



Clery Act Fundamentals



OUR MISSION:
Working together with
college & university
communities to create
safer campuses.

OUR VALUES:
Expertise • Mission-driven
Collaborative • Authentic
Inclusive • Innovative

WHAT WE DO:

- Education & Training
- Membership
- Policy Advocacy
- Initiatives:
Free topic-specific
resources

GROWTH MINDSET

- Flexibility
- Engagement
- Participation
- Curiosity
- Support



SET YOUR EXPECTATIONS

Put in what you hope to get out

- Be honest with yourself about what you hope to gain from this experience
- Identify your takeaways from this training
- Take responsibility for your part in the process



LEARNING OBJECTIVES

- Define and identify campus security authorities
- Name and define the Clery geography categories
- Practice classifying Clery Act crimes
- Understand the difference between a timely warning and emergency notification
- Internalize the prevention, response, and disciplinary procedure requirements for dating violence, domestic violence, sexual assault, and stalking.
- Recognize components of an annual security report and how they tie in to the requirements overall

LARGE GROUP ACTIVITY

Do you speak Clery?

slido



Define CSA (campus security authority)

① Start presenting to display the poll results on this slide.

slido



Give three examples of Clery crimes.

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slido



Define and/or give an example of noncampus geography under the Clery Act.

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What is an ASR?

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CLERY ACT OVERVIEW

Who: Campus Security Authorities (CSAs) and local law enforcement

Where: Clery Act geography

What and How: **Annual**

- Annual security report (statistics, policy statements)
- Statistics to Department of Education

Ongoing

- Disclosures (timely warnings, emergency notification, daily crime log)
- Rights and options for victims of dating violence, domestic violence, sexual assault, and stalking

Enforcement: U.S. Department of Education (ED) Clery Compliance Division

KEY RESOURCES

- The Clery Act – Statute and Regulations
- Clery Act Appendix for FSA Handbook
- Westat
 - campussafetyhelp@westat.com
 - 800-435-5985
- ED Program Review Findings

Campus Security Authorities

CASE STUDY

- A student tells their coach that they were sexually assaulted in their residence hall room the evening before.
 - Why might the student choose to disclose this to the coach?
 - What type of information and support might the student need?

CAMPUS SECURITY AUTHORITIES

- Campus police/security department
- Individuals responsible for security
 - Access monitor
 - Resident assistant
- Individual or offices designated to receive crime reports
- Officials with significant responsibility for student and campus activities

CLERY CENTER CSA TRAINING VIDEO

- While watching video:
 - Consider:
 - Am I a CSA?
 - Do I know how CSAs make a report?
 - Could I explain my role to someone else on campus?

Link: <https://vimeo.com/manage/videos/380084235>

Password: 78*hYgeGq@fnaF



NIKHITH KALKUNTE
Resident Advisor

*Person's **function** determines if **CSA**.*

WHO IS EXEMPT?

- Pastoral counselors
- Professional counselors
 - Applies to mental health counselors employed or under contract by the institution
- Person uncertified but acting under the supervision of an exempt counselor

A CAMPUS SECURITY AUTHORITY'S PRIMARY RESPONSIBILITY IS...

to report allegations of Clery Act crimes reported to them to the official or office designated by the institution to collect crime report information.

CSAs ARE NOT RESPONSIBLE FOR:

Investigating or reporting incidents

- Overheard from students talking in a hallway or mentioned during an in-class discussion
- A victim mentions during a speech, workshop, or any other form of group presentation
- Learned indirectly

WHEN DO CRIMES NEED TO BE REPORTED?

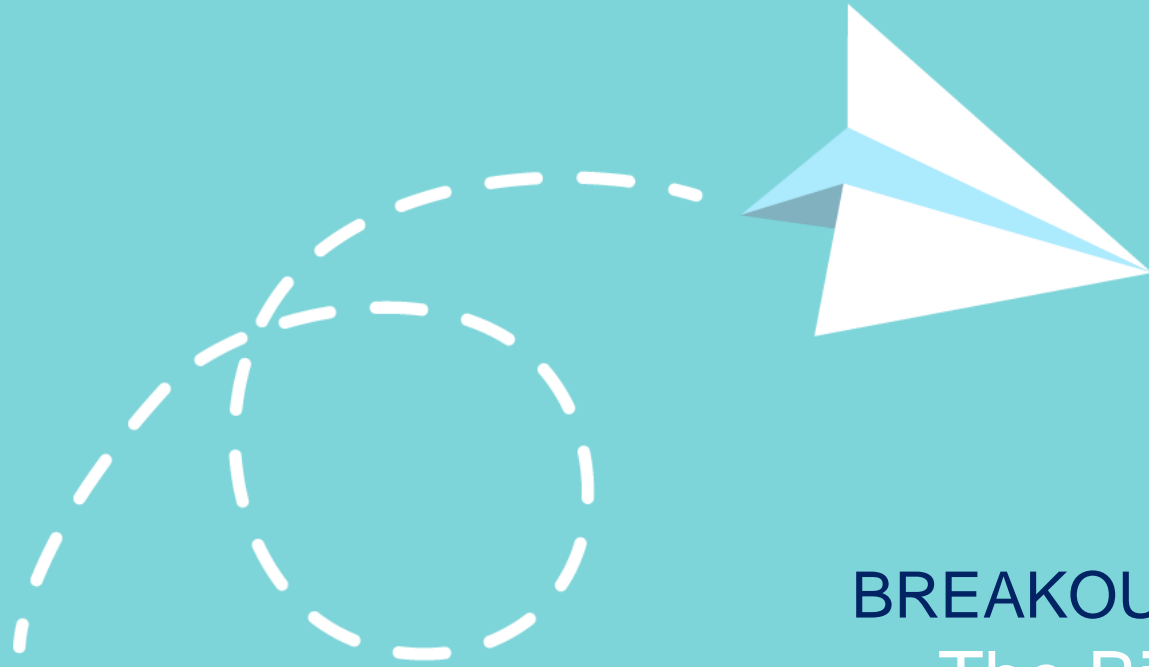
- If a victim calls it to your attention
- If a witness or third party calls it to your attention

