

Jeanne Clery

Disclosure of Campus Security Policy and Campus Crime Statistics Act

2016-2017

Campus Security Authority (CSA) Training

Keene State College

Department of Campus Safety

Jeanne Ann Clery

Jeanne Clery was a 19 year old student at Lehigh University in 1986 when she was raped and murdered in her dorm room. Her assailant was also a student who accessed the building because the automatic lock doors were propped open. During the trial, Jeanne's parents learned of the lapses in campus security at Lehigh and subsequently pushed for state and federal laws to require crime statistics to be publicized. In 1990, Congress approved the *Crime Awareness and Campus Security Act*. Later renamed in Jeanne's memory, the *Jeanne Clery Act* took effect in 1991. This federal law requires colleges and universities to disclose their security policies; maintain a public crime log; publish an annual crime report; and provide timely warnings to students and campus employees about crimes posing an immediate or ongoing threat to the campus community. The law also ensures certain basic rights for victims of campus sexual assaults and requires the U.S. Department of Education to collect and disseminate campus crime statistics so that prospective students can make an educated decision on where to attend college.



College Requirements

By October 1st of each year, the College must publish:

- An annual security report regarding safety & security measures and College policies; and
- Statistics regarding:
 - Crimes occurring on or near the College's premises for the three previous calendar years;
 - Crimes classified as hate crimes;
 - Fire statistics; and
 - Information on fire safety.

The Department of Campus Safety must also maintain a public log of reported crimes and issue timely warnings for Clery crimes which pose a continuing threat to the college community.

Annual Crime Report and Daily Crime Log

The *Keene State College Campus Crime and Fire Safety Report* is available at: <http://www.keene.edu/administration/policy/detail/clery-report/>. This report contains information on reporting crimes and emergencies; sexual misconduct and relationship violence; resources for support; drug and alcohol laws and policies; crime awareness and prevention programs; access to facilities and residence halls; maintenance and safety; emergency management and notification procedures; missing students; disclosure of crime statistics; and campus maps.

The Department of Campus Safety maintains a publicly accessible *Daily Crime Log* containing information on all crimes reported to Campus Safety. The official crime log is available at the Campus Safety Office during normal business hours. Campus Safety log activities are also posted live on the Campus Safety twitter account and weekly on the Campus Safety web page blog at <http://sites.keene.edu/campussafety/>.

Timely Warnings

When the Department of Campus Safety becomes aware of serious crime(s), or a pattern of crimes that occur on campus, where it is determined that the incident may pose an ongoing threat to members of the Keene State College community, the director of Campus Safety or a designee will develop and disseminate timely warning notices for the campus community. When possible, a draft message of the content of the notification will be reviewed by at least one member of the College's senior staff.

The objective of issuing timely warnings is to aid and prevent similar crimes. Timely warnings will be disseminated by posting in campus buildings and/or using the Emergency Notification System.

A timely warning notice will include as much information available as to effectively warn the campus community without compromising law enforcement efforts or the confidentiality of the complainant. The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual.

The College does not issue Crime Alerts if the subject(s) has/have been apprehended, and the threat of imminent danger for members of the KSC community has been mitigated by the apprehension; or if a report was not filed with Keene State College Department of Campus Safety and Campus Safety was not notified of the crime in a manner that would allow the department to post a "timely" warning for the community.

Penalty for not complying with the Clery Act

If a College is found to be non-compliant with the Clery Act, it may impact its ability to maintain or receive federal financial aid from students.

In addition, the College can be fined, up to \$35,000 by Department of Education for **each** incident of “substantial misrepresentation”.

If Campus Security Authorities fail to complete required annual training, or fail to report crime statistics mandated by federal law, then the College could be subject to the above penalties.

What makes you a Campus Security Authority?

