

Clery Act Frequently Asked Questions

The NSC Safety and Security Director is responsible for preparing, publishing, and distributing the Annual Security and Fire Safety Report, gathering and tracking crime and disciplinary referral data from internal and external sources such as the Office of Student Conduct and local law enforcement agencies, maintaining compliance documentation, and providing Clery and Title IX Training to all NSC staff.

What is the Jeanne Clery Act?

The Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (commonly known as the Clery Act; formerly the Campus Security Act) is a federal law that requires institutions of higher education (colleges and universities) in the United States to disclose campus security information including crime statistics for the campus and surrounding areas. It was first enacted by Congress in 1990 and most recently amended in 2013 by the Violence Against Women Reauthorization Act.

Who is Jeanne Clery?

In 1986 Jeanne Clery, a freshman at Pennsylvania's Lehigh University was murdered and sexually assaulted in her campus residence hall room by another student she didn't know. Her school hadn't informed students about 38 violent crimes on campus in the three years preceding her murder. Clery's parents, Connie & Howard, led the crusade to enact the original Campus Security Act. In 1998, Congress formally named the law in memory of Jeanne Clery.

Which schools must comply with the Clery Act?

All institutions of postsecondary education, both public and private, that participate in federal student aid programs must publish and disseminate an annual campus security report as well as make timely warnings of any ongoing threats to the campus community.

What does NSC have to disclose under the Clery Act?

NSC must disclose the most recent three years of Clery crime statistics and security policies in the Annual Security Report that must be published by October 1st of each year.

Who is entitled to receive information under the Clery Act?

Currently enrolled students and employees are notified of the availability of the Annual Security Report. Prospective students and employees are eligible to receive the Annual Security Report and are provided information on how to request a copy. The general public, including parents and the news media, have access to the Annual Security Report and the Daily Crime Log, which are available on the NSC website.

What is the Daily Crime Log?

The purpose of the daily crime log is to record criminal incidents and alleged criminal incidents that are reported to NSC or Campus Security Authority (CSA). A crime must be entered into the crime log within two business days of the reporting to NSC.

Do school officials other than law enforcement have reporting obligations under the Clery Act?

Yes, they do. All institutional officials with significant responsibility for campus and student activities are referred to in the Clery Act as a Campus Security Authority (CSA). All CSA's have reporting obligations

under the Clery Act. Only professional mental health and pastoral counselors are exempt from reporting when acting in these roles.

If a student reports an incident to a Campus Security Authority (CSA) in confidence, is the incident still reported to NSC?

Yes. According to the Clery Act, any incident that falls in the Clery crime categories, as listed in questions 13-17, must be recorded in the Daily Crime Log and the statistic reported in the Annual Security Report. So even if the incident is reported to NSC anonymously (without revealing the identity of the victim) through a Campus Security Authority (CSA), NSC is required to record the nature of the incident, the approximate time and location to ensure accurate statistics.

Does someone have to be convicted of a crime before it is reportable under the Clery Act?

No. Crimes are counted when they are reported, regardless of prosecution.

What criteria are used to determine how crimes are reported?

The Clery Act requires NSC to report statistics on Clery crimes in the annual security report. The criteria for reporting these crimes are as follows:

- On Campus

Includes buildings and properties that are owned or controlled by the institution; that are reasonably contiguous to one another, and directly support or relate to NSC's educational purposes.

Includes buildings and properties within NSC's campus, or reasonably contiguous to it, that NSC owns but does not control; are frequently used by students, and are used to support NSC's educational purposes.

How are crimes counted?

All crimes are counted by the date reported to a Campus Security Authority (CSA) or NSC, this date is often different from the date the incident occurred.

What are the categories and definitions of the Primary Clery crimes that must be disclosed?

- Murder & Non-negligent Manslaughter - the willful (non-negligent) killing of one human being by another.
- Negligent Manslaughter - the killing of another person through gross negligence.
- 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. (Note: The Rape definition also includes crimes of sodomy and sexual assaults with an object)
- Fondling - The touching of the private body parts of another person for 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 - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape - Non-forcible sexual intercourse with a person who is under the age of consent.

- 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 to inflict 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 - the unlawful entry of a structure to commit a felony or theft.
- Motor Vehicle Theft - The theft or attempted theft of a motor vehicle.
- 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.

What is a Hate Crime?

A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, sexual orientation, disability, ethnicity, national origin, or gender identity. The perception of the offender determines if a hate crime is classified. There must be evidence that shows the offender was motivated by a bias to commit the crime. The following are examples from The Handbook on Campus Safety and Security Authority: "A white student causes a disturbance in an on-campus classroom during a discussion on race relations. The student begins shouting racial epithets while pointing at black class members. The instructor calls campus security for assistance. A white security officer and a black security officer arrived. When the black officer tries to subdue the student, the student starts shoving the officer and shouting racial epithets at him." This incident would be classified as one on-campus Simple Assault characterized by racial bias. "A campus police officer overhears a white student and a black student arguing over a parking space on campus. They are shouting obscenities at one another and the white student shoves the black student who scrapes his hand on the asphalt when he falls. The officer approaches the students and asks for an explanation for the argument. The students tell him that one of them was driving toward the parking space first but didn't use his turn signal to indicate he wanted to park there. The other student drove into the space not knowing that the first student had intended to park there. The officer did not find any evidence that the Simple Assault was motivated by bias." The incident will not be classified as a hate crime. Categories of hate crime offenses include all Primary Clery crimes, as well as, Larceny-theft, Simple Assault, Intimidation, and Destruction/damage/vandalism of property.

How does the Violence Against Women Reauthorization Act (VAWA) affect the Clery Act?

The Violence Against Women Reauthorization Act amended the Clery Act by requiring institutions of higher education to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include policies, procedures, and programs regarding these incidents in the institution's annual security report.

How are the VAWA offenses defined?

- Sex Offenses

Domestic Violence - A felony or misdemeanor crime 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 or intimate

partner; By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred, 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 in which the crime of violence occurred.

- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.
- Course of Conduct - Two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person or interferes with a person's property.
- Substantial Emotional Distress - Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Are there other violations that must be included in the Annual Security Report?

The Clery Act requires that schools provide statistics for the following categories of arrests or if an arrest was not made, referrals for campus disciplinary action:

- Liquor Law Violations
- Drug Law Violations
- Illegal Weapons Possession

If more than one crime occurs in the same incident, which offense is reported?

The Clery Act follows a hierarchy rule where only the most serious offense is reported in the annual Clery statistics. The hierarchy rule does not apply to the crime log, so all offenses related to the incident would be recorded in the crime log. For example, an incident that includes an aggravated assault and a burglary would only be reported as an aggravated assault in the annual crime statistics; but both the aggravated assault and burglary would be recorded on the crime log.

Who enforces the Jeanne Clery Act and what are the penalties for noncompliance?

The United States Department of Education is charged with enforcing the Jeanne Clery Act and may level civil penalties against institutions of higher education up to \$35,000 per violation or may suspend them from participating in federal student financial aid programs.

Where can I find more information on the Clery Act and its reporting requirements?

The United States Department of Education website has various resources to assist institutions in maintaining full compliance with the Clery Act. The Handbook on Campus Safety and Security Authority includes guidelines on how institutions must report and manage Clery compliance issues.