

# Campus Safety CONFERENCE 2019

Making Campuses Safer — TOGETHER

## Pre-Conference C Setting Priorities: Lessons Learned from Clery Act Program Reviews



at the heart of campus safety



[CampusSafetyConference.com](http://CampusSafetyConference.com)

# Housekeeping

- Cellphones on vibrate or silent
- Access to the presentation
- Q&A Session at end
- Evaluations
- Social Media



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#CSC19

#MakingCampusesSaferTOGETHER

# Jeanne Ann Clery



# Clery Center: Mission and Values

## Mission Statement

- Working together with college and university communities to create safer campuses.

## Values and Distinguishing Characteristics

- We honor our organization's history by leading with mind and heart.
- We are collaborative and pursue strong partnerships that are based on joint success and open, constructive communication.
- We believe that prevention is critical to campus safety.
- We are persistent, action-oriented, and deliver results that have real impact.


# Clery Center: Programs and Initiatives

- Clery Center Membership
- Jeanne Clery Act Training Seminars
- Policy
- National Campus Safety Awareness Month (NCSAM)



# Become a Clery Center Member!

Clery Center Membership connects campus safety professionals with ready-to-use materials, resources, and strategies to help guide them through understanding and implementing the provisions of the Clery Act. With Membership colleges and universities receive unparalleled expertise in the form of:



Annual security  
report reviews

Unlimited  
technical  
assistance  
and support

Free and  
discounted  
trainings

Workshops  
and webinars

Free tools  
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resources

Access to  
the Member  
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discussion board

Learn more: [clerycenter.org/become-a-member](https://clerycenter.org/become-a-member)

# About this Session

## Session Takeaways and Goals

- Understand trends in Department of Education Clery Act findings.
- Identify practical departmental or Clery committee tasks for proactively addressing compliance challenges.
- Help participants to prioritize where to focus limited resources and employee time.
- Establish a comprehensive annual plan for Clery compliance.

# Clery Act: Refresher

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

WHERE: Clery Act geography

WHAT & HOW:

- Annual
  - Annual Security Report (statistics, policy statements)
  - Statistics to Department of Education



# Clery Act: Refresher

WHAT & HOW continued:

- Ongoing
  - Timely warnings
  - Emergency notifications
  - Daily crime log
  - Rights & options for survivors of sexual assault, domestic violence, dating violence and stalking

ENFORCEMENT: U.S. Department of Education Clery Compliance Team



# The Inbox is Full...



“Here’s the magical answer...”

“\$\$\$\$\$\$\$\$\$\$\$”

“Compliance, compliance, compliance...”

“Are you scared yet?”

# Quick Data Collection

- Who has a Clery coordinator?
- Who has a “Clery and other duties as assigned” employee?
- Who currently has a Clery team or committee?

# Using Program Reviews as Lessons Learned

- Source of common challenges
- They can provide insight on both the problem and the solution
- Can be used to determine your campus strategy (i.e. what to prioritize)

Congratulations!

You've just won the  
lottery.

What are you going to  
do next?





# Finding: Lack of Administrative Capacity

## Fast Facts

- Lacked adequate systems for internal controls
- Failed to maintain records
- Lacked adequate institutional training, coordination, oversight, and supervision in campus security operations
- Examples: no report from residence halls; standardization, custody and control of records; training CSAs on proper documentation; policies and processes didn't incorporate rights and options

## Action Items

- Comprehensive system of policies and procedures
  - Reporting systems and training
  - Regular review of information
  - Identification, notification and training of CSAs
  - Policy review and updates and putting policies into practice

# Trends in Program Reviews

- Collecting and sharing Clery Act crime statistics
- Identifying Clery geography
- Documenting decision-making
- Compilation and distribution of the annual security report with accurate and complete policy statements



# Collecting and Sharing Clery Act Crime Statistics

# Collecting Statistics

- Campus security authorities (CSAs)
- Local law enforcement

[https://www.youtube.com/watch?v=vwtDFu\\_D6Yc](https://www.youtube.com/watch?v=vwtDFu_D6Yc)

