

Cheyney University Policy FA 2013-1006

Policy Title: Clery Act Policy

Approved by: FA Council
President's Cabinet

History: Issued – 8-1-12
Revised – 10-2-13 FA Council, 2-11-14 President's Cabinet

Related Policies: Timely Warning Policy; Sexual Assault Policy; Domestic Abuse Policy; Dating Violence Policy

Additional References:

A. **Purpose:** To disclose certain timely and annual information about campus crime and security policies, policy disclosure; records collection and retention; and information dissemination in order to maximize safety for Cheyney University of Pennsylvania Students, Staff, and Faculty.

B. **Scope:** Students, Staff, Faculty, Parents and/or Guardians

C. Definition (s):

1. Clery Act:

Signed into law in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All post-secondary public and private institutions participating in federal student aid programs must adhere to these regulations. The Clery Act was championed by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986.

2. Dating violence:

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.

3. Domestic violence

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 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.

4. Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable per to fear for his or her safety or the safety of others: or (B) suffer substantial emotional distress.

5. Campus Security Authorities

“**Campus security authority**” is a Clery-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 – i.e. Cheyney Police.*
- *Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., and individual who is responsible for monitoring the entrance into institutional property). Include individuals who provide security at a campus parking area, monitor access into a campus facility, act as event security or escort students around campus after dark.*
- *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 Cheyney University who has significant responsibility for student and campus activities, including, but not limited to, student housing, 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 issue4s on behalf of the institution.*

To determine specifically which individuals or organizations are campus security authorities for Cheyney University, consider the function of that individual or office. Look for officials (i.e., not support staff) whose functions involve relationships with students. **If someone has significant responsibility for student and campus activities, he or she is a campus security authority.** Note that whether or not Cheyney University pays an individual is not a factor in determining whether that individual can be a CSA.

Examples of individuals who meet the criteria for being campus security authorities include:

- A dean of students who oversees student housing, a student center or student extracurricular activities.
- A director of athletics, a team coach or a faculty advisor to a student group.
- A student resident advisor or assistant or a student who monitors access to dormitories.
- A coordinator of Greek affairs.
- A physician in the Cheyney Health Center, a counselor in the Cheyney Counseling center or a victim advocate or sexual assault response team in a campus rape crisis center if they are identified by Cheyney University as someone to whom crimes should be reported or if they have significant responsibility for student and campus activities. However, if these individuals are not identified as people to whom crimes should be reported or do not have significant responsibility for student and campus activities, they would not be considered CSAs.

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
- Clerical or cafeteria staff.

Remember, too, that because personnel and job positions at Cheyney University can change, someone who is a CSA one year might not be a CSA the following year or vice versa.

D. Policy and Procedures (s):

Clery Act Requirements

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All post-secondary public and private institutions participating in federal student aid programs must adhere to these regulations.

To ensure compliance with the Clery Act, Cheyney University of Pennsylvania must meet certain obligations required by federal law. They include: policy disclosure; records collection and retention; and information dissemination.

Policy Disclosure - Cheyney University of Pennsylvania must provide the campus community and the public with accurate statements of current policies and practices regarding procedures for students

and others to report criminal actions or other emergencies on campus, security of and access to campus facilities, and campus law enforcement.

Records Collection and Retention - Cheyney University of Pennsylvania is required to keep campus records of crimes reported on campus to campus security authorities, make a reasonable good faith effort to obtain certain crime statistics from appropriate law enforcement agencies to include in the annual security report, and keep a daily crime log open for public inspection.

Information Dissemination – To provide members of the campus community with information needed to make informed personal safety decisions, Cheyney University of Pennsylvania must:

1. Provide a “timely warning” of any Clery Act crime that represents an ongoing threat to the safety of students and employees.
2. Develop and maintain a log of all crimes reported to the security department and ensure public access to the crime log during normal business hours. Requests to view any portion of the log older than 60 days will be made available within two business days of a request for inspection. All references to information in this report referring to the Daily Log can be obtained here: **Daily Log – Calls for service** or the [Annual Campus Security and Fire Safety Report](#).
3. Publish an annual security and fire safety report, make the report available to all current students and employees. Cheyney University distributes this report by October 1st of each year to all current students and employees by posting the report on the Cheyney Police Website at: <http://www.cheyney.edu/public-safety/Crime-Statistics.cfm> (all required recipients are directly notified by the Chief of Police, on how to access the report). A paper copy can be requested by contacting the Cheyney Police Department.