**A Campus Security Authority (CSA) is defined as an individual or organization to which student and employees should report criminal offenses or an official of an institution who has significant responsibility for student and campus activities. An Official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.*

The law defines 4 categories of people as Campus Security Authority (CSA):

- College/University Police Departments;
- Non-police Campus Safety personnel (including parking and transportation);
- People or offices designated as those to whom/which crimes should be reported (Identified in the Clery Report as identified intake officers); or
- Officials with significant responsibility for student and campus activities
 - Student Organization and Faculty Trip Advisors;
 - Officials who Supervise Students;
 - Athletics and Recreational Sports;
 - Residence Life Staff (including student employees);
 - Student Services and Student Conduct Personnel; etc.

Identifying Campus Security Authorities (CSA)

- A CSA is defined by job function and not by title.
- A CSA defined broadly to ensure complete coverage and thorough reporting of crimes.
- Many KSC staff and faculty are CSA's, having "significant responsibility for student and campus activities".

Who ISN'T a Campus Security Authority?

- Faculty members who do not have responsibility for student activity beyond the classroom (such as serving as an advisor);
- Staff members not responsible for student activities (ex. facilities, clerical, etc.);
- Professional counselors whose official responsibilities include providing mental health counseling to members of the College community and who is functioning within the scope of his or her license or certification (or persons who are unlicensed, but acting under the supervision of an exempt counselor).
- Pastoral counselors (employed by a religious organization to provide confidential counseling).

Confidential vs. Private

The victim or reporting individual should expect that a Campus Security Authority will keep information provided *private*; however, CSAs cannot keep information *confidential* in accordance with the Clery Act. At times, a CSA may have to inform someone of the difference between private and confidential:

Private - A private communication means that the information will only be shared with those individuals with a need to know and that all necessary precautions will be taken to protect the identity of the reporting person.

Confidential - Communication is legally privileged and cannot be shared. Confidential information cannot be revealed to any other person without the express permission of the individual, or as otherwise required by law.

Confidential Reporting

A victim may report a crime on a voluntary and confidential basis to the following mental health counselors and medical practitioners who are precluded from mandated reporting of most criminal incidents due to patient privacy laws:

- Brian Quigley, Director of the Counseling Center: 603-358-2438;
- Any Counseling Center licensed practitioner: 603-358-2437;
- Cindy Cheshire, Director & Campus Minister, The Newman Center: 603-357-1444; or
- Any Center for Health and Wellness licensed medical practitioner: 603-358-2450.

Counseling Center, Health and Wellness Center, and Campus Ministry personnel are encouraged to inform the person they are counseling/treating of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics or issuance of a timely warning. With the reporting party's consent, the professional will complete a confidential [*Silent Witness*](#) submission with information regarding the incident; however, no names or identifying information will be used without the consent of the reporting individual. The *Silent Witness* submission is reviewed by the director of Campus Safety for inclusion in the annual *Campus Crime Report* and issuance of a timely warning of an ongoing threat to the campus community if necessary.

Silent Witness Program

Incidents can also be reported via a confidential [Silent Witness](#) web form. The *Silent Witness* program is for anonymous reporting crimes/incidents and/or serious policy violations that may affect the health, safety, or welfare of the College community. The Director of Campus Safety periodically reviews *Silent Witness* submissions during College business hours, Monday through Friday 8 a.m. to 4:30 p.m., to determine if follow-up or further investigation is necessary. Information is confidential; however, contact information may be submitted voluntarily. No further investigation will be conducted without the consent of the victim or reporting party unless the report contains an exigent circumstance that threatens the health or safety of the campus community. It is important to note that the *Silent Witness* is not monitored 24 hours a day. For immediate response to incidents, contact Campus Safety at 603-358-2222 or 2228.

The silent witness form is not to be used by a CSA reporting crime information; however, a CSA, prior to receiving crime information, may refer someone to this resource who requests to report a crime on a confidential basis.

So you're a CSA-what do you have to do?

