

# THE CLERY ACT GUIDELINES

*Guidelines to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998.*

## What is the Clery Act?

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (referred to as the Clery Act) is part of the Higher Education Act. It requires institutions of higher education that receive federal financial aid to report specified crime statistics on college campuses and to provide other safety and crime information to members of the campus community. Although every institution wants its campus community to report criminal incidents to security or law enforcement, we know that this doesn't always happen. Even at institutions with a security department on campus, a student who is the victim of a crime may report it to someone other than the campus security. For example, a victim of a sexual offense may turn to a faculty club advisor for assistance, or a student athlete whose car was stolen may report the theft to their coach. For this reason, 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.

## Who must report campus crime?

Under the Clery Act, a crime is "reported" when it is brought to the attention of a Campus Security Authority (CSA). It doesn't matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the institution. If a CSA receives a report of a Clery defined crime, he or she must report it to the Public Safety Department. The report will be forwarded to the Campus Clery Coordinator for review and appropriate action.

A "Campus Security Authority" is a Clery Act-specific term that encompasses individuals and organizations associated with an institution. **If someone has significant responsibility for student and campus activities, he or she is a campus security authority.** Examples of individuals who generally meet the criteria for being campus security authorities include:

- A campus police department or a campus security department of an institution. If your institution has a campus police or security department, all individuals who work for that department are campus security authorities.
- 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 an institution who has significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings. 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.
- Individuals with Campus Security Responsibility-staff assigned to security functions.

Examples of individuals **who would not meet the criteria** for being campus security authorities include:

- a faculty member who does not have any responsibility for student and campus activity beyond the classroom; and clerical or cafeteria staff.

If you are a Campus Security Authority you must report unless you are one of those whom the regulations define as exempt (exempt covered below).

### **What Does a Campus Security Authority Do?**

The function of a Campus Security Authority is to report to the County College of Morris Public Safety 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.

CSA reports are used by the College 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.

### **What Shouldn't a Campus Security Authority Do?**

A Campus Security Authority is not responsible for determining authoritatively whether a crime took place. A Campus Security Authority should not try to apprehend the alleged perpetrator of the crime. 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 crimes must I report?**

The Annual Security Report must include statistics on the four general categories of crime statistics as follows:

1. **Criminal Offenses** – Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence, Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery, Aggravated Assault, Burglary; Motor Vehicle Theft; and Arson.
2. **Hate Crimes** – Any of the above-mentioned offense, and any incidents of Theft, Simple Assault, Intimidation, or Criminal Mischief (destruction/damage to property) that were motivated by bias that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.
3. **VAWA (Violence Against Women Act) Offenses** – Any incidents of Domestic Violence, Dating Violence and Stalking (Note: sexual assault is also a VAWA Offense but is included in Criminal Offenses for Clery Act reporting ).
4. **Arrest and Referrals for Disciplinary Action** for Violations of Weapons, Drugs and Liquor Laws.

After a CSA reports the crime to the Public Safety Department the County College of Morris' Clery Act Coordinator will review the report to ensure that crimes are properly classified.

## **How do I know what to report?**

You must report all allegations of crimes that you determine are made in good faith as a statistic that will be included in the Annual Security Report. Although the CCM Clery Act Coordinator may conclude after further investigation that some allegations are not substantiated by the facts or the law, you **must** report information that is reported to you.

Definitions of the crimes are available in the Morris County College Jeanne Clery Annual Security Report <http://www.ccm.edu/wp-content/uploads/pdf/safety/right-to-know.pdf>. The campus Public Safety Department has staff trained in Clery reporting and must be contacted to report any Clery Act crimes. The Clery Act Coordinator will have the final responsibility for assigning the crimes to the correct reporting categories and geographical areas. Your responsibility is to provide as accurate and complete a description as possible of what happened, including the location and whether the victim or alleged perpetrator was a student.

## **Who is exempt from reporting?**

You are exempt from reporting when you are acting as a pastoral or professional counselor. For this purpose:

1. A Pastoral Counselor is a person who (a) is associated with a religious order or denomination, (b) is recognized by that religious order or denomination as someone who provides confidential counseling, and (c) is functioning within the scope of that recognition as a pastoral counselor.
2. A Professional Counselor is a person (a) whose official responsibilities include providing mental health counseling to members of the institution's community and (b) who is functioning within the scope of his or her license or certification. Other persons who have significant responsibility for student and campus activities are not exempt from reporting if they counsel or advise students and employees, even if they do so in confidence.

## **What about confidentiality?**

The crime statistics included in the Annual Security Report do not include any information that would identify the victim or the person accused of committing the crime. Your report to the Clery Act Coordinator should not include personally identifying information.

If you are a pastoral counselor or professional counselor, when you think it appropriate, you may tell a person you are counseling about campus procedures for reporting crimes confidentially for inclusion in the annual disclosure of crime statistics even if they person does not want to press charges or participate in an investigation.

## **Who should I report Clery Crimes to?**

You should report the crimes that have been brought to your attention to the CCM Public Safety staff at (973) 328-5550. The Director of Public Safety is the person designated by the campus as the Clery Act Coordinator who will review all Clery Reportable incidents.

The CCM Clery Act Coordinator will consolidate the Clery Crime data, report to the federal Department of Education, publish the Annual Security Report, and inform the campus community where the report is available.

**What about timely warnings?**

Immediate reporting of crimes allows the CCM Public Safety staff to act in a timely fashion to investigate or otherwise address alleged crimes that may present a clear danger to the campus community. All you need do is report the crime by calling the Public Safety Department at (973)-328-5550. If the crime is a present danger to the campus community it should be immediately reported to the Randolph Police by calling 9-1-1. The CCM Clery Act Coordinator is responsible for gathering the data for all crimes reported and for soliciting information from local police agencies concerning crimes reported to them.

**Who is our campus Clery Act Coordinator and where can I get more information and advice?**

You can get more information from our County College of Morris' Clery Act Coordinator, Director Harvey Jackson, (973) 328-5554 or Compliance Officer, Dawn Latincsics, 973-328-5551.

The Annual Security Report is available on the Public Safety web site and you may request a hard copy from the CCM Clery Act Coordinator <http://www.ccm.edu/wp-content/uploads/pdf/safety/right-to-know.pdf>