Campus Security Authorities
Clery Act Compliance Training

Developed by
The University of Texas at Dallas
Police Department
What is the Clery Act?

- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, known as the Clery Act, is a federal law passed in 1990 that requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety as well as inform the public of crime in or around campus.

- Violators can be fined up to $35,000 per incident by the U.S. Department of Education, the agency charged with enforcement of the Act.
• Some students who are victims of crimes may be more inclined to report it to someone other than the police.

For this reason, the Clery Act requires all institutions to identify and train “Campus Security Authorities” (CSAs) to assist in reporting crimes to the police department.
Who Qualifies as a CSA?

- The Clery Act defines the following individuals as CSAs:
  - University Police (all of UTDPD)
  - Non-police staff with security responsibilities (for example, non-police staff responsible for monitoring university property or entrances, or special event security staff)
  - Officials who have significant responsibility for student and campus activities
  - Individuals/offices designated by the university to receive reports of crimes
• CSAs are defined by job function, **not** by job title.
• Because official responsibilities and job titles vary significantly on campuses, an all inclusive list of specific titles and positions is not provided in the regulations.
• To determine specifically which individuals or organizations are CSAs due to their significant responsibility for student and campus activities, we must consider the function of that individual or office.
• UT Dallas has identified almost 500 CSAs.
Examples of CSAs

• Dean (Assistant Deans) of Students
• Director of Student Housing
• Peer or Resident Advisors
• Student Conduct Officers
• Student Health Center personnel
• Director of Fraternity and Sorority Life
• Student Organization Advisors
• Coaches, Athletic Trainers, Athletic Directors
• Study Abroad Coordinators
• University Police
• Faculty Advisors
Who is not a CSA?

- Faculty, if the faculty member’s interaction with students is limited to teaching classes
  - Exception: Faculty members **ARE** CSAs if they have extra responsibilities involving students, such as serving as academic advisor or student organization advisor, or traveling with students (domestically or abroad)

- Support Staff, including:
  - Clerical staff
  - Facilities and Maintenance staff
  - Food Service staff

- Chaplains and counselors in a campus counseling center (However, UT Dallas receives reports from the Student Counseling Center)
What is a CSA’s Primary Responsibility?

• A crime is considered to have been “reported” to a CSA when the CSA becomes aware that the crime may have been committed.

• The CSA must then timely report allegations of crimes made in good faith to the UT Dallas Police Department.
  – In “good faith” means there is a reasonable basis for believing that the information is not simply a rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

• The CSA is responsible for obtaining the basic facts about the crime: who, what, where, when, etc.

• Inform victims of their options, including confidential reporting options and offer referrals to resources (e.g., the Student Health Center, the Student Counseling Center, the Title IX Coordinator if sexual misconduct is involved, etc.)

• Timely reporting is critical
CSAs are not responsible for making a judgment about or investigating the incident in any way.

– In fact, CSAs should not investigate the crime.

– When in doubt, a Report Form should be completed and submitted!
What Information Should a CSA Obtain?

• When did the incident happen?
• Where did it happen – University property or University-sponsored activity or event not on our property?
• If on campus, in a building, in housing, public place?
• Who was involved (student, employee, non-affiliated individual, etc.)?
• Is it a crime that is required to be reported by Clery?
• Note: If the victim wants to remain anonymous, a report is still submitted, but the victim isn’t identified.
What Crimes Must a CSA Report?

- Murder and Nonnegligent homicide
- Sex Offenses (regardless whether forcible or not)
  - Rape, sodomy, sexual assault with an object, fondling, and statutory rape
- Aggravated assault
- Robbery
- Burglary (not vehicle)
- Motor vehicle theft
- Arson
- Domestic violence
- Dating violence
- Stalking
- Hate Crimes: crimes motivated by race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability, including:
  - Any of the crimes listed above
  - Any crime causing bodily injury
  - Larceny/theft
  - Simple assault
  - Vandalism
  - Intimidation
- Certain arrests and referrals for disciplinary action are also reported (weapon, drug, and alcohol violations)
Amendments Added in 2014 (VAWA)

New Crimes to Be Reported Due to the Violence Against Women Act Amendments (VAWA):

• Domestic Violence
  – Includes violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

• 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.

• 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. Dating violence includes sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, and the frequency of interaction between the persons involved in the relationship.

• Classify offenses based on Texas Penal Code definitions, not Clery/VAWA
Intersection of Title IX & Clery Act

Title IX

• Title IX promotes equal opportunity by providing that no person may be subjected to discrimination on the basis of sex under any educational program or activity receiving federal financial assistance.

• A Responsible Employee has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee, or an employee whom an individual could reasonably believe has this duty. Responsible employees include all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations.

Clery

• The Clery Act promotes campus safety by ensuring that students, employees, parents, and the broader community are well-informed about important public safety and crime prevention matters.

• The Clery Act promotes transparency and ongoing communication about campus crimes and other threats to health and safety.

• A crime is considered to have been “reported” to a Campus Security Authority (CSA) when the CSA is made aware that the crime may have been committed.

• The CSA must then timely report allegations of crimes made in good faith to the UT Dallas Police Department.

• All CSAs are Responsible Employees, but not all Responsible Employees are CSAs.
A CSA must report an incident if it occurred:

• **On Campus** (in buildings and on streets, grounds and parking lots within campus boundaries)
• **In On-Campus Housing Facilities**
• **On Public Property Adjacent to and Accessible from Campus** (streets, sidewalks, etc.)
• **On Non-Campus Property if...**
  - the property is owned or controlled by UTD, or by a student organization officially recognized by UTD, and 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.

• Or visit [www.utdallas/police](http://www.utdallas/police), select “Public Information” and then click on “CSA Report Form”