

Welcome to **Teaching + Learning Tuesdays**

September 1, 2015 | 2:30PM

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Teaching + Learning Tuesday

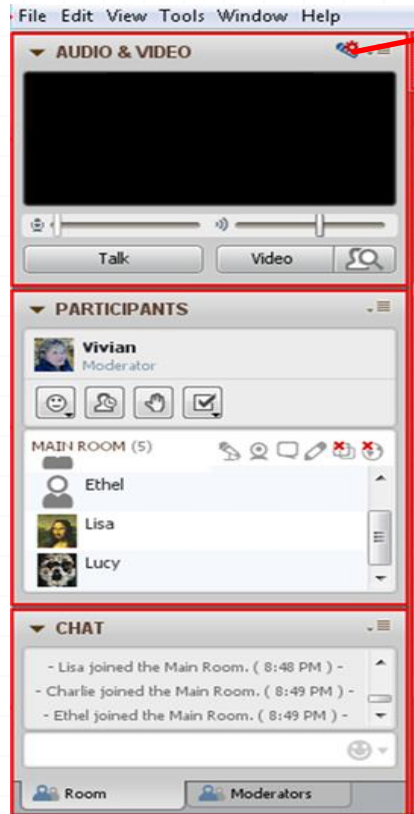


AUDIO SETUP WIZARD

Microphone & Speaker Setup



The Audio Setup Wizard button is located at the top of the Audio & Video Panel to the left of the Whiteboard.



1. Select your audio output device (speakers), following the instructions given in the dialog box.
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3. Confirm whether or not your speaker was set to an appropriate level.
 - If you clicked on Yes, go to step 4.
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Getting Good from the Bad and the Ugly: How to Avoid Institutional Violations under the Clery Act

Presenter:

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CRIME IN EDUCATION

The Clery Act

COMPLYING WITH THE LAW

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Background Information

- In 1986, Jeanne Clery was beaten, raped, sodomized, and murdered in her dorm room by a fellow student.
- Her parents discovered that 38 violent crimes had occurred on campus in the three years prior to Jeanne's death.
- The Clery's sued the institution and began a national campaign requiring higher education entities to inform the public of campus crimes.
- The Clery Act was officially signed into law in 1990.

Clery Act Requirements

Applies to all institutions participating in federal Title IV student financial assistance programs (almost all institutions)!

- Reporting Component
- Response Component
- Policies and Procedures Component

Reporting

Submit statistics each year to the Department of Education

October 1

Compile and publish an annual report to all students and employees

AND

Inform prospective students and employees of the availability of the annual report

Reporting

- Contain all the statistics for the previous three calendar years including amended statistics from any of the three previous years
- Report by type of incident, year, and location
- Must report all incidents, not conclusions or finding unless an sworn or commissioned law enforcement personnel has determined the crime to be “unfounded”
- Must report the number of crime incidents that were fully investigated and determined to be unfounded along with the basis of the “unfounding,” and thus, not included in their crime statistics during the three most recent calendar years

Reporting: Collection

- Campus security authority
- Local law enforcement (requires a good faith effort)
- Any official who has significant responsibility for student and campus activities

It is not necessary for the crime to have been investigated by authorities, nor must a finding of guilt be made

Reporting: Crimes

Murder and non-negligent manslaughter (per victim)

Negligent manslaughter (per victim)

Sex offenses – forcible (per victim)

Sex offenses – non-forcible (per victim)

Robbery (per incident)

Aggravated assault (per victim)

Burglary (per incident or structure)

Motor vehicle theft (per vehicle)

Arson (per distinct incident)

Domestic violence (per incident, simple assault or aggravated assault?)

Dating violence (per incident, simple assault or aggravated assault?)

Stalking (per incident)

Reporting: Crimes

Hierarchy Rule

When more than one offense in an incident, list the most severe or serious unless it is also arson or a hate crime in which case it would be categorized in both areas.

Reporting: Hate Crimes

A crime in which the victim is selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, gender identity or national origin.

