



Clery Overview

Michigan State University

Maja Myszkowski

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Introduction

Overview

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Definitions



Overview: History

- Jeanne Clery, a 19-year-old Lehigh University freshman was raped and murdered in her residence hall on April 5, 1986
- Jeanne Clery's parents lobbied for legislation aimed at making crime data on college campuses more transparent
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("the Clery Act") was passed in **1990**
 - VAWA (Violence Against Women Reauthorization Act) amended the Clery Act on March 7, 2013



Overview: Clery Act



Covers public and private institutions under Title IV of the Higher Education Act



Purpose: to provide parents, students, and employees with accurate information about campus security and crimes



Enforced by the U.S. Department of Education's Clery Act Compliance Division, housed in Federal Student Aid

Fines: Up to \$67,544 per violation

Other enforcement tools related to federal aid certification

Key Institutional Requirements



Collect, classify, and count crime reports and **crime statistics** from Campus Security Authorities and local law enforcement.



Publish an Annual Security and Fire Safety Report (ASFSR) and distribute to all current students and employees.



Publication of safety and security policies/procedures.



Maintain a daily crime and fire log, open to public inspection.



Issue timely warnings and emergency notifications.



Violence Against Women Act

Prevention and awareness programs
RVSM procedural requirements
Rights and options info distribution

Definitions



What: Clery Crimes



Where: Geography & Separate Campus



Who: Campus Security Authorities



How: Requirements

Definitions: Clergy Crimes

Criminal Offenses

- Murder and Non-Negligent Manslaughter
- Manslaughter by negligence
- **Rape**
- **Fondling**
- **Incest**
- **Statutory Rape**
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

VAWA Offenses

- **Domestic Violence**
- **Dating Violence**
- **Stalking**

Hate Crimes*

- Criminal offenses and:
 - Larceny-theft
 - Simple assault
 - Intimidation
 - Destruction, damage, vandalism of property
- **Evidence that victim intentionally selected because of perpetrator's bias (race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability)*

Arrests & Disciplinary Referrals

- Liquor Law Violation
- Drug Law Violation
- Weapons Law Violation

Definitions: Clery Crimes Definition Source

Criminal Offenses

- FBI UCR Summary Reporting System (**SRS**)
 - Murder and Non-Negligent Manslaughter, Manslaughter by negligence, **Rape**, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson
- FBI UCR National Incident-Based Reporting System (**NIBRS**)
 - **Fondling, Incest, Statutory Rape**

VAWA Offenses

- **Violence Against Women Act Regulations (VAWA)**

Hate Crimes*

- FBI Uniform Crime Reporting (**UCR**) Hate Crime Data Collection Guidelines

Arrests & Disciplinary Referrals

- FBI UCR Summary Reporting System (**SRS**)

Definitions: Criminal Offenses Category

Criminal Offenses

- Murder and Non-Negligent Manslaughter
- Manslaughter by Negligence
- **Rape**
- **Fondling**
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Rape

Definition source: FBI UCR Summary Reporting System (**SRS**)

Definition: 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.

Count: One offense per victim per incident, including attempts

Fondling

Definition source: FBI UCR National Incident-Based Reporting System (**NIBRS**)

Definition: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is unable to give consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Count: One offense per victim per incident

Definitions: Criminal Offenses Category

Criminal Offenses

- Murder and Non-Negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- **Incest**
- **Statutory Rape**
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Incest

Definition source: FBI UCR National Incident-Based Reporting System (**NIBRS**)

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

Count: One offense per victim per incident

Statutory Rape

Definition source: FBI UCR National Incident-Based Reporting System (**NIBRS**)

Definition: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Count: One offense per victim per incident

Definitions: VAWA Offenses Category

VAWA Offenses

- **Domestic Violence**
- Dating Violence
- Stalking

Domestic Violence

Definition source: Violence Against Women Act Regulations

Definition: A felony or misdemeanor crime of violence committed by: (1) a current or former spouse or intimate partner of the victim; (2) a person with whom the victim shares a child in common; (3) a person who is cohabitating with the victim as a spouse or intimate partner (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred or (5) any other person against someone protected from that person's acts by the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Count: One offense per victim

Definitions: VAWA Offenses Category

VAWA Offenses

- Domestic Violence
- **Dating Violence**
- Stalking

Dating Violence

Definition source: Violence Against Women Act Regulations

Definition: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of the interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Count: One offense per victim

