The Jeanne Clery Disclosure Report

History of the Jeanne Cleary Disclosure of Campus Security Policy and Crimes Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act that requires colleges and universities across the United States to disclose information about crime on and around their campuses.

Because the law is tied to participation in federal student financial aid programs it applies to most institutions of higher education both public and private. It is enforced by the U.S. Department of Education.

The "Clery Act" is named in memory of 19 year old Lehigh University freshman Jeanne Clery who was raped and murdered while asleep in her residence hall room on April 5, 1986.

Jeanne's parents, Connie and Howard, discovered that students hadn’t been told about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined with other campus crime victims and persuaded Congress to enact this law, which was originally known as the “Crime Awareness and Campus Security Act of 1990.”

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery.

The law was most recently amended in 2000 to require schools beginning in 2003 to notify the campus community about where public "Megan's Law” information about registered sex offenders on campus could be obtained.
Jeanne Clery Story:  http://www.securityoncampus.org/aboutsoc/didntknow.html

Megan's Law: http://www.registeredoffenderslist.org/meganslaw.htm?keyword=test+a&engine=adwords&gclid=CNfOx9qS544CFSY7hgody7HGNJg

Why report crime?

Above all, personal security is most important. Reporting crime makes the campus safer for all of us. Students, staff, faculty, administrators and visitors are encouraged to take an active role in order to minimize crime and ensure a safe environment for all.

If you see it...
Why not report it!

30,000 eyes are watching out for your well-being.

Campus Safety - 362-3229

This report includes statistic for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by College of the Canyons. Please contact the Campus Safety office if you would like a copy of this report mailed to you.

Santa Clarita Community College District
LOS ANGELES COUNTY
Crime Statistics Report

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**Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the on duty administrator(s) Incident Command Team, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college ENS (Emergency Notification System) which is a multi-tiered “cloud based” system used by the district to inform the campus community about major emergency or disaster situations effecting normal operations. The system uses multiple technical means to contact as many people or groups in the quickest, clearest and accurate way. The system uses:

- Text messaging
- Email
- Voicemail
- On-campus phone and computer alerts
- Social media
- Other appropriate means to pass timely information.

**Policy for Reporting the Annual Disclosure of Crime Statistics**

Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website at [http://www.canyons.edu/offices/security](http://www.canyons.edu/offices/security). This report is prepared in cooperation with the local law enforcement agencies and the office of Students Services. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to COC Campus Safety, designated campus officials (including, but not limited to directors, deans, department heads, and advisors to students/student organizations, athletic coaches, and local law enforcement). These statistics may also include crimes that have occurred in private residences or businesses and is not required by law. California Law (Penal Code 11160) requires prompt, mandatory reporting to the local law enforcement agency by health care practitioners (such as those at the Student Health & Wellness Center) when they provide medical services to a person they know or reasonably suspect is suffering from wounds inflicted by a firearm or is a result of assault or abusive conduct.

Copies of the report may also be obtained from the Campus Safety office located in X-8 or by calling (661) 362-3229. A partial version of this report is located in the class schedule.

### A Legislative History of the Clery Act
The *Student Right to Know and Campus Security Act* (Public Law 101-542) was signed into law by President Bush in 1990 and went into effect on Sept. 1, 1991. Title II of this act is known as the *Crime Awareness and Campus Security Act of 1990*. This act amends the *Higher Education Act of 1965* (HEA) by adding campus crime statistics and reporting provisions for postsecondary institutions. It requires the disclosure of crime statistics for the most recent three years, as well as disclosure of the institution’s current security policies. Institutions are also required to issue timely warnings when necessary. All public and private Title IV eligible institutions must comply with the requirements of this act which is enforced by the U. S. Department of Education (ED).

This law was amended when Congress enacted the Campus Sexual Assault Victim’s Bill of Rights as part of the *Higher Education Amendments of 1992* (Public Law 102-325, Section 486(C)), giving victims of sexual assault on campus certain basic rights. In addition, institutions are required to develop and distribute a policy statement concerning their campus sexual assault programs targeting the prevention of sex offenses. This statement must also address the procedures to be followed if a sex offense occurs.

The most recent version of this law was passed as part of the *Higher Education Amendments Act of 1998* (Section 486(e) of Public Law 105-244). The official title under this act is the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (20 U.S.C. 1092(f)). On Nov. 1, 1999, ED issued the final regulations which went into effect on July 1, 2000. The amendments require ED to collect, analyze, and report to Congress on the incidences of crime on college campuses. The amendments also expand the requirement of the *Student Right to Know and Campus Security Act of 1990* that all institutions of higher education participating in the federal student aid programs must disclose to students, faculty, staff, and, upon request, prospective students, and information regarding the incidence of crimes on campus as part of their campus security report.

The 1998 amendments made several changes to the disclosure requirements. Among these changes were the addition of two crimes (Arson and Negligent Manslaughter) and three locations (residence halls, non-campus buildings or property not geographically contiguous to the campus, and public property immediately adjacent to a facility that is owned or operated by the institution for education purposes) that schools must include in the reported statistics. Institutions that have a campus police or security department are required to maintain a daily crime log that is available to the public.

The *Clery Act* was further amended in October 2000 by the *Campus Sex Crimes Prevention Act* (Section 1601 of Public Law 106-386). The changes went into effect on Oct. 28, 2002. Beginning in 2003, institutions are required to notify the campus community where law enforcement agency information provided by a state concerning registered sex offenders who are on campus may be obtained.
Training

Does your institution maintain a police or security Department? If so, you are required to keep a crime log. If not, your institution is not required to keep a crime log; however, you must meet all other Clery Act requirements.

What Geographic Area Is Associated with My Campus?

The Clery Act requires that institutions disclose statistics for offenses committed in certain geographic locations associated with the institution. For example, if a burglary is reported to the campus police, it should be included in the annual security report only if it occurred in one of the following locations: on campus, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus. All crimes, including hate crimes (discussed in Chapter 3), must be disclosed by geographic location. These locations have definitions specific to the Clery Act and are described in detail next.

On Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

What does this mean?

“On campus” is what most people traditionally think of as the main part or core of an institution. A building or property that an institution owns, rents or leases is considered to be “controlled by” the institution. A building or property that is owned by a third party...
that has a written contract with the institution is also considered to be controlled by the institution. “Reasonably contiguous” requires some judgment on the part of the institution. A building or property would be considered reasonably contiguous if: 1) it is in a location that you consider to be, and treat as, an integral part of your main or core campus; and 2) it is covered by the same security policies as that campus. Therefore, on campus includes buildings and property that are in the same general location and that fit into one of two types:

a) Owned or controlled by the school and used to meet or support the school’s educational purposes. This includes residence halls. Examples of other buildings or property are:

- Buildings that house classrooms and labs.
- Buildings that house administrative offices such as financial aid, business and admissions.
- Fraternity and sorority houses. This includes only those houses located on campus that are owned or controlled by the institution. This does not include fraternity or sorority houses on campus that are owned or controlled by the fraternity or sorority. In cases where the institution owns the property, but the fraternity or sorority controls the building, the house is considered on campus. The institution’s ownership of the property takes precedence over the student organization’s control. Note that this rule of ownership having precedence over control applies only to fraternity or sorority houses.
- Student activity centers.
- Health clinics.
- Storage facilities (e.g., facilities used to store lab equipment or building supplies).

b) Owned but not controlled by the school, frequented by students, and used to support the institution’s purposes. Examples are:

- Food vendors; and
- Book stores.

“Dormitories or other residential facilities for students on campus” is a subset of the on-campus category. Institutions must disclose the total number of on-campus crimes, including those in dorms or other residential facilities for students on campus, and must also make a separate disclosure limited to the number of crimes occurring in student dorms or residential facilities on campus. As a subset, the number of crimes reported for dormitories or other residential facilities must be less than or equal to the number of reported crimes for the on-campus category.
Do not include faculty-only residence facilities in this category. Faculty housing that is owned or controlled by the institution and which is located within the confines of the campus falls under the on-campus category only.

**If your institution does not have dormitories or residential facilities for students on campus**, you may omit this location from the statistical section of your annual security report. You must, however, provide an explanation clearly stating that your institution does not have such facilities. Note that if your institution has dormitories or other facilities for students on campus, you must include this location in your statistical disclosure even if there were no crimes reported there. You should enter a zero (0) for each type of crime. Do not leave blanks and do not omit the residential location from your disclosure.

**A Non-campus Building or Property**

*Any building or property owned or controlled by a student organization that is officially recognized by the institution; or*

*Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.*

**What does this mean?**

Any building or property that is either owned or controlled by an officially recognized student organization is considered to be a “no campus” location. Whether the building or property is located on campus or off campus is irrelevant. If it is owned or controlled by a recognized student organization, it is non-campus for Clery Act purposes.

