

Jeanne Clery Campus Security Policy & Crime Statistics Disclosure Act

*What you need to know if you
are a Campus Security
Authority at MSU*

Clery Act? What's That?

- Jeanne Clery was raped and murdered in her residence room at Lehigh University in 1986. The law enacted in her memory is intended to ensure that students and others are informed about violent campus crimes so they can make informed decisions.
- The Clery Act requires that universities report crime statistics to current and prospective students and employees.

But what does it have to do with **You**?

- The Clery Act requires that we gather and publish crime data to ensure that students and others know about dangers on campus.
- Many disciplinary actions and crimes, especially sexual assaults, are not reported to police.
- Data is collected from a wide variety of “Campus Security Authorities”

What makes you a Campus Security Authority?

The law defines four categories of Campus Security Authority:

- **University Police**
- **Non-police security staff responsible for monitoring University property**
- **People/offices designated under our policy as those to whom crimes should be reported**
- “Officials with significant responsibility for student and campus activities”

Responsible for campus security

- MSUPD Police
- Non-police security staff who
 - Monitor/control entrance to property
 - **Residence Hall staff – student and professional staff**
 - **Parking/Information kiosk staff**
 - **Building managers**

Designated staff/unit to whom crimes should be reported:

For emergencies & crimes-in progress, call **x5222**

For non-emergency situations, report crimes to the **MSU Police Department**

Campus Phone: x5222

Off campus or cell: 973-655-5222

How did you get to be a Campus Security Authority?

The last category of “Campus Security Authority” (or “CSA”) is defined broadly to ensure complete coverage and thorough reporting of crimes.

Over 100 MSU staff and faculty are CSA’s having “significant responsibility for student and campus activities”

Examples of “Campus Security Authorities”:

Deans, student housing staff, athletic coaches, student activities coordinators, student judicial officers, and faculty advisors to student organizations, and select human resource staff

Defined by function, not title:

- **Significant responsibility for student AND campus activities**
- **Contact with students**

Who ISN'T a Campus Security Authority?

- Administrative staff not responsible for students (e.g., payroll, facilities)
- Clerical staff
- Individual faculty who do NOT serve as an advisor to a registered student organization
- Those who are exempt by law: Doctors in the Health Center or Counselors in CAPS who only provide care to individual students.

Who is EXEMPT from reporting requirements?

- **Licensed** professional mental health counselors
and
- **Pastoral** counselors (employed by a religious organization to provide confidential counseling)
- **Who are working within the scope of their license or religious assignment at the time they receive the crime report.**

Confidential reporting option:

- MSUPD encourages professional and pastoral counselors, although not **required** to report crimes, to tell victims about the Confidential Reporting Process. The counselor must make a judgment call: is it appropriate to discuss crime reporting in this particular situation?
- **Confidential Reporting Process:** victims can report crimes confidentially (no names or criminal investigation) to the anonymous reporting line on campus at x8477(TIPS), to be included in crime statistics.

So you're a CSA – what do you have to do?

If someone tells you about a crime or an incident that may be a crime, you must record the information and submit a report.

- Just get the facts, experts will do the analysis
- Use the form made available to you for CSA's

When in doubt, report it!

WHAT do you have to report?

These crimes must be reported:

- Criminal homicide
- Sex offenses, forcible & non-forcible
- Aggravated assault
- Robbery
- Burglary
- Motor vehicle theft
- Arson

WHAT do you have to report? *(continued)*

You must also report:

- **Hate crimes**, including any of the seven crimes listed above, or any other crime causing bodily injury, if motivated by hate for race, religion, sexual orientation/identification, disability, gender and ethnicity
- **Liquor, drug, and weapons** – both arrests AND disciplinary referrals

Timing is critical

Be sure to document

- **When** the crime or incident occurred and
- **When** it was reported to you

The law requires that the **crime be reported for the calendar year in which it was first reported to a Campus Security Authority** – not when it occurred, not when it was reported to police by a CSA.

Location, location, location

A crime must be reported if it occurred...

- **On campus**
- **In on-campus student residences**
- **On public property adjacent to campus (e.g., roads, sidewalks)**
- **On certain off-campus property owned, leased or under control of MSU for a specific event**

Location *(continued)*

Under the law, some off-campus locations are deemed so closely related to the University that crimes occurring at those locations are included in campus crime statistics.

Examples: Crimes occurring at student organization properties and at University owned or controlled facilities "frequently used by students"

Location *(continued)*

These off-campus properties are termed **“non-campus property,”** defined by law to include:

- **Property owned or controlled by MSU** (e.g. 855 Valley Road, 1515 Broad Street locations) Controlled is meant to be that at the time of the incident MSU sanction the event. Field trips, trips abroad (solely maintained by MSU), sport team travel locations, experiential learning off campus (solely controlled by MSU) are among examples of this.

