

CALCASA Webinar Series



CALCASA
CALIFORNIA COALITION
AGAINST SEXUAL ASSAULT

Clery Act Update
Tuesday, July 28, 2009

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CALCASA Staff

- Dan Esparza, Campus Program Manager
- Althea Hart, Training & Resource Coordinator
- Livia Rojas, Training & Resource Coordinator

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July Webinar

- I. CALCASA Announcements
- II. Technical Instructions
- III. Clery Act Update by S. Daniel Carter

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Announcements

- Next Campus Webinar is August 25 at 1.00 p.m. (PST)
- Check CALCASA listserv for updates
- Campus Training & Technical Assistance Institute in Orlando, FL January 20-21, 2010

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How to Use This Technology

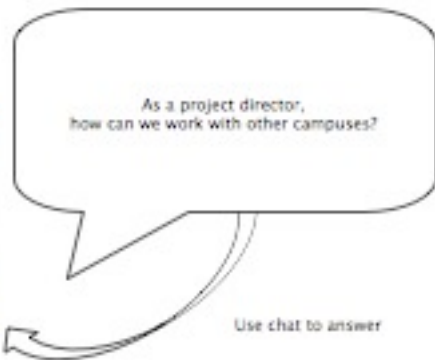


Raise Hand

Q&A

Text Chat

Working with Other Campuses



Use chat to answer

Jeanne Clery Act Update 2009



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Jeanne Ann Clery's Legacy



- Raped & Murdered April 5, 1986 In Her Residence Hall
- History Of Violent Crime On Campus
- Federal Clery Act
- Enacted 1990
- Updated 1992, 1998, 2000 & 2008

Jeanne Clery Act

- Annual Security Report
 - Statements of Policy
(i.e. Sexual Assault Victims' Rights)
 - Campus Crime Statistics
- Ongoing Disclosures
 - Timely Warnings
 - Public Crime Log

Question

How are sexual assault statistics collected at your institution?

please respond by using the text chat

Clery Crime Statistics

- Criminal homicide
 - Murder and non-negligent manslaughter
 - Negligent manslaughter
- Sex offenses
 - Forcible sex offenses
 - Nonforcible sex offenses

Clery Crime Statistics

- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

Clery Crime Statistics

- Arrests & Disciplinary Referrals For
 - Liquor Law Violations
 - Drug Law Violations
 - Illegal Weapons Possession
- Hate Crimes
 - May Be Reported In A Narrative Format
 - Includes Any Crime With Bodily Injury

Clery Crime Statistics

- Where?
 - On-Campus (Incl. Student Residential Subset)
 - Non-Campus
 - Public Property

Clery Crime Statistics

- Who?
 - Campus Police & Security, Local Police
 - Campus Security Authority
 - Significant Responsibility For Campus & Student Activities
 - Voluntary Confidential Reporting

Victims Bill Of Rights

- Portion Of Clery Act, Applies In All Sexual Assault Cases
- Survivors shall be informed of their options to notify law enforcement.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

Campus Judicial Rights

- In all Sexual Assault Cases Handled on Campus
 - Accuser and accused must have the **same opportunity** to have others present.
 - Both parties shall be informed of the outcome of any disciplinary proceeding.
 - **Unconditional Disclosure**

2008 Amendments

- Higher Education Opportunity Act (Public Law 110-315)
- Clery Amendments Effective August 14, 2008

U.S. Dept. of Ed.

- *“Potentially affected parties should review the legislation immediately to determine the proper measures they must take to comply.”*
- <http://www.ed.gov/heoa>

New Provisions

- Emergency Response & Evacuation Procedures
- Hate Crime Reporting
- Local Law Enforcement Involvement In Investigations

New Provisions

- “Whistleblower” Protections
- Foreign Institutions Exempted From Annual Security Report Requirement

New Provisions

- U.S. Department of Education
 - Annual Report To Congress
 - May Work With DOJ To Disseminate “Best Practices”

Question to Participants

Does your campus have an emergency & evacuation plan?

please respond in the text chat

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Emergency Response & Evacuation

- "Statement of Policy" in institution's Annual Clery Act Security Report (due October 1st)
- Dealing with "Immediate Emergency Response and Evacuation Procedures"
- Electronic & cellular communication

Emergency Response & Evacuation

- Three mandatory elements
 - Must “Immediately Notify” Campus Community In Event Of Threat On Campus
 - Must Publicize procedures annually
 - Must test procedures annually

Immediate Notification

- *“Significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus.”*

Immediate Notification



- Upon confirmation
- Entire campus community
- Unless would compromise efforts to contain

Congressional Intent

- Statement should articulate method to “promptly” determine threat by law enforcement or others
- Detail channels for issuing notifications (text, PA, displays, etc.)
- Only withheld if officials determine issuing puts community at “greater risk”

Emergencies

- Man-Made (i.e. Shooter-At-Large, Arson Fire)
- Natural (i.e. weather event)
- Institution may rely upon initial known facts

Immediately?

- "Without any delay"
- Minutes not hours
- Notifications
 - Timely
 - Accurate
 - Useful

Annual Disclosures

- Policy disclosure in Annual Security Report
- Separately as part of Annual Test of Procedures

New Hate Crimes

- For Statistics & Timely Warnings
 - Larceny-Theft
 - Simple Assault
 - Intimidation
 - Vandalism

Larceny-Theft

- *The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.*

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 (Except "Arson")

- *To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.*

Question to Participants

*What mechanism does your program
have to track hate crimes?*

please respond by using the text chat

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Hate Crime Data Collection Guidelines



**Hate Crime
Data Collection
Guidelines**

Uniform Crime Reporting
System

- U.S. Department of Justice, FBI, Uniform Crime Reporting Program
- Last Updated October 1999
- <http://www.fbi.gov/ucr/hatecrime.pdf>

Local Law Enforcement

- Addition to existing Statement of Law Enforcement Policy
- Whether or not institution has agreements with state & local law enforcement
 - Investigating alleged criminal offenses
 - Written MOU

Whistleblower Protection

- *Nothing in this subsection shall be construed to permit an institution, or an officer, employee, or agent of an institution, participating in any program under this title to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this subsection.-20 U.S.C. § 1092(f)(17)*

Missing Student Notification Policy Statements*

- Institutions With On-Campus Student Housing Disclose
- § Who To Report To When Student Missing More Than 24 Hours
 - Referred to Campus Police/Security
- § Student to Identify Confidential Emergency Contact
 - Parents notified if student under 18
- Local Law Enforcement Notified Within 24 Hours

Clery Act Update 2009

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