PIKES PEAK
STATE COLLEGE

Clery Act Overview and CSA Responsibilities

Presented by:

Pikes Peak State College
Campus Police Department

Clery Act & CSA Training
Content Advisory

This training, including supplemental information offered separately, may contain information on sensitive topics such as definitions and scenarios involving crimes of violence. Such crimes may include sexual assault, hate crimes, and relationship violence.

If you need support resources:

- For Students: PPSC Counseling Center at 719-502-4782
- For Employees: Colorado State Employee Assistance Program (CSEAP) at 303-866-4314
- For emergencies, call 911.

Clery Act & CSA Training Objectives

By the end of this training, you should:

- Understand basic Clery Act requirements.
- Understand the responsibilities of a Campus Security Authority.
- Know how to report crimes.

The Clery Act:
An Overview

Introduction: What is the Clery Act?

The *Jeanne Clery Campus Safety Act* (aka Clery Act) is a federal law requiring colleges and universities that receive federal financial aid to disclose certain crime statistics and policies regarding campus safety and security programs.

Clery Act Background

- The Clery Act is named in memory of 19-year-old Lehigh University freshman Jeanne Clery, who was raped and murdered in her residence hall room by a fellow student in 1986.

- Jeanne's parents discovered that students hadn't been told about 38 violent crimes that occurred at Lehigh in the three years prior to her murder.

Clery Act Background (continued)

- Standards for campus crime reporting didn't exist at that time, so the Clerys lobbied for policy changes.
- In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990*.
- The Act was amended in 1992, 1998, 2000, and 2008. The 1998 amendment renamed the law as the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of Jeanne Clery.
- The *Violence Against Women Reauthorization Act of 2013* included amendments to the Clery Act.
- The 2024 *Stop Campus Hazing Act* added Hazing as a reportable Clery Act crime and renamed the act as the *Jeanne Clery Campus Safety Act.*

Clery Act Requirements

The Clery Act requires higher education institutions to:

- Collect, classify, and count crime reports and statistics.
- Issue campus safety alerts (timely warnings and emergency notifications).
- Provide educational programs and campaigns to promote awareness of dating violence, domestic violence, sexual assault, and stalking.
- Disclose procedures for institutional disciplinary actions.
- Publish an Annual Security Report.
- Maintain a daily crime log (for institutions with a campus police or security department).
- Submit annual crime statistics to the Department of Education.

Note: Institutions with residential facilities have additional requirements, including missing student notification procedures; providing fire safety information; maintaining a fire log; publishing an annual fire safety report; and submitting annual fire statistics to the Department of Education.

Clery Act Compliance

The U.S. Department of Education monitors Clery Act compliance and is authorized to impose fines and sanctions on all educational institutions that fail to meet Clery Act reporting requirements.

Clery Act fines were originally set at $25,000 but have been adjusted multiple times since. The *Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* required federal agencies to make annual inflation adjustments "to improve the effectiveness of civil monetary penalties and to maintain their deterrent effect."

As of January 25, 2024, the maximum fine for violations of the Clery Act is **$69,733** per violation.

What does the Clery Act have to do with me?

- All PPSC students and employees are responsible for helping to maintain safety and security on campus.
- Some PPSC community members might be hesitant to report crimes to the PPSC Campus Police Department, but they may be willing to report them to other college-affiliated individuals including Campus Security Authorities (CSAs).
- Everyone, whether or not they are designated as a CSA, should report all crimes on campus to the PPSC Campus Police Department as soon as possible.

Campus Security Authorities (CSAs)

Who is considered a CSA?

"Campus Security Authority" (CSA) is a specific term under the Clery Act that applies to individuals and organizations who, because of their *function* for the College (not job title), are required by law to notify PPSC of alleged Clery Act crimes that are reported to them in good faith, or that they may personally witness.

Who is considered a CSA? (continued)

There are four general categories of CSAs:

- Campus police department personnel.
- Persons responsible for campus security (non-police).
- Institutional individuals/offices to whom crimes should be reported (e.g. Title IX Coordinator, Dean of Students, Human Resource Services, etc.).
- Officials with significant responsibility for student and campus activities (including clubs/student organizations, and student discipline and campus judicial proceedings).