MORE THAN STATISTICS

- Daily crime log
- Timely warnings
- Emergency notification
- Information and support to victims (written explanation of rights and options)

IDENTIFYING CSAs

- Who identifies CSAs at the institution?
- Identifying by function
 - Fits the definition v. does not meet definition v. exempt
 - Once you put on the “CSA hat”...
- Documentation



BREAKOUT GROUPS

The Big Three

DISCUSS

“The Big Three”

- What three topic areas are essential components of training CSAs?
- What three things should a CSA do when receiving a disclosure of a crime?
- What are your top three selling points for why training CSAs is so important?

Q & A



BREAK

Counting and Classifying Clergy Act Crimes

CLERY CRIME

+

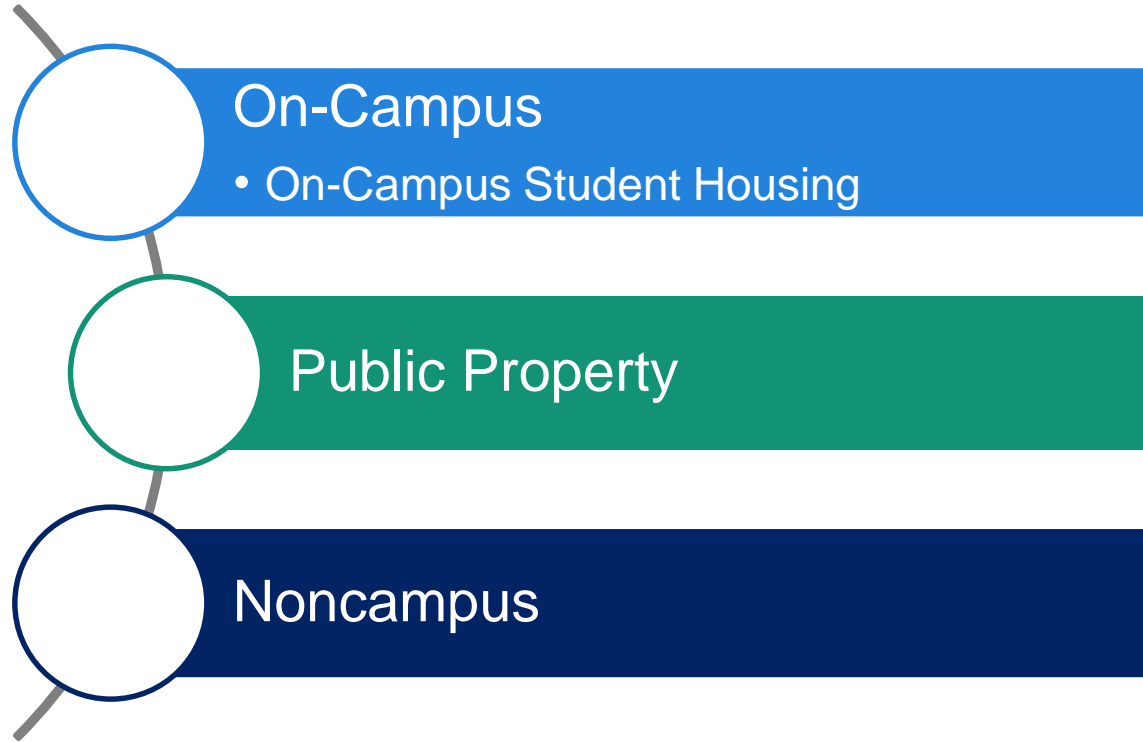
CLERY GEOGRAPHY

=

CLERY STATISTIC

CLERY GEOGRAPHY

- Accurate picture
- Update annually
- Separate maps/lists for each campus



ON-CAMPUS CONSIDERATIONS

- Institution associated buildings or property
- Reasonably contiguous
- Directly support, or relate to, educational purposes
- Separate campuses

PUBLIC PROPERTY

- Sidewalk, street, sidewalk
- Public parking lots, parks, waterways
- Do not have to report public property for noncampus property

NONCAMPUS

Any building or property not part of the main campus nor a separate campus and is:

- Owned or controlled by the institution
- Used in support of or in relation to the institution's educational purposes, and
- Frequently used by students
- OR buildings or property owned or controlled by officially recognized student organizations

CLERY CRIME

+

CLERY GEOGRAPHY

=

CLERY STATISTIC

TAKEAWAYS FOR YOUR DEPARTMENT

- We all play a role.
- Share as much information as possible.
- Follow the institution's reporting procedures.
- Help communicate the “what”, the “why”, and the limitations.