Use the following guidelines to help you determine whether crimes reported for a fraternity or sorority house are classified as on campus or non-campus.

**For an on-campus crime:**

- The building is owned or controlled by the institution and is located within the confines of the main campus;
- The building is owned by the institution, but controlled by a fraternity or sorority, and located within the confines of the main campus; and
- The property (land) is owned by the institution, the house is owned or controlled by the fraternity or sorority, and the building is located within the confines of the main campus.

**For a non-campus crime, the building is:**

- Owned or controlled by the institution and is located off campus;
• Owned or controlled by a student organization and is located within the confines of the main campus;

• Owned or controlled by a student organization and is located off campus; and

• Owned by the institution, but controlled by a fraternity or sorority, and is located off campus.

The second part of the non-campus definition includes any building or property not part of the main campus, but not constituting a separate campus. Note that a building or property must meet all three of the criteria for this classification: 1) owned or controlled by the institution; 2) used for its educational purposes; and 3) frequently used by students.

Examples of properties typically meeting the requirements of non-campus properties are:

• Research facilities.

• University-owned hospitals.

• An off-campus student housing facility owned by a third party that has a written contract with your institution to provide student housing. It does not matter whether the rent is paid to the third party by the institution on behalf of the students or directly by the students (if there is no written contract with the institution, there is no requirement to disclose offenses occurring there).

• A student residential facility owned or controlled by the institution, but not located within the same reasonably contiguous geographic area of the institution.

• A publicly owned athletic stadium that is leased by the institution for its football games. Report crimes that occur during the time the facility is used by your students. If your institution leases parking space associated with this facility, you must also disclose reports of crimes occurring there during the time of use by your institution.

• Institutionally owned research vessels carrying students participating in institutional programs.

• A site owned or controlled by your institution where a student does an internship, externship, clinical training or student teaching. If your institution offers additional classes for students in a rented or leased location, your disclosure requirements are determined by the time covered in the contract. For example, if you lease a floor of a building on Tuesdays and Thursdays between the hours of 6:00 a.m. and 10:00 p.m., you must disclose all Clery Act crimes that occur in that space on Tuesdays and Thursdays between 6:00 a.m. and 10:00 p.m.

If your contract gives you use of that same floor of the building on Tuesdays and Thursdays for 24 hours each day, you must disclose crimes occurring there during that period of time. It does not matter whether or not your students were using the space during the time the crimes occurred. In addition, if there is additional space associated with the leased or rented space (e.g., stairwell,
hallway or lobby that must be used to enter and leave the room), you must also disclose any reports of crimes occurring there during the time covered by your contract.

Examples of properties not considered non-campus:

- If a group of your students goes on an overnight trip to see a play and rents hotel rooms, you do not have to disclose crimes that occur in the rooms. Regardless of whether this is a school sponsored trip and regardless of who rents the rooms (i.e., the students or the institution), such accommodations do not fit the “frequently used by students” criterion.

- If a group of your students get together every weekend to visit a nearby city, and the students rent hotel rooms at the same hotel each time, you do not have to disclose crimes that occur in the hotel rooms because this is not an institution-sanctioned event and the institution has no control over that space.

- A coffee house located just off campus that is frequented daily by students is not controlled by the institution, and you do not need to disclose crimes occurring there.

- If your institution sponsors classes for inmates at a prison facility, you are not required to disclose offenses from this location because your institution does not own or control that space.

- If your institution owns the land on which a public elementary, middle or high school is located, you do not have to disclose crime statistics from that location because it is not used for your institution’s educational purposes.

- If your institution sends student teachers to a public elementary, middle or high school that is not owned or controlled by your institution, you are not required to disclose crimes committed there. If, however, your institution sends student teachers to an elementary, middle or high school that is owned or controlled by your institution, you are required to disclose crimes committed there.

- If your institution owns an apartment building and rents apartments only to faculty members, you are not required to disclose crimes committed there because the building is not frequently used by students. However, if these same apartments are rented to students, as well as to faculty, or are rented strictly to students, you are required to disclose offenses at that location.

- If your institution has “preferred leasing,” that is, you steer students toward recommended off-campus housing, but this housing is neither owned nor controlled by the institution, you are not required to disclose crimes occurring there.

If your institution does not have any non-campus buildings or property associated with it, you may omit this location from the statistical portion of your annual security report. You must provide an explanation clearly stating that your institution does not have such buildings or property.

Note that if your institution does have non-campus buildings or property, you must include these locations in your statistical disclosure even if no crimes were reported there. You should enter a
zero (0) for each type of crime. Do not leave blanks and do not omit this location from your report.

Crimes committed on field trips sponsored by an institution are not included in an institution’s Clery Act statistics unless the fieldtrip was to a non-campus building or property owned or controlled by the institution.

**On Public Property**

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

**What does this mean?**

You are required to disclose offenses that occur on public property (property not owned or controlled by your institution and not private residences or businesses). Only the public property that is within your campus, or next to or bordering your campus and that is easily accessible from your campus, is included in this definition (i.e., not public property for the entire jurisdiction surrounding your institution). For example, a thoroughfare such as a highway that is immediately adjacent to your institution but is separated by a fence or other manmade barrier would not be included in this definition because it is not accessible from your campus. Include the sidewalk across the street from your campus, but do not include public property beyond the sidewalk.

Include publicly owned or municipal parking facilities. The Clery Act does not require you to disclose crime statistics for public property that surrounds non-campus buildings or property.

Suppose the public property immediately adjacent to an institution is a park or similar type of area that extends farther than “immediately adjacent” to your campus. How do you know just how much of this property to include for purposes of Clery Act reporting?

If a park is gated on the side or sides that border your campus, and is, therefore, not accessible from the campus, crimes committed there are not disclosed. However, if that same park is not gated, it is considered accessible, and crimes committed there are considered to have occurred “on public property.” They are, therefore, disclosed. If the gate to the park is open during specific times and the park is then accessible from your campus, you must disclose crimes occurring there for the applicable time period.

For such parks or comparable public areas, we suggest that you use one mile from your campus borders as your guide. One mile is considered by ED to be a reasonable walking distance from a campus. If your institution has special concerns about areas that extend beyond this parameter, you may provide additional information. Note that this one-mile suggestion applies only to public parks or other comparable areas. It does not apply to all public property.

One of the intentions of providing this information to students and others is to allow comparisons between areas where institutions are located. It is important, therefore, that all institutions define “on public property” in a similar manner.

**While the use of a map is not required by Clery Act regulations,** some institutions choose to provide a map to help the campus community better understand where reported crimes were committed. A map may be used only if it presents an accurate picture of the geographic locations it depicts. As such, it is imperative that you update your map with each annual security report, as
necessary. If you are reporting for separate campuses and choose to use maps, you must provide a separate map for each campus. A sample map is included in Appendix D.

We advise you to keep careful track of your institution’s real estate transactions throughout the year because they may affect disclosure obligations. If after reading this handbook, you are still unsure how a building or property fits into the *Clery Act* geographic locations, e-mail CrimeHandbookQuestions@ed.gov for help.

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**Do you know how each geographic location applies to your institution? Getting this right is one of the keys to accurate crime reporting.**

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**Knowing What to Disclose:**

**Classifying and Defining *Clery Act* Crimes**

Your institution is required to disclose crime statistics based on four factors: 1) where the crime occurred; 2) the type of crime; 3) to whom the crime was reported; and 4) when the crime was reported. Chapter 2 discussed the applicable geographic locations—on campus, in or on no campus buildings or property, or on public property within or immediately adjacent to and accessible from your campus. This chapter focuses on the specific *Clery Act* crimes you must disclose, and how they are defined.

First, you must know what this law means by disclosing “crimes.” You are required to disclose *reported* crimes. 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. If the individual receiving the crime information believes it was provided in good faith, he or she should document this as a crime report. *In good faith* means there is a reasonable basis for believing that the information is not
simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

What you must disclose, therefore, are statistics from reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made. If the institution is in doubt as to whether a crime has been reported, the institution should rely on the judgment of law enforcement professionals.

The *Clery Act* requires institutions to disclose three general categories of crime statistics:

1. **Types of Offenses**—Criminal Homicide, including:
   a) Murder and Non-Negligent Manslaughter; and
   b) Negligent Manslaughter; Sex Offenses including:
      a) Forcible, and b) non-forcible; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.

2. **Hate Crimes**—Disclose whether any of the abovementioned offenses, or any other crimes involving bodily injury, were hate crimes; and

3. **Arrests and Referrals for Disciplinary Action** for illegal weapons possession and violation of drug and liquor laws.