Any person identified as a Campus Security Authority as defined by the Clery Act, who receives information regarding a *Clery* crime, is obligated to share that information with the Department of Campus Safety for the purposes of annual statistical disclosure and making timely warnings. This information can be shared without identifying the complainant via a *Third Party Report* available from Campus Safety and/or the Dean of Students Office. This does not obligate the reporting person to talk with Campus Safety or to proceed any further with a report or investigation. Students should be encouraged to talk with Campus Safety so they can be advised of their options for proceeding with a college and/or police investigation.

- Even if you're not sure it's a crime, report it;
- You do not have to investigate it (we would prefer if you do not investigate it);
- You do not have to classify the type of crime it is; and
- You should not contact or notify the alleged offender.

When in doubt, report it!

Why do I have to share this information?

- The College is required by federal law to gather/publish crime data from a wide variety of “Campus Security Authorities (CSA)”.
- Many crimes, especially sexual assaults, are often not reported to the police or campus safety. CSA reports provide a more accurate picture of crime on campus.
- The College must ensure that the College community is aware of potential dangers on campus so they can protect themselves.

What do I have to report? Sex Offenses:

- 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, including instances in which the victim is incapable of giving consent.
- Sexual Assault/Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth 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 statutory age of consent. **The statutory age of consent in New Hampshire is 16 years of age.*

Crimes Against the Person:

- Murder & Non-negligent Manslaughter - The willful killing of one human being by another.
- Aggravated Assault - An unlawful attack by one person upon another for the purpose of inflicting 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.
- Negligent Manslaughter - The killing of another person through gross negligence.
- 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.

Property Crimes:

- Burglary - The unlawful entry of a structure to commit a felony or a theft. A residence hall room or academic classroom is considered a “structure” for reporting purposes where the offender did not have a right of access.
- 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.

Hate Crimes:

Hate Crimes to include any of the offenses listed in the above slides and any incidents of theft, simple assault, intimidation, or destruction/damage/vandalism of property motivated by bias towards:

- Race
- Religion
- National origin
- Ethnicity
- Gender
- Gender identity
- Sexual orientation, or
- Disability.

Crimes Identified by the Violence Against Women Act (VAWA):

- Domestic Violence - Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, 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.
- Dating Violence - Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress.

Obtain, Record, and Report the Basic Facts:

- WHEN
 - The incident occurred (date and time)
 - The incident was reported to you
- WHERE the incident occurred
 - be specific
- WHO was involved in the incident to include the:
 - Reporting person
 - Responsible person(s)- alleged
 - Witnesses
- WHAT happened

A trained investigator will take the information you provide and follow-up if necessary.

Please remember:

- You are not a detective. You do not have to prove what has happened, who was at fault, or classify the crime.
- You are not supposed to find the alleged perpetrator. Do not attempt to contact the perpetrator as this can compromise the case and the victim's safety.
- Identify the victim only if he/she gives permission.

Clery Geography

A crime must be reported if it occurred on-campus, on non-campus properties owned or controlled by the College, or on public property immediately adjacent to the campus.

On-campus buildings and properties include all properties owned or controlled by Keene State College, within the contiguous area of the main campus at 229 Main Street; Athletic Facilities off Kriff Road; KSC property at Martell Court; athletic facilities north of Route 101; and the Winchester Street parking lot. All residence halls and academic buildings are considered on-campus properties.

Non-Campus Buildings include the College camp on Page Court in Swanzey, NH, and the KSC property at Nubanusit Lake.

In rare circumstances, a hotel room, conference area, or other off campus location used on a consistent basis by the College may be considered non-campus properties for reporting purposes. When in doubt, ask the Director of Campus Safety if the location qualifies.

Clery Geography continued; Public Property includes:

- Main Street, both sidewalks, and crosswalk between 229 and 361 Main Street;
- Ashuelot Rail Trail between Winchester Street and Krif Road;
- Winchester Street including both sidewalk and crosswalk between the Main Street Rotary and 322 Winchester Street;
- Martel Court from Route 12/101 underpass to the Athletic Facilities off Kriff Road;
- Bruder Street and Appleton Street;
- Street and sidewalks between the Ashuelot Rail Trail and Route 12A on Route 12/Route 101; and;
- Any other public locations immediately adjacent to and accessible from the campus.

