

"You have been defined or designated as a Campus Security Authority; this means that if you witness, learn of, or hear about a Clery Act crime, you must, as soon as possible, contact [University Police] and tell them what happened, when it happened, and where it happened; you may identify the victim or keep the victim's identity confidential."

- **When in doubt, report it!**



# Failure to Comply

**Compliance with the Clery Act is NOT voluntary – failure is not an option! The Department of Education can levy a fine of \$35,000 *per violation*, and worst case, bar a school from receiving federal financial aid.**



- Monetary penalties imposed on other institutions include:
  - Yale: \$165,000 fine – failed to report 4 sex offenses, all on-campus property and 7 required policies (4/13)
  - Tarleton State University: \$123,500 settlement – failed to report crimes (07/12)
  - Eastern Michigan University: \$350,000 fine – failed to provide timely warnings, lacked timely warning policy, missed policy statements, failed to get crime stats or update crime log (12/07)
  - University of Nebraska-Kearney: \$65,000 fine – failed to report a burglary and improperly disclosed crime statistics (07/14)



# Clery Act & Title IX: Not the Same

There are important differences between the Clery Act and Title IX.



- **Clery Act:**

- Reporting required only for Clery-defined crimes occurring within Clery-defined geography. Reports are for statistical & safety review purposes; investigation may not take place if not desired by victim.
- Reports must be forwarded by CSAs to University Police directly or through electronic [Clery Act Crime Survey Form](#).
- Names can be withheld from any reports.

- **Title IX:**

- Incidents of sexual harassment or misconduct, which includes sexual assault, stalking, domestic violence or dating violence occurring on campus, or between members of the campus community, whether on-or-off campus, must be reported and then investigated by Title IX, regardless of whether the victim desires the investigation.
- Title IX investigations are **completely separate** from any investigation conducted by law enforcement.
- Reports must be forwarded by “Responsible Employees” to the Title IX Coordinator.
- Reports must include the names of those involved when known.



# For More Information

**Please do not hesitate to ask questions, as they are both expected and encouraged.**

- Contact the University's Accreditation/Compliance Manager (Michael Maas) at the UNL Police Department, [mmaas2@unl.edu](mailto:mmaas2@unl.edu) or 402-472-8430.
- More specific information regarding CSAs, crime categories and reportable locations is available at: <http://police.unl.edu/being-campus-security-authority>
  - You are requested to watch the "CSA Training Video" found at the above site.

