HR Liaisons as Campus Security Authorities (CSAs)
What is the Clery Act?
History of the Clery Act

Jeanne Clery, a nineteen year old freshman, was raped and murdered while asleep in her Lehigh University residence hall room in 1986.

As a result, a federal law called the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime statistics Act (Clery Act) was enacted in 1990 and last amended in 2013 by the Violence Against Women Act (VAWA).
Purpose of the Clery Act

The Clery Act is a consumer reporting law that promotes a safe and secure campus.

Choosing a postsecondary institution is a major decision for students and their families. The issue of campus safety is a vital concern.
Purpose of the Clery Act

Consequences of non-compliance include fines of up to $57,317 per violation as of February 1, 2019, and potential limitation, suspension, or termination of eligibility for Title IV funding (student financial aid).
Purpose of the Clery Act

Previously, the maximum fines were as follows:

• January 15, 2018 ($55,907)
• April 20, 2017 ($54,789)
• August 1, 2016 ($53,907)
• October 2, 2012 ($35,000)
• November 18, 2002 ($27,500)
• October 17, 1986 ($25,000)
## Purpose of the Clery Act

Clery Act Fines from DOE Final Program Review Determination Letters

<table>
<thead>
<tr>
<th>Period</th>
<th>Amount</th>
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<tbody>
<tr>
<td>1990 – 1994</td>
<td>$0</td>
</tr>
<tr>
<td>1995 – 1999</td>
<td>$0</td>
</tr>
<tr>
<td>2000 – 2004</td>
<td>$275,000</td>
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<tr>
<td>2005 – 2009</td>
<td>$1,117,500</td>
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<tr>
<td>2010 – 2014</td>
<td>$2,749,500</td>
</tr>
<tr>
<td>2015 – 2018</td>
<td>$5,921,864</td>
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Michigan State settlement – 9/3/19 agreed to pay $4,500,000
What are a University’s Responsibilities?
Requirements of the Clery Act

• Identify Campus Security Authorities (CSAs)
• Collect, classify, and count crimes reported to the campus police, local law enforcement, and CSAs
• Issue emergency notifications and timely warnings to campus community
• Publish an annual security report (ASR) with current campus security policies and crime statistics, no later than 10/1 annually
• Publish a daily crime log
Campus Security Authority (CSA)

A CSA is a Clery-specific term that includes:

• University police officers and security officers
• Individuals outside university police departments who have campus security responsibility
Campus Security Authority (CSA)

The term CSA also includes:

• Any individual or organization to which students and employees should report criminal offenses and,

• A university official who has significant responsibility for student and campus activities including, but not limited to, student housing, student/employee discipline, and campus judicial proceedings.
Why Should HR Liaisons be CSAs?

HR Liaisons assist with HR related questions and serve as the first point of contact before contacting the Division of HR. HR Liaison Network supports decentralized delivery of HR services at the department level (TAMU Standard Administrative Procedure 31.99.99.M0.03).

Example of decentralized HR structure from Michigan State Preliminary Program Review: Failure to identify and notify CSAs and to establish an adequate system for collecting crime statistics from all required sources. Includes disciplinary records that are maintained within the HR unit affiliated with the employee’s department of employment. (Finding 12/14/18)
CSA Responsibilities

CSAs are responsible for reporting allegations of crimes specified in the Clery Act that they witness or that are reported to them in their capacity as a CSA.

• Under the Clery Act, a crime is reported when it is brought to the attention of a CSA or law enforcement by a victim, a witness, other third party, or the offender.

• It does not matter if the person involved in or reporting the crime is associated with the university.
Reporting Crimes

CSAs should report crimes to the designated official at their institution (Clery Compliance Division of the University Police Department) by:

• Calling 911 in case of emergency
• Submitting a report through the Clery database for incidents occurring on the main campus and surrounding area, HSC Bryan or College Station, RELLIS campus, University Farm

[Link](https://clery.tamu.edu/)

- No police report or investigation initiated
• Reporting to the campus Clery Coordinator for other TAMU separate campuses
## Other TAMU Separate Campuses

