Agenda

01  Introduction
   • Overview of the Clery Act
   • Requirements
   • Definitions

02  Requirements
   • Details
   • Comparison with RVSMP

03  Questions
Introduction
Overview
Requirement Overview
Definitions
Overview: History

• Jeanne Clery, a 19-year-old Lehigh University freshman was raped and murdered in her residence hall on April 5, 1986

• Jeanne Clery’s parents lobbied for legislation aimed at making crime data on college campuses more transparent

• The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("the Clery Act") was passed in 1990
  • VAWA (Violence Against Women Reauthorization Act) amended the Clery Act on March 7, 2013
Overview: Clery Act

Covers public and private institutions under Title IV of the Higher Education Act

Purpose: to provide parents, students, and employees with accurate information about campus security and crimes

Enforced by the U.S. Department of Education’s Clery Act Compliance Division, housed in Federal Student Aid

Fines: Up to $67,544 per violation
Other enforcement tools related to federal aid certification
Key Institutional Requirements

- Collect, classify, and count crime reports and crime statistics from Campus Security Authorities and local law enforcement.
- Publish an Annual Security and Fire Safety Report (ASFSR) and distribute to all current students and employees.
- Publication of safety and security policies/procedures.
- Maintain a daily crime and fire log, open to public inspection.
- Issue timely warnings and emergency notifications.
- Violence Against Women Act
  - Prevention and awareness programs
  - RVSM procedural requirements
  - Rights and options info distribution
Definitions

What: Clery Crimes

Where: Geography & Separate Campus

Who: Campus Security Authorities

How: Requirements
Definitions: Clery Crimes

**Criminal Offenses**
- Murder and Non-Negligent Manslaughter
- Manslaughter by negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

**VAWA Offenses**
- Domestic Violence
- Dating Violence
- Stalking

**Hate Crimes***
- Criminal offenses and:
  - Larceny-theft
  - Simple assault
  - Intimidation
  - Destruction, damage, vandalism of property
- *Evidence that victim intentionally selected because of perpetrator’s bias (race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability)*

**Arrests & Disciplinary Referrals**
- Liquor Law Violation
- Drug Law Violation
- Weapons Law Violation
Definitions: Clery Crimes Definition Source

Criminal Offenses
- FBI UCR Summary Reporting System (SRS)
- Murder and Non-Negligent Manslaughter, Manslaughter by negligence, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson
- FBI UCR National Incident-Based Reporting System (NIBRS)
- Fondling, Incest, Statutory Rape

VAWA Offenses
- Violence Against Women Act Regulations (VAWA)

Hate Crimes*
- FBI Uniform Crime Reporting (UCR) Hate Crime Data Collection Guidelines

Arrests & Disciplinary Referrals
- FBI UCR Summary Reporting System (SRS)
Definitions: Criminal Offenses Category

**Criminal Offenses**
- Murder and Non-Negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

**Rape**
*Definition source: FBI UCR Summary Reporting System (SRS)*
*Definition:* 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.
*Count:* One offense per victim per incident, including attempts

**Fondling**
*Definition source: FBI UCR National Incident-Based Reporting System (NIBRS)*
*Definition:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
*Count:* One offense per victim per incident
Definitions: Criminal Offenses Category

Criminal Offenses

- Murder and Non-Negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Incest

Definition source: FBI UCR National Incident-Based Reporting System (NIBRS)

Definition: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Count: One offense per victim per incident

Statutory Rape

Definition source: FBI UCR National Incident-Based Reporting System (NIBRS)

Definition: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Count: One offense per victim per incident
Definitions: VAWA Offenses Category

**VAWA Offenses**

- Domestic Violence
- Dating Violence
- Stalking

**Domestic Violence**

**Definition source:** Violence Against Women Act Regulations

**Definition:** A felony or misdemeanor crime of violence committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabitating with the victim as a spouse or intimate partner (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred or (5) any other person against someone protected from that person’s acts by the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Count:** One offense per victim
Definitions: VAWA Offenses Category

VAWA Offenses

• Domestic Violence
• Dating Violence
• Stalking

Dating Violence

**Definition source:** Violence Against Women Act Regulations

**Definition:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Count:** One offense per victim
# Definitions: VAWA Offenses Category

