



Dedicating Heart and Mind to God

TO: Corban University Campus Security Authorities

FROM: Michael Roth, Director of Campus Safety

DATE: September 20, 2017

RE: Crime Reporting Requirements

A federal law commonly known as the Clery Act requires universities to annually compile and publish crime statistics for their campuses and certain other areas. This law requires that the university collect information about certain crimes from employees who are designated as "Campus Security Authorities" (CSAs). Although the name Campus Security Authority sounds like it refers to a security or police officer, under the Act, any employee (including faculty and student employees) in a position of authority or with responsibilities relating to students is a Campus Security Authority.

You have been designated by your unit head as a Campus Security Authority. This memorandum is notifying you of your reporting obligations under the university's Crime Reporting Policy. You are required to report certain types of serious criminal conduct and incidents occurring (or reported to have or alleged to have occurred) on campus, on adjacent streets or sidewalks, or on property owned or controlled by Corban University.

As a Campus Security Authority (CSA), you are required to report information about certain criminal conduct occurring – or alleged or reported to have occurred – in certain locations. You are required to report so that (1) threats to the campus community may be investigated and (2) Corban University may disclose accurate information about the safety of our campus to current or prospective members of the Corban community.

Guidance about the Clery Act and CSA obligations is provided in Appendix A. This guidance includes information about what triggers the reporting obligation. The types of crimes and incidents that must be reported – Clery Act incidents – are described in the Appendix B to this memorandum.

If you become aware of any Clery Act incident, you need to contact the Office of Campus Safety at 503-510-6430. You must contact Campus Safety if you witness a Clery Act incident, have an incident reported to you, or have someone tell you about an incident. **Please do not investigate or attempt to determine whether a crime actually took place.** Simply make the call; a member of Campus Safety will work with you to obtain the necessary information. If you are in doubt as to whether an incident is reportable, please err on the side of reporting the matter.

When Clery incidents are reported by Corban University, the report does not identify any victim or anyone accused of committing a crime. Personally identifiable information is not included in statistics disclosed. Further, you can report without identifying the victim, if the victim doesn't want the matter reported or has concerns about confidentiality or anonymity.

Thank you for your assistance in fulfilling these federal requirements. If you have any questions about this request or would like to discuss the specifics about an incident, please feel free to contact me at 503-589-8152

Office of Campus Safety

APPENDIX A

Frequently Asked Questions and Answers: Crime Reporting Obligations for CSAs

What is the Clery Act?

The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” is a federal law that requires institutions of higher education in the United States to disclose campus security information (including crime statistics and information about safety-related policies). It was first enacted by Congress in 1990 and amended a number of times since.

Who is Jeanne Clery?

In 1986 Jeanne Clery, a freshman at Pennsylvania's Lehigh University, was murdered and sexually assaulted in her residence hall room by another student she didn't know. Her school hadn't informed students about 38 violent crimes on campus in the prior three years. Jeanne's parents led the crusade to enact the law.

What is a Campus Security Authority (CSA) and how do I know if I am one?

The university notifies those employees who are CSAs. All employees with responsibility for campus and student activities are CSAs. The term “responsibility” is interpreted broadly, so that most employees who interact with students in any position of authority are CSAs. For example, if you are a full-time faculty member, a coach, a resident assistant/head resident/area coordinator, or an advisor for a student group, you probably are a CSA.

What does being a CSA mean?

It means you have certain reporting obligations, described in these FAQs.

What do I need to report?

You need to report (a) certain criminal activity known as “Clery Act incidents” (b) that you become aware of (c) occurring on certain property designated as our “Clery Act geography.” The reporting requirement is triggered by the **location where the incident occurred**. It only applies to criminal incidents occurring in Corban University's Clery Act geography.

What are Clery Act incidents?

Clery Act incidents include sex offenses, robbery, other violent crimes, and so-called “hate crimes”; the full list and definitions are provided in Appendix B. (Drug abuse violations and liquor law violations that result in either an arrest or a disciplinary referral also need to be reported, but this information is most reliably collected from the Dean of Students Office, which handles disciplinary cases against students; other CSAs are not required to report drug and liquor law violations.)

What is our Clery Act geography?

Three types of property constitute our Clery Act geography:

- Campus property. For Clery Act purposes, Corban has one campus. Campus property includes grounds and buildings. ***Because most Corban University CSAs work on the campus, these FAQs focus on main-campus property. Additional information relevant to the other campuses is available through the Office of Campus Safety.***
- Public property adjacent to and accessible from on-campus property. This means sidewalks and streets adjacent to one of the Corban University campuses. Adjacent to means those streets and sidewalks immediately bordering the campus – not streets a block away, for example. It also does not include

property that is not accessible from the on-campus property; for example if there is a fence between the campus property and the non-campus sidewalk, the sidewalk may not be within our Clery Act geography.

