

## Clery Act Crime Reporting Guidance for Campus Security Authorities

### Frequently asked questions FAQs: Reporting Obligations for Campus Security Authorities

#### Overview of the Clery Act:

The “**Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**” is a federal law that requires institutions of higher education in the United States to disclose campus security information (including crime statistics and information about safety-related policies).

The Clery Act was named in memory of a student, Jeanne Clery, who was murdered and raped in her dorm room at Lehigh University in 1986. Her attacker was also a student at the University whom Jeanne did not know prior to the attack. Her parents championed laws requiring the disclosure of campus crime information, and the federal law that now bears their daughter's name was enacted in 1990.

The Act is intended to provide current and potential students and their families, as higher education consumers, with accurate, complete and timely information about safety on our campuses or “Clery Act geography” so they can make informed decisions. It is the University, along with all mandatory reporters (**known as Campus Security Authorities or CSAs**) that bear responsibility for reporting.

#### **Keys to the Clery Act: “Provide Support for Victims” and “Policies and Procedures”**

#### **What is a Campus Security Authority and how do I know if I am a CSA?**

A **Campus Security Authority or CSA** is defined in the federal regulation as any individual with significant responsibility for student and campus activity, including but not limited to student housing, student discipline, and judicial proceedings. Many Rowan employees and certain students, including faculty, have been designated as CSAs by the head of their unit or school (often a VP or a Dean) in consultation with the Department of Public Safety’s Office of Clery Compliance. You will be notified by the Clery Compliance Office if you have been identified as a CSA due to the function of your position.

CSAs are identified by the function of their position, through a semi-annual review process, involving audits being conducted by University departments of their staff and notification of their position through notice from the Clery Compliance Office.

Campus Security Authorities (CSAs) are mandated reporters to the Department of Public Safety or designated University office for those reported allegations of Clery Act crimes which they receive in their capacity as a CSA, for inclusion into the annual disclosure of crime statistics. The Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that are considered to be “Campus Security Authorities” under the law.

Crimes and incidents, especially sexual assaults, may not always be reported to the police. To ensure that the Rowan community knows about potential safety issues on our campuses, the Clery Act requires institutions to gather and publish data from sources, which includes additionally Campus Security Authorities or CSAs.

**Who are Campus Security Authorities?** Campus Security Authority (CSA) is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution.

- *A campus police department or a campus security department of an institution.*
- *Any individual or individuals who have responsibility for campus security but who do not constitute the campus police department or campus security department.*
- *Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.*
- *An official of the University who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. CSAs are identified by the function of their position, through a semi-annual review process, involving audits being conducted by University departments of their staff and notification of their position through notice from the Clery Compliance Office. 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.*

**Some Examples of Campus Security Authorities (CSAs)** include but are not limited to:

- Rowan University Police and Security Officers, Event Security Staff
- Dean of Students
- Student housing (Residence Learning and University Housing)
- Student conduct (Office of Community Standards)
- Student center or student extracurricular activities staff
- Director of athletics, all athletic coaches (including part-time employees and graduate assistants)
- Faculty advisor to a student group
- Student resident advisor, directors or assistants
- Director/Coordinator of Greek Affairs
- Title IX coordinator
- Director of a campus health or counseling center (Wellness Center)
- Victim advocates or others who are responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.
- Members of a sexual assault response team (SART) or other sexual assault advocates
- Personnel whose job functions involve supervising student employees

**Examples of individuals who would not meet the criteria** for being Campus Security Authorities include:

- Faculty member **who does not have any responsibility for student and campus activity beyond the classroom**
- Clerical or cafeteria staff

**Campus "Pastoral Counselors" and Campus "Professional Counselors"** acting in the capacity of this function, are **not considered to be a Campus Security Authority (CSA)** and are not required to report crimes for inclusion into the annual disclosure of crime statistics. The pastoral or professional counselor

exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may learn about. This exemption is intended to protect the counselor-client relationship. However, even the legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are in fact under a legal obligation to report a crime. They are encouraged if and when they deem it appropriate to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual statistics.

- **Pastoral Counselor** is defined as *a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.*
- **Professional Counselor** is defined as *a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.* This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

**NOTE: Do not get confused over the term CSA** which is also used at Rowan for Community Safety Assistants, who are also CSAs under Act.