The Clery Act, which has been updated in recent years, requires that the Department of Education oversee implementation of the Act’s requirements. There are several requirements under the Clery Act, including crime logs and fire reports.

For Student Advisors, the Clery Act specifies that certain individuals are mandated reporter of crimes on campus. These mandated reporters, called **Campus Security Authorities**, include anyone with significant responsibility for student and campus activities. A new 2013 Handbook on implementing the Clery Act provides new interpretations of this definition and can be accessed [here](#); with the new Handbook, all student group advisors are considered people with significant responsibility for student and campus activities. That means every student group advisors are considered people with significant responsibility for student and campus activities. That means every student group advisor on campus is now legally required to report any of the Clery Act crimes that they learn about.

Campus security authorities report crimes to Cheyney Police, which is federally required by the Clery Act to report all of its crime statistics to several constituencies, including the Department of Education, prospective students, and prospective employees and current students and employees. These reports must include all incidents that were REPORTED in that year, even if the incident occurred in a previous year.

If the Department of Education suspects that Cheyney University of Pennsylvania is not complying with the Clery Act, they will conduct an investigation. If they find that Cheyney University is not

complying with the Clery Act, they can impose civil fines of up to \$27,500 per violation. A violation is one instance of misrepresenting a crime, which includes under-reporting the number of crimes and over-reporting the number of crimes. In addition, they can limit or suspend Cheyney University's Title IV eligibility, which determines the school's ability to offer federal financial aid.

One of the major developments in understanding the Clery Act is the definition of who has significant responsibility for student and campus activities and, therefore, is a campus security authority. With the release of the 2013 Handbook, the Act is now being interpreted as requiring that all student group advisors – whether they are faculty or staff – and all Athletics Department administrators and coaches be campus security authorities. This is in addition to resident assistants, people who monitor access to campus buildings, and judicial officers.

Campus security authorities can bridge the gap between Cheyney Police and students. Because these individuals have more contact with students on campus, they are more likely to be aware of incidents that occur. Additionally, any formal report made to Cheyney Police cannot include a guarantee of confidentiality or anonymity. Campus security authorities are able to provide a form of confidential reporting that Cheyney Police cannot. This allows students who are not comfortable with making a formal report to have the security of anonymity while still allowing the University to fulfill the requirements of the Clery Act.

Brief Outline of the Clery Act

- **Federally required reporting of crime statistics**
 - To Department of Education
 - To prospective students
 - To prospective employees
 - In the year the incident was reported

- **Consequences of Noncompliance**
- **Civil fines up to 27,500 per violation**
- **Suspension of Title IV eligibility (financial aid)**
- **Campus Security Authorities (CSAs)**
- **Who has “significant responsibility”**
 - Student Group Advisors (Faculty and Staff)
 - Athletic Department administrators and coaches
- **Bridge gap between Cheyney Police and students**
 - Have more contact with students
 - Provide a form of *confidential* reporting

- **If a formal complaint is not filed, an anonymous Campus Security Report must be filed, unless it has been already**
 - Via web at <http://www.cheyney.edu/public-safety/Silent-Witness.cfm>
 - Via mail to Chief Lawrence Richards, McKnight Rogers Building

- **Reportable incidents**
 - Murder/non-negligent manslaughter
 - Negligent manslaughter
 - ***Forcible sex offenses***

- Non-forcible sex offenses
- Domestic violence
- Dating violence
- Stalking incidents
- Robbery
- Burglary
- Aggravated assault
- Motor vehicle theft
- Arson
- Hate (bias) crimes
 - Previous crimes
 - Larceny
 - Vandalism
 - Intimidation
 - Simple assault
 - Bodily Injury to a victim who is selected intentionally because of race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability.
- Arrest/Disciplinary referrals
 - Liquor laws
 - Drug laws
 - Weapons possession laws

- **Reportable locations**

- Clergy specifies locations of interest
- Campus property
- Residence facilities
- Public property surrounding campus
- Non-campus property