# Campus Security Authorities (CSAs)

- Campus police/security department
- Individuals responsible for security
  - Access monitor
  - Resident assistant
- Individuals or offices designated to receive crime reports
- Officials with significant responsibility for student and campus activities
  - An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution

# Campus Security Authorities Examples

- Dean of Students who oversees student housing, a student center, or student extracurricular activities
- Director of Athletics, all athletic coaches (including part-time employees and graduate assistants)
- Faculty advisor to a student group
- Student resident advisor or assistant
- Student who monitors access to residence hall
- Director of a campus health or counseling center

***Remember a person's FUNCTION determines if they are a CSA***

# Campus Security Authorities Examples

- Ombudsperson (including student ombudspersons)
- Victim advocates or others who are responsible for providing victims with advocacy services
- Members of a sexual assault response team (SART) or other sexual assault advocates
- Officers from local law enforcement agencies who are contracted by the institution to provide campus safety related services

***Remember a person's FUNCTION determines if they are a CSA***

# Getting Crime Reports from CSAs

- CSA reporting procedures
- CSA reporting forms
- Training CSAs to know how and when to report

# Getting Statistics from Local Law Enforcement

- Must make a “good-faith effort” to obtain
- May rely on information provided
- Local/state police not mandated to provide information nor to use UCR definitions
- What if you receive a bill?



**Clery Act Crimes + Clery Act Geography**  
**=**  
**Clery Crime Statistics**

# Sample Finding: Inadequate System for Collecting Crime Statistics

## Fast Facts

- Didn't gather reports in a manner like to result in accurate reporting
- Lack of coordination and communication between offices
- Lack of training (including on proper documentation)

## Action Items

- Established policies and procedures for gathering and compiling incidents of crimes reported to CSAs
- Revised reporting forms and report-writing resources
- Updated method of CSA notification

# Group Discussion

- Who do you connect with (or who do you need to connect with) to identify CSAs? What CSAs might currently be overlooked?
- When/how do you identify your CSAs?
- What tools and resources could a Clery team develop that would aid in better data collection?
  - Do you use standardized CSA reporting forms?
  - What report-writing resources might you provide your CSAs?

# Training CSAs: Brainstorming

**Each group will be assigned one CSA group and will answer the following questions:**

1. For your CSA group, what would be the best manner in which to train them?
2. What would you want them to know?
3. When would it be best to train this CSA group?
4. Who can help you coordinate or facilitate this training?
5. What might be this group's unique challenges?

# Activities

- CSA identification
- Developing reporting forms and report-writing resources
- CSA training curriculum
- Awareness campaigns
- Cross-training with local law enforcement or local agencies

*What would you prioritize?*

*Floor - Ceiling*

Review **Identifying & Training CSAs** section of the sample project plan.

- Which tasks seem like a good fit for your institution?
  - Are there any tasks you would add?
- What individuals/departments would lead each task?
- What are realistic deadlines for completing each task?

# Identifying Clery Geography

# What Crimes Are Reported Under The Clery Act?

Those within the institution's Clery geography

**On-Campus  
Subset:  
On-Campus Student  
Housing**

**Non-campus**

**Public Property**



# Sample Finding: Failure to Properly Define Campus in Accordance with Federal Regulations

## Fast Facts

- Didn't report for noncampus locations

## Action Items

- Identification/list of Clery geography by category (on-campus, on-campus student housing, noncampus, public property, separate campuses)

# Sample Finding: Failure to Obtain Crime Statistics for Additional Locations

## Fast Facts

- No collection of statistics from CSAs at noncampus locations
- No good faith effort to obtain statistics from local law enforcement

## Action Items

- Documentation of request to law enforcement and CSAs for statistics
- For one program review, campus submitted copies of their property list and policy and procedures manual to demonstrate compliance-finding not sustained

# On-Campus Considerations

- Institution associated buildings or property
- Reasonably contiguous
- One-mile “rule”
- 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

## Separate Campus

- Your institution owns or controls the site;
- It is not reasonably geographically contiguous with the main campus;
- It has an **organized program of study**; and
- There is at least one person on site acting in an administrative capacity.