### **Are CSAs the same as Responsible Employees under Title IX?**

**No**, CSAs under the Clery Act are not the same as **“Responsible Employees” under Title IX**. While there may be some overlap, persons considered to be CSAs for *Clery Act* reporting are not necessarily the same as those defined as “responsible employees” for Title IX.

Title IX is the law requiring equal opportunity regardless of gender in the educational environment. Title IX requires that Rowan promptly redress allegations of sexual discrimination and harassment and the law requires that “Responsible Employees” promptly report acts of harassment and discrimination that come to their attention.

A Responsible Employee is any employee (full-time, part-time or volunteer) who:

- has the authority to take action to redress sexual harassment;
- has the duty to report to appropriate school officials sexual harassment or any other student misconduct (i.e., plagiarism, alcohol/drug violations, or other student code of conduct violations); or students would reasonably believe has the aforementioned authority or responsibility.

As pointed out, there are circumstances where a person may be a Campus Security Authority and a Responsible Employee. For further information and any questions you may have on **“Title IX- Responsible Employees”**, please contact the Office of Equity and Diversity, or see:

<http://www.rowan.edu/equity/titleix/>

### **What does being a CSA mean?**

It means **you have certain reporting obligations**, as described in these FAQs.

**“The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information**, such as the campus police or security department, those

allegations of *Clery Act* crimes that he or she receives. CSAs are responsible for reporting allegations of *Clery Act* crimes that are reported to them in their capacity as a CSA.

This means that CSAs are **not** responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.” (4-5 DoE Handbook 2016)

CSAs are not responsible for determining whether crime took place, apprehend the alleged perpetrator, or convince a victim to contact law enforcement if the victim chooses not to do so.

### **What do I need to report?**

Certain **criminal activity** known as “**Clery Act incidents**”, that you become aware of occurring on certain property designated as our “**Clery Act geography.**” The reporting requirement is triggered by the **location where the incident occurred**. It only applies to criminal incidents occurring on Rowan University geography (as explained further in these FAQs).

### **What are Clery Act reportable incidents?**

We are mandated to report on the following **criminal offenses, hate crimes and VAWA (Violence Against Women Act) incidents**. They are:

#### **Crime Offenses:**

- Aggravated Assault
- Arson
- Burglary
- Criminal Homicide: These offenses are separated into two categories: Murder and Non-negligent Manslaughter, and Manslaughter by Negligence.
- Motor Vehicle Theft:
- Robbery
- Sexual Assault (Sex Offenses): (Rape, Fondling, Incest and Statutory Rape)

#### **Hate Crimes:**

**Hate Crimes:** Is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. Include **any of the previous crimes and any incidents** of

- larceny/theft
- simple assault
- intimidation
- or destruction/damage/vandalism of property
  - Which manifests evidence that the victim was intentionally selected because of the perpetrator’s bias.
- **Bias Categories:** Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin and Disability

#### **Violence Against Women Act (VAWA Offenses):**

- Dating Violence

- Domestic Violence
- Stalking

**Arrests and Referrals (Which are collected from the Office of Community Standards):**

- Liquor/Drug law violations
- Weapon law violations

**What is our Clery Act geography?**

For the purposes of collecting statistics for submission to the U.S. Department of Education and for inclusion into the Rowan University Annual Security Report (ASR), **Clery geography includes buildings and property that are part of the university’s campus(s), which include a subset of on-campus student housing where applicable), the University’s non-campus buildings or property, and the public property within or immediately adjacent to and accessible from our campus(s).** For the purposes of maintaining our University’s Daily Crime log, the Clery geography also includes the areas within the patrol jurisdiction of the Rowan Police and Campus Security. It is further explained as follows:

Rowan University has many campuses for Clery purposes which include the Glassboro Main Campus, West Campus (South Jersey Technology Park), Cooper Medical School of Rowan University (CMSRU), Camden Academic Building (RUCAB), Rowan University Stratford School of Osteopathic Medicine (RowanSOM), Rowan University at Rowan College of Burlington County and Rowan University at Rowan College of Gloucester County.

