Jeanne Clery Campus Security Policy & Crime Statistics Disclosure Act (Clery Act)

Campus community and Campus Security Authority online training

Gordon-Conwell Theological Seminary
Hamilton Campus
Jeanne Clery Campus Security Policy & Crime Statistics Disclosure Act (Clery Act)

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crime on and around their campuses.

The “Clery Act” is named in memory of 19 year old Lehigh University freshman Jeanne Ann Clery (pictured right) who was raped and murdered while asleep in her residence hall room on April 5, 1986.
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies.

All public and private institutions of postsecondary education participating in federal student aid programs are subject to it. Violators can be "fined" by the U.S. Department of Education, the agency charged with enforcement of the Act and where complaints of alleged violations should be made, or face other enforcement action.
How does the Clery Act impact the Seminary?

- The Clery Act requires that the Seminary collect, maintain and make available to prospective and current students and employees the following:
  
  - Annual Report
  - Crime Statistics
  - Access to Timely Information
The Seminary must publish an annual report every year by October 1st that contains 3 years worth of campus crime statistics and certain security policy statements including sexual assault policies which assure basic victims' rights, the law enforcement authority of Campus Safety and where students should go to report crimes.

The report is to be made available automatically to all current students and employees while prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy.

The Seminary can comply using the Internet so long as the required recipients are notified and provided the exact Internet address where the report can be found and paper copies are available upon request. A copy of the statistics must also be provided to the U.S. Department of Education.
The Seminary must disclose crime statistics for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities. The statistics must be gathered from Campus Safety, local law enforcement, and other “Campus Security Authority” such as Student Life Services. Professional mental health and religious counselors are exempt from reporting obligations, but may refer patients to the Seminary's confidential reporting system.

**Crime Reports:**


**Sexual Assault Reports:**


**Hate Crime Reports:**


- Crimes must be reported in 7 major categories, designated “hate crimes” must be reported and the Seminary also must report any arrests or referrals to the campus judicial system (Pastoral Guidance Committee) for any alcohol, drug or weapons offenses.

- Crimes must be reported both by type of crime and location of the crime.
• The Seminary is also required to provide "timely warnings" and a separate more extensive public crime log posted outside of the Campus Safety Office (Kerr Building, room 430). It is these requirements which are most likely to affect the day to day lives of students. The timely warning requirement is somewhat subjective and is triggered when the Seminary considers a crime to pose an ongoing "threat to students and employees" while the log records all incidents reported to Campus Safety.

• To ensure that critical information is delivered to the community the Seminary utilizes a wide range of communication options including the Send Word Now (SWN) Emergency Alert system. SWN Alerts allow the Seminary to send critical information out through voice, text and email services. The Seminary encourages all members of the community to take advantage of the Send Word Now (SWN) Emergency Alert system.

• Information on how to sign up for the Send Word Now (SWN) Emergency Alert system may be found at:

The Seminary has designated certain administrators and staff as “campus security authorities”. The following persons or offices are “Campus Security Authorities”.

Some examples are:

- Provost
- Student Life Services staff (ie Dean of Students, Asst. Director of Student Life Services and the Manager of Housing)
- Human Resources
- Registration
- Admissions
Who is not a “Campus Security Authority”?

Some examples of those NOT included:

- Individual faculty who are not advisors to student groups
- Clerical staff

Additionally:

If you are a licensed mental health counselor or a pastoral counselor AND
You are working within the scope of your license or religious assignment.

You are not required to report.
Campus Security Authorities are charged with reporting to the appropriate law enforcement personnel, either Campus Safety or local police, or to any official or office which should be informed of the crime or complaint due to the nature of the crime or complaint, those allegations of Clery Act crimes that the campus security authority concludes are made in good faith. A campus security authority is not responsible for determining whether a crime took place as that is the function of law enforcement and its investigatory process.

A Campus Security Authority is required to report all allegations to law enforcement personnel, even if the Campus Security Authority was told of a crime in the context of providing emotional support or health care support. The allegations will be reported whether or not the victim chooses to file a report with law enforcement or press charges – although the victim’s name may be withheld at their request.

A Campus Security Authority may also provide a victim or witness with assistance in reporting a crime to Campus Safety or local police, or to any official or office which should be informed of the crime or complaint.
Just get the facts...

- Location, Day, Date, Time, Nature of the criminal activity and any other information that may allow the Seminary to improve campus safety and/or offer community members concrete steps to improve their own safety measures.