Definitions: VAWA Offenses Category

VAWA Offenses

- Domestic Violence
- Dating Violence
- **Stalking**

Stalking

Definition source: Violence Against Women Act Regulations

Definition: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means—follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Count: One offense per victim per year (in which course of conduct is reported)

Definitions: Hate Crimes Category

Hate Crimes*

- Criminal offenses and:
 - **Larceny-theft**
 - Simple assault
 - Intimidation
 - Destruction, damage, vandalism of property

Hate Crimes

Definition source: FBI Uniform Crime Reporting (UCR) Hate Crime Data Collection Guidelines

Definition: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

- Includes all crimes listed within the criminal offenses category as well as larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.
- Categories of bias listed in the Clery Act are race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

Count: One offense per victim – must denote category of bias

Larceny-theft

Definition: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Definitions: Hate Crimes Category

Hate Crimes*

- Criminal offenses and:
 - Larceny-theft
 - **Simple assault**
 - **Intimidation**
 - **Destruction, damage, vandalism of property**
- **Evidence that victim intentionally selected because of perpetrator's bias (race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability)*

Simple Assault

Definition: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation

Definition: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction, Damage, Vandalism of Property

Definition: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Definitions: Clery Geography

On-campus

- Owned or controlled by an institution, within same reasonably contiguous area, and used for educational purposes
- Within reasonably contiguous area, owned by institution but controlled by another person, frequently used by students, and supports institutional purposes
- **On-campus residential facilities:** Student housing facilities owned/controlled by institution

Non-campus

- Owned/controlled by officially recognized student organization
- Owned or controlled by institution, related to educational purposes, frequently used by students, and not within same reasonably contiguous area
- *Examples: Research stations, Student travel locations where MSU rents/leases space for 2+ nights*

Public Property

- All public property within campus, or immediately adjacent to and accessible from campus
- Includes thoroughfares, streets, sidewalks, and parking facilities

Separate Campus

- The institution owns or controls the site;
- It is not reasonably geographically contiguous with the main campus;
- It has an organized program of study; and
- There is at least one person on site acting in an administrative capacity.
- **MSU's separate campuses:**
 - East Lansing, CHM in Grand Rapids, COM in Detroit, COM in Macomb, Eli Broad Graduate School of Management in Troy