**On-Campus** is considered under the Act:

- 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 of, or in a manner related to, the institution’s educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor)

**NOTE:** *Statistics for the University’s student housing facilities are recorded and included in both the all on-campus category and the on-campus residential only category.*

**Non-Campus** buildings or property is considered under the Act:

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or 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 purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

For example: Certain classes not on the main campus, held at off campus sites, study aboard, off campus trips. *Specific information about overseas and other non-campus property is available through the Department of Public Safety, Office of Clery Compliance.*

**Public Property** is considered under the Act:

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

**Adjacent to** means those streets and sidewalks immediately bordering the Rowan campus – not streets a block away, for example. It also does not include property that is not accessible from the on-campus property; for example if there is a fence between the campus property and the non-campus sidewalk, the sidewalk may not be within our Clery Act geography.

Some examples of public property include:

- Glassboro: Route 322 through the Glassboro Main campus, including its sidewalks on those portions of the road that go through the campus.
- Harrison Twp. /Mantua Twp.: Route 322 through the West Campus (South Jersey Technology Park), including its sidewalks on those portions of the road that go through the campus.
- Stratford: East Laurel Road, including its sidewalks, on those portions of the road that border the Rowan SOM campus.
- City of Camden: South Broadway and its sidewalks on those portions of the street that are adjacent to the Cooper Medical School of Rowan University (CMSRU).
- City of Camden: Cooper Street and its sidewalks on those portions of the street that are adjacent to the Camden Academic Building (RUCAB).

**Clery Geography is important but, for you as a CSA reporting all crimes is critical.**

CSAs are **not expected to understand the specifics** of the Clery Act’s geographical requirements.

**Your rule is easy:**

If you become aware of a crime involving Rowan students, Rowan property, or in your role as a Rowan employee or volunteer, **REPORT IT IMMEDIATELY, following the process explained in the FAQs.** The Clery Compliance Office will review and classify it appropriately.

Please report “**Off Campus** Student Travel (Domestic/International) and Academic Space Use” to the Clery Compliance Office by completing the form at:

[http://www.rowan.edu/home/sites/default/files/Consumer%20Disclosures/clery\\_act\\_student\\_trip\\_form.pdf](http://www.rowan.edu/home/sites/default/files/Consumer%20Disclosures/clery_act_student_trip_form.pdf)

**What are some locations which not included in our Clery Act geography?**

- Off-campus locations for internships, externships, clinical training or student teaching, where the agreement is limited to the program rather than for use of the physical space.
- You are not required to include statistics for crimes that occur on field trips at locations Rowan does not own or control.
- If your institution sends students to study abroad at a location or facility that Rowan does not own or control, you don’t have to include statistics for crimes that occur in those facilities.

There are many considerations with Clery Act reporting, but remember:

**Clery Geography is important but, for you as a CSA reporting all crimes is critical.**

**Your rule is easy:**

If you become aware of a crime involving Rowan students, Rowan property, or in your role as a Rowan employee or volunteer, **REPORT IT IMMEDIATELY, following the process explained in the FAQs.** The Clery Compliance Office will review and classify it appropriately.

**NOTE:** However, if the trip/program meets the criteria for reporting and you are the advisor on the trip, you are a CSA and must report.

## **What do I do if a criminal incident occurred on our Clery Act geography, how do I make a report?**

A CSA needs to file a report with the Rowan University Public Safety Department when he or she becomes aware of information that indicates that a Clery Act incident is occurring or may have occurred on campus, adjacent to campus, or in a non-campus location. This can be done through the on line CSA Report or in special circumstances follow the guidelines as outlined in the CSA Training, both found at Department of Public Safety web page: <http://www.rowan.edu/safety/index.html>

**NOTE:** If the incident/crime is in progress/happening real-time and constitutes an emergency, dial 911 immediately from a phone or push the button of an outdoor emergency phone where available. Immediately inform the communications officer of your location and nature of the emergency. Police will be dispatched to the location. In these real time emergencies, crimes in progress, follow the reporting guidelines that are found at the Emergency Preparedness web page: <http://www.rowan.edu/emergency/>

Sexual violence should also be **reported to the Title IX Coordinator**. The Rowan University Public Safety Department is designated as the official collector of crime report information for all our campuses.

## **As a CSA, what steps do I have to take to do again to report?**

In review:

**Step 1** –Get and record the facts

**Step 2** –Report the facts as completely and accurately as possible–using the online CSA Report located at: <http://www.rowan.edu/safety/>

### **For EMERGENCIES/CRIMES IN PROGRESS: Contact Rowan Public Safety immediately**

- Dial 911, which will be directed to the Rowan University Public Safety Communications
- 856-256-4911 from any phone.
- Ext. 4911 from any campus phone.