**How Are Clery Act Crimes Defined?**

It is very important that you pay careful attention to crime definitions in order to classify crimes properly so that your statistical disclosures are in compliance with the *Clery Act*. The definitions are taken from the Federal Bureau of Investigation’s (FBI’s) *Uniform Crime Reporting Handbook (UCR)* as required by *Clery Act* regulations. Keep in mind that the regulations state that institutions must use the *UCR* for defining and classifying crimes. The regulations do not state that *Clery Act* crime reporting must meet all *UCR* standards.

You are required to report offenses, not the findings of a court, coroner, or jury, or the decision of a prosecutor. Classify and count crimes from the records of calls for service, complaints and investigations.

Note that crime definitions appear in italics. Much of the wording for the discussion following the definitions is taken directly from the *UCR*. Although the *Clery Act* does not require a breakdown of crime statistics into subcategories (e.g., Burglary–Forcible Entry, Burglary–Unlawful Entry–No Force, and Burglary–Attempted Forcible Entry), this information from the *UCR* is provided in this handbook to help you determine what to include in the overall crime classification (e.g., Burglary). Some of the crime examples are adapted from the *UCR*, while others were created for this handbook.
Types of Offenses

1. **Criminal homicide.** These offenses must be separated into two categories: Murder and Non-Negligent Manslaughter, and Negligent Manslaughter.

**Murder and Non-Negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.

As a general rule, any death caused by injuries received in a fight, argument, quarrel, assault or commission of a crime is classified as Murder and Non-Negligent Manslaughter. You must not classify the following as Murder and Non-Negligent Manslaughter: suicides, fetal deaths, traffic fatalities, accidental deaths, and assaults to murder and attempts to murder.

Suicides, traffic fatalities and fetal deaths are excluded; however, some accidental deaths are classified as Manslaughter by Negligence and will be addressed later. Attempts and assaults to murder must be classified as aggravated assaults.

Situations in which a victim dies of a heart attack as the result of a crime are not classified as criminal homicide. A heart attack cannot, in fact, be caused at will by an offender. Even in instances where an individual is known to have a weak heart, there is no assurance that an offender can cause sufficient emotional or physical stress to guarantee that the victim will suffer a fatal heart attack.

Certain willful killings are classified as justifiable or excusable. In the **UCR**, justifiable homicide is defined as and limited to the killing of a felon by a peace officer in the line of duty, or the killing of a felon during the commission of a felony, by a private citizen. Note that justifiable homicide is not a **Clery Act** crime.

For **Clery Act** purposes, crime counts are based on incidents reported. Do not classify a killing as justifiable or excusable solely on the claims of self-defense or on the actions of a coroner, prosecutor, grand jury or court. Report the willful (non-negligent) killing of one individual by another, not the criminal liability of the person or persons involved. **Count one offense per victim.**
**Scenario 1:** A gunman enters a classroom on campus and kills two students and a faculty member before being subdued and arrested. This is classified as three on-campus Murder and Non-Negligent Manslaughter statistics.

**Scenario 2:** Two groups of students get into an argument in a campus parking lot. Jim punches Joe and causes him to hit his head on a concrete sidewalk, inflicting severe head trauma. Two days later, Joe dies. This is classified as one on-campus Murder and Non-Negligent Manslaughter statistic.

**Scenario 3:** A husband and wife have an argument at a married student housing facility owned by the institution that is five miles from campus, and the wife shoots and kills her husband. This is classified as one non-campus Murder and Non-Negligent Manslaughter statistic.

**Scenario 4:** A non-student is shot and killed during an armed robbery on a city-owned sidewalk in front of a campus building. This is classified as one public property Murder and Non-Negligent Manslaughter statistic.

**Scenario 5:** Manslaughter statistic. Two students get into an argument at a popular off-campus bar. Bob attacks Brad with a broken bottle and Brad pulls out a gun and kills Bob. Do not include this incident in your annual security report, as it occurred at a private facility off campus.

**Negligent Manslaughter** is defined as the killing of another person through gross negligence. As a general rule, any death caused by the gross negligence of another is classified as Negligent Manslaughter. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities, are not included in the Category Negligent Manslaughter. The findings of a court, coroner’s inquest, etc., do not affect classifying or counting; these are law enforcement statistics. **Count one offense per victim.**
Example of Negligent Manslaughter

Scenario: Two students are handling a gun at an on-campus fraternity house owned by the institution, and one “jokingly” points the gun at the other. Jim fires the gun, and Mike is killed. Jim claims no knowledge of the gun being loaded. This is classified as one Negligent Manslaughter in the on-campus category and in the on-campus student housing category.

2. Sex offenses. For sex offenses only, definitions from the FBI’s National Incident-Based Reporting System (NIBRS) Edition of the UCR are used. These offenses must be separated into two categories: forcible and non-forcible. Do not differentiate between attempted and completed sex offenses in your statistical disclosures. For all sex offenses, count one offense per victim.

Sex Offenses—Forcible is defined as any sexual act directed against another person, 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. There are four types of forcible sex offenses:

- **Forcible Rape** is the carnal knowledge of a person, 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 temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.

In cases where several offenders rape one person, count one forcible rape. Do not count the number of offenders.

If force was used or threatened, the crime should be classified as forcible rape, regardless of the age of the victim. If no force or threat of force was used and the victim was under the statutory age of consent, the crime should be classified as statutory rape. The ability of the victim to give consent must be a professional determination by a law enforcement agency.

- **Forcible Sodomy** is oral or anal sexual intercourse with another person, 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 or physical incapacity.

- **Sexual Assault With an Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity. An object or instrument is anything used by the offender other than the offender’s genitalia. Examples are a finger, bottle, handgun, stick, etc.

- **Forcible Fondling** is 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. Forcible fondling includes “indecent liberties” and “child molesting.”
Examples of Forcible Sex Offenses

Scenario 1: A female student reports that she was forcibly raped by an unidentified male while jogging along a campus trail. This is classified as one on-campus Forcible Sex Offense.

Scenario 2: A female student reports that her ex-boyfriend had sex with her in her residence hall room while she was unconscious after a night of drinking alcohol. This is classified as one Forcible Sex Offense in both the on-campus category and in the on-campus student housing category.

Scenario 3: A male student reports that another male student fondled him in a campus building. This is classified as one on-campus Forcible Sex Offense.

Scenario 4: A female student reports to the campus police that she was forcibly raped in her car in a parking lot on her school’s campus by students from another college. This is classified as one on campus Forcible Sex Offense.

Scenario 5: off campus fraternity house owned by the fraternity. Each male raped each of the female Three female students report that they were each raped by five male students at an students. This is classified as three non-campus Forcible Sex Offenses.

Scenario 6: A female student reports that an unknown male attempted to rape her on a city owned sidewalk outside a classroom building on campus, but that he was frightened away by another pedestrian before completing the attack. This is classified as one public property Forcible Sex Offense.

Scenario 7: A male student slipped a date rape drug into a female student’s drink at a non campus fraternity house. Before he could lure the victim away from her friends, however, someone noticed what he had done and summoned the police. A police officer found the drug and identified the suspect. He determined that the suspect had administered the date rape drug with the intent to incapacitate the woman and commit a sexual assault. This is classified as one non-campus Forcible Sex Offense.
Scenario 8: A male student slipped a date rape drug into a female student’s drink at a non-campus fraternity house. Before he could lure the victim away from her friends, however, someone noticed what he had done and summoned the police. A police officer ascertained that a student had slipped a date rape drug into another student’s drink, but the officer was unable to determine the perpetrator’s intent. Because the investigating officer was unable to determine intent, the incident cannot be counted as a forcible sex offense. The UCR program considers a date rape drug a poison; therefore, this is classified as one non-campus Aggravated Assault (defined in detail later in this chapter.)

Sex Offenses—Non-forcible are incidents of unlawful, non-forcible sexual intercourse. Only two types of offenses are included in this definition:

- **Incest** is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent. If force was used or threatened, or the victim was incapable of giving consent because of his/her youth, or temporary or permanent mental impairment, the offense should be classified as forcible rape, not statutory rape.

**Example of a Non-Forcible Sex Offense**

A 21-year-old student has sex with a 15-year-old juvenile in the student’s on-campus apartment. There is no use of force or threat of force (the statutory age of consent is 16). This is classified as one Non-Forcible Sex Offense both in the on-campus category and in the on-campus student housing category.

In reporting non-forcible sex offenses, it’s important to remember the following:

- Not all sex offenses are disclosed under the Clery Act. (For example, sexual harassment, voyeurism and indecent exposure are not reportable offenses under the Clery Act.)

- The only non-forcible sex offenses reportable under the Clery Act are incest and statutory rape. There are no exceptions.

We recommend that during a training session: 1) the definition of non-forcible sex offenses should be emphasized for those individuals to whom crimes are reported; and 2) your institution should double-check all reports of non-forcible sex offenses to confirm that they fit the Clery Act definition. This does not mean you should investigate the offense. Just confirm that the description of the offense in the report fits the definition of either incest or statutory rape.