CLERY ACT CRIMES

Criminal Offenses

Homicide • Sex Offenses • Robbery • Aggravated Assault
Burglary • Motor Vehicle Theft • Arson

Hate Crimes

Crimes within the Criminal Offenses Category (see above)
Plus: Larceny-theft • Simple Assault • Intimidation
Destruction, Damage, or Vandalism of Property

VAWA Offenses

Dating Violence • Domestic Violence • Stalking

Arrests & Disciplinary Referrals

Weapons Law, Drug Abuse, & Liquor Law Violations

Hate Crime Bias Categories

- Race
- Gender
- Gender Identity
- Religion
- Sexual Orientation
- Ethnicity
- National Origin
- Disability

RECORDING STATISTICS: THINGS TO REMEMBER

- Statistics are tied to Clery Act geography
- Hierarchy Rule
- Use Clery crime definitions
- Classify according to the requirements:

Homicide, sex offenses, aggravated assaults, dating violence, domestic violence, stalking	One offense per victim *Special considerations for stalking
Robbery, burglary	One offense per each distinct operation
Motor vehicle theft	One offense for each stolen vehicle
Arson	One offense for each distinct arson operation

CLASSIFYING CLERY ACT CRIMES PRACTICE

As a group, we'll walk through:

- Is this a Clery Act crime?
- Did the incident fall within Clery geography?
- If applicable, how should this crime be counted?

CASE STUDY

At a football game on campus, three students report to public safety officers that an individual unknown to them grabbed their breasts and buttocks. Each time, the individual jumped out of a group of students who chanted the name of one of your institution's student organizations during the incident. Each student provided a different description of the alleged offender. There were no previous reports of such incidents at any other football game.

slido



**Does this case study
contain a Clery Act crime?**

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If yes, which crime?

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Did this incident fall within Clery geography?

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How should this Clery crime be counted?

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TRAINING & EXPERTISE

- Three free registrations for Clery Act Training Seminars (V/CATS) (additional registrations 25% off)
- Five free registrations for our Online Clery Act Training Course (additional registrations 25% off)
- Free CSA Training video, plus supplemental materials

MEMBER BENEFIT



Learn more:
clerycenter.org/membership



BREAK TIME: 5 minutes

Ongoing Disclosures

DAILY CRIME AND FIRE LOGS

Daily Crime Log

- Specific to institutions with campus police/security
- Includes patrol jurisdiction
- Includes:
 - Date/time crime reported
 - Date/time crime occurred
 - Nature of the crime
 - Location of the crime
 - General disposition (pending, judicial referral, criminal arrest, etc.)

Fire Log

- Any fire that occurs in an on-campus student housing facility
- Includes:
 - Date fire was reported
 - Nature of the fire
 - Date and time of the fire
 - General location of the fire



What are timely warnings?

Can't we just call them all alerts?

Why didn't we send out a timely warning?

What constitutes an "emergency"?

DOES THIS SOUND FAMILIAR?

Can you define "timely"?

What are emergency notifications?

Why did we send out a timely warning?

Who decides when we need to issue these?

TIMELY WARNINGS AND EMERGENCY NOTIFICATION

Emergency Notification

- Broader scope – any significant emergency or dangerous situation occurring on campus
- Notification can be segmented
- Issue alert immediately upon confirmation

Timely Warnings

- Narrower focus – Clery Act crimes
- Clery Act geographic area
- Timely warning may not be segmented and must reach entire campus community
- Issue warning as soon as pertinent information available

TIMELY WARNING POLICY STATEMENT COMPONENTS

- Circumstances regarding issuance
- Individual or office responsible
- Dissemination manner

EMERGENCY NOTIFICATION & EVACUATION POLICY STATEMENT COMPONENTS

- **Process** used to confirm significant emergency or dangerous situation involving immediate threat to health and safety
- **Process** to determine which segment(s) will receive notification
- Explanation of **how** the content of a notification will be developed
- Explanation of **process** to initiate notification system
- List of **title or office** of those responsible

EMERGENCY NOTIFICATION & EVACUATION POLICY STATEMENT COMPONENTS

- Statement that notification will be made **without delay and taking into account the safety of the community** unless notification will compromise efforts to assist a victim or contain, respond to, or otherwise mitigate emergency
- **Procedures** for disseminating emergency information to the larger community
- **Procedures** to annually schedule drills, exercises and appropriate follow-through activities
- **Procedures** to annually publicize emergency response and evacuation in conjunction with a test and documentation of each test

Timely Warning or Emergency Notification?

TW or EN?

- Key language pulled from Clery Act requirements
- Determine whether the language listed would be part of policy statement related to timely warnings or emergency notification and evacuation
- Remember: important to keep these alerts separate and distinct

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"Immediate threat to the health or safety of students or employees occurring on campus"

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"Without delay and taking into account the safety of the community"

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"Represents a serious or ongoing threat"

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"Or to the appropriate segment or segments of the campus community"

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"Case-by-case basis"

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CASE STUDY

A fire breaks out in a chemistry lab on campus. The lab is directly next door to the campus library but physically removed from any other buildings on campus. The fire is spreading despite attempts to contain it.

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This case study requires:

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TIMELY WARNING & EMERGENCY NOTIFICATION TAKEAWAYS

- Separate and distinct uses and intentions
- Speaking “Clery” around this topic aids in universal understanding of why institutions do or do not issue alerts or warnings
- What can you do as a staff member that intersects with Clery compliance to help with understanding the purpose of each of these types of alerts?

Dating Violence, Domestic Violence, Sexual Assault, and Stalking

DVSAS PREVENTION PROGRAMMING

DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, & STALKING (DVSAS) PROGRAMS

Primary prevention and awareness programs for
all incoming students and new employees

Ongoing prevention and awareness campaigns for
students and employees

“A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking....and of procedures that the institution will follow when one of these crimes is reported..”