Who is considered a CSA? (continued)

Examples of those who should **NOT** be designated as CSAs include:

- Individual faculty and instructors who are not advisors to student groups
- Clerical staff
- Facilities/maintenance staff
- Information Technology Support & Services (ITSS) staff
- Other non-professional and contract staff

Who is considered a CSA? (continued)

Designation as a CSA focuses on functions, not job titles. PPSC CSAs include, but are not limited to:

- PPSC Campus Police Department officers and staff
- President's Office and staff
- Vice Presidents and Associate Vice Presidents
- Dean of Students
- Executive Deans, Assistant Deans, and Associate Deans
- Director of Accessibility Services
- Director of Admissions, Recruitment, and Enrollment Services
- Director of Student Experience
- Director of the Counseling Center
- Title IX/EO Coordinator and Deputy Title IX/EO Coordinator
- Ombuds
- Advisors to Student Clubs and Student Organizations

What CSAs Need to Know

Your responsibilities as a CSA

CSAs must promptly report to the PPSC Campus Police Department any Clery Act crimes, or alleged crimes:

- That are reported to them by students, employees, or visitors; or
- That they personally observe.

AND that are committed:

- On a PPSC campus
- On PPSC-owned or controlled noncampus property
- On public property immediately adjacent to a PPSC campus.

Your responsibilities as a CSA (continued)

CSAs are not required to report crimes if:

- The crime occurred somewhere other than a PPSC campus, noncampus property, or public property adjacent to a PPSC campus.
- The crime occurred while the person was away from campus and not involved in a College-sponsored activity (e.g. at home, on a seasonal break, etc.).
- The CSA learned about an incident in an indirect manner (e.g. overheard, mentioned during in-class discussion, stated during a speech or other presentation).

Your responsibilities as a CSA (continued)

A CSA does not have to report if:

- They are a licensed mental health counselor or a pastoral counselor (employed by a religious organization to provide confidential counseling);

AND

- They are working within the scope of their license or religious assignment at the time they are made aware of the information.

When should CSAs report Clery Act crimes?

- Under the Clery Act, a crime is “reported” when it is brought to the attention of Campus Police or a Campus Security Authority by a victim, witness, third party, or even the offender.
- It doesn’t matter if the individual(s) involved in the crime, or reporting the crime, is/are associated with PPSC.
- CSAs must report Clery-reportable crimes to the PPSC Campus Police Department as soon as possible after being notified of, or observing, an incident.
- PPSC officials will assess the information to determine if a timely warning should be issued to the PPSC community.

When should CSAs report Clery Act crimes? (continued)

- CSAs are encouraged to inform PPSC Campus Police of any crimes or incidents that are reported to them, not just Clery crimes.
- However, under the Clery Act, CSAs are only obligated to report specific crimes that qualify under the Clery Act.
- A person does not have to be a CSA to report a Clery Act crime. Anyone can report any crime at any time.

When should CSAs report Clery Act crimes? (continued)

Prior to filing a report, CSAs should consider the following questions:

- Is the incident a qualified Clery Act crime?
- Did the incident occur in one of the geographic areas defined by the Clery Act?
- Was this incident specifically reported to the CSA in their CSA capacity?

If the answers to those questions are “yes”, the CSA is required to report that incident to the PPSC Campus Police Department in a timely manner.

What crimes should CSAs report?

The following crimes are reportable under the Clery Act:

- Murder/Non-Negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking
- Hazing
- Weapon Law Violations (Arrests & Disciplinary Referrals)
- Drug Abuse Violations (Arrests & Disciplinary Referrals)
- Liquor Law Violations (Arrests & Disciplinary Referrals)
- Hate Crimes and Crimes Committed Due to Bias

Complete definitions may be found on the PPSC Campus Police web page under the “Clery Act Info” tab.

The Geography of Clery Crime Reporting

PPSC is required to report statistics on Clery-reportable crimes that occur at certain physical locations within its “Clery geography.” These include:

On-campus:

- Centennial Campus
- Downtown Campus (including Studio West)
- Rampart Range Campus (including the Delta Dental Oral Health Career Center)
- Center for Healthcare Education & Simulation (CHES)

The Geography of Clery Crime Reporting (continued)

Noncampus locations:

- Fort Carson
- Peterson Space Force Base
- Cheyenne Mountain Zoo
- Black Forest Fire Rescue (main fire station on Teachout Road)

Public Property:

Public property within a PPSC campus (Centennial, Downtown, Rampart Range, CHES), or immediately adjacent to and accessible from a PPSC campus, such as:

- Bus stops
- Sidewalks
- Streets
- Parks and greenbelts

What does a CSA need to do?