## VAWA Offenses
- Domestic Violence
- Dating Violence
- Stalking

### Stalking

**Definition source:** Violence Against Women Act Regulations

**Definition:** Engaging in a *course of conduct* directed at a specific person that would cause a *reasonable person* to fear for his or her safety or the safety of others, or suffer *substantial emotional distress.*

- **Course of conduct** means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means—follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Count:** One offense per victim per year (in which course of conduct is reported)
Definitions: Hate Crimes Category

**Hate Crimes**
- Criminal offenses and:
  - **Larceny-theft**
  - Simple assault
  - Intimidation
  - Destruction, damage, vandalism of property

Hate Crimes

**Definition source:** FBI Uniform Crime Reporting (UCR) Hate Crime Data Collection Guidelines

**Definition:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.
- Includes all crimes listed within the criminal offenses category as well as larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.
- Categories of bias listed in the Clery Act are race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

**Count:** One offense per victim – must denote category of bias

**Larceny-theft**

**Definition:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
# Definitions: Hate Crimes Category

<table>
<thead>
<tr>
<th>Hate Crimes*</th>
<th>Simple Assault</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Criminal offenses and:</td>
<td>• <strong>Definition:</strong> An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.</td>
</tr>
<tr>
<td>• Larceny-theft</td>
<td></td>
</tr>
<tr>
<td>• <strong>Simple assault</strong></td>
<td></td>
</tr>
<tr>
<td>• <strong>Intimidation</strong></td>
<td></td>
</tr>
<tr>
<td>• <strong>Destruction, damage, vandalism of property</strong></td>
<td></td>
</tr>
<tr>
<td>• <em>Evidence that victim intentionally selected because of perpetrator’s bias (race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability)</em></td>
<td></td>
</tr>
</tbody>
</table>

| | Intimidation |
| | **Definition:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. |

| | Destruction, Damage, Vandalism of Property |
| | **Definition:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. |
## Definitions: Clery Geography

### On-campus
- Owned or controlled by an institution, within same reasonably contiguous area, and used for educational purposes
- Within reasonably contiguous area, owned by institution but controlled by another person, frequently used by students, and supports institutional purposes
- **On-campus residential facilities**: Student housing facilities owned/controlled by institution

### Non-campus
- Owned/controlled by officially recognized student organization
- Owned or controlled by institution, related to educational purposes, frequently used by students, and not within same reasonably contiguous area
- **Examples**: Research stations, Student travel locations where MSU rents/leases space for 2+ nights

### Public Property
- All public property within campus, or immediately adjacent to and accessible from campus
- Includes thoroughfares, streets, sidewalks, and parking facilities

### Separate Campus
- The institution owns or controls the site;
- It is not reasonably geographically contiguous with the main campus;
- It has an organized program of study; and
- There is at least one person on site acting in an administrative capacity.
- **MSU’s separate campuses**:
  - East Lansing, CHM in Grand Rapids, COM in Detroit, COM in Macomb, Eli Broad Graduate School of Management in Troy

Interactive Map: [https://oarc.msu.edu/clery/Clery%20Geography%20Map.php](https://oarc.msu.edu/clery/Clery%20Geography%20Map.php)
**Definitions: Campus Security Authorities**

<table>
<thead>
<tr>
<th>CSAs:</th>
<th>Examples of CSAs:</th>
<th>Not CSAs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>A campus police or security department of an institution</td>
<td>Dean of Students</td>
<td>Administrative staff not responsible for student activities</td>
</tr>
<tr>
<td>Anyone with responsibility for campus security</td>
<td>Athletic Director</td>
<td>Clerical staff</td>
</tr>
<tr>
<td>Anyone else designated by policy</td>
<td>Athletic Coaches</td>
<td>Individual faculty who do not serve as advisors to registered student organizations (RSOs)</td>
</tr>
<tr>
<td>An official of an institution who has significant responsibility for student and campus activities</td>
<td>Faculty Advisors to RSOs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Education Abroad Leaders</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Title IX Coordinator</td>
<td></td>
</tr>
<tr>
<td></td>
<td>AVP for Student Affairs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>RAs</td>
<td></td>
</tr>
</tbody>
</table>
Key Institutional Requirements