## **Do I need to witness criminal incident first hand?**

**No, the reporting obligation arises when you, a Campus Security Authority, become aware of information or allegations of criminal behavior.** Awareness can be either through witnessing the criminal conduct or having criminal activity reported to you by a victim, bystander, or other person.

## **When do I need to report the criminal incident to Police/Public Safety?**

For EMERGENCIES/CRIMES IN PROGRESS, contact Rowan Public Safety immediately.

You should report the criminal incident to the authorities in a timely manner. In non-emergency situations (e.g. not a serious and ongoing threat), CSAs should report promptly given the circumstances. For CSAs in non-campus locations, especially abroad, that may not be possible until your return to the New Jersey campus. Obviously, in emergency situations, contact local law

enforcement wherever you may be. Do not wait for criminal charges to be brought, arrests to be made, etc.

### **What if I am not sure if a crime has actually occurred?**

You should still report. It is not your job to decide whether there is enough evidence or if all the elements of a crime occurred; if you have information that reasonably appears like a Clery Act incident, report it. You should also remember that ***attempted crimes must be reported***.

### **What if the information that I have is second or third hand? Do I still need to report?**

**Yes, you need to report.** The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information, such as the campus police or security department, those allegations of *Clery Act* crimes that he or she receives. CSAs are responsible for reporting allegations of *Clery Act* crimes that are reported to them in their capacity as a CSA.

You do not have to report information about a Clery Act incident if you are reasonably certain that the incident has already been reported. CSAs are **not** responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.

*For example:*

**Scenario 1:** A faculty advisor to a University student club who has been identified as a CSA, is told by a student in the club that she was raped in her dorm over the weekend and is seeking emotional and medical support. She does not want a formal police investigation at this time. The faculty advisor should forward the report to the Clery Compliance Office via the CSA reporting process, for inclusion in the statistics regardless of whether the victim chooses to file a report with law enforcement. Personal identifiers do not have to be used if the student does not want to be identified. Note, this should also be reported to Title IX office.

**Scenario 2:** A student mentions to her boyfriend that a number of rooms on her dorm floor were broken into during last week's football game. Later that day, her boyfriend tells the athletics director (AD) what he heard. The AD asks which dorm it was and what, if anything else, the boyfriend knows about the incident. The AD should document the information and forward it to the Clery Compliance Office via the CSA reporting process.

**Scenario 3:** Jane, a resident advisor, is attending a Take Back the Night rally at Rowan. She attends the event as a participant and is not involved in providing any counseling services. As part of the event's programming, a student gives a speech in which she says that she was raped on campus last year. In response to hearing the speech, three other students decide to address the crowd and disclose their own experiences being sexually assaulted. After the event, Jane returns to her room where a student from her housing facility knocks on her door and tells her that she was sexually assaulted at an on-campus party in another housing facility three months ago. Jane should forward the report of the

incident that was reported to her as she was acting in her capacity as an RA for her housing facility. Jane should not report the Sexual Assaults that she heard discussed at the Take Back the Night event.

**Scenario 4:** On the other hand, if your supervisor shares with you information about an incident where a student just attacked another student with a knife and that your supervisor has already called the Police. You **do not need to make** a second CSA report via the CSA reporting process since the incident has already been reported to Public Safety. Remember **this is a crime in progress and must be immediately reported to Public Safety Communications, via 911 or direct numbers to the office.**

### **If I make a CSA report, does this mean that a police investigation will be initiated?**

**CSA report does not need to automatically result in the initiation of a police or disciplinary investigation if the victim does not want to pursue this action.**

Although we encourage victims of any crime to report incidents and seek assistance through legal channels whenever possible, a report from a CSA will not necessarily result in a police investigation. There are many reasons why a report might not result in a law enforcement action. For example, in many cases the Police will not initiate an investigation without victim assistance. As another example, if a report is about an incident that occurred outside of the Rowan University Police's jurisdiction, they may refer the matter to the appropriate jurisdiction's agency. However, those police may not deem the matter to warrant an investigation.

Always remember to provide what resources are available for the victim.