- Non-campus buildings or property owned or controlled by Corban University that is used in direct support of, or in relation to, the institution's educational purposes, and is frequently used by students. This category includes certain overseas locations including those used for study abroad programs identified as meeting the definition of control of specific space for the time period of the program. ***Additional information about overseas and other non-campus property is available through the Office of Campus Safety***

What locations are not included in our Clery Act geography?

- Off-campus sites for internships, externships, clinical training or student teaching, where the agreement is limited to the program rather than for use of the physical space.
- Field trips or overnight, school-sponsored trips that do not meet the frequently-used-by-students criterion, generally for periods greater than one night.
- Public property adjacent to non-campus property owned or controlled by Corban University.

What do I do if a criminal incident occurred on our Clery Act geography – how do I make a report?

A CSA needs to file a report with the Corban University Office of Campus Safety when he or she becomes aware of information that indicates that a Clery Act incident may have occurred on campus, adjacent to campus, or in a non-campus location.

The Office of Campus Safety is designated as the official collector of crime report information. You may contact them in person or by phone. If you are reporting an emergency you may dial 911 from a campus phone. If using a cell phone tell the Communications Officer your exact location. Non-emergency calls are received at 503-510-6430. You may also file a report in person.

When you call or file a report in person with the Office of Campus Safety, ***please identify yourself as a CSA***. The way the Campus Safety handles reports from victims, for example, is different from how we handle reports from CSAs.

Campus Safety also needs a short description of the incident (Clery Act crime) including:

- incident date
- incident time
- incident location (exact location is particularly helpful)

Including this information will help us ensure we are properly reporting the incident and avoid double counting.

Do I need to witness the criminal incident first hand?

No, the reporting obligation arises when you, a Campus Security Authority, become aware of information or allegations of criminal behavior. Awareness can be either through witnessing the criminal conduct or having criminal activity reported to you by a victim, bystander, or other person.

When do I need to report the criminal incident to the Police?

You should report the criminal incident to the authorities in a timely manner. In non-emergency situations (e.g. not a serious and ongoing threat), CSAs should report promptly given the circumstances. For CSAs in non-campus locations, especially abroad, that may not be possible until your return to the Williamsburg campus. Obviously, in emergency situations, contact local law enforcement wherever you may be. Do not wait for criminal charges to be brought, arrests to be made, etc.

What shouldn't a CSA do?

- The CSA should not attempt to prove or decide whether the alleged incident actually occurred—that is the job of law enforcement.
- The CSA is not required to be a neighborhood monitor or to actively seek out crime information such as by reading crime blogs.
- It is not the CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so.

What if I'm not sure if a crime has actually occurred?

You should still report. It is not your job to decide whether there is enough evidence or if all the elements of a crime occurred; if you have information that reasonably appears like a Clery Act incident, report it. You should also remember that *attempted crimes must be reported*.

What if the information I have is second or third hand – do I still need to report?

Yes, you need to report. The only times you don't have to report information about a Clery Act incident are (1) if you have reason to believe that the report or allegation of criminal conduct is not made *in good faith* or (2) if you are reasonably certain that the incident has already been reported. This means, for example, if a student tells you that his girlfriend was raped on campus, you need to report that information. Do not try to make the student or his girlfriend call the Police. To pick another example, if an employee tells you that a local resident, who was visiting campus, was mugged behind one of the academic buildings, you need to report that. On the other hand, if your supervisor shares with you information about an incident where a student attacked another student with a knife and your supervisor tells you that he already called the Police, you do not need to make a second report.

What is "good faith"?

If you have good reason to doubt the validity of the information – for example if you think someone is deliberately spreading a rumor – you could conclude that the report was not made in good faith. If you have reason to believe that information you've received about an incident is not made in good faith, you do not need to report it.

If I make a report, does this mean that a police investigation will be initiated?

No. Although we strongly encourage victims of any crime to report incidents and seek assistance through legal channels whenever possible, a report from a CSA will not necessarily result in a police investigation. There are many reasons why a report might not result in a law enforcement action. For example, in many cases the police will not initiate an investigation without victim assistance. As another example, if a report is about an incident that occurred outside of the local police jurisdiction, they may refer the matter to the appropriate police, but those police may not deem the matter to warrant an investigation.

If a student reported something to me in confidence, do I still need to report the incident for Clery Act purposes?

Yes. All incidents which meet the criteria described above must be reported to the Corban University Office of Campus Safety for statistical collection purposes. Reports may, however, be filed without providing the name of the victim.

Only those CSAs who are professional mental health and pastoral counselors are exempt from the requirement to report, and only if they learn of the Clery Act incident while acting as a professional mental health counselor or pastoral counselor, respectively. Counselors may encourage the student to make a voluntary anonymous report to the Office of Campus Safety, on a confidential basis, for inclusion in the annual disclosure of crime statistics.

