Clery Act Implications for Violence Against Women Crimes

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Agenda

• Clery Act directly imposes several requirements related to VAW crimes
• Several indirect implications
• Understanding regulations will help you avoid compliance problems
• **Policy disclosure**— provide accurate statements of current security policies and practices

• **Records collection and retention**— maintain certain records and request records from local law enforcement agencies

• **Information dissemination**— provide campus community with information and disseminate that information in several ways
Direct Implications

• Definitions of Sex Offenses (forcible & non-forcible)
• Campus Sexual Assault Victims Bill of Rights:
  • Sexual offense awareness programs
  • Procedures following a report of a sexual assault
• Campus Sex Crimes Prevention Act (2000)
• Use the FBI’s National Incident-Based Reporting System (NIBRS) edition of the UCR handbook to define sexual offenses (Brown book)

• All other crimes use the FBI Summary Handbook (Green book)
Definitions of Sex Offenses

Sex Offenses- Forcible

- Forcible Rape
- Forcible Sodomy
- Sexual Assault With An Object
- Forcible Fondling
Definitions of Sex Offenses

Sex Offenses- Non-forcible

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

• Statutory Rape
  — Nonforcible sexual intercourse with a person who is under the statutory age of consent.
The Clery Act requires you to include a statement about your institution’s sex offense policy, procedures and programs in your annual security report. Specifically, the regulation requires a statement of policy regarding the institution’s campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs.

The statement **must include:**
Educational programs that promote awareness of:

• Rape/Sexual Assault
• Non-stranger Sexual Assault
• Other forcible and non-forcible sex offenses
When a sex offense occurs

- Who to contact
- Preserving evidence
- Whom to report alleged offense

Option to notify law enforcement

- On-campus and local police
- Statement that institutional personnel will assist students in notifying authorities
• Notification of on/off campus services
  – Counseling and other mental health centers
  – Rape/Sexual assault crisis centers
  – On campus advocacy centers
• Change academic & living situation
  – Provide options
  – Reasonable
Campus disciplinary procedures must provide the accuser/accused:

- Right to have others present (attorney, advisor, witnesses)
- Right to be advised of final results-disclosure to accuser is unconditional
- Sanctions that may be imposed
• Simply required to inform

• Not required to disseminate

• Disclosure must be made in the Annual Security Report
Indirect Implications

- Two policy statements describing educational security awareness and crime prevention programs

- Crime Prevention Programs:
  - Inform students and employees about crime prevention
  - Describe programs
  - Disclose if no programs available
Security Awareness Programs

- Policy Statement Must:
  - Describe security procedures & practices
  - Include program type & frequency
  - Encourage students & employees to be responsible for their security and others
Indirect Implications

Crime Prevention & Security Awareness Programs

• Institutionally designed and executed programs

• Partnering with other campuses, local, regional or state initiatives

• In conjunction with national initiatives
• Understanding Campus Security Authorities

- Campus police/security department
- Individuals responsible for security
- Access monitor
- Resident assistant
- Individual or offices designated to receive crime reports
- Officials with significant responsibility for student and campus activities
Campus Security Authority’s Responsibility:

“to report allegations made in good faith to the reporting structure established by the institution.”
“A crime is reported when it is brought to the attention of a campus security authority or the local police by a victim, witness, other third party, or even the offender.”

An institution must disclose crime reports regardless of whether any of the individuals involved in either the crime itself, or in the reporting of the crime, are associated with the institution.
Timely Warning Notices

An institution must alert the campus community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. These include all Clery Act crimes that are:

• Reported to campus security authorities or local police agencies; and

• considered by the institution to represent a serious or continuing threat to students and employees.
Any institution that has a campus police department or security office must create, maintain and make available a daily crime log.

- A crime is entered into the log when it is reported to the campus police or security department.
Voluntary, Confidential Reporting—Two Requirements

A list of titles of each person or organization to whom students and employees should report criminal offenses for the purpose of making timely warning reports and the annual statistical disclosure.

• Statement must also disclose whether the institution has any institutional policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report.
Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
• Clery Act imposes several direct and indirect requirements related to VAW crimes

• Understanding regulations will help you avoid compliance problems