Do not include crimes not connected to MSU

For example,

- ***A student tells you about a crime that occurred at a different college before he transferred to MSU; or***
- ***A student reports an assault that happened while she was away from campus and not involved in a campus activity – e.g., at home on spring break, on vacation, or at a summer job with a private company***

But DO tell the student about reporting options, and refer for help

For example,

A student tells you that she was raped by another student at her off-campus apartment. Although the crime did not occur at a location covered by Clery reporting, the accused student IS subject to University disciplinary action for the off-campus conduct. In addition, the student is eligible for campus assistance and resources.

Just get the facts

- Police will categorize the report: your job is to get the information the person is willing to tell you.
- Use the report form, but **DO NOT** identify the victim UNLESS she/he gives permission

Describe options

- Let the person know about options to report crimes
 - A person who talks to you may not want to talk to police – **and does not have to**

***Exception: when the victim reports a crime to a professional who is mandated by law to report specific crimes.**

Offer referrals to campus and other resources, including

- Dean of Students
- Counseling and Psychological Services
- SART program
- Available medical treatment
- Faculty and Staff Counseling

Document & report the facts

- Complete a CSA Crime/Incident Report Form
- If the person does NOT want to report to police, inform her/him that you MUST report the incident as an anonymous statistic, but will not identify anyone involved.
 - *you may want to wait until the reporting party leaves to complete paper work*

Filling out the Report form:

- **Describe the incident or crime**
 - Answering questions on the form will help police determine the correct category
 - Get as accurate and complete a description of what happened as you can
 - Even incomplete information can help

Questions to ask:

- Is a violent crime in progress? (If so, call police immediately!)
- Has the victim sought or is the victim in need of assistance/services?
- What happened? How, when, and where did it happen? Is there an identified suspect?
- Has the incident been reported to police or to another CSA?
- Does the victim wish to remain anonymous?

Filling out the form:

- You don't have to know the classification
- Just indicate the crime that seems most likely or possible
- The Police will make the final determination and classify the crimes

Filling out the form: the crimes

- **Criminal Homicide:** murder, non-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 produce death or great bodily harm

Filling out the forms: the crimes

- **Sex offenses, forcible and non-forcible**
 - Forcible sex offenses: rape, sodomy, sexual fondling, sexual assault with object
 - Non-forcible: statutory rape and incest

Filling out the forms: the crimes

- Questions re: sex offenses:
 - Was crime committed forcibly/against victim's will?
 - Was victim incapable of giving consent because of temporary/permanent mental/physical incapacity, or because underage?
 - Was assault facilitated by giving drugs/alcohol?

Filling out the form: the crimes

- **Robbery:** taking/attempting to take something by force, violence, threat, or by putting victim in fear
- Questions re: robbery
 - Was force or a weapon used or threatened?
 - Was victim injured?
 - Did victim feel fearful, threatened or endangered?

Filling out the forms: the crimes

- **Burglary:** unlawful entry into a structure to commit a felony or theft
- Questions re: Burglary
 - Was item taken from inside residence halls, classroom, office, store, lab, or other structure?
 - Was structure, room, store, or office open, closed, or locked?
 - How did thief get into the structure/ room etc.?

Filling out the form: the crimes

- **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

Filling out the form: the crimes

- **Hate crimes:** any of the above crimes, or any other crime causing bodily injury (e.g. simple assault) where there is evidence both
 - of hate motivation and
 - that the victim was selected because of actual/perceived race, gender, religion, national origin, disability, or sexual orientation/identification

Filling out the form: the crimes

- **Hate crimes to property, questions:**
 - Was the target personal property, a personal residence, house of worship, or ethnic organization?
 - Did the incident involve any expression of hatred (e.g. Graffiti, comments) re: race, gender, ethnicity, religion, sexual orientation, or disability?
 - Did any personal injury result from the incident?

Report ANY vandalism to property of a religious, ethnic, race, LGBT organization as a hate crime. Police will determine if it is a bias crime or incident

Filling out the form: the crimes

- **Liquor, drug, and weapon law violations:**

- Police report statistics on arrests for liquor, drug, and weapons-related crimes
- Report statistics on disciplinary referrals for drug, liquor, and weapon law violations (except when the individual was also arrested for the same act)
- Statistics must reflect number of persons involved (head count), not just number of incidents

Filling out the form: the crimes

- Clery reporting pertains to staff and faculty as well, not just crimes against students.

Filling out the form: the crimes

- Allegations do not have to go through a hearing or result in discipline before they are eligible for Clery Act reporting statistics
- Just as is with crime reporting, violations eligible for disciplinary actions only have to be reported to any official who initiates a disciplinary action of which a record is kept and which may result in a sanction. The CSA must then report the statistic to the MSUPD.

Help is at hand . . .

- **To get more information on campus safety and to read the Clery Report go to:**

MSUPD website at
www.montclair.edu/universitypolice

Questions?

Contact:

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