What fines and/or sanctions could Corban University face if I fail to report an incident?

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 \$54,789 per violation (Proposed increase to \$150,000 per violation.) or may suspend them from participating in federal student financial aid programs.

What sanctions could I face, if I fail to make a report?

Under the Crime Reporting Policy, CSAs who fail to report Clery Act incidents may be subject to disciplinary action, under applicable personnel policies.

Are there new Clery reporting requirements as a result of the Violence Against Women Reauthorization Act under the Campus Sexual Violence Elimination provision (“SaVE Act”)?

Yes, the SaVE Act provision adds domestic violence, dating violence, and stalking to the categories that must be reported under Clery. Currently, the rule making relative to the definitions of these crimes is still ongoing.

APPENDIX B

The Clery Act incidents you need to report, which are defined below, are:

Certain arrests are also included in the crime statistics disclosed, but this arrest information is gathered by the Office of Campus Safety, not reported by other CSAs.

- murder and manslaughter
- sex offenses, forcible or non-forcible but not including sexual harassment or indecent exposure
- robbery and burglary
- aggravated assault
- motor vehicle theft – including theft of motorized scooters, golf carts, motorized wheelchairs and the like
- arson
- domestic violence
- dating violence
- stalking
- so-called “hate crimes” – (i) any other crime involving bodily injury, or (ii) larceny-theft, simple assault, intimidation, and destruction/ damage/ vandalism of property, when motivated by the perpetrator’s bias. Bias is defined as a negative opinion or attitude toward a group of persons based on their
 - race,
 - age
 - gender or gender identity,
 - religion,
 - sexual orientation,
 - ethnicity/national origin, or
 - disability.

Definitions

Murder and Non-negligent manslaughter is the willful (non-negligent) killing of one human being by another.

Negligent manslaughter is the killing of another person through gross negligence.

A **forcible sex offense** is any sexual act directed against another person (1) forcibly and/or against that person’s will or (2) not forcible or against the person’s will where the victim is incapable of giving consent due to a temporary or permanent disability. These crimes include:

- A. Forcible Rape, including acts that may be considered “date rape” or “acquaintance rape”
- B. Forcible Sodomy
- C. Sexual Assault with an object
- D. Forcible Fondling

A **non-forcible sex offense** is unlawful, non-forcible sexual intercourse to include:

- A. Incest
- B. Statutory rape, i.e., non-forcible sexual intercourse with a person under the statutory age of consent. In Virginia, the age of consent is 18, although there are exceptions for intercourse between minors aged 13-17; these exceptions are complex and to ensure appropriate reporting, all sexual intercourse with a minor should be reported.

Robbery is the taking or attempting to take anything of value from the care, custody, and control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually involves a weapon or means likely to cause death or great bodily harm.

Burglary is the unlawful entry into a structure to commit a felony or theft. Theft or unlawful entry into open-access areas, such as dining halls and libraries, is not burglary. A structure is a physical space enclosed by four walls, with a roof and door, and so does not include lockers, tents, or cars, for example. Shoplifting is not burglary.

Arson is maliciously burning or causing to be destroyed by burning any public or private property of another.

The next category that the law required reporting is that of **motor vehicle theft**, which is defined as the theft or attempted theft of a motor vehicle. (This classification also includes “joyriding”). Motor vehicle is defined broadly to include not only cars and trucks but any self-propelled vehicle that runs on land surface and not on rails, such as golf carts, motor scooters, motorized wheelchairs, and ATVs.

Dating Violence: Controlling, abusive, and aggressive behavior in a romantic relationship. It can happen in all relationships. It can include verbal, emotional, physical, or sexual abuse, or a combination.

Domestic Violence: Physical injury/abuse, sexual abuse or assault, intimidation, verbal abuse and emotional abuse or threats of such. These tactics are used by one adult to coerce or control another.

Stalking: Intentional, knowing or reckless, repeated and unwanted contact with the victim that causes the victim reasonable fear regarding physical safety.

Hate crimes are defined for Clery Act purposes as certain crimes committed against a person or property when such crimes are motivated, in whole or in part, by the offender’s (perpetrator’s) bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender or gender identity, religion, ethnic/national origin, disability or sexual orientation. These crimes are:

- murder and non-negligent manslaughter,
- forcible and non-forcible sex offenses,
- robbery,
- aggravated assault,
- burglary,
- motor vehicle theft,
- arson,
- domestic violence
- dating violence
- stalking
- larceny-theft,
- simple assault,
- intimidation, and
- destruction/ damage/ vandalism to property.

Acknowledgement

I acknowledge receipt of this memo and understand my reporting obligations as a campus security authority.

Signature: _____

Date: _____

Printed Name: _____

Title/Department: _____