- Encourage the person to report the crime to Campus Safety or Hamilton Police. (But don’t insist)

- Tell the person how he/she can report anonymously to Campus Safety at:
  

BUT: The decision isn’t yours.

- A person who talks to you may not want to talk to Campus Safety or the Hamilton Police—and doesn’t have to. If they don’t you must still make a report:
  
  – If it is a Sexual Assault contact Campus Safety
    

  – All other incidents should be reported through the form at:
    
In order to keep the campus community informed about safety and security issues on an ongoing basis, the Seminary must alert the campus community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. These crimes must include all *Clery Act* crimes that are:

- Reported to campus security authorities or local police agencies; and
- Are considered by the institution to represent a serious or continuing threat to students and employees.

If you feel the incident you are reporting may meet the above criteria **NOTIFY HAMILTON POLICE IMMEDIATELY**. Call 911 from any campus phone or (978) 468-1212 from any cell or non-campus phone. Hamilton Police will notify Campus Safety who will respond and follow the timely warning policy.
“Campus Security Authority Incident Report” –
A description of the incident or crime

- Specific information will help Campus Safety or the Hamilton Police assign the crime to the correct category.
- Get as accurate and complete a description of what happened as you can.
- Put in the additional information for Alcohol, Drug and Weapons offenses.
- Ascertain whether the incident was a hate motivated crime.
- Is the victim or assailant a student? Are they acquaintances?
- Does the victim wish to remain anonymous? Does the Victim wish to report confidentially?
- Has the incident been reported to Campus Safety, Hamilton Police or to any other CSA?
- Was either party under the influence of alcohol or drugs?
How to report?

Reports must be completed either in person or sent via the Seminary mail. The form can be found at:


Even if you have no incidents to report, the Seminary must document a response from each CSA once each calendar year. Any CSA who has not submitted an incident report during the previous calendar year must submit a report through the above address indicating that they had no reportable incidents during the previous calendar year.
Offer help...

Provide the person with information on:

- Reporting crimes to Campus Safety or the Hamilton Police Department.
- Campus programs which assist victims of sexual and/or other forms assault. (i.e. Campus Safety Community Seminars and the RAD Program)
- Procedures for seeking medical help.
A person tells you about a crime that occurred away from the campus and was not a Seminary sponsored activity.

However, if in doubt report the incident.
What crimes must I report?

Report any and all of the following:

- Murder and Non-Negligent Manslaughter
- Negligent Manslaughter
- Forcible Sex Offenses (including forcible rape)
- Non-Forcible Sex Offenses
- Robbery
- Aggravated Assault
- All domestic/intimate partner violence crimes
  - Domestic violence;
  - Dating violence;
  - Stalking.
- Burglary
- Motor vehicle theft
- Arson
- Hate Crimes
  - All hate crimes involving bodily injury. Four additional crimes must be reported if they can be classified as hate crimes:
    - Larceny-theft;
    - Simple assault;
    - Intimidation;
    - Destruction, damage, or vandalism of property.
- Arrest & disciplinary referrals for liquor, drug, & weapons law violations
**Murder and Non-Negligent Manslaughter** is defined as *the willful (non-negligent) killing of one human being by another.*

As a general rule, any death caused by injuries received in a fight, argument, quarrel, assault or commission of a crime is classified as Murder and Non-Negligent Manslaughter. You must not classify the following as Murder and Non-Negligent Manslaughter: suicides, fetal deaths, traffic fatalities, accidental deaths, assaults to murder and attempts to murder.

- **Consider safety first – yours and the reporters!!**
- **Who? Where? When? How?**
- **Is a violent situation in progress?**
- **Call Hamilton Police immediately!**
Negligent Manslaughter is defined as the killing of another person through gross negligence.

As a general rule, any death caused by the gross negligence of another is classified as Negligent Manslaughter. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities, are not included in the category Negligent Manslaughter.

- Consider safety first – yours and the reporters!!
- Is a violent situation in progress?
- Call Hamilton Police immediately!
Forcible Sex Offenses (including forcible rape)

Sex Offenses—Forcible is defined as any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent. There are four types of forcible sex offenses:

- **Forcible Rape** is the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.