PRIMARY PREVENTION AND AWARENESS

PRIMARY PREVENTION

- Informed by research or assessed for value, effectiveness, or outcome
- Intended to stop violence before it occurs
- Changing social norms & stereotypes
- Promotion of positive & healthy behaviors
 - Healthy and respectful relationships and sexuality
 - Safe bystander intervention

AWARENESS

- Increase audience knowledge about these crimes
- Share information and resources to prevent violence, promote safety, and reduce perpetration

POLICY STATEMENT: PROGRAMS TO PREVENT

- Primary prevention and awareness campaigns for all incoming students and new employees:
 - ✓ Statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined under Clery
 - ✓ Definition of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction
 - ✓ Definition of consent in reference to sexual activity in the applicable jurisdiction
 - ✓ Description of safe and positive options for bystander intervention
 - ✓ Information on risk reduction
 - ✓ Procedures for response and disciplinary process
- Ongoing prevention and awareness campaigns

POLICY STATEMENT: PROGRAMS TO PREVENT



- Statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined under Clery.

POLICY STATEMENT: PROGRAMS TO PREVENT



- Definition of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction.
- Definition of consent in reference to sexual activity in the applicable jurisdiction.

What	Where	Why
Clery Act definitions of sexual assault (which includes rape, fondling, incest, and statutory rape), dating violence, domestic violence, stalking	Clery Act crime statistics	Consistent definitions across institutions
Clery Act definitions of sexual assault (which includes rape, fondling, incest, and statutory rape), dating violence, domestic violence, stalking	Campus sexual assault, domestic violence, dating violence, and stalking policy/policies (adjudication)	Base definitions across institutions
Jurisdictional definitions for dating violence, domestic violence, sexual assault, stalking, and consent (in reference to sexual activity)	Sexual assault, domestic violence, dating violence, and stalking prevention policy	Community understanding of criminal code vs. campus policy

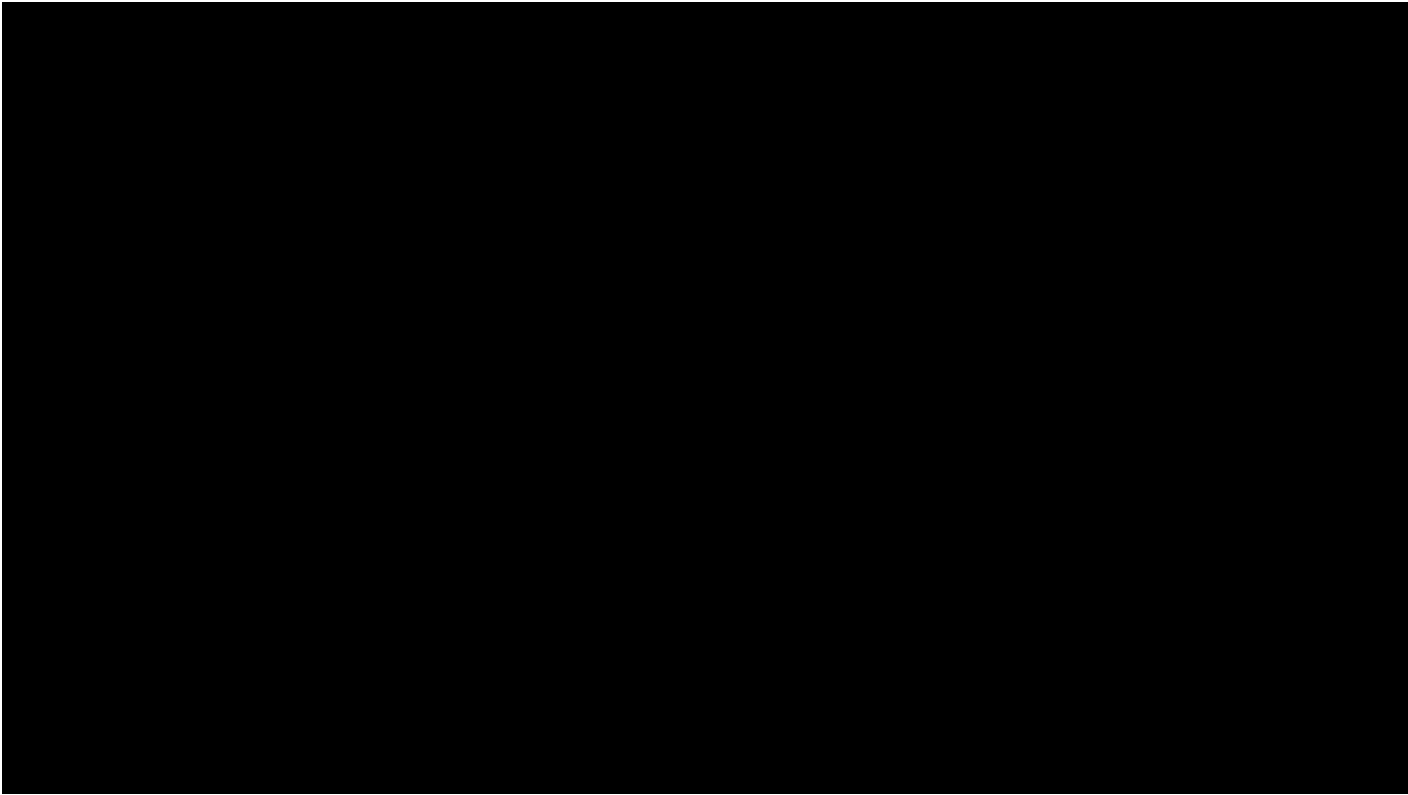
POLICY STATEMENT: PROGRAMS TO PREVENT



- Description of safe and positive options for bystander intervention.

