

THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT (CLERY ACT),

a consumer protection law passed in 1990, requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety. Additionally, the law requires institutions to inform the public of crime in or around campus. This information is made publicly accessible through the institution's annual security report. Colleges and universities must outline specific policies and procedures within their annual security reports, including those related to disseminating timely warnings and emergency notifications, options for survivors of sexual assault, domestic violence, dating violence, and stalking, and campus crime reporting processes.

Crime statistics shared within the annual security report reflect the number of Clery defined crimes reported to have occurred within Clery defined geographic categories of an institution.

Often these statistics can be misinterpreted or misunderstood by the media and those not affiliated with higher education. Further, there are many individuals and organizations doing tremendous work collecting statistics on prevalence rates of violent crime, in particular, gender based violence, which is helpful in gaining a clearer understanding of what is happening on our campuses and what needs to be put in place to address and prevent these crimes. However, as this research is also evolving, it is impossible to capture all of the nuances of the laws that guide this work in one survey. It is our hope that this document serves to capture some of these missing links and provides a more comprehensive look at what the numbers all mean.

This document attempts to break down barriers and correct some myths about what Clery statistics do and do not capture and represent.

The first step in understanding Clery statistics is identifying what crimes must be recorded. This sidebar lists all crimes institutions must capture under the Clery Act.

Clery crimes are counted by an institution if they were reported to individuals known as "campus security authorities" and occurred within geographic locations in or around the campus defined specifically by the Clery Act. These areas are known as Clery geographic locations or simply, "Clery Geography."

CLERY CRIMES

- Murder/Non-Negligent Manslaughter
- Negligent Manslaughter
- Sex Offenses (Rape, Fondling, Incest, Statutory Rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Hate Crimes (Any of the crimes listed above plus Simple Assault, Larceny-Theft, Intimidation or Damage/Destruction/Vandalism of Property motivated by bias in one of the bias categories)
- Liquor Law Violations Arrests/Referrals
- Drug Law Violations Arrests/Referrals
- Weapons Law Violations Arrests/Referrals
- Dating Violence
- Domestic Violence
- Stalking

WHO IS A CAMPUS SECURITY AUTHORITY?

- 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.
- 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.

EXAMPLES:

- A dean of students who oversees student housing, a student center or student extracurricular activities
- A director of athletics, a team coach or a faculty advisor to a student group
- A student resident advisor or assistant or a student who monitors access to dormitories
- A coordinator of Greek affairs



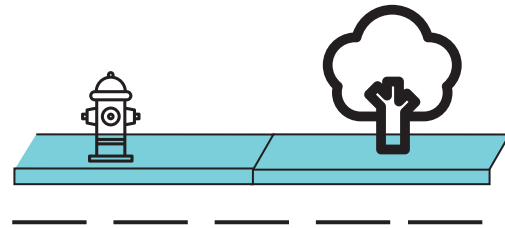
On Campus



On Campus Student Housing



Noncampus



Public Property

ON CAMPUS

AS defined by the Clery Act (U.S. Department of Education, Office of Postsecondary Education, 2011, p. 12) :

- 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).

NONCAMPUS

AS defined by the Clery Act (U.S. Department of Education, Office of Postsecondary Education, 2011, p. 25) :

- 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.

PUBLIC PROPERTY

AS defined by the Clery Act (U.S. Department of Education, Office of Postsecondary Education, 2011, p. 12, p.19):

- Public property immediately adjacent to, within, or surrounding one’s on campus geography.

In plain language: An institution’s core, main campus.

In plain language: Noncampus properties are those that are not contiguous to the core campus but are used by students for the educational purposes of the institution. Noncampus does not mean “off campus”; it refers to specific properties owned or controlled by the campus or by a student organization officially recognized by the campus. Noncampus does not automatically refer to all surrounding neighborhoods of a college campus, nor does it include all properties that students happen to rent.

In plain language – The public property that immediately borders and is accessible from the campus. (For many institutions, this is the public sidewalk that borders the campus, the public street, and the public sidewalk on the other side of the street.) It also includes public property within the core campus.

WHAT CLERY NUMBERS DO AND DO NOT SAY

Statistics compiled for the annual security report and shared with the Department of Education DO INCLUDE those reported to the “campus security authorities” described above, such as campus police or security, a coach, an advisor to a student group, or a dean of students.

These statistics DO INCLUDE incidents documented by resident assistants of students violating campus policies that are also violations of laws captured under Clery.

These statistics DO INCLUDE all reports to campus security authorities of Clery crimes that occurred within Clery geography, regardless of whether the individual reporting was a member of the campus community.

These statistics DO INCLUDE all reports to campus security authorities of Clery crimes that occurred within Clery geography, regardless of whether the person chose to move forward with the criminal justice or campus disciplinary process.