When a CSA receives information about a crime or alleged crime*, they should:

- Gather and document as much pertinent information as possible about the incident.
- Inform the reporting party of their right to withhold personally identifying information.
- Offer options for notifying the PPSC Campus Police Department, submitting an anonymous report, obtaining victim assistance, etc.
- Submit a report to the PPSC Campus Police Department as soon as possible.

* **Note:** Allegations are counted as actual crimes for Clery statistical purposes.

What does a CSA need to do? (continued)

If the reported Clery Act crime is made “in good faith”, meaning that there is a reasonable basis for believing that the information is not a rumor or mere hearsay, then the crime **must** be reported.

What does a CSA need to do? (continued)

Gather and document facts and details.

- What was the nature of the crime?
- When and where did the crime or incident occur?
- Is the victim or the offender affiliated with PPSC? Are they known to one another?
- Does the victim wish to remain anonymous?
- Has the incident been reported to PPSC Campus Police, local law enforcement, or to any other CSA?
- When was the incident reported to the CSA?

What does a CSA need to do? (continued)

Explain reporting requirements.

- Individuals who report crimes to a CSA are encouraged to also report incidents to the PPSC Campus Police Department or local law enforcement, but they are not required to do so.
- If an individual does not wish to speak to police, the CSA should advise that the CSA must report the incident for statistical purposes but will not provide any personally identifiable information without the individual's consent.
- Anonymously reported crimes will still be evaluated to determine whether a timely warning should be issued.

What does a CSA need to do? (continued)

Offer information and resources.

- Make a report to the PPSC Campus Police Department or local law enforcement:
  - Call 911 for emergencies.
  - PPSC Campus Police Department 719-502-2900
  - Colorado Springs Police Department 719-444-7000
  - El Paso County Sheriff's Office 719-390-5555

- Anonymous reporting options:
  - Safe2Tell: 1-877-542-SAFE (7233) or https://safe2tell.org/
  - Pikes Peak Area Crime Stoppers: 719-634-STOP (7867) or http://www.crimestop.net/
  - Report a Concern at PPSC via the website.

What does a CSA need to do? (continued)

Information and resources (continued)

- Campus programs for assisting victims:
  - Refer students to the PPSC Counseling Center or PPSC Human Resource Services/Title IX/EO Coordinator.
  - Refer employees to PPSC Human Resource Services or the Colorado State Employee Assistance Program (CSEAP).

- How to obtain medical attention if needed:
  - For victims of sexual assault, PPSC has an agreement with Memorial Hospital UC Health at 1400 E. Boulder Street, 719-365-8544/8666.

What does a CSA need to do? (continued)

CSAs should <u>not</u>:

- Make judgments.
- Include opinions in their report.
- Interrogate the reporting party or victim.
- Attempt to contact the involved parties.
- Investigate the crime or attempt to determine whether a crime, in fact, took place.
  - Investigations will be conducted by law enforcement, Title IX investigators, or others with investigative responsibilities.

How to submit a PPSC CSA report online

- Option 1:
  - Go to www.pikespeak.edu and click on the Campus Police link at the bottom of the home page.
  - Select the “Clery Act Info” tab.
  - Scroll down to Campus Security Authority (CSA) Resources on the righthand menu.
  - Select “Complete and submit a Clery CSA Report”, log in, and complete the report.
- Option 2:
  - Log into the MyPikesPeak Portal at www.pikespeak.edu.
  - Click on the Forms tab.
  - Type the word *clery* in the box for *Filter by keyword*.
  - Select “Clery CSA Report Form” and complete the form.

When in doubt…

REPORT

If you are unsure whether a crime is reportable under the Clery Act, report it anyway. Let PPSC's Clery Act compliance personnel make the determination.

What happens after a CSA files a report?

- The Clery CSA Report will be reviewed by PPSC Clery compliance officials to determine whether the incident warrants a timely warning for the PPSC community.
- Annually, the PPSC Clery Compliance Coordinator will:
  - Consolidate statistical crime data collected from multiple sources (including CSA reports).
  - Report all qualifying crime data to the Department of Education.
  - Publish the data in PPSC's Annual Security Report (ASR).
- The PPSC Annual Security Report will be posted on the PPSC website.
- PPSC Human Resource Services will inform the PPSC community when the Annual Security Report is issued.

Questions?

PIKES PEAK STATE COLLEGE

CAMPUS POLICE DEPARTMENT

719-502-2900

CLERY COMPLIANCE COORDINATOR

Robin Widmar

719-502-2912

Robin.Widmar@pikespeak.edu

CLERY COMPLIANCE OFFICER

Jim Barrentine

719-502-2900

Jim.Barrentine@pikespeak.edu