BYSTANDER INTERVENTION

- Safe and positive options to prevent harm or intervene including:
 - Recognizing situations of potential harm
 - Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene



It's On Us. (2017, March 28). *Autocorrect* [Video File]. Retrieved from <https://www.youtube.com/watch?v=qk6aauThmW8>

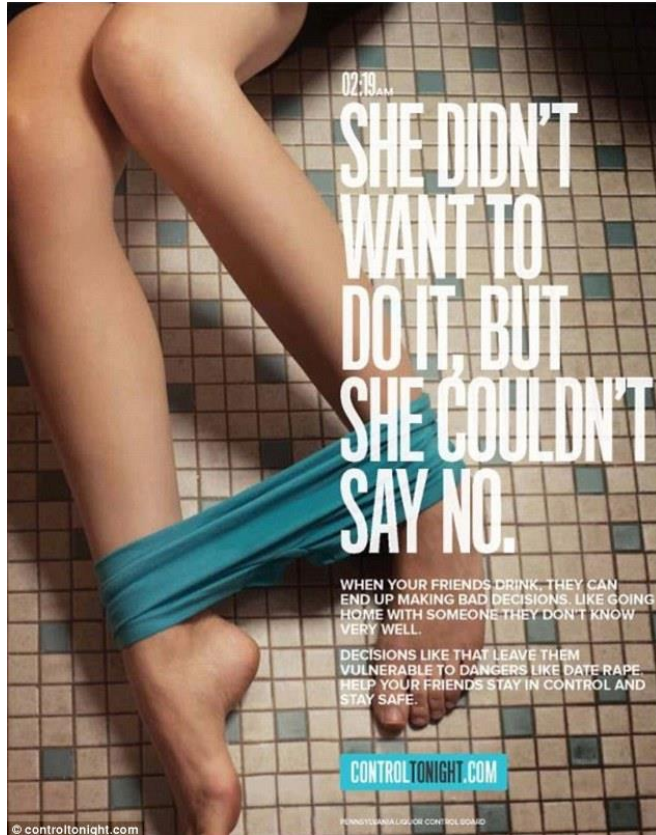
POLICY STATEMENT: PROGRAMS TO PREVENT



Information on risk reduction

RISK REDUCTION

- Options designed to:
 - Decrease perpetration and bystander inaction
 - Increase empowerment for victims in order to promote safety and help individuals and communities address conditions that facilitate violence



Not risk reduction under Clery

- Puts onus on potential victim, while also using victim-blaming language



IT'S NOT SEX...

WHEN HE CHANGES HIS MIND

sex without ongoing consent = sexual assault

DON'T BE THAT GUY.

save STAYING
SAFE
STARTS
HERE | SAVEDmonton.com

Risk reduction under Clery

- Decrease perpetration



WANT QUICK ACCESS TO INFORMATION ABOUT
SEXUAL ASSAULT POLICIES, RESOURCES, AND PROGRAMS?

DOWNLOAD THE REACH OUT APP.



- Search "Reach Out Editions" in the app store
- Select "University of Pennsylvania" as your school