These statistics DO NOT always represent incidents shared with confidential resources on campus such as a counseling center. Pastoral and professional counselors are exempt from Clery reporting, although many institutions have procedures encouraging pastoral and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis.

These statistics DO NOT include incidents that were not reported to the institution.

These statistics DO NOT reflect incidents reported that occurred in areas that are not Clery geography (such as at an off campus party at a location not owned or controlled by the institution, an incident that occurs at a local bar or club, or an incident that occurs in the hometown of a student).

THINGS TO CONSIDER:

- There are specific rights and options afforded under the Clery Act (and Title IX, a civil rights law that prohibits sex discrimination in educational programs or activities) to campus victims of sexual assault, domestic violence, dating violence, and stalking, so there are often other campus responsibilities that come into play when a report is made, even if the incident doesn't fall within Clery's statistical reporting requirements.
- The Clery Act is the only federal law in place that requires reporting on crime statistics at institutions of higher education; there is no requirement under Title IX to maintain statistics on these numbers of reports.
- The statistics captured by the Clery Act are necessary and useful as they provide a snapshot of what IS occurring within the properties that an institution owns/controls, which are the locations where an institution has the most authority to conduct responsible and effective prevention and response efforts.

UNDERREPORTING

- Clery statistics capture reports of campus crime, but too often crimes go unreported and therefore are not captured in Clery statistics.
- A recent study conducted by the Association of American Universities (2015) shows that when it comes to crimes of sexual assault or sexual misconduct:

28%

or less of even the most serious incidents are reported to an organization or agency

50%

or more of victims of these serious incidents say they do not report the event because they do not consider it "serious enough"

- Further, a survey conducted by the Bureau of Justice Statistics (2016) in conjunction with RTI International for the U.S. Department of Education evaluated self-report responses from over 23,000 students at 9 schools during the spring semester of the 2014-2015 academic year. Out of the 60 completed rapes that students stated they reported to campus authorities, 40 rapes were accounted for within the Clery statistics for the institutions surveyed. As the Clery Center did not conduct the survey, the organization cannot provide sufficient context for the gap in numbers reported by students to campus authorities (40) versus the numbers accounted for by institutions within their statistics (60). It is possible that some students believed that confidential sources, such as counselors, were campus authorities to whom they could formally report crimes; however, the Clery Center is not in a position to conclude that to be true, since it did not administer the survey. Regardless, these numbers demonstrate that those that are coming forward to campus authorities are having their reports documented within Clery statistics; however, an area of concern is that only 60 out of 2,380 named completed rapes in this survey were reported to campus authorities by students (p.110).
- In the AAU survey, 63.3% of students surveyed believed if they did report something of this nature they would be taken seriously by campus officials (Association of American Universities, 2015, p.22).

This research shows a need for continual education on where and how to make a report and concerted efforts towards fostering a climate of reporting.

SUGGESTIONS TO COMBAT UNDERREPORTING:

- **RE-EXAMINE** your messaging around what constitutes a reportable crime or incident on your campus and how a student or employee might report that information. Who are you leaving out of that instruction? Who are you focusing on and how?
- **HIGHLIGHT** your annual security report in as many forums as possible: don't let it collect dust in your Public Safety office desk. Hand it out during open houses, orientations, commencement and convocation addresses, athletic events, Greek life recruitment fairs. This document contains all the information you need to share---let it work for you.
- **REMIND** students regularly, through your website, emails, and social media posts, how to report crimes and to whom. Repeated exposure to this message and embedding to violence prevention within your campus culture attention WILL elicit change.

MOVING FORWARD

- The act of data collection under the Clery Act provides the only mechanism for counting and classifying reported Clery crimes. While there are limitations, it is currently the only requirement that helps institutions gauge crimes impacting their campus community and consider what crimes are NOT being reported.
- This knowledge informs institutions about what they need to do differently to continue to educate on what violence looks like on campuses today, what type of prevention programming they are utilizing, as well as frequency and effectiveness, and how to report a crime if and when someone wants to.

FOR MORE INFORMATION ON CLIMATE SURVEYS

- Because crime is currently underreported, many institutions are looking to climate surveys to help them understand what's not being reported and why. For more information on climate surveys, please see <http://www.bjs.gov/content/pub/pdf/ccsvsfr.pdf> and <http://changingourcampus.org/resources/research>.

REFERENCES

- Association of American Universities (2015) Campus survey on sexual assault and sexual misconduct [Data file]. Retrieved from https://www.aau.edu/uploadedFiles/AAU_Publications/AAU_Reports/Sexual_Assault_Campus_Survey/AAU_Campus_Climate_Survey_12_14_15.pdf
- Bureau of Justice Statistics (2016) Campus climate survey validation study final technical report [Data file]. Retrieved from <http://www.bjs.gov/content/pub/pdf/ccsvsfr.pdf>
- U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, Washington, D.C., 2011.

