Clery Act

Jeanne Clery was raped and murdered while asleep in her dorm room at Lehigh University in 1986. She was murdered by another student who had entered her dorm through three propped doors. Her parents discovered that there had been numerous reports of propped doors and there had been 38 violent crimes in the three years prior to her murder at Lehigh and they believed she would have been more cautious if she had known about the other violent crimes at Lehigh.

Purpose of the Clery Act

"The purpose of Clery Act is to provide the campus community with accurate, complete, and timely information about crime and the safety of the campus environment so that they can make informed decisions to keep themselves safe."

Although every institution wants its campus community to report criminal incidents to law enforcement, we know that this does not always happen. Even at institutions with a police department on campus, a student who is the victim of a crime may be more inclined to report it to someone other than the campus police.

For this reason, the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers "campus security authorities”.

Data is collected from a wide variety of “Campus Security Authorities” to provide the most accurate crime statistics possible.
Who is A Campus Security Authority?

"The Clery Act requires the institution to identify individuals that meet the definition of a campus security authority; and document their role as a Campus Security Authority.

University Police

Non-police security staff responsible for monitoring university property, monitoring events, and providing escorts to include contract security and students.

People/offices designated under our policy as those to whom crimes should be reported – the JMU Police and Title IX.

Someone with significant responsibility for student and campus activities.
Who is Not a Campus Security Authority?

Faculty members who are not advisors of student groups, i.e. no responsibility for student or campus activities beyond the classroom.

You may have significant responsibility for student and campus activities BUT...YOU DO NOT HAVE TO REPORT IF:

You are a licensed mental health counselor or a pastoral counselor (employed by a religious organization to provide confidential counseling) AND... You are working within the scope of your license or religious assignment.

Student Health Center Clinicians who only provide care to individual students.

Counselors in the Counseling center who only provide care to individual students.
Campus Security Authority’s Primary Responsibility

A Campus Security Authority primary responsibility is to forward crime reports to the reporting structure established by the institution.

Crime reports are allegations of Clery Act crimes that he or she receives.

The CSA fulfills a federal responsibility that helps the institution annually disclose accurate crime statistics and to help facilitate the issuance of timely warnings, community alerts, or emergency notifications for crimes that pose a serious or continuing threat to the JMU campus community.

You do not need to witness the crime. Under the Clery Act, a crime is “reported” when it is brought to the attention of a campus security authority by a victim, witness, other third party, or even the offender.

If a campus security authority receives crime information, he or she should document it in a crime report and submit it to the Clery Compliance Officer. This is an ongoing process.

Student employees are directed to report all non-emergency criminal incidents to their supervisor for submission to the designated Clery coordinator for their area.
Campus Security Authority’s Primary Responsibility

Remember, CSA crime reports should include sufficient detail, such as dates and locations, and, where appropriate, personally identifying information, including name and contact information if available. This is because a CSA crime report may be the basis for determining if there is a serious or continuing threat to the safety of the campus community that would require an alert: a timely warning, community alert or emergency notification to be issued.

If a serious crime that may cause an ongoing threat to the JMU community is reported to anyone who is defined as a Campus Security Authority, that individual should report that incident to the JMU Police Department. The institution has a responsibility to notify the campus community about any crimes which pose an ongoing threat to the community, and as such, Campus Security Authorities are obligated by law to report crimes immediately to the JMU Police Department. If there is any question about whether an ongoing threat exists, the police department to discuss the matter further.
Is it Clery Reportable- Three-part Test

"There is a three-part test to determine if the crime is a Clery reportable crime at JMU.

Was the crime reported to a Campus Security Authority?

Is the crime a Clery reportable crime?

Did the crime occur in a Clery reportable geographic area?
Clery Reportable Trips

Pursuant to the Clery Act, James Madison University is required to disclose on an annual basis certain reported crime statistics that occur during University sponsored / arranged domestic and international student trips. Community members who are administratively responsible for domestic and international student trips are campus security authorities and are expected to report crimes occurring during the trip along with student trip information to the Clery Compliance Officer for compliance.

The University must have control over the trip or program accommodation and any related academic space used in conjunction with the trip. Control, as defined by the Clery Act, means that there is a written agreement (no matter how informal) directly between the University and the end provider for use of the space.