Risk reduction under Clery

- Empowerment for victims
- Addressing bystander barriers

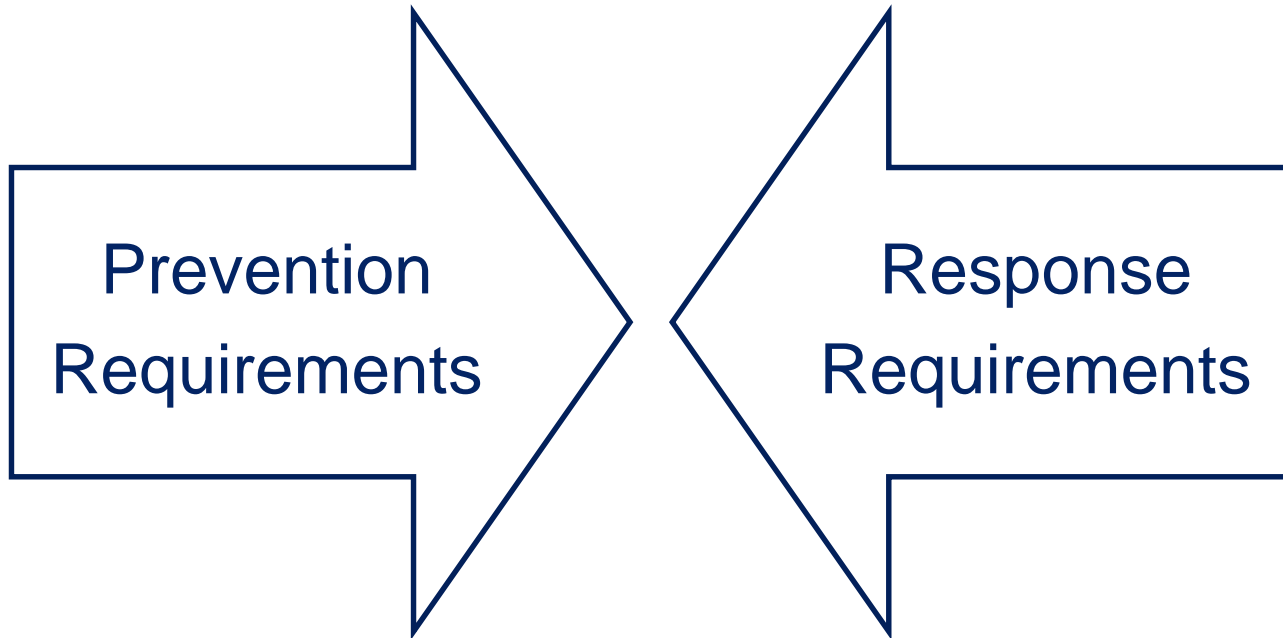
POLICY STATEMENT: PROGRAMS TO PREVENT



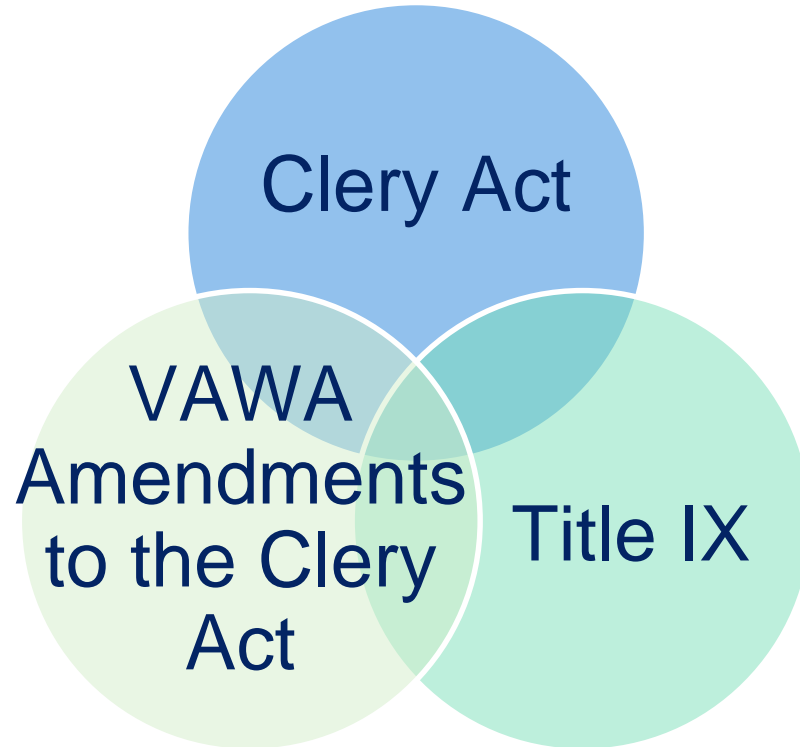
- Procedures for response and disciplinary process.



Ongoing prevention and awareness campaigns



AS OF MAY 2020



CLERY ACT & TITLE IX INTERSECTIONS

THE CLERY ACT

- Reporting requirements
- All Clery crimes*
- Accommodations
- Disciplinary procedures

TITLE IX

- Reporting requirements
- Sexual harassment
 - Including dating violence, domestic violence, sexual assault, and stalking (DVSAS) as defined in the Clery Act
- Measures
- Grievance procedures



Response Procedures

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**What might someone need
when they are in crisis?**

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POLICY STATEMENT(S): PROCEDURES TO FOLLOW