The statutory age of consent differs by state. For example, in Maryland, the statutory age of consent is 14 years of age (which means the victim must be under 14), and the offender must be at least four years older than the victim. In Nevada, a victim is someone under age 16, and an
offender is someone over age 18. We recommend that you consult your state’s statutes to determine the statutory age of consent.

3. Robbery. Robbery is 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.

Robbery is a vicious type of theft in that it is committed in the presence of the victim. The victim, who usually is the owner or person having custody of the property, is directly confronted by the perpetrator, and is threatened with force or is put in fear that force will be used. Robbery involves a theft or larceny, but is aggravated by the element of force or threat of force.

Because some type of assault is an element of the crime of robbery, an assault must not be reported as a separate crime as long as it was performed in furtherance of the robbery. However, if the injury results in death, a homicide offense must be reported.

Armed robbery includes incidents commonly referred to as stickups, hijackings, holdups, heists, carjackings, etc. Carjacking’s are robbery offenses in which a motor vehicle is taken through force or threat of force. In such case, following the Hierarchy Rule, report only a robbery, not a motor vehicle theft. (The Hierarchy Rule is discussed in Chapter 7.) Robberies wherein only personal weapons such as hands, fists and feet, are used or threatened to be used, may be referred to as strong-arms or muggings.

The UCR considers a weapon to be a commonly known weapon (a gun, knife, club, etc.) or any other item which, although not usually thought of as a weapon, becomes one in the commission of a crime. Classify crimes involving pretended weapons or those in which the weapon is not seen by the victim, but the robber claims to possess one, as Armed Robbery. Should an immediate on view arrest provide that there is no weapon involved, classify the offense as Strong-Armed Robbery.

Guard against using the public’s terminology, such as “robbery of an apartment” or “safe robbery” when classifying a robbery offense, inasmuch as the public is referring to a burglary situation.

In analyzing Robbery, the following subheadings are used:

- **Firearm.** Include robberies in which any firearm is used as a weapon or employed as a means of force to threaten the victim or put the victim in fear. Attempts are included in this category.

- **Knife or cutting instrument.** Include robberies in which a knife, broken bottle, razor, ice pick or other cutting or stabbing instrument is employed as a weapon or as a means of force to threaten the victim or put the victim in fear. Attempts are included in this category.

- **Other dangerous weapon.** Include robberies in which a club, acid, explosive, brass knuckles, Mace, pepper spray or other dangerous weapon is employed or its use is threatened. Attempts are included in this category.
• **Strong-arm—hands, fists, feet, etc.** Include muggings and similar offenses in which only personal weapons such as hands, arms, feet, fists and teeth are employed or their use is threatened to deprive the victim of possessions.

In the absence of force or threat of force, as in pocket picking or purse-snatching, the offense must be classified as Larceny—Theft rather than robbery. However, if in a purse-snatching or other such crime, force or threat of force is used to overcome the active resistance of the victim, the offense must be classified as Strong-Arm Robbery.

In any instance of Robbery, **count one offense for each distinct operation (i.e., incident), including attempts.** Do not count the number of victims robbed, those present at the robbery, or the number of offenders when counting this crime.

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### 4. Aggravated Assault

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 is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

The *UCR* considers a weapon to be a commonly known weapon (a gun, knife, club, etc.) or any other item which, although not usually thought of as a weapon, becomes one in the commission of a crime.

The categories of Aggravated Assault include assaults or attempts to kill or murder; poisoning; assault with a dangerous or deadly weapon; maiming; mayhem; assault with explosives; and assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.). All assaults by one person upon another with the intent to kill, maim or inflict severe bodily injury with the use of any dangerous weapon are classified as Aggravated Assault. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon that could cause serious personal injury is used.

Occasionally, it is the practice of local jurisdictions to charge assailants in assault cases with assault and battery, disorderly conduct, domestic violence or simple assault, even though a knife, gun or other weapon was used in the incident. This type of offense must be classified as Aggravated Assault. **For all types of Aggravated Assault, count one offense per victim.**

- **Aggravated Assault—Firearm.** Include all assaults in which a firearm of any type is used or is threatened to be used. Assaults with revolvers, automatic pistols, shotguns, zip guns, rifles, etc., are included in this category.

- **Aggravated Assault—Knife or Cutting Instrument.** Include assaults wherein weapons such as knives, razors, hatchets, axes, cleavers, scissors, glass, broken bottles and ice picks are used as cutting or stabbing objects, or when their use is threatened.
• **Aggravated Assault—Other Dangerous Weapon.** Include assaults resulting from the use or threatened use of any object as a weapon in which serious injury does or could result. The weapons in this category include, but are not limited to: Mace, pepper spray, clubs, bricks, jack handles, tire irons, bottles or other blunt instruments used to club or beat victims. Attacks by explosives, acid, lye, poison, scalding, burnings, etc., are also included in this category.

• **Aggravated Assault—Hands, Fists, Feet, Etc. — Aggravated Injury.** Include only the attacks using personal weapons such as hands, arms, feet, fists and teeth that result in serious or aggravated injury. Consider the seriousness of the injury as the primary factor in establishing whether the assault is aggravated or simple. Classify the assault as aggravated if the personal injury is serious (broken bones, internal injuries or stitches required). On the other hand, classify the offense as a simple assault if the injuries are not serious (abrasions, minor lacerations or contusions) and require no more than usual first aid treatment.

**An Aid for Classifying Assaults**

Careful consideration of the following factors should assist in classifying assaults:

- The type of weapon employed or the use of an object as a weapon;
- The seriousness of the injury; and
- The intent of the assailant to cause serious injury.

Often, the weapon used or the extent of the injury sustained will be the deciding factor in distinguishing aggravated from simple assault. In only a limited number of instances should it be necessary to examine the intent of the assailant.

Prosecutorial policy in a jurisdiction must not dictate classification of an assault. Examine and classify assaults according to the standard *UCR* definitions, regardless of whether they are termed misdemeanors or felonies by local definitions.

Aggravated assault is a troublesome crime to classify. If a number of persons are involved in a dispute or disturbance, and the aggressors cannot be distinguished from the victims, count the number of persons assaulted as the number of offenses.
Examples of Aggravated Assault

**Scenario 1:** Sarah and Anne had a heated argument at a party at a sorority house owned by the sorority off campus. Sarah grabbed a lacrosse stick and repeatedly beat Anne across the back with it, breaking several ribs. This is classified as one Aggravated Assault in the non-campus category.

**Scenario 2:** Two students are involved in a fist fight in the laundry room in their dormitory. Both have head injuries and are treated at a hospital. This is classified as two Aggravated Assaults in both the on-campus category and in the on-campus student housing category.

**Scenario 3:** Two students were involved in a physical altercation in a campus parking lot behind their dormitory. Brad pulled a canister of Mace from his pocket and sprayed Tim in the face, causing him severe burning and discomfort. Tim fled the scene and sought medical attention. This is classified as one on-campus Aggravated Assault, because Mace is considered a weapon.

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5. **Burglary.** Burglary is the unlawful entry of a structure to commit a felony or a theft. The UCR classifies offenses locally known as Burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses as Burglary. **Count one offense per each distinct operation.**

The UCR’s definition of a structure includes, but is not limited to, the following:

- Apartment, barn, cabin, church, condominium, dwelling house, factory, garage, house trailer or houseboat (used as permanent dwelling), mill, office, other building, outbuilding, public building, railroad car, room, school, stable, storage facility, vessel (ship) and warehouse.

- Any house trailer or other mobile unit that is permanently fixed as an office, residence or storehouse is considered a structure.

Tents, tent trailers, motor homes, house trailers or other mobile units that are being used for recreational purposes are not considered structures. The UCR does not consider a telephone booth a structure.

Burglaries of hotels, motels, lodging houses or other places where lodging of transients is the main purpose can present reporting problems to law enforcement. If a number of units under a single manager are burglarized and the offenses are most likely to be reported to the police by the manager rather than the individual tenants, the burglary must be reported as a single offense.
Examples are burglaries of a number of rental hotel rooms, rooms in flop houses, rooms in youth hostels and units in a motel.

If the individual living areas in a building are rented or leased to the occupants for a period of time that would preclude the tenancy from being classified as transient, then the burglaries would most likely be reported separately by the occupants. Such burglaries must be reported as separate offenses. Examples of the latter type of multiple burglaries would be: the burglaries of a number of apartments in an apartment house; of the offices of a number of commercial firms in a business building; or of the offices of separate professionals within one building; or of a number of rooms in a college dormitory.

Unlike a residence hall, however, in which each room is considered to be a separate dwelling, the various rooms within an academic building are typically under the control of a single firm (the college or university). The burglary of an academic structure would be counted as one offense, regardless of the number of interior rooms entered or items stolen.