Any of those crimes listed on the previous slide and the following:

Larceny/Theft (per incident)

Simple Assault (per victim)

Intimidation (per incident)

Destruction/Damage/Vandalism of Property (per incident)

Reporting: Other Category

Arrests and referrals for disciplinary action for the following:

Carrying or possessing weapons (per person)

Drug abuse violations (per person)

Liquor law violations (per person)

Reporting: Geography

- On-campus
- In or on non-campus buildings or property that the institution owns or controls
- On public property within or immediately adjacent to the campus
- Reported by local and state police
- On-campus housing

Reporting: Geography

| OFFENSE | YEAR | ON-CAMPUS PROPERTY | ON-CAMPUS STUDENT HOUSING FACILITIES | NONCAMPUS PROPERTY | PUBLIC PROPERTY |
|--|------|--------------------|--------------------------------------|--------------------|-----------------|
| MURDER / NO IN-NEG LIG ENT MANSLAUGHTER | | | | | |
| NEG LIG ENT MANSLAUGHTER | | | | | |
| SEX OFFENSES, FORCIB LE | | | | | |
| SEX OFFENSES, NON-FORCIB LE | | | | | |
| ROBBERY | | | | | |
| AGGRAVATED ASSAULT | | | | | |
| BURGLARY | | | | | |
| MOTOR VEHICLE THEFT | | | | | |
| ARSON | | | | | |
| ARRESTS: WEAPONS: CARRYING , POSSESSING , ETC. | | | | | |
| DISCIPLINARY REFERRALS: WEAPONS: CARRYING , POSSESSING , ETC. | | | | | |
| ARRESTS: DRUG ABUSE VIOLATIONS | | | | | |
| DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS | | | | | |
| ARRESTS: LIQUOR LAW VIOLATIONS | | | | | |
| DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS | | | | | |

COMPLYING WITH THE LAW

Reporting: Geography

On-Campus Defined

- Locations **controlled** by the institution or used by the institution in support of, or in a manner related to the institution's educational mission; and
- Locations adjacent that is owned, but not controlled by the institution, is frequently used by students, and related to the institution's educational purposes

Reporting: Geography

On-Campus Considerations

- Institutions that share a campus must each report the location
- Institutions that lease space on another campus or at a facility must report the space controlled under the contract parameters
- Institutions with more than one campus must provide statistics for each location separately as well as separate annual reports

Reporting: Geography

On-Campus considerations for institutions with more than one campus

- Control
- Location
- Organized program of study
- Administrators

Reporting: Geography

Non-campus buildings or property

Any building or property owned or controlled by an official student organization of the institution; or any building or property owned or controlled by the institution that is used in direct support of, or in relation to, the education purpose, is frequently used by students, and is not adjacent to the institution.

Reporting: Geography

Non-campus buildings or property considerations

- No public property reporting requirement
- Owned property versus controlled property
- Limits of control
- Space versus program agreements

Reporting: Geography

Non-campus buildings or property considerations cont.

- Corporate offices
- Prisons
- Military bases
- Third party contracts

Reporting: Geography

Non-campus buildings or property considerations cont.

- Institution-owned apartments and management companies
- Mixed-use apartment buildings
- Preferred leasing
- Field trips

Reporting: Geography

Non-campus buildings or property considerations cont.

- Overnight, school sponsored trips
- Study abroad programs
- Research boats/ships
- Shared campus
- Non-campus location that becomes a separate location

Reporting: Geography

Public property

All property, including thoroughfares, streets, sidewalks, and parking facilities, that is **within the campus** or immediately adjacent to and **accessible** from the campus

Reporting: Geography

Public property considerations

- Street: public property does not extend past the sidewalk across the street
- **Public** parking: bordering parking lots should be included, parking lots located across the street would not be included
- Lots at malls or office building: public sidewalk or lot would be included
- Parks and waterways: include the area one mile into the property if immediately adjacent

Reporting: Geography

Public property considerations cont.

- Transit stops: would be included until the point an individual paid a fare
- Neighboring college buildings or property: would not be included
- Institutions sharing a campus: have the same public property
- No public property

Reporting: Crime Log

Maintain a daily crime log (for all institutions that maintain a campus policy or security department)

- Must include **ALL** crimes and not just those required by the Clery Act
- Must include all offenses in an incident not just the most serious
- Must list specific location (not just on-campus, but in classroom A)
- Must be updated within two business days of each incident.