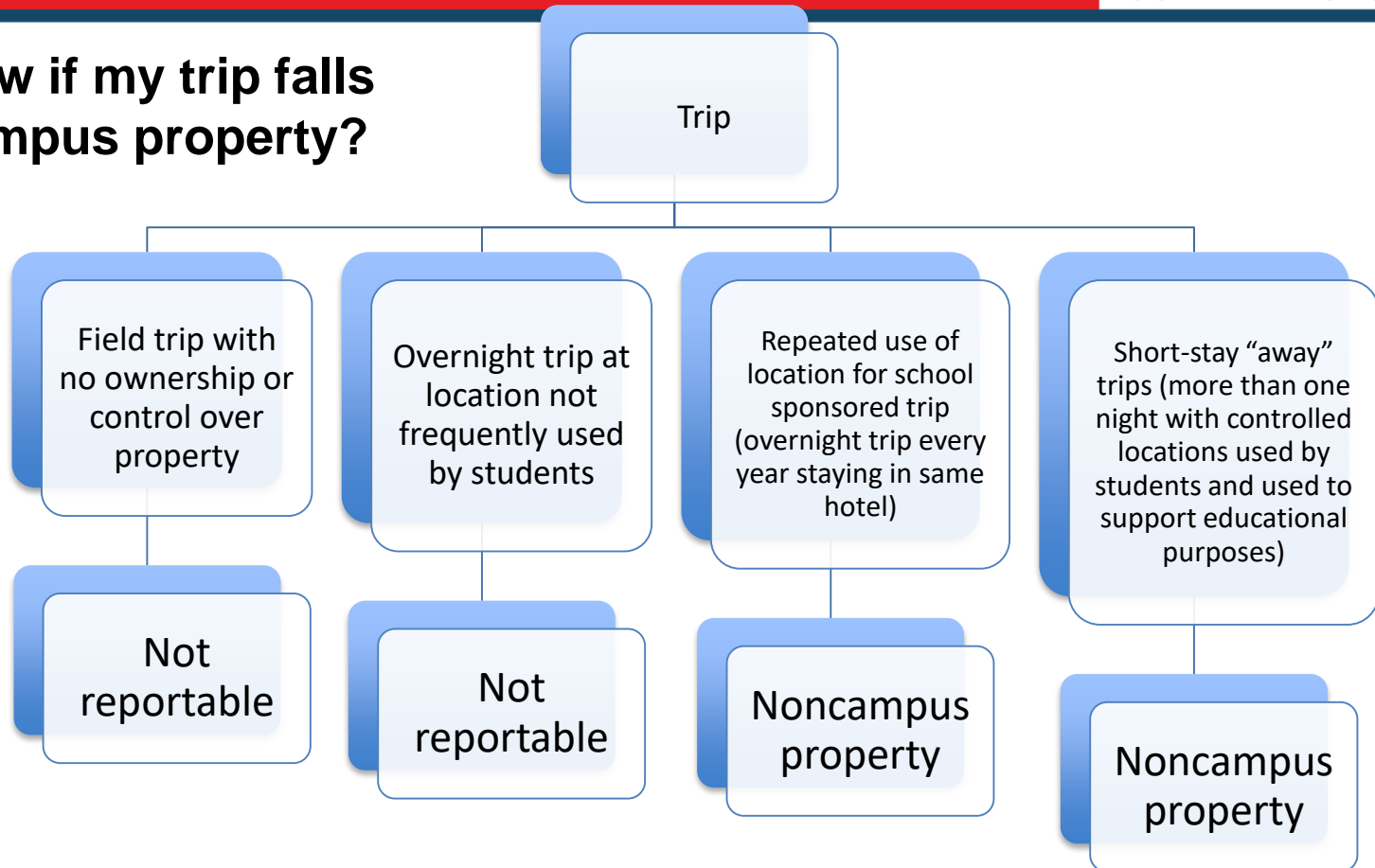
## Noncampus

- Used in direct support of, or in relation to, the institution's educational purposes;
- Is frequently used by students, and;
- Is not within the same reasonably contiguous geographic area of the institution.
- OR: Any building or property owned or controlled by a student organization that is officially recognized by the institution.

