Clery Act / VAWA Overview

Department of Campus Safety & Security
Overview

• What is the Clery Act?

• What is the Violence Against Women Reauthorization Act (VAWA)?

• What is the “Not Alone” Campaign?

  • Named for 19 year old university freshman Jeanne Ann Clery who was raped and murdered while asleep in her College residence hall room on April 5, 1986.

• All postsecondary institutions participating student financial assistance programs must comply.

• Requirements enforced by the Department of Education (DoE).
Every postsecondary institution must:

1. Collect, count, and classify crime reports and crime statistics for **each** campus location.
2. Issue campus alerts.
   - Timely Warning.
   - Emergency Notification.
3. Publish an **Annual Security Report (ASR)** and Notify all students, employees, potential students, and potential employees of its availability [NLT 1 October].
4. Annually submit Clery crime statistics to DoE.
The Clery Act requires Aims Community College to disclose three general categories of crime statistics:

- **Criminal Offenses** (eight types).
- **Hate Crimes** (associated w/Criminal Offenses).
- **Arrests and Referrals** for Disciplinary Action.
  - Alcohol violations.
  - Drug violations.
  - Weapons violations.
Clery Crimes

- **Reportable Criminal Offenses Include:**
  - Murder / Non-Negligent Manslaughter
  - Negligent Manslaughter,
  - Sex Offenses (including forcible and non-forcible),
  - Robbery,
  - Aggravated Assault,
  - Burglary,
  - Motor Vehicle Theft, and
  - Arson
Timely Warning

- Also called “Crime Alerts”.
- Purpose is to alert the campus community to certain crimes in a manner that is timely and **will aid in the prevention of similar crimes**.
  - “Timely” is not defined. Means that a warning should be issued as soon as pertinent information is available.
- This warning must be issued for Clery Act crimes that are considered by the institution to **represent a serious or continuing threat to students and employees**.
Emergency Notification

“The institution is required to immediately notify the campus community upon **confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees** occurring on campus.”
Maintain a Crime Log

- Record criminal incidents and alleged criminal incidents that are reported to the College.
- Crime log entries include **ALL** crimes reported for the Campus locations, not just Clery Act offenses.
- More specific location focus than the required statistical disclosure information.
Clery Geography

• **On-Campus** [Separate Campus criteria]
  • Any building or property owned or controlled by an institution.

• **Non-Campus Buildings or Property**
  • owned or controlled by the College or a student organization that is officially recognized by the institution.

• **Public Property**
  • that is within the campus, or immediately adjacent to and accessible from the campus.
Consequences of Noncompliance

Clery Act violations may include:

• Maximum fines of up to $35,000 per violation.
  • [2013] Texas A&M fine of $82,500: Staff had improperly compiled, classified and disclosed crime statistics in 2008. Also under-reported seven liquor law violations, 16 drug law violations and four weapons law violations.
  • U of Nebraska will pay $65,000 for 3 violations: Staff failed to collect and break down all the required statistics and neglected to notify employees and students about the availability of the Annual Security Report.

• Limitation, suspension, or termination of the eligibility to participate in Federal Assistance Programs.
General Responsibilities

• The Clery Act requires all institutions to collect crime reports from a variety of individuals and sources.

• We consider the **function** of that individual or office, not their title.

• A “Campus Security Authority” (CSA) is a Clery-specific term that encompasses groups of individuals and organizations associated with an institution that Clery crimes may be reported to.
Who Are CSAs

- A campus police, campus security, or public safety department of an institution.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.
  - Student Deans, Academic Deans, Athletic Coaches, Provost, Directors, Administrators, etc.
  - A CSA is NOT a faculty member who does not have any responsibility for student and campus activity beyond the classroom.
The Violence Against Women Reauthorization Act (VAWA) was signed into law March 7, 2013.

- Imposes several new Clery Act obligations on Colleges under its Campus Sexual Violence Act (SaVE) provision.

- VAWA requires IHEs to include these new obligations in the Annual Security Report (ASR) that must be provided to students, employees, and prospective students and employees by October 1, 2014.

- Conduct a “Good Faith” effort.

March 7, 2013: President Obama signed into law the Violence Against Women Reauthorization Act of 2013.
VAWA Additions

• Report **domestic violence, dating violence, and stalking**, beyond the eight crime offense categories the Clery Act already mandates;

• Adopt certain **student discipline procedures**, such as notifying victims of their rights;

• Adopt certain institutional policies to address and prevent campus sexual violence.
  • Increase student awareness training.
  • Train institutional personnel.
  • Enhanced student / employee orientation.
  • Bystander Intervention.
Not Alone Campaign

Background:

- A total of 350 Colleges/Universities were tasked with a Congressional Survey to assess how they are responding to and addressing sexual violence and sexual harassment on campus. [Senator McCaskill]

- The Department of Education released a list of 55 colleges and universities currently under investigation for possible violations of federal law over the handling of sexual assault and harassment complaints.
Not Alone Campaign

Background:

• 9 of the 55 schools identified are the subject of compliance reviews, which are proactive investigations by the DoE’s Office for Civil Rights.

• The survey report “Sexual Violence on Campus” was published July 9, 2014.

• The survey results showed that many institutions are failing to comply with the law and best practices in how they handle sexual violence among students.
Not Alone Campaign

• The White House Task Force to Protect Students From Sexual Assault, established in Jan 2014, describes its mandate to strengthen federal enforcement efforts and provide schools with additional tools to help combat sexual assault on their campuses.

• Designed as an ongoing nationwide prevention and awareness campaign for students and staff.

• The first report of this White House Task Force was published April 2014; titled “Not Alone”.
Colleges and universities that participate in the federal student financial aid programs are subject to Title IX, the Clery Act, and VAWA; they must comply with requirements that school employees report incidents of sexual violence; and school officials notify students about the outcome when they file complaints of sexual violence.