- **Forcible Sodomy** is oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Sexual Assault With an Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Forcible Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
Sex Offenses—Non-forcible are incidents of unlawful, non-forcible sexual intercourse. Only two types of offenses are included in this definition:

- **Incest** is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent. If force was used or threatened, or the victim was incapable of giving consent because of his/her youth, or temporary or permanent mental impairment, the offense should be classified as forcible rape, not statutory rape.
All Sex Offenses

- Consider safety first – yours and the reporters!!
- Is the victim in danger?
- Did the assailant use or threaten force? Have a weapon?
- Did the assailant penetrate the victim’s body?
- Did the victim consent?
- Did the victim know the assailant? How?
- Was the victim unable to consent because of drugs, alcohol or other reason?
- Was the victim a minor (younger than 17)?
Robbery is 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.

- What was taken or attempted to be taken?
- What is its value?
- Did the perpetrator accost victim in person?
- If yes,
  - Did the perpetrator use or threaten force? Have a weapon? If so, what kind?
  - Was the victim injured?
  - Did the victim feel threatened or in danger?
Aggravated Assault. Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
Burglary. Burglary is the unlawful entry of a structure to commit a felony or a theft. The UCR classifies offenses locally known as Burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses as Burglary. **Count one offense per each distinct operation.**

The UCR’s definition of a structure includes, but is not limited to, the following:

- Apartment, barn, cabin, church, condominium, dwelling house, factory, garage, house trailer or houseboat (used as permanent dwelling), mill, office, other building, outbuilding, public building, railroad car, room, school, stable, storage facility, vessel (ship) and warehouse.
- Any house trailer or other mobile unit that is permanently fixed as an office, residence or storehouse is considered a structure.

- **Burglary is not only theft from a structure - it is entering with the intent to commit any crime**
- **Was the item taken from inside a residence, dorm room, or office?**
- **Was the door open, closed or locked?**
- **How did the person get in?**
Motor Vehicle Theft. Motor vehicle theft is the theft or attempted theft of a motor vehicle.

- What kind of vehicle?
- Where was it taken from?
- When was it taken?
- Has it been recovered?
- Do you know who did it?

("Joyriding" is a motor vehicle theft if the vehicle is taken by person without lawful access)
**Arson.** Arson is *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.*

- What was burned or attempted to be burned?
- Was anyone hurt?
- Was there property damaged? How much?
- When did it happen?
- When was it discovered?
- Was there graffiti or other evidence of hate motivation?
The Seminary must include, by geographic location and by category of prejudice, any of the aforementioned offenses, and any other crime involving bodily injury, larceny, simple assault, Intimidation reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias. The categories of bias are:

- Race
- Gender
- Religion
- Sexual orientation
- Ethnicity/national origin
- Disability
Through our Community Life Statement, Student Handbook, Staff Handbook and Safety and Security Policies, Gordon-Conwell Theological Seminary as an institution prohibits domestic violence, dating violence, sexual harassment or assault and stalking. The seminary will investigate any report of sexual violence, harassment, abuse or assault, domestic violence, dating violence, intimate partner violence and stalking and will follow the appropriate seminary disciplinary procedures and/or seek law enforcement involvement, as per the wishes of the victim/survivor.
Domestic Violence (from 42 USC ss 13925):

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner 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, 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 the jurisdiction.
Dating Violence (from 42 USC ss 13925):

The term “dating violence” means violence committed by a person—
(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
   (i) The length of the relationship.
   (ii) The type of relationship.
   (iii) The frequency of interaction between the persons involved in the relationship.
The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to —

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.
Arrests & Disciplinary Referrals

In addition to disclosing statistics for the aforementioned offenses, the Clery Act requires institutions to disclose both the number of arrests and the number of persons referred for disciplinary action for:

- 1. Illegal weapons possession;
- 2. Drug law violations; and
- 3. Liquor law violations.

It’s important to remember that you are to disclose violations of the law resulting in arrests or persons being referred for disciplinary action. Do not include violations of Seminary policies that resulted in persons being referred for disciplinary action if there was no violation of the law. For example, if a student of legal drinking age in the state violates the Seminary’s “dry campus” policy and is referred for disciplinary action, that statistic should not be included in the Seminary’s crime statistics, because the referral was not the result of a violation of the law.

- **When in doubt report** – Campus Safety will make a determination on whether there was a violation of law.
Location, location, location...

Ask the questions and indicate where the incident occurred:

- On campus (*see the Hamilton campus map – next slide*)
- On campus, in residence halls
- On public property adjacent to campus and across the sidewalk across the street
- On affiliated/non-campus property owned or controlled by the Seminary or a recognized student organization
Map of Gordon-Conwell, Hamilton Campus