Crimes occurring outside of the KSC Geography

You may; however, you are not required to report crime information where the crime occurred outside the College's geography. For example, you are not mandated to report a crime when:

- A student tells you about a crime that occurred at a different college before he transferred to KSC; or
- A student reports an assault that happened while she/he was off campus and not involved in a campus controlled activity.

What to do if someone confides in you:

If someone confides in you, believe them; listen without judgement, use their language to identify what happened; listen respectfully; don't probe for information; do summarize, clarify, paraphrase; don't tell them your own stories; help identify other resources and safe people in their support network; ask what they need to feel safe; encourage them to seek medical attention and counseling; and encourage them to report the assault.

Always tell students, faculty, and staff about reporting options and refer them to help.

The intersection with other Federal Laws

The Violence Against Women Act (VAWA) and Title IX of the education amendments of 1972 intersect with the Clery Act at times. Here is what you should know:

- *Campus Security Authorities* must report sex discrimination to Campus Safety and the College Title IX Coordinator, Jeff Maher, Elliot 253, 603-358-2959, TitleIX@keene.edu.
- Sex discrimination includes, but is not limited to: Domestic Violence, Dating Violence, Stalking, Rape, and Forced Fondling/Sexual Assault. Other forms of sex discrimination (such as denial of equal opportunities, unfair treatment, or sexual harassment, etc.) must be reported to the Title IX Coordinator only.
- Clery Geography does not apply to Title IX; Sex discrimination involving members of the campus community must be reported to the Title IX coordinator regardless where it occurred.

How do I report a Clery Act Crime?

Campus Security Authorities (CSAs) are encouraged to report *Clery Act* crimes to the Department of Campus Safety immediately. Reports can be made in a variety of ways:

- Call the Campus Safety Dispatch at **603-358-2222 or 2228** (8-2222/8 from on campus);
- Appear in person at the Campus Safety Office located in Keddy House, Wyman Way; and/or
- E-mail crime information of a non-emergency nature to campussafety@keene.edu. *This e-mail is not for reporting emergencies, crimes in progress, or crimes that may require the issuance of a timely warning. Campus safety email is not monitored 24 hours a day. When in doubt, call it in!*

Reporting Continued:

When crime information comes to your attention, do not rely on your supervisor or anyone else to report the information to Campus Safety. For example: If you are a Resident Advisor, you must report to the Office of Residential Life and the Department of Campus Safety.

If you are a supervisor who receives information from a CSA, do not assume that they have reported the information to Campus Safety; Report it yourself.

It is safer to have crime information reported twice than not at all!

Other Resources for Support

Keene State College Resources - [Counseling Center](#): 358-2437; [Coordinator of Sexual Violence Prevention and Education](#): 358-2437; [Center for Health and Wellness](#): 358-2450; [Dean of Students Office](#): 358-2842; [Office of Student Conduct](#): 358-2839; [Office of Diversity and Multiculturalism](#): 358-2206; [Title IX Office](#): 358-2959.

Community Resources - [Monadnock Center for Violence Prevention](#) - Crisis Center: 603-352-3782; Keene Circuit Court: 603-223-0392; [NH Coalition Against Domestic Violence](#): 603-224-8893; [NH Bar Association Lawyer Referral Service](#): 603-229-0002.

National Resources - [National Sexual Assault Hotline \(RAINN\)](#): 800-656-4673; [Department of Justice](#): 800-656-4673; [Department of Education Office of Civil Rights](#): 800-421-3481.

Thank you for your participation!

Please contact the Department of Campus Safety with any questions or to clarify any part of this presentation.

Len Crossman

Assistant Director of Campus Safety

Leonard.Crossman@Keene.edu

(603) 358-2229; 24-hour Dispatch (603) 358-2228

www.keene.edu/campussafety/