# Key Terms

- **Organized program of study:** the location offers courses in educational programs leading to a degree, certificate, or other recognized credential
- **Administrative personnel:** individuals who may have some responsibility for the activities that take place at the location
  - Examples: director, building coordinator, a registrar, or a secretary
  - Not required to be on site at all times to qualify as a separate campus

## How do I know if my trip falls under noncampus property?



# Group Discussion

- When/how do you identify Clery geography?
- What challenges do you face in identifying Clery geography?



# Activities

- Clery geography map or list
- Awareness campaign

*What would you prioritize?*

*Floor – Ceiling*

# Creating a Clery Geography Map or List

Clery Center's free NCSAM resource

- Project Plan: Creating a Clery Geography Map

<http://ncsam.clerycenter.org/wp-content/uploads/2016/08/Geography-Project-Planner.pdf>

Review **Clery Geography** section of the sample project plan.

- Which tasks seem like a good fit for your institution?
  - Are there any tasks you would add?
- What individuals/departments would lead each task?
- What are realistic deadlines for completing each task?

# Documenting Decision-Making

# A Few Examples

- Campus security authority notification
- Clery geography
- Crime classification
- Decision to issue timely warning or emergency notification

## **Criminal Offenses**

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

## **Hate Crimes**

## **VAWA Offenses**

- Dating Violence
- Domestic Violence
- Stalking

## **Arrests & Disciplinary Referrals**

- Weapons Law Violations
- Drug Abuse Violations
- Liquor Law Violations

# Hate Crimes

- All criminal offenses plus:
  - Larceny-theft, simple assault, intimidation, destruction/damage or vandalism of property
- Bias categories:
  - Race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability

# Sample Finding: Failure to Report Accurate Crime Statistics and Provide Clear Audit Trail; Failure to Properly Classify and Disclose Crime Statistics

## Fast Facts

- Documentation from police department and student conduct office, but documentation from other CSAs insufficient or nonexistent
- Housing reports shredded
- No clear audit trail
- Misclassification of crimes

## Action Items

- For review itself, submitted information to the Department of Education to show incidents were classified properly and included in disclosure
- In some instances, finding was sustained, in others, it was not
- Established documentation systems and revisited application of crime definitions and record retention strategies.



# Separate and Distinct

## Emergency Notification

- Broader focus - any significant emergency or dangerous situation
- Anywhere on campus
- Entire campus or segment(s)
- Issue alert immediately upon confirmation

## Timely Warning

- Narrower focus - Clery Act crimes
- Clery Act geographic area
- Reach entire campus community
- Issue warning as soon as pertinent information is available

# Program Review Example #1: 2007

- Finding: Failure to Provide Timely Warning
- “[Institution] argues that it acted swiftly to eliminate any possible threat to the community by placing both of the accused students on interim suspension and therefore, no warning was needed.”
- “The Clery Act and the Department’s regulations do not specifically define when a warning is “timely”...the warning should be issued as soon as pertinent information is available... The Department does not agree that suspending the accused students achieves this requirement.”

## Program Review Example #1 – 2007 (Cont'd)

- “[Institution] concedes that there was never any official consideration of whether to issue a warning in regard to the April...sexual assault because the institution’s basketball coaches did not inform the school officials responsible for such warnings of the assault reported to them. Thus, [institution] did not follow its established procedures for considering such warnings.... [and] did not have an appropriate process for communicating and reporting incidents in a timely manner to the officials who have the administrative responsibility for determining whether a timely warning should be issued.”

## Program Review Example #2 - 2017

- “The Department carefully considered [institution’s] rationale for not issuing a TW and has determined that, under the circumstances, it was reasonable for University officials to believe that the threat created by the assailant’s actions were addressed and contained. The individual was terminated from his employee as a security guard and was removed from campus housing. Moreover, the individual was only permitted on campus to attend classes and was ordered to stay away from the victim. As such, [institution’s] explanation of its choice to not issue a TW was found to be acceptable.”