Thefts from automobiles, whether locked or not; shoplifting from commercial establishments; and thefts from telephone booths, coin boxes, or coin-operated machines, are all classified as Larceny – Theft offenses. If the area entered was one of open access, thefts from the area would not involve an unlawful trespass and would be classified as Larceny – Theft. A forcible entry or unlawful entry in which no theft or felony occurs, but acts of vandalism, malicious mischief, etc., are committed, is not classified as a burglary, provided investigation clearly established that the unlawful entry was for a purpose other than to commit a felony or theft. Of course, if the offender unlawfully entered the structure, a multiple offense exists, and you must classify the offense as a burglary. (Counting crimes in multiple offense incidents will be discussed in Chapter 7.)

If a forcible or unlawful entry of a building is made to steal a motor vehicle, count the offense as a burglary, not motor vehicle theft.

When a question arises as to whether a type of structure comes within the scope of the burglary definition, look to the nature of the crime and be guided by the examples set forth. If a question remains, contact CrimeHandbookQuestions@ed.gov.

- **Burglary–Forcible Entry.** Include all offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony. This definition applies when a thief gains entry by using tools; breaking windows; forcing windows, doors, transoms or ventilators; cutting screens, walls or roofs; and where known, using master keys, picks, unauthorized keys, celluloid, a mechanical contrivance of any kind (e.g., a passkey or skeleton key) or other devices that leave no outward mark but are used to force a lock. Also include in this category burglary by concealment inside a building followed by exiting the structure.

- **Burglary–Unlawful Entry–No Force.** The entry of a structure in this situation is achieved by use of an unlocked door or window. The element of trespass to the structure is essential in this category, which includes thefts from open garages, open warehouses, open or unlocked dwellings and open or unlocked common basement areas in apartment houses where entry is achieved by someone other than the tenant who has lawful access.
(Note that if the area entered was one of open access, thefts from the area would not involve an unlawful trespass and would be classified as Larceny. The Clery Act does not require an institution to disclose Larceny statistics.)

- **Burglary–Attempted Forcible Entry.** Include those situations where a forcible entry burglary is attempted but not completed. Once the thief is inside a locked structure, the offense becomes a Burglary–Forcible Entry. Classify attempts to enter an unlocked structure as well as actual trespass to an unlocked structure as Burglary–Unlawful Entry–No Force. Only situations in which a thief has attempted to break into a locked structure are classified as Burglary–Attempted Forcible Entry.

  ![Remember, if lawful entry Cannot be proven, classify the crime as a burglary.](image)

  **Examples of Burglary**

  *Some of the following examples are adapted from FBI correspondence. Copies of the letters are provided in Appendix E.*

  **Scenario 1:** A student living in an on-campus residence hall room with other students reports an item missing from his room.

  ![House](image)

  this in your **Scenario 2:** resident, the proper classification would be Larceny–Theft. You are not required to include Clery Act When a resident, having lawful access to a structure, takes an item from another statistics. If a person, other than a resident, enters an unlocked structure

  ![House](image)

  room), or one where the door was left open, the proper classification would be burglary. If force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony, this is classified as Burglary.
Scenario 3: If housekeeping and maintenance personnel who have keys and are authorized to gain access only for maintenance tasks, enter a room not on the maintenance schedule and steal an item, classify the offense as Burglary.

Scenario 4: Generally, if an item is missing from a structure, and if the individual who took the item is unknown, and if the investigating officer has exhausted all avenues leading toward the offense of Larceny–Theft, the proper classification is Burglary. Classify the offense as one on-campus Burglary and one on-campus residential facility Burglary.

Scenario 5: A perpetrator enters five on-campus dorm rooms without permission on the same night looking to steal money. He takes a wallet from one room, but takes nothing from the other four rooms. Classify this as five burglaries in both the on-campus category and on-campus student housing category.

5. Motor Vehicle Theft. Motor vehicle theft is the theft or attempted theft of a motor vehicle. Count one offense for each stolen vehicle.

Motor Vehicle Theft includes the theft or attempted theft of a motor vehicle, which the UCR defines as a self-propelled vehicle that runs on land surface and not on rails: for example, sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, all-terrain vehicles and snowmobiles are classified as motor vehicles. This category does not include farm equipment, bulldozers, airplanes, construction equipment or water craft (motorboats, sailboats, houseboats or jet skis).

Taking a vehicle for temporary use when prior authority has been granted or can be assumed, such as in family situations, rental car agreements, or unauthorized use by chauffeurs and others having lawful access to the vehicle, must not be classified as motor vehicle thefts.

Classify as Motor Vehicle Theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. Include joyriding in this category. If a vehicle is stolen in conjunction with another offense, classify the crime using the procedures for classifying multiple offenses (i.e., the Hierarchy Rule, which is discussed in Chapter 7).

There are three categories of motor vehicles within this classification:

- **Autos.** Include the thefts of all sedans, station wagons, coupes, and convertibles, sport utility vehicles, minivans and other similar motor vehicles that serve the primary purpose of transporting people from one place to another. Automobiles used as taxis are also included. Some states allow a station wagon to be registered as a truck; however, licensing is not a determining factor. The UCR stipulates that a station wagon must be classified as an automobile.

- **Trucks and buses.** Include the theft of those vehicles specifically designed (but not necessarily used) to transport people and cargo. Pickup trucks and cargo vans, regardless
of their uses, are included in this category. The *UCR* considers a self-propelled motor home to be a truck.

- **Other vehicles.** Include all other motor vehicles that meet the *UCR* definition, such as snowmobiles, motorcycles, motor scooters, trail bikes, mopeds, golf carts, all-terrain vehicles and motorized wheelchairs. If you are uncertain whether to classify an incident as Motor Vehicle Theft, we encourage you to contact law enforcement.

Note that Motor Vehicle Theft does not include thefts *from* motor vehicles. Theft from a motor vehicle is Larceny, which is not a *Clery Act* crime.

### Examples of Motor Vehicle Theft

**Scenario 1:** A faculty member’s car is reported stolen from a campus parking garage and is later recovered a block off campus. This is classified as one Motor Vehicle Theft on campus.

**Scenario 2:** A car stereo and CDs are reported stolen from a car parked along a city-owned street on campus. Do not include this crime, because it is theft *from* a Motor Vehicle, not Motor Vehicle Theft.

**Scenario 3:** A student’s car is stolen from a city street outside a remote classroom five miles from campus.

### 6. Arson.

Arson is *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.*

Report as Arson only fires determined through investigation to have been willfully or maliciously set. Attempts to burn are included in this offense, but fires of suspicious or unknown origins are not. Note that Arson is the only *Clery Act* offense that must be investigated before it can be included in the statistics. **One offense should be counted for each distinct Arson operation originating within the reporting jurisdiction.** If Arson is perpetrated in one locale and spreads to another, the jurisdiction in which the fire originated must report it.

**Arson–Structural**

This crime category includes:

- Single occupancy residential (houses, townhouses, duplexes, etc.);
- Other residential (apartments, tenements, flats, hotels, motels, inns, dormitories, boarding houses, etc.).
• Storage (barns, garages, warehouses, etc.);
• Industrial/manufacturing;
• Other commercial (stores, restaurants, offices, etc.);
• Community/public (churches, jails, schools, colleges, hospitals, etc.); and
• All other structures (out buildings, monuments, buildings under construction, etc.).

In classifying the object of arson as structural, use the guidelines for defining structures set forth in the discussion of burglary in this handbook. A house trailer or mobile unit that is permanently fixed as an office, residence, or storehouse must be considered structural property.

**Arson–Mobile**

This crime category includes:

• Motor vehicles (automobiles, trucks, buses, motorcycles, etc.); and
• Other mobile property (trailers, recreational vehicles, airplanes, boats, etc.).

Motor vehicles by *UCR* definition must be self-propelled and run on land surface and not on rails: for example, sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, all terrain vehicles and snowmobiles are classified as motor vehicles.

**Arson–Other**

The Arson–Other subcategory encompasses Arson of all property not classified as structural or mobile. Willful or malicious burnings of property such as crops, timber, fences, signs and merchandise stored outside structures are included in this category.

**Cautions in Classifying Arson**

Key to properly classifying arson is establishing the point of origin of a fire. If an individual willfully burns a vehicle parked adjacent to a home, and the fire subsequently spreads to and destroys the home, the appropriate Arson subcategory would be Mobile–Motor Vehicle. In cases where the point of origin is undetermined, or in instances of multiple points of origin, report the structural, mobile or other category of property that suffered the greatest fire damage.

Incidents in which persons are killed as a direct result of Arson are classified as both Criminal Homicides and Arson. Similarly, the number of persons severely injured during Arson must be reported as Aggravated Assaults along with the Arson. When multiple reportable offenses are committed during the same distinct operation as the Arson offense, the most serious offense is reported along with the Arson.
Examples of Arson

Scenario 1: A student is killed by what an investigation determines was a deliberately set fire in his residence hall room. Include both one Murder and Non-Negligent Manslaughter and one arson in both the on-campus category and the on-campus student housing category.

