

Campus Security Authorities

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The important role of CSAs within the Jeanne Clery act

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What is the Jeanne Clery Act?

The law is named for Jeanne Clery, a 19-year-old Lehigh University freshman who was raped and murdered in her campus residence hall in 1986. The backlash against unreported crimes on numerous campuses across the country led to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The Jeanne Clery Act requires institutions to:

- Identify individuals and organizations that meet the definition of a Campus Security Authority or CSA.
- Collect crime reports from CSAs and provide this information annually.

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CSAs, play an important role in complying with the law. According to the Clery Act, a crime should be considered to be “reported” when it is brought to the attention of a CSA or local law enforcement personnel by a victim, witness, other third party, or even an offender. A CSA should ensure that they, in turn, inform the university police of the incident.

CSA crime reports are used to:

- Issue timely warnings for Clery crimes that pose a serious or continuing threat to the campus community, and
- Fulfill institutional responsibilities to disclose Clery Crime Statistics.

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Why Would someone report a crime to me ?

- The University encourages all students and employees to report crimes and emergencies to the Tufts University Police, however we know that doesn't always happen.
- Often times when students are the victims of crime, they are likely to report it to someone other than the police.
- Because of your function at Tufts, someone may tell you about a crime
- As a CSA you have the responsibility to ensure the incident is reported to university police.

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Individuals may be designated as CSAs based on whether they perform the following functions:

- Their official job responsibilities involve significant interaction with students and/or campus activities
- They serve as informal or unofficial mentors to students
- They serve as a member in an office or of a committee to whom students are instructed and informed to report or discuss crimes, allegations of crimes, & other troubling situations, and/or
- They have oversight for disciplinary procedures

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Examples of individuals who meet the criteria for being a CSA

- A dean of students
- An athletic team coach
- A coordinator of Greek Life
- A resident life staff member
- A student resident advisor (RA)
- An advisor to a student organization

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Who is exempt from CSA status?

HRS Counselors

A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

Pastoral Counselors

A person who is associated with a religious order or denomination is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

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You have been identified as an individual in the Tufts community that has significant responsibility for student and campus activities and the potential is there that a student may approach you with a report of an incident rather than the Tufts University Police Department (TUPD).

What does this mean?

- You have a duty to formally report **all** criminal activity on behalf of the institution following timely reporting procedures.
- If a crime is reported to a CSA, but goes no further than that, the school won't have fulfilled its obligation under the law.

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Additional Responsibilities:

- CSA's should advise individuals in need of assistance of the various options, support services, and resources available to them.
- In the midst of an emergency situation, such as a physical assault, however, a CSA should contact TUPD (1-617-627-6911) for immediate assistance.
- Complete a CSA report and submit to TUPD in a timely manner.

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What Shouldn't a CSA Do ?

- Determine if the crime actually took place-that is the function of law enforcement personnel.
- Try to apprehend an alleged perpetrator of a crime. This too is the responsibility of law enforcement.
- Try to convince a victim to contact law enforcement if they do not want to do so.
- Try to discourage a victim from contacting law enforcement.

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Information Gathering:

Some victims will choose not to report incidents to the police. They may only report the incident to a CSA and state they do not want any police investigation. In order for Tufts University PD to correctly classify the statistic, specific information must be gathered by the CSA as they may be the only one the information is disclosed to.

- Always begin by informing the victim that as a college official you do have an obligation to report the incident to the appropriate officials. The report can be submitted without identifying the victim if they wish to remain anonymous.
- CSAs should not force the victim or the accused to answer questions when it is clear they do not wish to speak any further.
- CSAs should document all conversations as detailed as possible and forward a CSA report to the reporting structures as soon as possible.
- CSA's should utilize the standardized Tufts University CSA report form when documenting reported incidents. CSA Form <http://goo.gl/AaZt2l>

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The CSA Report:

Using the standard Tufts University CSA report form, <http://goo.gl/AaZt2l> CSA's should attempt to obtain and document the following information:

- The Date and time the incident Occurred
- The Date and time the incident was Reported
- The Location of the incident (on campus, off campus, inside, outside, address if known).
- A Summary of the Incident (e.g. *who, what, where, when, why, how*).
- A statement indicating what services were offered (e.g. *TUPD investigation, Health and Counseling services, OEO investigation*).
- A statement indicating what actions the victim would wish to pursue (e.g. *The victim does not want TUPD involvement at this time but would like the Dean of Students to handle the incident internally*).

Victims may not remember or wish to disclose all of the information above. In such instances, you should respect the victims wishes and make note of it in the CSA report.

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Tufts University Reporting Structure:

- CSAs should provide all information they have including documentation to the Tufts University Police Department as soon as possible. CSA reports can be dropped off at TUPD or forwarded by email to pubsafinfo@tufts.edu
- Title IX reporting requirements shall always be followed and forwarded to the Title IX coordinator, 617-627-3298 <http://oeo.tufts.edu/tufts-university-title-ix-liaisons/> .
- TUPD can also be contacted for immediate assistance at any time, 617-627-3030, or 617-627-6911 for emergencies.
- CSAs should make certain the reporting party is safe and provided with appropriate support services and resources immediately.

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Clery Reportable Crimes and definitions:

- **Arson:** Any willful or malicious burning or attempt to burn.
- **Criminal Homicide – Manslaughter by Negligence**
- **Criminal Homicide – Murder & Non-negligent Manslaughter**
- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force/threat or by putting the victim in fear.
- **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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Clery Reportable Crimes and definitions:

- Dating Violence:** Violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.
- Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress
- Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury (weapon)
- Burglary:** The unlawful entry of a structure to commit a felony or a theft.

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Clery Reportable Crimes (Continued)

- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
- **Weapons Law Violation:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons.
- **Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- **Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person.

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Clery Reportable Crimes (Continued)

Sex Offenses: (This is in addition to your Title IX responsibilities)

- **Rape (Sexual Assault w/Object / Sodomy):** Nonconsensual penetration (penis or object/instrument) into any orifice of another (however slightly, the genital, anus or mouth opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity
- **Fondling:** The touching of the private body parts (penis, vagina, breasts, buttocks) of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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Reporting Hate Crimes:

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, or ethnicity / national origin. (DOE Handbook for Campus Safety and Security Reporting, 2011).

- If there is evidence that a crime was motivated by bias, it should be noted on the CSA report.
- The Standard Tufts University CSA report form includes a specific section for crimes motivated by bias.
- Bias categories include *Race, Ethnicity, Disability, Gender Identity, Gender, Religion, National Origin, and Sexual Orientation*.
- A brief summary of the evidence supporting a bias motivation should be attached to the CSA report.

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Helpful Links

- The Tufts University CSA Report form <http://goo.gl/AaZt2l>
- The Tufts University Annual Security(Clery) Report [http://publicsafety.tufts.edu/asr/table-of-](http://publicsafety.tufts.edu/asr/table-of-contents/Misconduct%20(Title%20IX)%20reporting%20liaisons)
- contents/Misconduct (Title IX) reporting liaisons <http://oeo.tufts.edu/tufts-university-title-ix-liaisons/>

Sources

- U.S. Department of Education Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting*, Washington D.C. 2011
<http://www2.ed.gov/admins/lead/safety/campus.html>
- U.S. Department of Education Dear Colleague Guidance Letter for the Violence Against Woman Reauthorization Act, July 2014 <http://ifap.ed.gov/dpcletters/GEN1413.html>