In addition, the controlled space must be used in direct support of, or in relation to, the institution’s educational purposes and frequented by students. Some examples of a written agreement include renting hotel rooms, leasing apartments, leasing space in a student housing facility or academic space on another campus and even an e-mail agreement for use of space free of charge. Hostels are not normally reportable unless the written agreement gives the University control over the space within the accommodation.
Clery Reportable Trips

Why is this information needed? Information on qualifying student trips is needed by Clery Compliance Officer for follow-up with the local law enforcement agency associated with the trip location. A request will be sent to the trip location law enforcement agency with jurisdiction to determine if any Clery Act qualifying crimes (occurring during the trip time frame and at the University arranged accommodation and/or related academic space) were reported to local law enforcement.

Further information can be found on the JMU Police website at http://www.jmu.edu/publicsafety/clerycompliance/about/clery_trip_documentation.shtm along with a link for form submission.
A Crime is reported to you. What do you need to do?

First and most importantly:

Is a violent situation in progress?
Is there imminent danger to the victim or others?
Is it an emergency or crime in progress?
Is medical treatment needed for serious injury?

If so........  Contact JMU POLICE immediately at 568-6911 if it is occurring on campus. If it has occurred off campus contact Emergency Communication Center or ECC at 911 to be directed to appropriate agency.

If it is not an emergency, the CSA should ask the individual reporting the crime if they would like to report the incident to the JMU Police or the police in the jurisdiction the crime occurred. If they do, then the CSA should help coordinate reporting. If they do not want to contact police, the CSA should explain that they are a federally mandated crime reporter and are required to submit a crime report for statistical purposes and that the crime report can be submitted without identifying the crime reporting party and/or victim if the reporting party would like to remain anonymous. If a crime reporting party requests anonymity, this request must be honored to the extent permitted by law. However, in areas of sexual violence anonymity cannot be promised. Once this report is submitted, the University will
A Crime is reported to you. What do you need to do?

conduct an initial assessment, a threat assessment, and take any immediate action that may be necessary to protect the health and safety of individuals and the University community. The University will make reasonable efforts to protect the privacy and respect the wishes of reporters, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. Depending on the nature and severity of the conduct reported, the University may be required to share all known information, including names, with law enforcement.
Sexual Violence

Offer Help

Offer to go with the victim to report their complaint. If they do not wish to report the incident, get as much information as possible.

Questions to ask: What happened? When did it happen? Who else might have witnesses it? Where? (Determines if Clery reportable.)

Let him or her know that the university doesn’t condone this type of behavior and the effect it has on others.

Victims of sexual assault, domestic violence, dating violence and stalking must be provided written explanations by the University of their rights and options so they can access resources and support. This information is found in the JMU Complainants Rights. It provides Information on programs for assisting victims of sexual and/or other forms of assault. Information on procedures for seeking medical help. Information on counseling and psychological services. It can be found on the JMU Police website at https://www.jmu.edu/publicsafety/clerycompliance/complainants_rights.shtml

Tell him or her that you have an obligation to report what they have told you and a Title IX representative will contact them.

Anonymity cannot be promised in these cases.
Record the information and submit a report

Be sure to document... Who, What, When, Where and How.

Get as accurate and complete a description of what happened as you can. When the crime or incident occurred and when it was reported to you because 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.

Remember the police will categorize the report: your job is to get the information the person wants to tell you.

You are not a detective.
You don’t have to prove what happened or who was at fault.
You aren’t supposed to find the perpetrator.

To report a Clery Act qualifying crime reported to them, CSA's can access and submit a CSA Crime Report form electronically or it can be emailed or faxed using alternate CSA Crime Report form.

It can be located on the JMU Police Department website at http://www.jmu.edu/publicsafety/campus-security-report.shtml
Forward the information to the Clery Compliance Officer 821 South Main Street MSC 6810 Harrisonburg, VA 22807 or by FAX to JMU Clery Compliance Officer at 540-568-7926 or email to caricklt@jmu.edu
Student employees are directed to report all non-emergency criminal incidents to their supervisor for submission to the designated Clery coordinator for their area for submission.
After the report is filed

The report will be documented on the Daily Crime Log. The log consists of five elements:

the date the crime was reported
the date and time the crime occurred
the nature of the crime
the general location of the crime
the disposition, or status, of the complaint, if it is known

If a Timely Warning/Community Alert is appropriate, the University will issue the notification in a manner that will alert the campus community of the threat.

