

CLERY ACT & CAMPUS SECURITY AUTHORITY (CSA) OVERVIEW

Objectives

- The Clery Act
 - What is it?
 - Consequences for violating?
- Campus Security Authorities
 - Who?
 - Duties?
- How to Report
- When to Report
 - Crimes
 - Geography
- Clery Disclosure Requirements
 - Timely Warnings and Emergency Notifications
 - Daily Crime Log
 - Annual Security Report Report

WHAT IS THE CLERY ACT

What is the Clery Act?

- Jeanne Clery was a 19-year-old freshman at Lehigh University in Bethlehem, Pennsylvania.
- On April 5, 1986, she was raped and murdered in her dormitory by a fellow student.

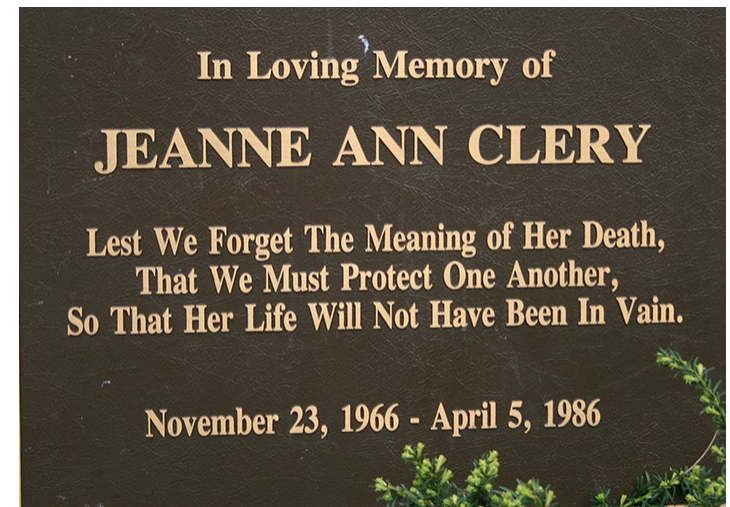


What is the Clery Act?

- Her family learned that the school had concealed 38 incidents of violent crime on campus the year prior to Jeanne’s admission.
- No federal or state law existed which required postsecondary institutions to disclose the status of crime on campus
- In 1990, Congress enacted “The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act” (now the “Jeanne Clery Campus Safety Act”), that requires higher education institutions to disclose to current & prospective students and employees:
 - Campus security information
 - Crime statistics for the campus and surrounding area

Purpose of the Clery Act?

- Provides students and their families with accurate, complete, and timely information about crimes and campus safety
- Ensures the student population and their families have access to the most up-to-date campus safety info
- Allows informative decisions for attending the campus



Consequences for Violating the Clery Act

- Loss of Title IV financial aid & funding
- \$71,545 fine PER VIOLATION



- \$4.5 million



- \$2.4 million



CAMPUS SECURITY AUTHORITIES

Campus Security Authorities

- Who?
 - All college officials with significant responsibility for student and campus activities



**CLERY ACT &
CRIME REPORTING**
Campus Security
Authority

Campus Security Authorities

- Who?
 - Campus Police Personnel
 - Director of Athletics
 - All Coaches
 - Title IX Coordinator
 - Deans/Directors in Charge of Student Discipline
 - Director of Campus Health/Counseling Center
 - Faculty Advisors to Student Groups
 - Study Abroad Coordinator



**CLERY ACT &
CRIME REPORTING**
Campus Security
Authority

Campus Security Authorities

- Who Are Not?
 - Faculty without responsibility for student campus activities outside of the classroom
 - Support or clerical staff (except Campus Police staff)
 - Maintenance staff
 - Food service workers
 - Professional mental health counselors or pastoral counselors



**CLERY ACT &
CRIME REPORTING**
Campus Security
Authority

Campus Security Authorities

- What Must CSAs Do?
 - Must immediately inform Police & Campus Safety of allegations of Clery Act crimes on Clery geography reported to them
 - Do not have to report incidents overheard in hallway, mentioned during an in-class assignment, mentioned in a group presentation, or learned indirectly
 - Inform victims of their options, including confidential reporting option, and referrals to resources



Campus Security Authorities

- What Should CSAs Not Do?
 - Do not investigate
 - Do not try to determine for sure whether a crime took place – that is the job of police
 - Do not try to apprehend the alleged perpetrator – that is the job of police
 - Do not try to convince a victim to contact police if the victim chooses not to do so