### **If a student reported something to me in confidence, do I still need to report the incident as a CSA for Clery Act purposes?**

**Yes.** All incidents which meet the criteria described above must be reported to the Rowan University Department of Public Safety for statistical collection purposes. Reports may, however, be filed **without providing the name of the victim.**

**In most cases it is possible for a CSA to fulfill his or her responsibilities while still maintaining victim confidentiality.** CSA reports are used by the University to compile statistics for *Clery Act* reporting and to help determine if there is a serious or continuing threat to the safety of the campus community that would require an alert (i.e., a timely warning or emergency notification). Alerting responsibilities can usually be met without disclosing personally identifiable information. However, those responsibilities can usually be met without disclosing personally identifying information. A CSA report does not need to automatically result in the initiation of a police or disciplinary investigation if the victim does not want to pursue this action. (4-8 DoE Handbook 2016)

Only those CSAs who are professional mental health and pastoral counselors are exempt from the requirement from disclosing reported offenses, only if they learn of the incident while acting in the role of pastoral or professional counselors. Counselors may encourage the student to make a voluntary anonymous report to Rowan Public Safety, on a confidential basis, or may report the incident with no personal identifiers for inclusion in the annual disclosure of crime statistics.

## **If I report the incident to my supervisor, do I still need to report the Clery reportable incident through the CSA reporting process?**

**Yes**, the incident needs to be reported. If in progress immediately report to Rowan Public Safety or the appropriate law enforcement agency depending on your location. In Clery reportable incidents complete the on line CSA reporting form and then follow up per your department's procedure. The main issue here is that **CSAs are required to report directly through public safety rather than simply through chain of command**. You can follow up with reporting through your "chain of command" after the incident has been reported to Public Safety, either directly or through the CSA reporting process.

## **What is sexual violence?**

**Rowan University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking, as defined by the Clery Act and New Jersey State statute.**

Key Definitions from Rowan's Sexual Misconduct and Harassment Policies can be found:

<http://www.rowan.edu/equity/titleix/documents/RowanSexualMisconductandHarassmentPolicies-KeyDefinitions.pdf>

## **What should a CSA NOT do?**

A campus security authority is **not responsible for determining authoritatively whether a crime took place**—that is the function of law enforcement personnel. A campus security authority should **not try to apprehend the alleged perpetrator** of the crime. That too is the responsibility of law enforcement. It's also **not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so**. What a CSA should do:

- Get the Information
- Report the Information
- **And always help to connect the person to available options and resources.**

## **What fines and sanctions possible could Rowan receive if a CSA fails to report and incident?**

**Monetary Fines:** Colleges and Universities found in violation can be "fined" per incident by the U.S. Department of Education for any material misrepresentation of information (what we actually report, or what we fail to report).

**Disqualification:** Non-compliance with the Clery Act can have a **negative impact** on the University's ability to receive federal financial aid or qualify for federal grant programs.

**Reputational Damage:** Clery Act violations can have **national attention and consequences**. Indeed, the DoE uses adverse publicity to incentivize compliance by other universities.

## **Under the Violence against Women Reauthorization Act (VAWA) what are Clery reporting requirements?**

The same as other Clery reportable incidents. Under the Campus Sexual Violence Elimination provision ("SaVE Act"), Dating Violence, Domestic Violence and Stalking were added to the reportable categories.

## What are some additional resources for me as a CSA?

### CSA Campus Security Authority Training:

<http://www.rowan.edu/safety/index.html>

[http://www.rowan.edu/safety/information/documents/csa\\_training\\_2016.pdf](http://www.rowan.edu/safety/information/documents/csa_training_2016.pdf)

### CSA Reporting Form:

<http://www.rowan.edu/safety/index.html>

### Title IX:

<http://www.rowan.edu/equity/documents/studentsexualmiscon.pdf>

### Office of Community Standards:

<http://www.rowan.edu/studentaffairs/communitystandards/>

### Annual Security and Fire Safety Report:

[http://www.rowan.edu/safety/clery/security\\_report.html](http://www.rowan.edu/safety/clery/security_report.html)

## Important: When in doubt, report.

Remember just reporting something to your supervisor is not enough, make sure the incident is reported via the CSA reporting process outlined in your training.

If you have not done so **please complete the CSA Training** (*see link above*).

**Questions:** Any questions you may have, please contact the Rowan University Department of Public Safety Clery Compliance Office: (856) 256-4562 or [cleryact@rowan.edu](mailto:cleryact@rowan.edu)



**Thank you.**