## Rideshare Case Study

- Over the past week, four students report that they ordered a ride from a rideshare service and a person in front of their residence hall pretended to be their driver, even though it was not the car they ordered. None of the students got into the vehicle. The students did not have a license plate number for the vehicle, but had similar descriptions of a red sedan.
- A fifth student then reports a similar experience and says that he got into the car and the car was moving when he realized he was not in the vehicle listed on the app. He asked the driver to stop and the driver initially didn't stop until he yelled at the driver to let him out of the vehicle, at which point the driver pulled over and let him out of the car.

# Group Discussion

- Would you send out a timely warning or emergency notification for the case study? If so, what factors indicate an immediate or serious or ongoing threat?
- If issuing an alert, what information would you include in the alert?
- How would you document your decision?

# Activities

- Internal review process for crime statistics
- Evaluate records management system
- Case studies/after action reviews
- Decision matrix
- Timely warning and emergency notification templates

*What would you prioritize?*

*Floor – Ceiling*

# Timely Warning Guide

Clery Center's free NCSAM resource

- Timely Warning Guide

[http://ncsam.clerycenter.org/wp-content/uploads/NCSAM18\\_Timely-Warning-Guide.pdf](http://ncsam.clerycenter.org/wp-content/uploads/NCSAM18_Timely-Warning-Guide.pdf)



# Explaining Hate Crimes Under the Clery Act

Clery Center's free NCSAM resource

- Explaining Hate Crimes Under the Clery Act

[http://ncsam.clerycenter.org/wp-content/uploads/NCSAM18\\_Explaining-Hate-Crimes.pdf](http://ncsam.clerycenter.org/wp-content/uploads/NCSAM18_Explaining-Hate-Crimes.pdf)

Review **Statistics** and **Timely Warning and Emergency Notification** sections of the sample project plan.

- Which tasks seem like a good fit for your institution?
  - Are there any tasks you would add?
- What individuals/departments would lead each task?
- What are realistic deadlines for completing each task?

# **Compilation and Distribution of the Annual Security Report**

# Areas Governing Issuance of Policy Statements

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

# Clery Center ASR Reviews - Trends

- Separate campuses
- Prompt and accurate “when victim of crime elects or is unable to”
- Conflating timely warnings and emergency notifications
- Intersection with Drug-Free Schools and Communities Act requirements
- Written notification for cases of domestic violence, dating violence, sexual assault and stalking
- Disciplinary procedures for cases of domestic violence, dating violence, sexual assault and stalking

- Annual notification of an institution's drug and alcohol abuse prevention programs (DAAPP) to all students & employees
- DAAPP in place
- Biennial review of the effectiveness of programs and consistency of sanction enforcement

- An annual security report (ASR) policy statement on possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws
- An ASR policy statement on the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws
- A description of any DAAPP as required by the DSFCA in their ASR **OR** cross-reference to materials the institution uses to comply with DFSCA

## DFSCA\* REQUIREMENTS

## DAAPP/ANNUAL NOTIFICATION COMPONENTS

## CLERY ACT REQUIREMENTS

## IN YOUR ASR

- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees
- A list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol
- A description of the health risks associated with the abuse of alcohol or use of illicit drugs
- A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students
- A clear statement that the institution of higher education will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution

- Make sure you either fully include all components of the DAAPP in your ASR  
**OR**
- If you choose to cross-reference to materials, make sure that those materials contain all required elements of the DAAPP as described above in order to fully satisfy this policy statement element under the Clery Act

For more information on the Drug Free Schools and Communities Act check out this link: [safesupportivelearning.ed.gov/sites/default/files/hec/product/dfscr.pdf](https://safesupportivelearning.ed.gov/sites/default/files/hec/product/dfscr.pdf)

\*Section 120 a through e of the Higher Education Act (HEA)

# VAWA Amendments to Clery:

## What Does This Mean For a Student or Employee Victim?

- The campus will talk about domestic violence, dating violence, sexual assault and stalking (and the role members of the community play in prevention through bystander intervention)
- You will receive information on how and to whom to report an incident
- You have the right to notify campus authorities and law enforcement, be assisted by campus authorities in notifying law enforcement, and the right to decline to notify such authorities.