WHEN TO REPORT

CLERY CRIMES

Clery Crimes - Homicides

- **Murder / Non-negligent Manslaughter**

- Willful killing of one human being by another

- **Manslaughter by Negligence**

- Killing of another person through gross negligence

- Does not include suicides, traffic deaths, accidental deaths, attempted murder, justifiable homicide, deaths due to a person's own negligence



Clery Crimes – Sex Offenses (including attempts)

- **Rape**

- Penetration however slight, of vagina or anus with any body part or object, or oral penetration by a sex organ, without consent, including when victim was incapable of giving consent

- **Fondling**

- Touching of the private body parts of another person for the purpose of sexual gratification, without consent, including when victim was incapable of giving consent



Clery Crimes – Sex Offenses (including attempts)

- **Incest**

- Sexual intercourse between parents and children, ancestors and descendants of every degree, brothers and sisters of any degree (including half brothers and half sisters), and uncles or aunts with nieces or nephews

- **Statutory Rape**

- Sexual intercourse with a person under the age of 18



Clery Crimes – Against Persons (including attempts)

- **Robbery**

- Taking or attempting to take anything of value from the immediate presence of a person by force, threat of force, and/or by putting the victim in fear



- **Aggravated Assault**

- An unlawful attack by one person upon another for the purpose of inflicting severe bodily injury (may be with or without a weapon)



Clery Crimes – Against Property (including attempts)

- **Burglary**

- Unlawful entry of a structure to commit a felony or a theft inside (structure = 4 walls, roof, and a door)



- **Motor Vehicle Theft**

- Theft of a motor vehicle



- **Arson**

- Willful or malicious burning of a dwelling house, public building, motor vehicle or aircraft, or personal property of another



Clery Crimes – Hate Crimes

- **The criminal offenses plus theft, simple assault (battery), intimidation, vandalism motivated by hate**
 - Theft: taking property of another with purpose to permanently deprive owner
 - Simple Assault: willfully touching someone in an offensive way
 - Intimidation: intentionally causing someone to reasonably fear harm
 - Vandalism: damaging, destroying, or defacing another's property



Clery Crimes – Hate Crimes

- **Need evidence victim was intentionally selected because of perpetrator's bias based on race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, disability**
 - Hate graffiti alone not enough (i.e., swastikas, racial/ethnic slurs)



Clery Crimes – VAWA Offenses (including attempts)

- **Domestic Violence or Dating Violence**

- A battery (misdemeanor) or willful infliction of visible or internal injury (felony) by a person who:
 - is a current or former spouse or domestic partner of the victim;
 - is cohabitating with or who has cohabitated with the victim;
 - has or currently had an engagement relationship with the victim or is the victim's fiancé(e) or former fiancé(e);
 - currently has or previously had a dating relationship with the victim; or
 - shares a child in common with the victim



Clery Crimes – VAWA Offenses (including attempts)

- **Stalking**

- A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress
- [CA - Willfully, maliciously, and repeatedly following or willfully and maliciously harassing another person, and **making a credible threat** with the intent to place that person in reasonable fear for their safety or the safety of their immediate family]



Clery Crimes – Arrests & Disciplinary Referrals

- **Weapons Law Violations**

- Manufacturing, sale, purchase, transportation, possession, concealment, carrying, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons



- **Drug Abuse Violations**

- Manufacturing, cultivation, distribution, sale, purchase, possession, or use of certain controlled substances and the equipment utilized to prepare or use



- **Liquor Law Violations**

- Manufacturing, sale, purchase, possession, or use (not including DUI or drunkenness)



Hazing Incidents

- **Hazing**

- Any intentional, knowing, or reckless act committed by a person against a student (regardless of that student's willingness to participate), that
 - 1) is connected with an initiation into, an affiliation with, or the maintenance of membership in, an organization (e.g., a club, athletic team, fraternity, or sorority); and
 - 2) causes or is likely to contribute to a substantial risk, above the reasonable risk encountered in the course of participation in the college or the organization, of physical injury, mental harm, or degradation.