Scenario 2: A suspicious fire is reported in a campus academic building, but no evidence of Arson is found. Do not include this incident in your annual security report.

Hate Crimes

Your institution must include, by geographic location and by category of prejudice, any of the aforementioned offenses, and any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias. Note that unlike the previously discussed offenses, “any other crime involving bodily injury” is not a UCR term. Include in this category all applicable crimes with the exception of Aggravated Assault (Aggravated Assault is a separate crime category). The categories of bias are:

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

- **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female. Gender bias is also a Clery Act-specific term, not found in the FBI’s Hate Crime Data Collection Guidelines.

- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

- **Ethnicity/national origin.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Classifying a crime as a Hate Crime is sometimes difficult. The Clery Act regulations require institutions to classify hate crimes according to the FBI’s Uniform Crime Reporting Hate Crime
Data Collection Guidelines and Training Guide for Hate Crime Data Collection. The following information taken from those publications should be useful in guiding you.

1. While there are many additional types of bias, the types of bias motivation to be disclosed for Clery Act purposes are limited to the six aforementioned types.

2. Before an incident can be classified as a hate crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender’s actions were motivated, in whole or in part, by bias. While no simple fact may be conclusive, facts such as the following, particularly when combined, are supportive of a finding of bias:

   a. The offender and the victim were of a different race, religion, disability, sexual orientation and/or ethnicity/national origin. For example, the victim was black and the offender was white.

   b. Bias-related oral comments, written statements or gestures were made by the offender which indicates his/her bias. For example, the offender shouted a racial epithet at the victim.

   c. Bias-related drawings, markings, symbols or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue.

   d. Certain objects, items or things which indicate bias were used. For example, the offenders wore white sheets with hoods covering their faces or a burning cross was left in front of the victim’s residence.

   e. The victim is a member of a racial, religious, disability, sexual-orientation or ethnic/national origin group which is overwhelmingly outnumbered by other residents in the place. This factor loses significance with the passage of time (i.e., it is most significant when the victim first moved into the neighborhood, and becomes less and less significant as time passes without incident).

   f. The victim was visiting a neighborhood where previous hate crimes were committed against other members of his/her racial, religious, disability, sexual orientation or ethnic/national origin group, and where tensions remained high against his/her group.

Remember, that you must also disclose any crime involving bodily injury that is a Hate crime.
g. Several incidents occurred in the same locality at or about the same time,
and the victims were all of the same race, religion, disability, sexual
orientation or ethnicity/national origin.

h. A substantial portion of the community where the crime occurred perceived
that the incident was motivated by bias.

i. The victim was engaged in activities promoting his/her race, religion,
disability, sexual orientation or ethnicity/national origin. For example, the
victim was a member of the NAACP or participated in gay rights
demonstrations.

j. The incident coincided with a holiday or a date of particular significance
relating to a race, religion, disability, sexual orientation or ethnicity/national
origin (e.g., Martin Luther King Day, Rosh Hashanah).

k. The offender was previously involved in a similar Hate Crime or is a hate
group member.

l. There were indications that a hate group was involved. For example, a hate
group claimed responsibility for the crime or was active in the
neighborhood.

m. A historically established animosity existed between the victim’s and
the offender’s groups.

n. The victim, although not a member of the targeted racial, religious,
disability, sexual-orientation or ethnic/national origin group, was a member
of an advocacy group supporting the precepts of the victim group.

Cautions

- **Need for a case-by-case assessment of the facts.** The aforementioned factors are not
  all-inclusive of the types of objective facts which evidence bias motivation. Therefore,
  examine each case for facts which clearly provide evidence that the offender’s bias
  motivated him/her to commit the crime.

- **Misleading facts.** Be alert to misleading facts. For example, the offender used an
  epithet to refer to the victim’s race, but the offender and victim were of the same race.

- **Feigned facts.** Be alert to evidence left by the offenders which is meant to give the
  false impression that the incident was motivated by bias. For example, students of a
  religious school, hoping that they will be excused from attending class, vandalize their
  own school, leaving anti-religious statements and symbols on its walls.

- **Offender’s mistaken perception.** Even if the offender was mistaken in his/her belief
  that the victim was a member of a racial, religious, disability, sexual orientation or
  ethnic/national origin group, the offense is still a Hate Crime as long as the offender
was motivated by bias against that group. For example, a non-gay student leaving a
publicized gay rights meeting in a non-campus fraternity house, is followed back to
campus and attacked behind a dorm by six teenagers who mistakenly believed the
victim is gay. Although the offenders were mistaken, the offense is a Hate Crime
because it was motivated by the offenders’ anti-gay bias.

3. Knowing that a perpetrator is prejudiced is not enough to classify a crime as a Hate Crime.
There must be evidence that the perpetrator was motivated by that prejudice to commit the crime.

4. It is the perception of the perpetrator, not the perception of the victim that determines
whether a crime is classified as a Hate Crime.

5. The FBI does not consider rape to be a Hate Crime unless there is clear evidence of bias.

6. Do not classify arrests or disciplinary referrals for illegal weapons possession or drug or
liquor law violations as hate crimes.

7. Institutions without a campus police department are encouraged to seek guidance from local
police for classifying crimes as hate crimes.

**Arrests or Disciplinary Referrals for Illegal Weapons**
**Possession and Substance Law Violations**

In addition to disclosing statistics for the aforementioned offenses, the *Clery Act* requires
institutions to disclose both the number of arrests and the number of persons referred for
disciplinary action for:

1. Illegal weapons possession;

2. Drug law violations; and

3. Liquor law violations.

It’s important to remember that you are to disclose *violations of the law* resulting in arrests or
persons being referred for disciplinary action. Do not include violations of your institution’s
policies that resulted in persons being referred for disciplinary action if there was no violation of
the law. For example, if a student of legal drinking age in the state in which your institution is
located violates your institution’s “dry campus” policy and is referred for disciplinary action, that
statistic should not be included in your institution’s crime statistics, because the referral was not the
result of a violation of the law.

Because state laws and local ordinances vary widely, you will need to ascertain the specific laws and
ordinances that apply to your institution.

If an individual is both arrested and referred for disciplinary action for an offense, **count the arrest only**. (Counting offenses, arrests and the number of persons referred for disciplinary action will be discussed in detail in Chapter 7.)
**Arrest** for Clery Act purposes is defined as *persons processed by arrest, citation or summons.* Include:

- Those persons arrested and released without a formal charge being placed against them. (An arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the individual for a specific offense(s) and a record is made of the detention.)
- Juveniles taken into custody or arrested but merely warned and released without being charged. A juvenile should be counted as “arrested” when the circumstances are such that if the individual were an adult, an arrest would have been counted.

Do not count arrests of incidents in which:

- Police contact a juvenile who has committed no offense; and
- Police take a juvenile into custody for his or her own protection, but no crime was committed.
- Not only should “arrests” in the usual sense be included, but also any situation where a young person, in lieu of actual arrest, is summoned, cited or notified to appear before the juvenile or youth court or similar official for a violation of the law.

Include only violations by young person’s where some police or official action is taken beyond a mere interview, warning or admonishment. Additionally, call backs or follow-up contacts with young offenders by officers for the purpose of determining their progress must not be counted as arrests.

**Referred for disciplinary action** is defined as the referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction?

To satisfy this definition, it is not sufficient for a person simply to be referred for disciplinary action. The official receiving the referral must initiate a disciplinary action, and a record of that action must be kept. It is not necessary that the referral originate with the police, nor is it necessary that a sanction be imposed. Note that if your institution calls this process “mediation” (or uses some other term), as long as the process fits the above definition, it is counted as referred for disciplinary action.

**Example of Referral**

Police respond to an incident at a non-campus, institution-owned sorority house where there are underage students drinking at a party. The officers list all of the students in their report, which is forwarded to the campus Judicial Affairs office. A Judicial Affairs official interviews the students and finds that some of them had not been drinking. Those students are not charged. Judicial Affairs initiates disciplinary action against the students who were drinking and keeps a record of the action.
Only the number of students involved in the disciplinary action is included in your Clery Act statistics.

You are to count the number of arrests and the number of persons referred for disciplinary action. For example, if a single incident involving liquor law violation resulted in the arrest of 10 students, this counts as 10 arrests for Clery Act purposes.

1. **Illegal Weapons Possession** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

**Examples of Arrests for Illegal Weapons Possession**

**Scenario 1:** A student is cited for having a firearm in his or her residence hall room in violation of state law. This is classified as one arrest for Illegal Weapons Possession in the on-campus category and in the on-campus student housing category.