### Outside of Brazos and Burleson County

<table>
<thead>
<tr>
<th>Separate Campus</th>
<th>Clery Coordinator(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas A&amp;M University at Galveston including Maritime Academy Training Ships and the General Rudder</td>
<td>Chief Sam Martinez, <a href="mailto:martinez@tamug.edu">martinez@tamug.edu</a>, 409-740-4548</td>
</tr>
<tr>
<td>Texas A&amp;M University at Qatar</td>
<td>Kent Clawson, <a href="mailto:kent.clawson@qatar.tamu.edu">kent.clawson@qatar.tamu.edu</a>, +974.4423.0171</td>
</tr>
<tr>
<td>Texas A&amp;M University Mays Business School at CityCentre</td>
<td>Jeffrey Jones, <a href="mailto:jjones@mays.tamu.edu">jjones@mays.tamu.edu</a>, 281-809-4604</td>
</tr>
<tr>
<td>Texas A&amp;M University School of Law</td>
<td>Matt Pelegrino, <a href="mailto:mpellegrino@law.tamu.edu">mpellegrino@law.tamu.edu</a>, 817-212-4125</td>
</tr>
<tr>
<td>Texas A&amp;M Health Science Center (Dallas, Houston, Kingsville, McAllen, Round Rock, Temple)</td>
<td>Matt Spees, <a href="mailto:mspees@tamu.edu">mspees@tamu.edu</a>, 979-436-9302</td>
</tr>
<tr>
<td>Texas A&amp;M University Higher Education Center at McAllen</td>
<td>Rick Margo, <a href="mailto:rickmargo@tamu.edu">rickmargo@tamu.edu</a>, 956-271-1300</td>
</tr>
</tbody>
</table>
Reporting Crimes

When submitting a report, the CSA should provide as much information as is available to assist the university police or campus coordinator in categorizing the crime such as

• location of the crime,
• when the crime occurred,
• description of the crime,
• injuries or weapons,
• threats of violence,
• commission of crime because of bias, and
• personally identifying information (victim or suspect) if available but not required.
Reporting Crimes

If the reporting person has concerns about the CSA’s reporting obligation, the CSA may advise them that a crime can be reported by the CSA without automatically resulting in the initiation of a police investigation and without personally identifying information.

Clery Act reporting and disclosures made available to the public, protect the confidentiality of victims.
Reporting Crimes

CSAs should immediately forward crime reports to the designated officials. **Prompt reporting** of crimes is important.

The report may be the basis for determining if there is a serious or continuing threat to the safety of the campus community that requires a timely warning or an immediate threat requiring an emergency notification. Should be communicated within minutes.
Reporting Crimes

After the CSA makes a report, the University Police Department (or campus coordinator) determines if the incident is a Clery reportable statistic, should be included on the crime log, and/or necessitates a timely warning notification.
Counting crimes – 3 Part Test

1. Did the crime occur on or within the institution’s reportable Clery geography?

2. Is it a Clery Act crime?

3. Was the crime reported to a CSA?
Clery Geography

To be a Clery crime statistic or to require a campus alert the crime must occur on the institution’s Clery geography.

- On-campus property (including on-campus student housing)
- Public property within or adjacent to and accessible from campus
- Non-campus buildings or property owned or controlled by the University or a recognized (or registered) student organization
  - Can extend off campus when students are involved in travel controlled and/or arranged by the University

To be on the Clery crime log:

- The crime must occur on the institution’s Clery geography or in the campus police extra patrol jurisdiction.
Clery Crimes (Include Allegations)

• Criminal offenses - murder/non-negligent manslaughter, manslaughter by negligence, robbery, aggravated assault, burglary, motor vehicle theft, and arson.

• Hate crimes involving larceny-theft, simple assault, intimidation, and destruction/damage/vandalism in addition to the criminal offenses listed above.

• VAWA offenses – sexual assault (rape, fondling, incest, statutory rape), domestic violence, dating violence, and stalking. **Note dual reporting requirement and personally identifying information requirement for VAWA offenses according to System policy and State law.**
Clery Crimes (Non-Allegation Based)

• Arrests and referrals for disciplinary action – liquor, drug, and weapons law violations

**Arrest** for Clery Act purposes is defined as persons processed by arrest, citation or summons.

**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 established and which may, but does not have to, result in the imposition of a sanction.

Note: Location still applies for these crimes.
Crime Log

Clery crime log includes any law violations and allegations of any law violation, not just Clery crimes.

Examples of non-Clery crimes that may be law violations: public intoxication, DUI/DWI, physical assault/abuse, harassment, damaged property, trespassing, unauthorized entry, disorderly conduct, theft, theft from a motor vehicle, invasive visual recording, etc.

Crime log includes reports of crimes that occurred within Clery geography and the extra patrol jurisdiction of the campus police.
Harassment and Stalking

Title IX prohibited conduct may meet a Clery Act crime definition based on the description on the conduct.

For example, sexual harassment may also be stalking.
Stalking Definition and Scenarios

• 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.

• Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, Threatens, or communicates to or about, a person, or interferes with a person’s property.

• Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
Stalking Definition and Scenarios

Best practices

• Countable if either the suspect engaged in the course of conduct in Clery geography at any point in the course of conduct or if the victim became aware of the stalking in Clery geography at any point in the course of conduct.

• Ask the victim where they were when they received the first text/email/interaction while they were on campus

• Ask the victim if they are/were in fear for their safety or the safety of others, or if they suffered substantial emotional distress
As a CSA, You Do Not Have to:

• Prove what happened
• Prove who was at fault
• Find the suspect
• Convince the reporting party to contact police
• Classify the crime according to Clery regulations
• Disclose personally identifying information (remember exception for VAWA offenses - Title IX)
Questions?

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