# VAWA Amendments to Clery:

## What Does This Mean For a Student or Employee Victim?

- The institution will protect your confidentiality (and those of necessary parties) in publicly available recordkeeping, like in a timely warning or the daily crime log
- The institution will maintain as confidential any accommodations or protective measures provided to you, to the extent that it does not impair the ability of the institution to provide them.



# VAWA Amendments to Clery:

## What Does This Mean For a Student or Employee Victim?

- You will receive important information in writing, such as on- and off-campus resources available to you, possible accommodations, procedures for disciplinary action, and student/employee rights and options
- You have the right to changes to academic, living, transportation, and working situations and protective measures if requested and reasonably available, regardless of whether you choose to report the crime to campus police or law enforcement

# VAWA Amendments to Clery:

## What Does This Mean For a Student or Employee Victim?

- You have the right to a prompt, fair, and impartial disciplinary process from the initial investigation to the final result that is conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault and stalking
- Both the complainant and respondent have the same opportunity to have others present, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice, and they must both receive simultaneous written notification of the results of any disciplinary process.

# VAWA Amendments Resources

Clery Center's free NCSAM resources

- VAWA Amendments to Clery Checklist

[https://clerycenter.org/wp-content/uploads/2017/04/VAWA\\_Checklist.pdf](https://clerycenter.org/wp-content/uploads/2017/04/VAWA_Checklist.pdf)

- Rights and Options Guide

[http://ncsam.clerycenter.org/wp-content/uploads/NCSAM18\\_Rights-and-Options\\_r1.pdf](http://ncsam.clerycenter.org/wp-content/uploads/NCSAM18_Rights-and-Options_r1.pdf)

- Sample Written Notification

<http://ncsam.clerycenter.org/wp-content/uploads/2016/08/Written-Notification.pdf>

Review **Response to Dating Violence, Domestic Violence, Sexual Assault, and Stalking** sections of the sample project plan.

- Which tasks seem like a good fit for your institution?
  - Are there any tasks you would add?
- What individuals/departments would lead each task?
- What are realistic deadlines for completing each task?

# Sample Finding: Lack of Adequate Policy Statements; Failure to Publish and Distribute ASR

## Fast Facts

Range of gaps, including:

- Nonexistent policies
- Existing policies and procedures but not one central, comprehensive ASR or missing specific policy statements
- ASR with inaccurate information
- Did not compile complete crime statistics in ASR
- Released after October 1

## Action Items

- ASR updates working group
- Reviewed and established required policies and reflected accurate policy statements within an updated ASR
- Explanation and correction of crime statistics

# Group Discussion

- Who compiles the annual security report on your campus?
- When does your institution compile the annual security report?
- Do members of your community read the annual security report?

# Activities

- Policy review
- Annual security report review (compliance, flow of information, access)
- Focus groups
- Written notification
- Flow charts

*What would you prioritize?*

*Floor – Ceiling*

# Compiling the Annual Security Report

Clery Center's free NCSAM resource

- Project Plan: Compiling the Annual Security Report

<http://ncsam.clerycenter.org/wp-content/uploads/2016/08/ASR-Project-Planner.pdf>



# Understanding Clery Statistics

Clery Center's free resource

- Understanding Clery Statistics

[https://clerycenter.org/wp-content/uploads/2017/03/0618\\_Understanding-Clery-Statistics.pdf](https://clerycenter.org/wp-content/uploads/2017/03/0618_Understanding-Clery-Statistics.pdf)

Review **any remaining** sections of the sample project plan.

- Which tasks seem like a good fit for your institution?
  - Are there any tasks you would add?
- What individuals/departments would lead each task?
- What are realistic deadlines for completing each task?

# Group Discussion: Goal-Setting

- What activities could be organized by calendar year?
- What is one action your institution should do first? Who should be involved?
- What role do you or your department play in the policies and procedures we've discussed?
- How can you engage the individuals/departments you've identified throughout this session?

**Questions?**

## Reminders

- Access to the presentation
- Evaluations
- Social Media

## Contact Info

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at the heart of campus safety