**Scenario 2:** A faculty member is referred for disciplinary action for having a firearm in his or her office in violation of school policy, but in a state without a law against possessing a firearm on campus. Do not disclose this referral, because no violation of the law occurred.

2. **Drug Law Violations.** This is defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Examples of Arrests for Drug Law Violations**

**Scenario 1:** Three students are referred for disciplinary action for possessing marijuana in a residence hall room. This is classified as three persons referred for Disciplinary Action for Drug Law Violations in the on-campus category and in the student housing on campus category.
**Scenario 2:** Two non-students are arrested during an on-campus football game for possession of cocaine. This is classified as two on-campus arrests for Drug Law Violations.
2. **Liquor Law Violations.** This is defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

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**Examples of Arrests and Referrals for Liquor Law Violations**

**Scenario 1:** Three underage students and a non-student are found in a residence hall room, and all are drinking alcohol in violation of state law. The students are referred for Disciplinary Action, while the non-student is given a written citation. This is classified as three persons referred for Liquor Law Violation disciplinary actions in both the on-campus category and in the on-campus student housing category as well as a single arrest for Liquor Law Violation in the on-campus category and in the on-campus student housing category.

**Scenario 2:** A party at an off-campus, university-owned fraternity house is busted, and 30 students are both arrested and Referred for Disciplinary Action for state liquor law violations by campus police. This is classified as 30 non-campus arrests for Liquor Law Violations.

**Scenario 3:** A 21-year-old student is referred for Disciplinary Action for possessing a beer at an on-campus fraternity house on a “dry” campus. Do not include this, because no violation of the law occurred.

**Scenario 4:** A dozen students are cited for underage drinking by campus police at a popular off-campus bar. Do not include these violations, as they occurred on private property off-campus.
Remember, these offenses, arrests and disciplinary referrals must be collected and disclosed by location if they occurred within the geographic locations discussed in Chapter 2 (on campus, in dormitories or other residential facilities for students on campus, in or on a non-campus building or property, and on public property).

Where Do You Get All of This Information? Collecting Crime Data

By now it should be clear to you that you can’t do this alone. You need to identify all of those individuals from whom crime reports should be collected.

The Clery Act mandates that institutions must disclose statistics both for crimes reported to local police agencies and crimes reported to campus security authorities. The intent of including non-law enforcement personnel as campus security authorities is to acknowledge that many individuals, and students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals. In any case, you must identify campus security authorities, and you must inform them of their responsibility for Clery Act reporting. In addition, you must identify local police agencies responsible for the jurisdiction where your institution is located and request statistics from them. We’ll begin with campus security authorities.

The Clery Act regulations define a campus security authority as:

• A member of a campus police department or a campus security department of an institution.
• Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).

• Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. 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.

Because official responsibilities and job titles vary significantly on campuses, a list of specific titles is not provided in the regulations. To determine specifically which individuals or offices are campus security authorities for your institution, consider the function of that individual or office. Your institution should look for officials (i.e., not support staff) whose functions involve relationships with students. If someone has significant responsibility for student and campus activities, he or she is a campus security authority.

For example, a dean of students who oversees student housing, a student center or student extracurricular activities has significant responsibility for student and campus activities. Similarly, a director of athletics, a team coach and a faculty advisor to a student group also have significant responsibility for these activities. Students may, in some cases, be considered campus security authorities (e.g., resident advisors/assistants, students who monitor access to dormitories).

Examples of individuals who would not meet the criteria for being campus security authorities include a faculty member who does not have any responsibility for student and campus activity beyond the classroom, clerical staff and cafeteria staff. A physician in a campus health center or a counselor in a counseling center whose only responsibility is to provide care to students is unlikely to have significant responsibility for student and campus activity.

The function of a campus security authority is to report to the appropriate law enforcement personnel, either campus police or local police, or to an official or office designated by the institution, those allegations of Clery Act crimes that he or she concludes are made in good faith. (See Chapter 3 for an explanation of “good faith.”) A campus security authority is not responsible for determining authoritatively whether a crime took place—that is the function of law enforcement personnel.

For example, if a resident assistant who has been identified as a campus security authority is told by a fellow student that she has been raped and is seeking emotional and medical support, the resident assistant should report this as a crime. It is reported regardless of whether the victim chooses to file a report with law enforcement or press charges.

Certain individuals who have significant responsibility for student and campus activities are exempted from disclosing information:

• Pastoral counselor. A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides
confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

- **Professional counselor.** A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. This means that a dean of students who has a professional counselor’s license, but is employed by the institution only as a dean and not as a counselor, is not exempt from reporting.

An individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual who meets the definition of a counselor, is considered to be a counselor for the purposes of the Clery Act. An example would be a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the institution.

Because campus security authorities play an important role in Clery Act compliance, we recommend the following:

- Annually notify all appropriate individuals or offices in writing that they are campus security authorities and explain what is required of them. (See sample letter to campus security authorities following this section.)

- Provide training so that campus security authorities can be instructed what to do when a crime is reported to them. Emphasize the importance of the campus security authority’s role in providing crime reports on an immediate basis to the individual or office responsible for issuing timely warnings. (Crimes subject to timely warnings are discussed in Chapter 5.)

- Provide all campus security authorities with definitions of Clery Act crimes and geographic locations, as well as an explanation of the types of arrests and Referrals for Disciplinary Action that apply to the Clery Act. Provide them with Incident Report forms as well. Good recordkeeping can help minimize the chances of the double reporting of crimes.

- Designate one individual or office to oversee campus security authorities and to be responsible for canvassing these individuals and offices and collecting and reviewing crime reports for inclusion in the annual security report and the Web-based report to ED. The obligation to collect crime reports made to campus security authorities belongs to the institution. That is, even if a campus security authority does not forward a crime report to the appropriate individual or office, the institution is responsible for ensuring that the crime report is disclosed in the annual security report and the Web-based report to ED.
Sample Letter to Campus Security Authorities

Purpose: This memorandum is intended to notify Campus Security Authorities, as that term is used in regulations implementing the Campus Security Act, of their obligation to report crimes for inclusion within the Annual Security Report. This memorandum should be sent annually, on or about the start of the fall semester, and immediately upon the appointment of any individual to a position as a campus security authority (e.g., a copy of this memorandum should be sent to anyone appointed as a faculty advisor to a student organization). A copy of the memo should be placed in each recipient’s personnel file. Please complete the date before sending the memo. One copy of an Incident Report form should be sent along with each memo.

Memorandum

To: Distribution List (“Campus Security Authorities”)
From: __________________, President
Date:
Re: Crime Reporting Requirements

Recent amendments to the Campus Security Act, a federal law that requires colleges and universities to annually compile and publish crime statistics for their campuses and certain other areas, require that campus security authorities” report crime statistics for inclusion in the college’s Annual Security Report. If you are listed below in the distribution list, then you are a “campus security authority” as that term has been defined by the United States Department of Education. “Campus security authorities” include faculty advisors to student organizations, athletic team coaches, members of the security department, the Dean of Student and Instructional Support Services, the Dean of Financial and Administrative Services, the Dean of the Leonardtown Campus, the Dean of the Prince Frederick Campus, the Director of Student Life, and the Coordinator of Intramural and Intercollegiate Athletics.

Because of the law’s complex reporting requirements, the most reasonable and effective way to manage the reporting is as follows. If you observe any crime listed below, or if any person reveals to you that he/she learned of or were the victim of, perpetrator of, or witness to any crime listed below, immediately complete an Incident Report form and, as indicated on the bottom of the form, send copies to the Dean of Financial and Administrative Services and to the Facilities department. This applies to crimes on any of the four college campuses (LaPlata, Leonardtown, Prince Frederick, and Waldorf), public property adjacent to each of those campuses and locations at which other college activities are taking place. Please ensure that you complete all information on the form based on the information you possess. Please do not investigate the crime or attempt to determine whether a crime, in fact, took place. Simply make the report. Appropriate college personnel may later contact you or others to gather additional information. A copy of the Incident Report form is enclosed with this Memorandum. Additional forms may be obtained from the Central Supply Office (B1021, ext. 7741)

Crimes that should be reported are:

Murder and non-negligent manslaughter
Negligent manslaughter
Forcible sex offenses
Non-forcible sex offenses

Robbery
Aggravated assault
Burglary
Motor vehicle theft

(Continued on Next Page)
Arson
All hate crimes involving bodily injury
All liquor, drug or weapons law violations resulting in an arrest

If you are in doubt as to whether a crime is reportable, please err on the side of reporting the matter. With the exception of liquor, drug and weapons law violations, it is immaterial whether an arrest is made. For purposes of your reporting, please assume that a hate crime is any crime manifesting evidence that the victim was selected because of the victim’s actual or perceived race, religion, sexual orientation, gender, ethnicity/national origin, or disability.