Importance of Preserving Evidence

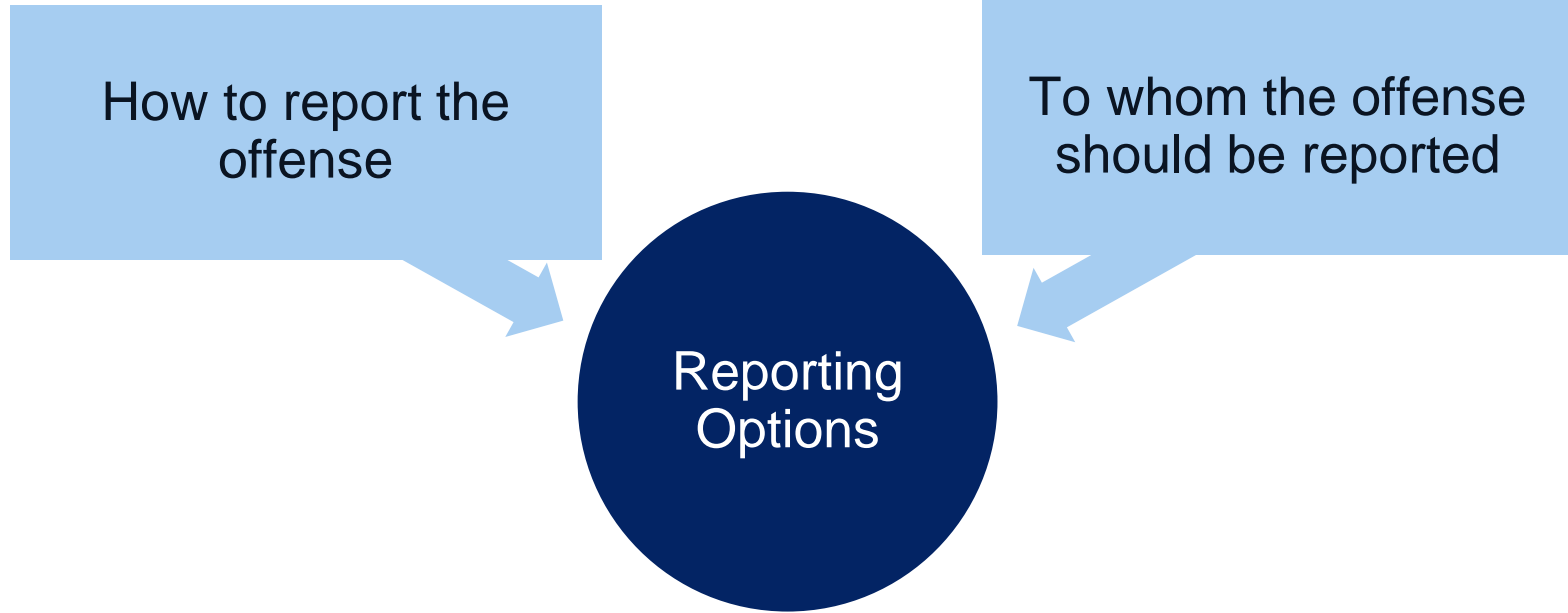
Reporting Options

PROCEDURES TO FOLLOW: PRESERVING EVIDENCE

Importance of Preserving Evidence

- **Proof in a criminal or campus disciplinary proceeding**
- **May be helpful in obtaining a protection order**
- Knowledgeable of what may be preserved and for how long
- Recent/fresh complaints
- Basic preservation instructions/tips

PROCEDURES TO FOLLOW: REPORTING OPTIONS



PROCEDURES TO FOLLOW: REPORTING OPTIONS

Involvement of law enforcement and campus authorities, including notification of the victim's option to:

- **Notify** proper law enforcement authorities, including on-campus and local police
- **Be assisted** in notifying law enforcement authorities if victim so chooses
- **Decline** to notify authorities
- **Rights of victim and institution's responsibilities** for orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal court or by the institution

PROCEDURES TO FOLLOW: CONFIDENTIALITY

Information about how the institution will protect the confidentiality of victims and other necessary parties

- Publicly available record-keeping (ex: timely warnings, daily crime log)
- Without the inclusion of personally identifying information about the victim
- Any accommodations or protective measures provided to the victim (to the extent it will not impair institution's ability to provide them)

ACCOMMODATIONS & MEASURES

THE CLERY ACT

- Accommodations
- Must be provided in writing
- Options for, available assistance in, and how to request changes to:
 - Academic
 - Living
 - Transportation
 - Working
 - Protective Measures
- If requested by the victim
- If reasonably available
- Regardless of whether the victim chooses to report to campus police or local law enforcement

TITLE IX

- Supportive Measures
- Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge
- To the complainant or the respondent
- Before or after the filing of a formal complaint or where no formal complaint has been filed



Disciplinary Procedures

DISCIPLINARY PROCESS

THE CLERY ACT

- Prompt, fair, and impartial
- Describe the standard of evidence
- Be conducted by officials who receive annual training
- Advisor of choice
- Simultaneous notification of results

TITLE IX

- Prompt and equitable
- Regulations inform standard of evidence
- Annual training requirements
- Advisor of choice with role in cross-examination
- Simultaneous notification of results

PROCEDURES TO FOLLOW: INSTITUTIONAL DISCIPLINARY ACTION

- Range of protective measures institution may offer following an allegation
- Proceedings will
 - Include a prompt, fair, and impartial process from the initial investigation to the final result

STANDARD OF EVIDENCE

THE CLERY ACT

- Must describe the standard of evidence that will be used

TITLE IX

- Must state whether institution uses preponderance of the evidence or clear and convincing
- Must be same standard for formal complaints against students as for formal complaints against employees
- Must apply same standard of evidence to all formal complaints of sexual harassment

SANCTIONS & REMEDIES

THE CLERY ACT

- Must list all possible sanctions
- Must describe range of protective measures

TITLE IX

- Must describe range of sanctions, but...
- Must describe range of remedies

TRAINING

THE CLERY ACT

- Proceedings must be conducted by officials who receive annual training on:
 - Issues related to dating violence, domestic violence, sexual assault, and stalking
 - How to conduct an investigation and hearing process that protects the safety of victims and promotes accountability

TITLE IX

- Individuals involved in process must receive training on specific topics listed in regulations
- Must make training materials publicly available on the institution's website (or if no website, available upon request for inspection)

ADVISOR OF CHOICE

THE CLERY ACT

- Both parties must have same opportunities to be accompanied by an advisor of choice
- May not limit choice of advisor
- Allows institutions to establish restrictions on how the advisor may participate as long as applied equally to both parties

TITLE IX

- Both parties notified that they may have an advisor of choice who may, but is not required to be, an attorney
- Responsible for conducting cross-examination (directly, orally, and in real time)
- Must be included in party's receipt of evidence and investigator's report
- May also serve as witness
- If no advisor, institution must provide one to conduct cross-examination (institution's choice, does not have to be an attorney, but...)

NOTICE OF OUTCOME

THE CLERY ACT

- Simultaneous notification in writing of:
 - Result of any institutional disciplinary proceeding
 - Procedures for accused and victim to appeal the result, if such procedures are available
 - Any change to the result
 - When such results become final
- Must include rationale for the results and the sanctions

TITLE IX

- Simultaneous written determination, including:
 - Allegations potentially constituting sexual harassment
 - Procedural steps taken
 - Findings of fact supporting determination
 - Conclusions regarding application of code of conduct to the facts
 - Statement of, and rationale for, the results as to each allegation