- Collect, classify, and count crime reports and crime statistics from Campus Security Authorities and local law enforcement.
- Publish an Annual Security and Fire Safety Report (ASFSR) and distribute to all current students and employees.
- Publication of safety and security policies/procedures.
- Maintain a daily crime and fire log, open to public inspection.
- Issue timely warnings and emergency notifications.
- Violence Against Women Act Prevention and awareness programs
  - RVSM procedural requirements
  - Rights and options info distribution
Timeline of CSA Report

- Initial Crime Report
- Assess for Timely Warning
- Daily Crime Log
- Statistical Disclosure
Requirement: Alerts

Timely Warning Criteria:
• Reported to Police/CSA/Local Law Enforcement
• Occurred on Clery Geography
• Incident was a Clery Crime
• A threat to students/employees persons or property
• Must issue as soon as pertinent information is available

Emergency Notifications:
• Significant emergency or dangerous situation
• Occurred on or poses threat to campus
• Immediate threat to students or employees
• Must issue immediately upon confirmation of threat

34 CFR § 668.46 (e)
Requirement: Daily Crime and Fire Log

- All criminal & fire incidents
- On Clery geography and within MSUPD’s patrol
- Entered into the log within 2 business days
- Should identify specific locations
- Online log displays most recent 60 days
  - When requested, institution must provide any request for the log older than 60 days within two business days

34 CFR § 668.46 (f)

<table>
<thead>
<tr>
<th>Offense Description</th>
<th>Offense Class</th>
<th>Location Name</th>
<th>Location</th>
<th>Cross Street</th>
<th>Occurred On</th>
<th>Reported On</th>
<th>Case Number</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>LARCENY - THEFT FROM BUILDING</td>
<td>23003</td>
<td>IM Sports East</td>
<td>804 E Shaw Ln</td>
<td></td>
<td>02/14/2022 16:00</td>
<td>02/15/2022 14:46</td>
<td>2258100275</td>
<td>4 - Active</td>
</tr>
<tr>
<td>LARCENY - THEFT FROM BUILDING</td>
<td>23003</td>
<td>Holden Hall</td>
<td>234 Wilson Rd</td>
<td></td>
<td>02/15/2022 02:00</td>
<td>02/15/2022 05:00</td>
<td>2258100267</td>
<td>4 - Active</td>
</tr>
<tr>
<td>NONAGGRAVATED ASSAULT</td>
<td>13001</td>
<td>Phillips Hall</td>
<td>361 Physics Rd</td>
<td></td>
<td>02/15/2022 01:30</td>
<td>02/15/2022 01:55</td>
<td>2258100266</td>
<td>4 - Active</td>
</tr>
</tbody>
</table>
What to Count?
34 CFR § 668.46 (c)

1 – Meet Clery Act crime definition

2- Occurred on or within Clery Geography
   - On Campus
   - Public Property
   - Non-Campus
   - Separate Campuses

3 - Reported to Campus Security Authority or local law enforcement
   - Reported = brought to the attention of CSA or local law enforcement (regardless of person’s affiliation with campus or incident)
How to Count?

Counts Dependent on Crime

- Report vs Action
- Per Victim vs Per Distinct Operation vs Per Arrest/Referral
- Count by year reported
- Crime Categories
  - Statistics must be disclosed separately in each of the four general categories that apply

Hierarchy Rule

- Criminal Offenses category - Count only the most serious offense when more than one offense was committed during a single incident (excluding arson, which is always counted)
### Crimes Reported – East Lansing

<table>
<thead>
<tr>
<th>Year</th>
<th>Total On Campus (Includes CRF)</th>
<th>Campus Residential Facilities (CRF)</th>
<th>Non-campus Building or Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Manslaughter by Negligence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rape</td>
<td>29*</td>
<td>13*</td>
<td>19</td>
<td>14</td>
</tr>
<tr>
<td>Fondling</td>
<td>82*</td>
<td>3*</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Incest</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Statutory rape</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>9</td>
<td>7</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Burglary</td>
<td>63</td>
<td>19</td>
<td>19</td>
<td>46</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>35</td>
<td>21</td>
<td>31</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>3</td>
<td>1</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Dating Violence</td>
<td>19</td>
<td>9</td>
<td>9</td>
<td>14</td>
</tr>
<tr>
<td>Stalking</td>
<td>33</td>
<td>19</td>
<td>15</td>
<td>12</td>
</tr>
</tbody>
</table>