CSAs vs. Mandated Reporters vs. Responsible Employees

- **Mandated Reporters [PC §§ 11164 - 11174.3]**
 - Any college employee, administrator, or faculty whose job duties require contact on a regular basis with persons under the age of 18 (or their supervisors);
 - Must notify Child Protective Services of any suspected child abuse or neglect occurring on Mt SAC's premises or at a Mt. SAC activity or program – reporting to Campus Police does not fulfill this duty
 - All coaches, assistant coaches, health care providers, therapists, daycare staff, police department employees
 - Must notify Child Protective Services of any suspected child abuse or neglect occurring anywhere – reporting to Campus Police does not fulfill this duty

CSAs vs. Mandated Reporters vs. Responsible Employees

- **Responsible Employees [Title IX]**
 - All faculty, staff, managers, and temporary hourly staff
 - Must notify Title IX Coordinator when the employee knew or reasonably should have known about any sexual misconduct, including sexual harassment, sexual violence, domestic violence, or stalking

CLERY GEOGRAPHY

Clery Geography

- **On Campus**
 - Property or buildings owned or controlled by the college
 - Used to support college's educational purpose



Clery Geography

- **Non-Campus**

- Buildings or property not near any campus
- Owned or controlled by the college
- Used in support of the college's educational purposes, and
- Frequently used by students

➤ Mt. SAC Aeronautics at Brackett Airport

Clery Geography

- **Public Property**
 - Owned by city/state government
 - Within campus, or
 - Immediately adjacent and accessible from campus (no barriers or barriers ignored)
 - Sidewalk-Street-Sidewalk immediately adjacent to campus
 - Public streets running through campus
 - Public transit stops up until riders get on the bus
 - **Not** private homes / businesses
 - **Not** areas around non-campus buildings



Mt. SAC Campus

Public Property =

- Sidewalk–street–sidewalk of Grand Ave, Temple Ave, Mountaineer Rd, and Edinger Way wherever people can walk onto campus with no fence, wall, or barrier

HOW TO REPORT

Reporting Options

- Report crime directly to Police & Campus Safety

909-274-4555

- Fill out the *Campus Security Authority Incident Report Form* found on the Police & Campus Safety website

Mt. SAC Police and Campus Safety



Parking & Permits

- + Parking & Permits >
- + Purchase a Parking Permit >
- + Citations & Appeal Process >



About Us

- + P&CS Core Values >
- + Meet our Team >
- + Advisory Committee >



Contact Us

- + Contact Us | (909) 274-4555 >
- + Text-A-Tip | (909) 610-9139 >
- + Chief of Police >



Provide Feedback



Clery Information




Transparency





Provide Feedback

- + Commendation or Suggestion >
- + Complaint Form (Online) >
- +  Complaint Form (hard copy) >



Clery Information

- + Clery Act Compliance >
- + Daily Crime Logs >
- + **CSA Incident Report Form** v

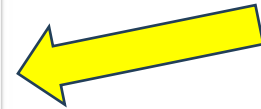
A **Campus Security Authority (CSA)** is an individual who, by virtue of his or her responsibilities, is designated to report criminal incidents to the Police and Campus Safety Department. CSAs have completed training on crime reporting, victim support, and school policies. CSAs are required to complete a [CSA Incident Report Form](#), with the Police & Campus Safety as soon as it is practicable. Contact Police and Campus Safety at **(909) 274-4555**, and an officer will respond to collect the report. For questions regarding the Clery Act, contact the Campus Clery Coordinator at **(909) 274-5538**.

[CSA Incident Report Form](#)



Transparency

- + P&CS Policies and Procedures >
- + Training Materials >
- + Racial and Identity Profiling Act >
- + Hate Crime Data >
- + California Senate Bill 1421 >



Campus Security Authority Incident Report Form

This Campus Security Authority Incident Report form is intended as a guide to assist a Campus Security Authority (CSA) in gathering information for reporting, in compliance with the Clery Act and California Education Code.

If you are concerned for the safety of any of the involved parties
or other members of the community,

CALL 909-274-4555 IMMEDIATELY

The Clery Act requires reporting of crimes without unnecessary delay. It is critical in incidents involving a violent crime, sexual assault, or hate crime (or attempts of these crimes) that the CSA ask the victim if they want to report the incident directly to the police for investigation. If so, the CSA must report the crime immediately or as soon as practicably possible, per California Education Code. Call the Mt. San Antonio College Police and Campus Safety Department (P&CS) at 909-274-4555 and ask for an officer to contact you. In all cases, P&CS will assist, even if the crime occurred off campus. Neither the California Education Code nor the Clery Act require CSAs to report names of victims or suspects.

NOTE: The CSA must also contact the Title IX office if the incident being reported is a sexual assault or any incident that involves prohibited sexual conduct.

Call 909-274-5249 to reach the Title IX Office.
(This number is not answered 24/7; after-hours messages will receive return calls promptly.)



REPORTABLE CRIMINAL OFFENSES:

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: the killing of another person through gross negligence.

Rape: the penetration, however slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ, without consent, including when the victim is incapable of giving consent (includes the rape of both males and females).

Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without consent, including when the victim is incapable of giving consent.

Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (in California: parents and children, ancestors and descendants of every degree, brothers and sisters of any degree – including half-brothers and half-sisters – and uncles or aunts with nieces or nephews).

Statutory Rape: sexual intercourse with a person who is under the statutory age of consent (in California: under 18). (Note: If force is used or threatened, or the victim was incapable of giving consent because of the victim's age or temporary or permanent or mental impairment, the offense is Rape, not Statutory Rape).

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

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

Burglary: the unlawful entry of a structure to commit a felony or a theft. (A structure has four walls, a roof, and a door.)

Motor Vehicle Theft: the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by person not having lawful access, even though the vehicles are later abandoned - including joy riding).

Arson: any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

HATE CRIMES:

Mt. San Antonio College is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, if a subject assaults a victim, it is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc., the assault is then also classified as a hate crime.

Larceny: the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion of control over a thing.)

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

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

Destruction/Damage/Vandalism of Property: to willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

VAWA OFFENSES:

Domestic Violence: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim (i.e., domestic partnership), or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction where the crime occurred.

Dating Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:(i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.



ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION:

Weapon Law Violations: the unlawful possession or control of any firearm, deadly weapon, (including nunchakus or billy club) illegal knife or explosive device while on college property, except as required in the lawful course of business or as authorized by the Campus Police; the unlawful manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Drug Law Violations: the unlawful possession, sale, use, transportation, growing, cultivation, manufacturing, making, distribution, purchase, importation of any controlled drug or narcotic substance; violations of laws prohibiting use of the equipment or devices utilized in their preparation and/or use.

Alcohol Law Violations: the unlawful possession, sale, transportation, manufacturing, purchase, or use of alcoholic beverages; furnishing alcohol to a minor (under 21 years); maintaining unlawful drinking places; bootlegging; operating a still; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the above. (Drunkenness and driving under the influence are not included in this definition)

HAZING INCIDENTS

Hazing: any intentional, knowing, or reckless act committed by a person against a student (regardless of that student's willingness to participate), that (1) is connected with an initiation into, an affiliation with, or the maintenance of membership in, an organization (e.g., a club, athletic team, fraternity, or sorority); and (2) causes or is likely to contribute to a substantial risk, above the reasonable risk encountered in the course of participation in the college or the organization, of physical injury, mental harm, or degradation.

CSA INFORMATION

As a CSA, your responsibility is to gather and report basic information. Please complete all fields of this form, to the best of your ability, with as much detail as possible. A CSA may not choose to be anonymous when making a report.

Name of CSA: *

CSA Position Title / Department *

CSA Phone *

CSA Email *

CRIME DETAILS

Date of Crime (or approximate time frame): *

Time of Crime (if known): *

include a.m. or p.m. or write "unknown"

Date Reported to CSA: *

Time Reported to CSA: *

include a.m. or p.m.

Crime Location: *

- Provide the building name, parking lot number, street name or cross streets, or nearby buildings
- Please be specific as to where the incident is reported to have occurred (i.e. inside a classroom or office on-campus, in a common area inside a building, outside a building, etc.).

CRIME OFFENSE

Check all that apply.

If a Hate Crime occurred, please check "Hate Crime" as well as the crime that occurred.

Crime Offense *

- Murder, Non-negligent Manslaughter
- Non-negligent Manslaughter
- Robbery
- Aggravated Assault
- Rape (Sex Offense)
- Fondling (Sex Offense)
- Incest (Sex Offense)
- Statutory Rape (Sex Offense)
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking
- Hate Crime
- Larceny-Theft (Hate Crime Only)
- Simple Assault (Hate Crime Only)
- Intimidation (Hate Crime Only)
- Destruction/Damage/Vandalism of Property (Hate Crime Only)
- Alcohol Law Violations Referral
- Drug Law Violations Referral
- Weapon Law Violations Referral
- Hazing Incidents

Hate Crime Bias

(Check only if you selected one of the Hate Crime boxes above. Check all that apply – requires one or more of the following biases):

- Race
- Religion
- Ethnicity
- National Origin
- Gender
- Sexual Orientation
- Gender Identity
- Disability

QUESTIONS

Please respond to the following questions:

How did you, as the CSA completing this form, become aware of the crime? *

- From the Victim
- From a Third Party
- I Personally Witnessed the Crime

Be sure to ask the victim the following question and document the response.