- **Needed Information**

- Determine type of crime
- Determine location
- Determine when

- **Reporting Process**

- **Student reports incident to CSA**

- **Discuss reporting incident to Cheyney Police**

- **If the student says no, consider Crime Report**

- Did the incident occur in a reportable location?
- Is the incident a reportable crime?
- Has the incident already been reported?
- Exceptions of counselors and pastors

- **If incident meets reporting criteria, report it**

- **Provide student with resources as appropriate – EVEN if the incident is not reportable**

- **Resources**

- **Online Crime Report Form:**
<http://www.cheyney.edu/public-safety/Silent-Witness.cfm>
- **Campus Security Report:**
<http://www.cheyney.edu/public-safety/Crime-Statistics.cfm>
- **Chief Lawrence Richards:**
610-399-2405 / lwrichards@cheyney.edu
Title IV Coordinator – Sheilah Vance / svance@cheyney.edu
- **Department of Education:**
<http://www2.ed.gov/admins/lead/safety/campus.html>
- **Clery Act (part of Higher Education Act):**
www.gpo.gov/fdsys/pkg/PLAW-105publ244/html/PLAW-105publ244.htm
- **Cheyney Police Domestic Violence-Dating Violence and Stalking Resource website:**
<http://www.cheyney.edu/public-safety/Domestic-Abuse-Are-you-victim.cfm>
- **Guidance and Counseling:**
<http://www.cheyney.edu/guidance-counseling/index.cfm>
- **Chester County Women’s Center**
<http://ccwsmedical.org/>
- **Delaware County Women’s Resource Center**
<http://www.womensresourcecenter.net/>
- **Delaware County Women Against Rape**
<http://www.delcowar.org/>

SUMMARY OF CLERY ACT

- Jeanne Clery was raped and murdered in her dorm room at Lehigh University in 1986. The law enacted in her memory is intended to ensure that students and others are informed about violent campus crimes so that they can make informed decisions.
- The Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (the Act) requires universities to report information on security policies and timely annual information about crime occurring on and around campus. The collected and published data is used for statistical purposes and to alert the campus community of any threats, especially those concerning safety.
- The “Campus Annual Security Report” is published and distributed annually by University Police in compliance with the Act.

CSA’s (Campus Security Authority)

- Compliance with the Clery Act falls under the mandate of the Department of Education. The University annually provides the Department of Education with required crime data which is published on their website.
- Clery Act compliance is an institutional responsibility and full compliance is a campus-wide effort and concerns all members of the campus community.
- Crime data from crimes committed, in certain geographic locations associated with the University, are obtained from incidents reported to University Police, local police department’s and any official of the institution who is defined as a Campus Security Authority (CSA).
- CSA’s are officials with “significant responsibility” for students and campus activities. In other words, campus officials who manage or otherwise oversee student and campus activities. If you are directly affiliated with and responsible for students, and they potentially could report a crime/incident to you, then you are a CSA.

WHO IS NOT A CSA?

- Faculty who are not advisors to student groups.
- Doctors in the Student Health Center.
- Administrative, maintenance and clerical staff.

WHO IS EXEMPT AS A CSA?

- Licensed professional counselors and pastoral counselors (employed by a religious organization to provide confidential counseling) who are working within the scope of their license or religious assignment at the time they receive the crime report.
- Although professional and pastoral counselors are exempt from Clery reporting requirements, they are encouraged to review all reporting options with their clients, including reporting a crime to University Police or a Campus Security Authority.
- CSA Deans, Directors and Department Heads are annually notified via e-mail of the availability of CSA reporting materials and resources. Notified individuals are directed to advise persons in their area of responsibility, who they believe have “significant responsibility for student and campus activities” of the availability of these materials and their related responsibilities.
- If someone tells a CSA about a crime or an incident that may be a crime, the CSA is to record the information and submit a Crime Report form in a timely manner to Cheyney Police.
- **CSA’s should only report crimes which have not already been reported to Cheyney Police or to another CSA.**