In cases of sexual violence, Title IX will investigate the incident.
What should I report?

Clery crimes that occur in Clery geography

Clery Geography

On Campus - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support or in a manner related to, the institution's educational purposes.

On Campus student housing

Non-campus Buildings and Property - Any building or property owned or controlled by a student organization that is officially recognized by the institution; any building or property owned or controlled by an institution that is used in direct support of or in relation to, the institution's educational purpose, is frequently used by students, and is not within the same reasonably contiguous geographic area.

Public Property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

A listing of JMU property can be found on the JMU Police website at http://www.jmu.edu/publicsafety/clerycompliance/clery_geography.shtml
Clery Crimes

Murder and Manslaughter by Negligence
Sex offenses (rape, fondling, incest, statutory rape)
Robbery
Aggravated assault
Burglary
Motor vehicle theft
Arson

VAWA Crimes

Stalking
Domestic Violence
Dating Violence

Arrests and Referrals for Disciplinary Action

Drug Law Violations
Liquor Law Violations
Weapons Law Violations

Hate Crimes
Any of the above offenses and incidents of Larceny, Theft, Simple Assault, Intimidation or Destruction/Damage/Vandalism which were motivated by the offender’s bias.
Clery Crimes - Definitions

"Murder and Non-Negligent Manslaughter – The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence – The killing of another person through gross negligence.

Sex Offenses – “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

"Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape – Sexual intercourse with a person who is under the statutory age of consent.
Clery Crimes - Definitions

Robbery – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary for an injury to result when a gun, knife or other weapon is used in the commission of the crime.

Burglary – The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle report (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding.)

Arson – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
Clery Crimes - Definitions

“Domestic Violence - The term “domestic violence” includes felony or misdemeanor crimes of domestic 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 or intimate partner.
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 jurisdiction in which the crime occurred (42 U.S.C. 13925(a))

(Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
"Dating Violence - The term “dating violence” means violence committed by a person:

who is or has been in a social relationship of a romantic or intimate nature with the victim; and
where the existence of such a relationship shall be determined based on a consideration of the following factors:

The length of the relationship.
The type of the relationship.
The frequency of interaction between the persons involved in the relationship. (42 U.S.C. 13925 (a))

(Includes threats of, or use of physical, sexual, verbal, emotional, economic or psychological action to influence or control the victim.)

Stalking -The term “stalking” means engaging in a:

course of conduct directed at a specific person that would cause a reasonable person to –
fear for his or her safety or the safety of others; or suffer substantial emotional distress.
Clery Crime Definitions

Arrests and Referrals: Drug, Liquor and Weapons violations.

Arrests - Persons processed by arrest, citation or summons.

Disciplinary Referrals – Incidents in which a student was not arrested but was referred for campus disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Liquor Law Violation – The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still, furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; or any attempts to commit any of the foregoing violations. Note: this list does not include public drunkenness and driving under the influence.

Drug Abuse Violations – Violations of state and local laws related to the possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include; opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone(s); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
Clery Crime Definitions

Weapon Law Violation – The violation of laws or ordinances prohibiting the manufacturing, sale, purchase, transportation, possession, concealment, use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses regulatory in nature; manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc. silencers; furnishing deadly weapons to minors,

Hate Crimes

Hate crimes -Include the crimes of Murder and Non-negligent manslaughter; Sex offenses - rape, fondling, incest, statutory rape; Robbery; Aggravated assault; Burglary; Motor vehicle theft; Arson; Domestic Violence; Dating Violence; and Stalking and any incidents of:

Simple Assault – Assualts and attempted assaults where no weapon was used and which did not result in a serious or aggravated injury to the victim.

Larceny-Theft - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
Clery Crime Definitions

Hate Crimes

Destruction/Damage/Vandalism of property - To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Intimidation – To intentionally say or do something which would cause a person of ordinary sensibilities to be fearful of bodily harm that manifest evidence that the victim was intentionally selected because of the perpetrator's bias: race, gender, gender identity, religion, sexual orientation, ethnicity national origin or disability.