Written Information

TO ALL STUDENTS & EMPLOYEES

Notification of on- and off- campus services

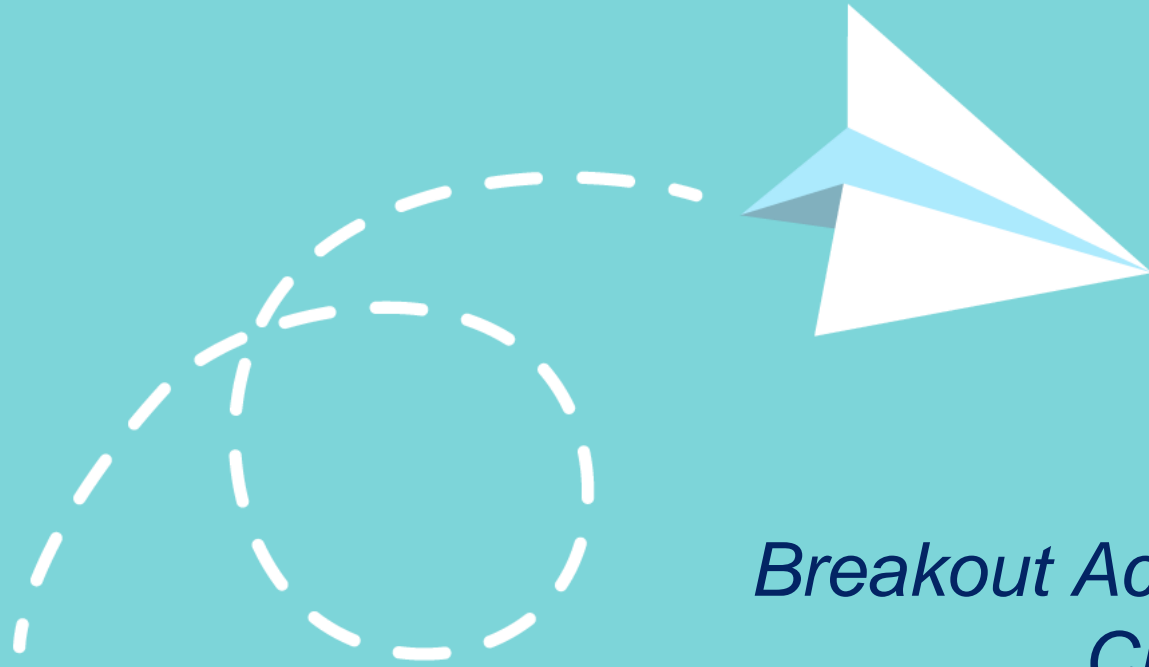
- Counseling
- Health
- Mental Health
- Victim Advocacy
- Legal assistance
- Visa and immigration assistance
- Student financial aid
- Other services available for victims

TO VICTIMS AFTER A REPORT

- Measures
- Rights & options

CAN I GET THAT IN WRITING?

Using the provided handout fill in the answers to indicate whether or not you know what options exist and/or you know what information is provided in writing to students and employees.



*Breakout Activity: Resource
Check In*

IMPACT OF VAWA AMENDMENTS ON CAMPUSES TODAY

- An increase in reports of dating violence, domestic violence, sexual assault and stalking does not necessarily reflect an increase in incidents; reflects a solid reporting system that community trusts
- Provides expanded rights for victims—both students and employees
- Captures gender identity as bias category
- Provides for a more accurate picture of what violence looks like on college campuses today (pre-VAWA Amendments incidents of dating violence or stalking might have been misclassified as aggravated assault or not captured at all)



BREAK TIME: 5 MINUTES

Annual Security Report



Raise your hand if you are responsible for creating or contributing to your institution's annual security report.

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What types of information can a student or employee find in your institution's annual security report?

① Start presenting to display the poll results on this slide.

Search for your institution's annual security report. See how quickly you can locate it. Plug the most recent report in the chat as soon as you find it.

ASR DISTRIBUTION METHODS

Current Students & Employees

- **Direct Distribution**
 - U.S. Postal Service
 - Campus Mail
 - Email
- **Inter/Intranet**
 - Must include:
 - A statement of the report's availability
 - A list and brief description of the content
 - Exact URL
 - Statement that a paper copy is available upon request

Prospective Students & Employees

- **Notice of the report's availability**
 - Description of its content
 - Opportunity to request a copy
 - Unlike current students and employees, this notice may be provided along with other information
- **Internet Distribution**
 - Exact URL
 - Brief description of the report
 - Statement that a paper copy is available upon request

General Areas Governing Issuance of Policy Statement

1. Compiling the Annual Security Report
2. Security Of and Access to Campus Facilities
3. Law Enforcement & Jurisdiction
4. Reporting Crimes and Other Emergencies
5. Timely Warnings & Emergency Notification and Evacuation
6. Security Awareness Programs
7. Crime Prevention Programs
8. Drug, Alcohol, & Substance Abuse
9. Dating Violence, Domestic Violence, Sexual Assault, and Stalking Policies
10. Student Disciplinary Proceedings Results
11. Sex Offender Registration Policy
12. Missing Student Notification Procedure
13. Fire Safety Report

what's
next ?

SELF-REFLECTION

1

- Clery Act component:
- Why:

2

- Clery Act component:
- Why:

3

- Clery Act component:
- Why:

- Reflect on the Clery Act topics we covered today
- Prioritize the first three areas of the Clery Act you are going to work to improve and why

CLERY CENTER ON-DEMAND TRAINING OPTIONS



CLERY ACT TRAINING SEMINAR (CATS)

ASR WORKSHOP

CSA WORKSHOP

CSA TRAIN-THE-TRAINER

Learn more: clerycenter.org/on-demand-training

BECOME A MEMBER!

Resources, strategies, and unparalleled expertise to support you in understanding and implementing the provisions of the Clery Act.

clerycenter.org/membership



MEMBER BENEFITS

ASR REVIEW
FREE TRAINING
DISCOUNTED WORKSHOPS
UNLIMITED SUPPORT
MEMBER PORTAL

Clery Center Membership Can Help With Common Compliance Challenges





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