Interactive Map: <https://oarc.msu.edu/clery/Clery%20Geography%20Map.php>

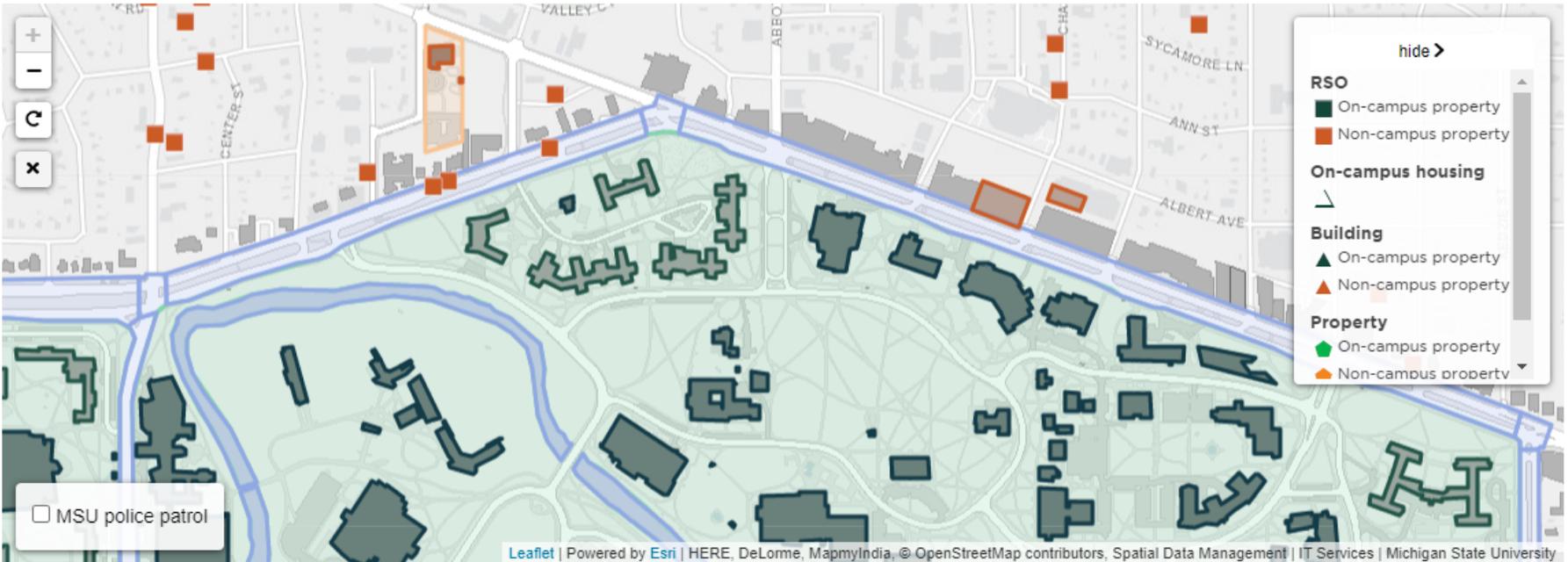
Clery Geography Map

Interactive Map: <https://oarc.msu.edu/clery/Clery%20Geography%20Map.php>

Campus Geography

United States Geography

World Geography



Campus

Geography

Export CSV

↑ Name	Address	Clery Campus	Clery Geography	Clery Housing	MSU Police Patrol
1407 S Harrison Rd	1407 S HARRISON RD	East	On-campus	No	Yes

Definitions: Campus Security Authorities

CSAs:

A campus police or security department of an institution
Anyone with responsibility for campus security
Anyone else designated by policy
An official of an institution who has significant responsibility for student and campus activities

Examples of CSAs:

Dean of Students
Athletic Director
Athletic Coaches
Faculty Advisors to RSOs
Education Abroad Leaders
Title IX Coordinator
AVP for Student Affairs
RAs

Not CSAs:

Administrative staff not responsible for student activities
Clerical staff
Individual faculty who do not serve as advisors to registered student organizations (RSOs)



Requirements

Details

Comparison

Key Institutional Requirements



Collect, classify, and count crime reports and **crime statistics** from Campus Security Authorities and local law enforcement.



Publish an Annual Security and Fire Safety Report (ASFSR) and distribute to all current students and employees.



Publication of safety and security policies/procedures.



Maintain a daily crime and fire log, open to public inspection.



Issue timely warnings and emergency notifications.



Violence Against Women Act

Prevention and awareness programs

RVSM procedural requirements

Rights and options info distribution

Timeline of CSA Report



Requirement: Alerts

Timely Warning Criteria:

- Reported to Police/CSA/Local Law Enforcement
- Occurred on Clery Geography
- Incident was a Clery Crime
- A threat to students/employees persons or property
- Must issue as soon as pertinent information is available

Emergency Notifications:

- Significant emergency or dangerous situation
- Occurred on or poses threat to campus
- Immediate threat to students or employees
- Must issue immediately upon confirmation of threat

34 CFR § 668.46 (e)



Requirement: Daily Crime and Fire Log

- All criminal & fire incidents
- On Clery geography and within MSUPD's patrol
- Entered into the log within 2 business days
- Should identify specific locations
- Online log displays most recent 60 days
 - When requested, institution must provide any request for the log older than 60 days within two business days



34 CFR § 668.46 (f)

Offense Description	Offense Class	Location Name	Location	Cross Street	Occurred On	Reported On	Case Number	Disposition
LARCENY - THEFT FROM BUILDING	23003	IM Sports East	804 E Shaw Ln		02/14/2022 16:00	02/15/2022 14:46	2258100275	4 - Active
LARCENY - THEFT FROM BUILDING	23003	Holden Hall	234 Wilson Rd		02/15/2022 02:00	02/15/2022 05:00	2258100267	4 - Active
NONAGGRAVATED ASSAULT	13001	Phillips Hall	361 Physics Rd		02/15/2022 01:30	02/15/2022 01:55	2258100266	4 - Active

What to Count?

34 CFR § 668.46 (c)

1 – Meet Clery Act crime definition

2- Occurred on or within Clery Geography

- On Campus
- Public Property
- Non-Campus
- Separate Campuses

3 - Reported to Campus Security Authority or local law enforcement

- Reported = brought to the attention of CSA or local law enforcement (regardless of person's affiliation with campus or incident)

How to Count?