### Liquor, Drug, and Weapons Law Violations – East Lansing

<table>
<thead>
<tr>
<th>Year</th>
<th>Total On Campus (Includes CRF)</th>
<th>Campus Residential Facilities (CRF)</th>
<th>Non-campus Building or Property</th>
<th>Public Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquor Law Arrests</td>
<td>9</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Liquor Law Disciplinary Referrals</td>
<td>739</td>
<td>151</td>
<td>673</td>
<td>734</td>
</tr>
<tr>
<td>Drug Law Arrests</td>
<td>5</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Drug Law Disciplinary Referrals</td>
<td>298</td>
<td>116</td>
<td>117</td>
<td>278</td>
</tr>
<tr>
<td>Weapons Law Arrests</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Weapons Law Disciplinary Referrals</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>
Procedural Requirements

- 34 CFR § 668.46 (k) Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking
  - Prompt, fair, and impartial process
  - Conducted by officials who, at a minimum, receive annual training
  - Provide the parties with the same opportunities
  - Not limit the choice of advisor or presence
  - Simultaneous written notification to the parties of result, procedures to appeal, any change to results, and when results are final
Rights & Options

- For reports of Stalking, Dating/Domestic Violence, Sexual Assault that occurred at any location
- Include:
  - Importance of preserving evidence
  - How and to whom the alleged offense should be reported
  - Notification of the victim’s option to or decline to notify law enforcement, be assisted to notify
  - Rights of victims and the institution’s responsibilities for various orders (i.e. no contact, etc.)
  - Resources (both students and employees) – mental health services, victim advocacy, legal assistance, financial aid, other services
  - Accommodations – academic, living, transportation, working
  - Confidentiality – publicly available recordkeeping & protective measures
  - Disciplinary procedures – explanation of institutional procedures
Settlement Agreement

Track Progress: https://msu.edu/ourcommitment/our-progress/

I. Clery Act Compliance Professional
II. Clery Act Compliance Committee
III. Campus Security Authorities
IV. Human Resources Actions
V. Clery Geography
VI. Patient Policy/Procedure
VII. Safety of Minors on Campus
VIII. Campus Safety Procedures
IX. Ongoing Disclosures
X. Quarterly Reporting
XI. Internal Assessments
XII. Clery Act Expert
XIII. On-Site Compliance Assessment
X — Quarterly Reporting

Report on:

- Crimes Reported
- Timely Warnings
- Emergency Notifications
- Non-Clery Alerts
- Training
- Staffing Changes
- Purchases and Sales of Property
- Student and Employee Conduct Violations
- Anonymous Reports of Crimes of Violence
- Claims Filed and Settlement Agreements Made
## Comparative Summary

<table>
<thead>
<tr>
<th></th>
<th>Clery Act</th>
<th>RVSM &amp; Title IX Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Report Threshold</strong></td>
<td>Brought to Attention of CSA</td>
<td>Actual Knowledge; Formal Complaint</td>
</tr>
<tr>
<td><strong>Involved Parties</strong></td>
<td>Affiliation Doesn’t Matter</td>
<td>Affiliation Matters</td>
</tr>
<tr>
<td><strong>Who - Obligated Reporters</strong></td>
<td>Campus Security Authority (CSA)</td>
<td>Responsible Employee</td>
</tr>
<tr>
<td><strong>Report Collectors</strong></td>
<td>Department of Police and Public Safety (@MSU)</td>
<td>Official with Authority; OIE</td>
</tr>
<tr>
<td><strong>What</strong></td>
<td>Clery Crime</td>
<td>Sexual Harassment; Sexual Assault; Relationship Violence; Stalking; Retaliation</td>
</tr>
<tr>
<td><strong>Where</strong></td>
<td>Clery Geography</td>
<td>University-sponsored education program or activity; Adverse Effect</td>
</tr>
<tr>
<td><strong>Basis</strong></td>
<td>Report (no corroboration needed)</td>
<td>Policy Coverage; Assessment/Adjudication</td>
</tr>
<tr>
<td><strong>Institutional Responsibility</strong></td>
<td>Statistics, Timely Warning, Emergency Notification, Crime Log</td>
<td>Outreach (Reporting Options, Supportive Measures), Determine if Formal Complaint, Investigate; Adjudicate; Document Process</td>
</tr>
</tbody>
</table>

Clery Act RVSM & Title IX Policy