Do you want to contact the police and have this matter investigated by law enforcement? *

- Yes
- No

CONSENT TO INCLUDE PERSONALLY IDENTIFYING INFORMATION *

Victim confidentiality: CSAs may not, according to California law, identify the victim to Campus Police unless the victim consents to being identified after being informed of his or her right to have his or her Personally Identifying Information (PII) withheld.

- YES | The victim has provided consent to include Personally Identifying Information (PII) in this CSA Report.
- NO | The victim has "NOT" provided consent to include Personally Identifying Information (PII) in the CSA report.

INCIDENT SUMMARY *

Please include a detailed description of the crime, incident, or disciplinary referral in the space below. If more space is needed, please attach additional sheets to this report. **If the victim has provided consent**, please list the name of the victim involved in the incident.

Send me a copy of my responses

[Submit](#)

CLERY DISCLOSURE REQUIREMENTS

Clery Disclosure Requirements

- **Timely Warnings**

- College must issue a timely warning for any **Clery crime** that occurred within **Clery geography** that is reported to CSAs or police and is considered by the college to represent a serious or continuing threat to students and employees
- Should be issued as soon as pertinent information is available
- Must reach entire campus community

A yellow rectangular graphic with the words "TIMELY WARNING" in white, uppercase, sans-serif font.

TIMELY
WARNING

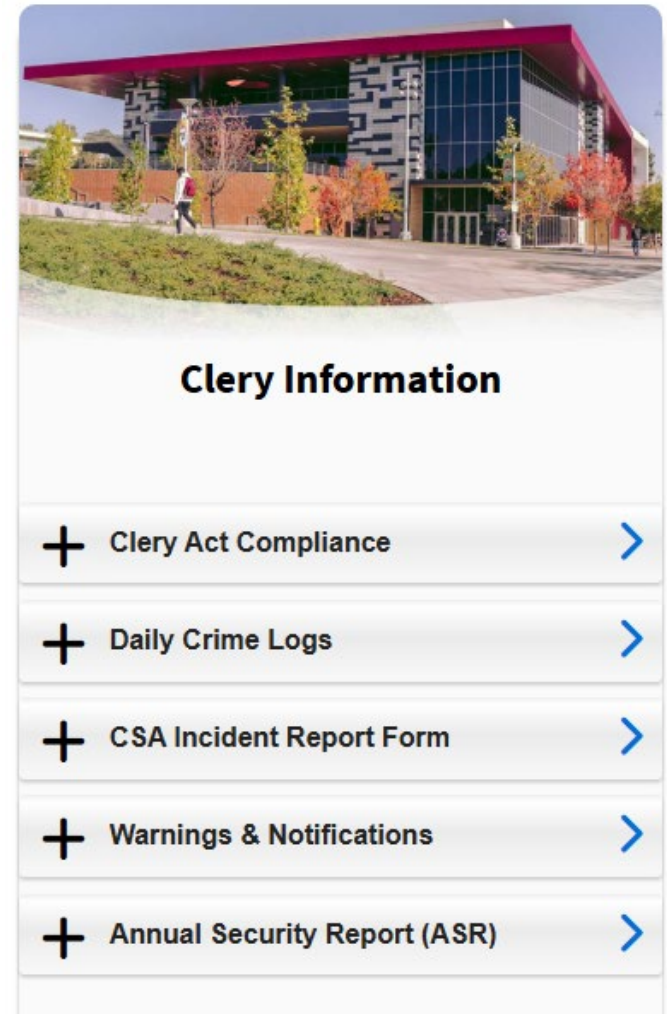
Clery Disclosure Requirements

- **Emergency Notifications**
 - College must issue an emergency notification for any **significant emergency or dangerous situation involving an immediate threat** to the health or safety of students or employees occurring or upcoming on campus property
 - Should be issued as soon as the emergency is confirmed
 - May reach entire campus community or a segment

Emergency
Notification

Clery Disclosure Requirements

- **Daily Crime Log**
 - A record made available to the public of all **alleged criminal incidents** reported to the Police & Campus Safety Department
 - Must include:
 - Date/time crime was reported
 - Date/time crime occurred
 - Nature of crime
 - General location of crime
 - Disposition of complaint, if known



Clery Disclosure Requirements

- **Annual Security Report**
 - Must include **statistics** of campus crime for the preceding 3 calendar years
 - Must include several **policy statements** related to crime reporting, campus security, and crime prevention
 - Must be **disseminated** to employees and students every October 1st



Contact Information

- **Police & Campus Safety**
 - 909-274-4555
- **Chief Kelli Florman**
 - 909-274-5536
 - kflorman@mtsac.edu

ANY QUESTIONS?