Counts Dependent on Crime

- Report vs Action
- Per Victim vs Per Distinct Operation vs Per Arrest/Referral
- Count by year reported
- Crime Categories
 - Statistics must be disclosed separately in each of the four general categories that apply

Hierarchy Rule

- Criminal Offenses category - Count only the most serious offense when more than one offense was committed during a single incident (excluding arson, which is always counted)

Michigan State University – East Lansing

Crimes Reported – East Lansing³

Year	Total On Campus (Includes CRF)			Campus Residential Facilities (CRF)			Non-campus Building or Property			Public Property ⁴		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	29*	13*	19	14	11	18	11*	91*	6*	0	0	0
Fondling	82*	3*	4	6	1	4	2*	1*	3	1	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory rape	0	1	1	0	0	1	0	0	0	0	0	0
Robbery	0	0	3	0	0	2	1	0	1	2	0	0
Aggravated Assault	9	7	4	3	1	3	1	2	6±	2	1	0
Burglary	63	19	19	46	11	15	6	8	4	0	0	0
Motor Vehicle Theft ⁵	35	21	31	0	0	0	11	7	18	2	0	0
Arson	0	0	1	0	0	0	0	0	1	0	0	0
Domestic Violence	3	1	4	3	1	2	0	0	1	1	0	0
Dating Violence	19	9	9	14	7	5	0	0	0	0	1	0
Stalking	33	19	15	12	7	8	1	0	1	0	0	0

Liquor, Drug, and Weapons Law Violations – East Lansing⁶

Year	Total On Campus (Includes CRF)			Campus Residential Facilities (CRF)			Non-campus Building or Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
Liquor Law Arrests	9	2	0	2	0	0	1	0	0	0	1	1
Liquor Law Disciplinary Referrals	739	151	673	734	151	672	2	0	0	0	0	0
Drug Law Arrests	5	3	3	2	0	0	0	0	2	12	4	3
Drug Law Disciplinary Referrals	298	116	117	278	116	117	0	0	0	0	0	0
Weapons Law Arrests	6	5	3	1	0	1	0	0	2	3	2	2
Weapons Law Disciplinary Referrals	1	0	2	1	0	2	0	0	0	0	0	0

Procedural Requirements

- *34 CFR § 668.46 (k) Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking*
 - Prompt, fair, and impartial process
 - Conducted by officials who, at a minimum, receive annual training
 - Provide the parties with the same opportunities
 - Not limit the choice of advisor or presence
 - Simultaneous written notification to the parties of result, procedures to appeal, any change to results, and when results are final

Rights & Options

- For reports of Stalking, Dating/Domestic Violence, Sexual Assault that occurred at any location
- Include:
 - Importance of preserving evidence
 - How and to whom the alleged offense should be reported
 - Notification of the victim's option to or decline to notify law enforcement, be assisted to notify
 - Rights of victims and the institution's responsibilities for various orders (i.e. no contact, etc.)
 - Resources (both students and employees) – mental health services, victim advocacy, legal assistance, financial aid, other services
 - Accommodations – academic, living, transportation, working
 - Confidentiality – publicly available recordkeeping & protective measures
 - Disciplinary procedures – explanation of institutional procedures

Settlement Agreement

Track Progress:

<https://msu.edu/ourcommitment/our-progress/>

- I. Clery Act Compliance Professional
- II. Clery Act Compliance Committee
- III. Campus Security Authorities
- IV. Human Resources Actions**
- V. Clery Geography
- VI. Patient Policy/Procedure
- VII. Safety of Minors on Campus
- VIII. Campus Safety Procedures
- IX. Ongoing Disclosures**
- X. Quarterly Reporting**
- XI. Internal Assessments
- XII. Clery Act Expert
- XIII. On-Site Compliance Assessment**

X — Quarterly Reporting

Report on:

- **Crimes Reported**
- Timely Warnings
- Emergency Notifications
- Non-Clery Alerts
- Training
- Staffing Changes
- Purchases and Sales of Property
- **Student and Employee Conduct Violations**
- Anonymous Reports of Crimes of Violence
- Claims Filed and Settlement Agreements Made

Comparative Summary

	Clery Act	RVSM & Title IX Policy
Report Threshold	Brought to Attention of CSA	Actual Knowledge; Formal Complaint
Involved Parties	Affiliation Doesn't Matter	Affiliation Matters
Who - Obligated Reporters	Campus Security Authority (CSA)	Responsible Employee
Report Collectors	Department of Police and Public Safety (@MSU)	Official with Authority; OIE
What	Clery Crime	Sexual Harassment; Sexual Assault; Relationship Violence; Stalking; Retaliation
Where	Clery Geography	University-sponsored education program or activity; Adverse Effect
Basis	Report (no corroboration needed)	Policy Coverage; Assessment/Adjudication
Institutional Responsibility	Statistics, Timely Warning, Emergency Notification, Crime Log	Outreach (Reporting Options, Supportive Measures), Determine if Formal Complaint, Investigate; Adjudicate; Document Process



Questions

clery@msu.edu

<https://oarc.msu.edu/clery/>