Reporting: Crime Log

Date the crime was reported

Date and time the crime occurred

Nature of the crime

General location of the crime

Disposition of the crime (if known)

Reporting: Crime Log

Daily Crime Log Calendar Year 2010

| Nature (classification) | Case Number | Date/Time Reported | Date/Time Occurred | General Location | Disposition |
|----------------------------|-------------|-----------------------|-----------------------|---------------------|-------------------|
| Larceny | 2010-0003 | 01/20/10 1:05 hrs | 01/20/10 0800 hrs | Admin. Building | Closed 05/24/10 |
| Vandalism | 2010-00010 | 01/27/10 1231 hrs | 01/17 - 01/22/10 | Jacobson Hall | Closed 05/24/10 |
| Vandalism | 2010-00035 | 04/12/10 1987 hrs | 04/12/10 1930 hrs | Lector Hall | Open |
| Liquor Law Violation | 2010-0040 | 04/23/10 0300 hrs | 04/23/10 0300 hrs | South Parking Lot | Judicial Referral |

Responding

- Develop and disclose emergency response **AND** evacuation policies and procedures
 - Make sure you list the who, what, when, and how regarding decisions and initiating procedures regarding an ongoing threat
 - Have an emergency plan, test it, evaluate it, and publicize it
- Issue campus alerts for crimes falling under the Clery Act to provide the campus community with information necessary to make informed decisions about their health and safety
 - The key here is whether the threat is ongoing
 - Handled on a case-by-case basis
 - Is not limited to Clery Act crimes

Policies and Procedures

- Emergency and evacuation policies and procedures including timely warnings
- Policy stating how the annual report is prepared and disclosed
- List of all officials and organizations accepting reports of offenses
- Policy outlining the security and access to campus facilities; note in the policy if you do not have housing facilities
- Policy outlining the security considerations regarding the maintenance of campus facilities

Policies and Procedures

- Campus law enforcement scope and authority statement
- Statement explaining the relationships between campus law enforcement and the local law enforcement
- Statement encouraging any and everyone to report incidents to campus law enforcement **AND** local law enforcement
- Procedures for pastoral and other counselors to report statistics, not incidents to the appropriate official
- Statement of the programs available for the campus community to learn more about campus security.

Policies and Procedures

- Description of programs that inform the campus community of crime prevention methods
- Policy regarding monitoring and documenting criminal activity at off-campus locations of student associations
- Alcohol and drug policy and any abuse education programs
- Statement that the victim of a violent or sexual crime will be provided the outcome of any discipline hearings

Policies and Procedures: Sex Offenses

- Description of programs to promote the awareness of sex crimes and the institution's prevention programs
- Procedures should a sex offense occur
- Information regarding notifying law enforcement, including local police
- Information regarding available counseling resources

Policies and Procedures: Sex Offenses

- Information about housing and academic accommodations
- Procedures for disciplinary proceedings
- List of disciplinary sanctions
- Statement advising where to find information on registered sex offenders

Policies and Procedures: Sex Offenses

- Description of each type of disciplinary proceeding used by the institution in cases of alleged sex offenses, including the steps, anticipated timelines, and decision-making process for each, and how the institution determines which type of disciplinary proceeding to use.
- Statement that an institution's disciplinary proceeding will afford the accuser and the accused the same opportunities to have others present during the institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

Housing Component

- Develop procedures for responding to missing students (missing for more than 24 hours) and include the policies and procedures in the annual report
- Fire safety report to include policies and for each housing facility a fire log, fire incident statistics (number of fires, cause, injuries, deaths, and property damage); the report must be submitted as a part of the annual statistics report.
- Provide statistics for campus crimes and specifically for student housing

Fines

\$35,000 per violation

- Increased from \$27,500 in 2012
- A bi-partisan group of senators has introduced legislation to increase the fine to \$150,000 per violation

Whistleblower Protection

Agents of an institution cannot retaliate against anyone for attempting to comply with the Act or for filing complaints.

Examples to Follow

- Cayuga Community College, New York
- Dodge City Community College, Kansas
- Montgomery College, Maryland

Any Questions?

COMPLYING WITH THE LAW

<http://www2.ed.gov/admins/lead/safety/campus.html>

Join us Tuesday, September 13, 2015 for the next

TLT webinar!

Topic: Making SV Climate Surveys Work for Your Campus

Dr. Victoria Banyard

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For upcoming and recorded sessions, visit www.sctechsystem.edu/tlt



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