If you have any questions regarding reporting obligations, please contact (name deleted), Assistant to the President/General Counsel, at extension 7643. Thank you for your assistance in fulfilling these federal requirements.

Enclosure (Incident Report form)
Distribution: (list names)

Can you identify your institution’s campus security authorities? Remember that they are identified by their function (i.e., whether the individual or office has significant responsibility for student and campus activities).
Alerting Your Campus to Threats: The Timely Warning

All of us want to be alerted to potentially dangerous situations near our homes or workplaces so that we can take appropriate precautions. Apply this to a college campus, and you have the concept of the “timely warning.” In order to keep the campus community informed about safety and security issues on an ongoing basis, 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 crimes must include all Clery Act crimes (remember Chapter 3?) that are:

- Reported to campus security authorities or local police agencies; and
- Are considered by the institution to represent a serious or continuing threat to students and employees. In addition to making timely warnings, an institution is required to have a timely warning policy (more about this in Chapter 8). All Title IV institutions are subject to the timely warning regulation. There are no exceptions.

Timely warnings can be issued for threats to property, as well as for threats to persons. It is irrelevant whether the victims or perpetrators are members of the campus community. The Clery Act mandates timely warnings only for Clery Act crimes, but nothing in the Clery Act prohibits timely warnings for other crimes that may pose a serious or continuing threat to the campus community (e.g., kidnapping). While there is no requirement to do so, we recommend that your institution request that local police keep the institution informed on an immediate basis of crimes that may require timely warnings. This request may be made as part of your annual letter to police requesting crime statistics.

By now you are probably asking, “What do you mean by ‘timely’?” and “How do you expect me to alert everyone?” Neither the Clery Act nor ED defines “timely.” The warning should be issued as soon as the pertinent information is available because the intent of a timely warning is to alert the campus community of continuing threats especially concerning safety, thereby enabling community members to protect themselves.

Although the format for the warning has not been mandated, the notice must be timely and reasonably likely to reach the entire campus community and aid in the prevention of similar crimes. Therefore, timely warnings must be issued in a manner that gets the word out quickly communitywide. They may be e-mailed, posted around campus, or otherwise distributed according to your institution’s policy. A combination of dissemination methods may be used. Timely warnings may not be issued in a manner or posted in a location that requires the campus
community to make requests for them or to search for them. The responsibility for the warning rests solely with the institution.

**Information to Be Included in the Warning**

*Clery Act* regulations do not specify what information should be included in a timely warning. However, because the intent of the warning is to enable members of the campus community to protect themselves, the warning should include all information that would promote safety. Your institution’s policy regarding timely warnings should specify what types of information will be included.

**Making the Decision to Issue a Timely Warning**

The issuing of a timely warning must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts. We recommend that the institution meets beforehand with its security personnel and with local and state law enforcement authorities to discuss what is reasonable in terms of the timely reporting of crimes. Your institution’s policy on timely warnings should specify who or which office is responsible for issuing the warnings.

**Crimes Exempt from the Timely Warning Requirement**

An institution is not required to provide a timely warning for crimes reported to a pastoral or professional counselor. (See Chapter 4 for definitions of pastoral and professional counselors.) There are no other exemptions.

**The Family Educational Rights and Privacy Act (FERPA) and the Timely Warning Requirement**

The *Clery Act* does not require confidential reporting of crimes. Although personally identifiable information is generally precluded from disclosure, this information may be released in an emergency situation. ED’s May 1996 Dear Colleague Letter on Campus Security Issues reads in part:

*FERPA does not preclude an institution’s compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA.*
It is imperative that your institution’s written policy describing timely warning procedures accurately reflects the timely warning report system currently utilized by your institution.

Crime Incident Report Form

This form should be completed by those individuals identified as “campus safety/security authorities” who are required to report information they receive about specified crimes (described below) pursuant to the federal Clery Act. The information collected from these forms will be used to prepare a compilation of statistical crime information that will be included in the campus’ Annual Security Report.

It is the policy of College of the Canyons to ensure that victims and witnesses to crime are aware of their right to report criminal acts to the police, and to report COC policy violations to the appropriate office. However, if a reporting person requests anonymity, this request must be honored to the extent permitted by law. Accordingly, no information should be included on this form that would personally identify the victim without his/her consent.

Campus Safety will use this form to determine the category of crime and location under which the crime should be reported according to the requirements of the Clery Act. Please forward this completed form to:

[Campus Safety/Security] [26455 Rockwell Canyon Road, Santa Clarita, Ca. 91355, Attention: Tammy Castor].

Person Receiving Report: ____________________________ Phone Number: _______________

Report Made by: ______Victim
______Third Party Please identify relationship to victim:
__________________________________________ Date

and Time the Incident occurred:

_____________________________________________________

Description of the incident or crime:

__________________________________________________________________________________________________________
Location of Incident
Identify building name, address, etc.; be as specific as possible):

(Continued on Next Page)
Page 2 The location where this incident occurred was:

_____ On campus, but not in student housing
_____ On campus student housing
_____ Off-campus affiliated property (owned, controlled, or affiliated with the campus; e.g.,
    leased property, fraternity, student co-op)
_____ Off-campus public property immediately adjacent to campus
_____ Off-campus, NOT affiliated with or not adjacent to campus
_____ Unknown

Sex Offenses

*Examples of sex offenses are rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.*

Was this crime a sexual offense? _____ Yes _____ No

If yes, were the victim and the assailant acquainted? _____ Yes _____ No

If yes, were either the victim or the assailant under the influence of alcohol or drugs?

Victim: _____ No Yes, alcohol _____ Yes, drugs _____

Assailant: _____ No Yes, alcohol _____ Yes, drugs _____

Hate Crimes

*Hate crime information is required to be reported for each of the following crimes (criminal homicide, sex offense, robbery, aggravated assault, burglary, motor vehicle theft, and arson) and for any other crime involving bodily injury.*

Was this incident motivated by hate or bias? _____ Yes _____ No
If yes, identify the category of prejudice:

_____ Race  _____ Ethnicity  _____ National Origin

_____ Religion  _____ Disability  _____ Sexual Orientation

If yes, provide a brief explanation of the determination:
__________________________________________________________________________

Alcohol, Drug and Weapons Law Violations

Check all that apply:

_____ Alcohol  _____ Drugs  _____ Weapons  Describe: ________________

Number of individuals arrested or referred for campus disciplinary action: ______________

SEC. 120. DRUG AND ALCOHOL ABUSE PREVENTION.

(a) RESTRICTION ON ELIGIBILITY- Notwithstanding any other provision of law, no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any federally funded or guaranteed student loan program, unless the institution certifies to the Secretary that the institution has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum, includes—

(1) the annual distribution to each student and employee of—

(A) standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution’s property or as part of any of the institution’s activities;

(B) a description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;

(C) a description of the health-risks associated with the use of illicit drugs and the abuse of alcohol;

(D) a description of any drug or alcohol counseling, treatment, or rehabilitation or reentry programs that are available to employees or students; and

(E) a clear statement that the institution will impose sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by subparagraph (A); and
(2) a biennial review by the institution of the institution’s program to—

(A) determine the program’s effectiveness and implement changes to the program if the changes are needed; and

(B) ensure that the sanctions required by paragraph (1)(E) are consistently enforced.

(b) INFORMATION AVAILABILITY - Each institution of higher education that provides the certification required by subsection (a) shall, upon request, make available to the Secretary and to the public a copy of each item required by subsection (a)(1) as well as the results of the biennial review required by subsection (a)(2).

(c) REGULATIONS-

(1) IN GENERAL- The Secretary shall publish regulations to implement and enforce the provisions of this section, including regulations that provide for—

(A) the periodic review of a representative sample of programs required by subsection (a); and
(B) a range of responses and sanctions for institutions of higher education that fail to implement their programs or to consistently enforce their sanctions, including information and technical assistance, the development of a compliance agreement, and the termination of any form of Federal financial assistance.

(2) REHABILITATION PROGRAM- The sanctions required by subsection (a)(1)(E) may include the completion of an appropriate rehabilitation program.

(d) APPEALS- Upon determination by the Secretary to terminate financial assistance to any institution of higher education under this section, the institution may file an appeal with an administrative law judge before the expiration of the 30-day period beginning on the date such institution is notified of the decision to terminate financial assistance under this section. Such judge shall hold a hearing with respect to such termination of assistance before the expiration of the 45-day period beginning on the date that such appeal is filed. Such judge may extend such 45-day period upon a motion by the institution concerned. The decision of the judge with respect to such termination shall be considered to be a final agency action.

If you would like to read the Complete Clery Act/Handbook please go to the link below:
http://www.securityoncampus.org/schools/cleryact/handbook.pdf
Please contact the COC Campus Safety/Security Department with any questions:
(661) 362-3229