Completing the Form

- The CSA should first ask the reporting party if they would like to report the crime to Cheyney Police. If the answer is yes, provide the reporting party with Cheyney Police contact information.
 - If the reporting party does NOT want to report the crime to the police inform him/her that you MUST report the incident as an anonymous statistic, but will not identify anyone involved without permission.
 - For Crime Report Form the CSA shall obtain as accurate and complete description of what happened as possible from the reporting party. Cheyney Police will analyze the reported facts and appropriately classify the crime/incident and record the reported information.
 - When in doubt, a Crime Report Form should be completed.
 - CSA’s should send completed Crime Report Forms to: Cheyney Police, Attention: Lawrence Richards, Chief of Police at Hospitality Lane – McKnight Rogers Building.
 - Is the reported crime in progress? (If so, immediately call 610-399-2405).
 - Has the victim sought or is the victim in need of any assistance or services? If desired and as a resource starting point, it is recommended you suggest the victim/reporting party visit the Cheyney Police web site:
<http://www.cheyney.edu/public-safety/documents/CleryStatisticsReport2012.pdf>
 - What happened? How, when and where did it happen? Is there an identified suspect?
 - Has the crime/incident been reported to Cheyney Police or another CSA? (If so, completion of a Crime Report is not necessary.)
 - Does the victim wish to remain anonymous?

Crime Reporting

- A CSA Crime Report Form must be completed only if the reported crime occurred at one of the following locations:
 - On Campus – includes student residences/Greek houses (even if privately owned and operated);
 - Non-campus building or property – off campus sites owned or controlled/leased by Cheyney University – i.e. remote classrooms, student housing, research facilities, etc.
 - Public Property adjacent to campus – streets, sidewalks, parking lots, parks.
 - For detailed crime locations definitions, visit the Cheyney Police web site at: <http://www.cheyney.edu/public-safety/documents/CleryStatisticsReport2012.pdf> and view the Campus Security Authority Crime Report Form link.

Required Reporting

- The Clery Act specifically requires reporting of the crimes listed below and for the categories noted.
- In addition to the listed crimes, Cheyney Police request that CSA's complete and submit a Crime Report form on any crime reported to them which has not previously been reported to the Cheyney Police Department.
- **Criminal Homicide**
- **Sex offenses – forcible and non forcible**
- **Aggravated assault**
- **Robbery**
- **Burglary**
- **Motor vehicle theft**
- **Arson**
- **Domestic Violence**
- **Dating Violence**
- **Stalking Incidents**
- **Hate crimes reporting**, related to any of the categories of crime listed on page 6, any other crime causing bodily injury or any incidents of Theft, Simple Assault, Intimidation or Vandalism if any of these noted crimes was motivated by hate.
- **Liquor, drug, and weapon violations of law** (not University policy) involving either an arrests or disciplinary referral.
- For more detailed hate crime and liquor, drug and weapon law violation definitions, visit the Cheyney Police website at: <http://www.cheyney.edu/public-safety/Crime-Statistics.cfm>

Non Reporting Situations

- CSA's should only complete reports on crimes, arrests and disciplinary referrals which occurred at one of the locations identified on page 9 and if the crime, arrest or disciplinary referral has not already been reported to University Police or another CSA. For example, do not report a crime if:
 - A student tells you about a crime that occurred at a different college before he/she transferred to Cheyney University; or
 - A student reports an assault that happened while he/she was away from campus and not involved in a campus activity – e.g., at home on spring break, on vacation, or at a summer job with a private company.

- Depending on the circumstances, the CSA may want to provide the victim/reporting party with a starting point for information on University resources/assistance Cheyney Police website at: <http://www.cheyney.edu/public-safety/Crime-Statistics.cfm>

Reporting Guidelines and Contact Information

- **CSA's should** immediately call Cheyney Police at 610-399-2405
- **For reported emergencies and**
- **For crimes-in-progress or crimes that just occurred**

Cheyney Police Emergency AND Non-emergency contact information:

Cheyney Police – 610-399-2405 or 2405 from any campus phone

The Cheyney Police Department is located on Hospitality Lane in the McKnight Rogers Building

Sanctions and Summary

Sanctions

- The Department of Education can issue civil fines up to \$27,500 per violations for substantial misrepresentation of the number, location or nature of crimes to be reported. Also, noncompliance can lead to the suspension or limiting of Cheyney University's Title IV eligibility.

Summary

- Crime reporting is a community wide responsibility. Campus Security Authorities are obligated to report Clery Act qualifying criminal incidents. We ask that CSA's immediately report any crime so Cheyney Police can document the incident and take action as appropriate.