



Clery

Risk Summit, April 2, 2019
Jeslyn Everitt, Assistant General Counsel

Agenda

1. Overview of the Clery Act
2. Why Clery matters
3. Clery Act requirements
4. What we're doing



Clery Act Overview



In 1986 Jeanne Clery was raped and murdered in her dorm room at Lehigh University.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) was enacted in her memory.

Clery Act Overview



The goal of the Clery Act is to ensure students, prospective students, parents and employees have access to accurate information about crimes committed on campus and campus security procedures.

Clery Act Requirements

1. Identifying Campus Security Authorities (CSAs)
2. Collection of Crime Statistics
3. Daily Crime Log
4. Emergency Notification
5. Timely Warning
6. Annual Security Report
7. Policy Statements, including Missing Students
8. VAWA Requirements
9. Fire Log
10. Fire Safety Report

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2. *Why Clery matters*
3. Clery Act requirements
4. What we're doing



Why Clery matters

Transparency:

- ❑ Many crimes, especially sexual assaults, are not reported to police.
- ❑ The Clery Act requires that universities gather and publish crime data from multiple sources (including CSAs) to ensure that students and others know about potential dangers on campus.

Campus safety:

- ❑ The Clery Act requires that universities adopt processes for emergency notifications and timely warnings



Why Clery matters

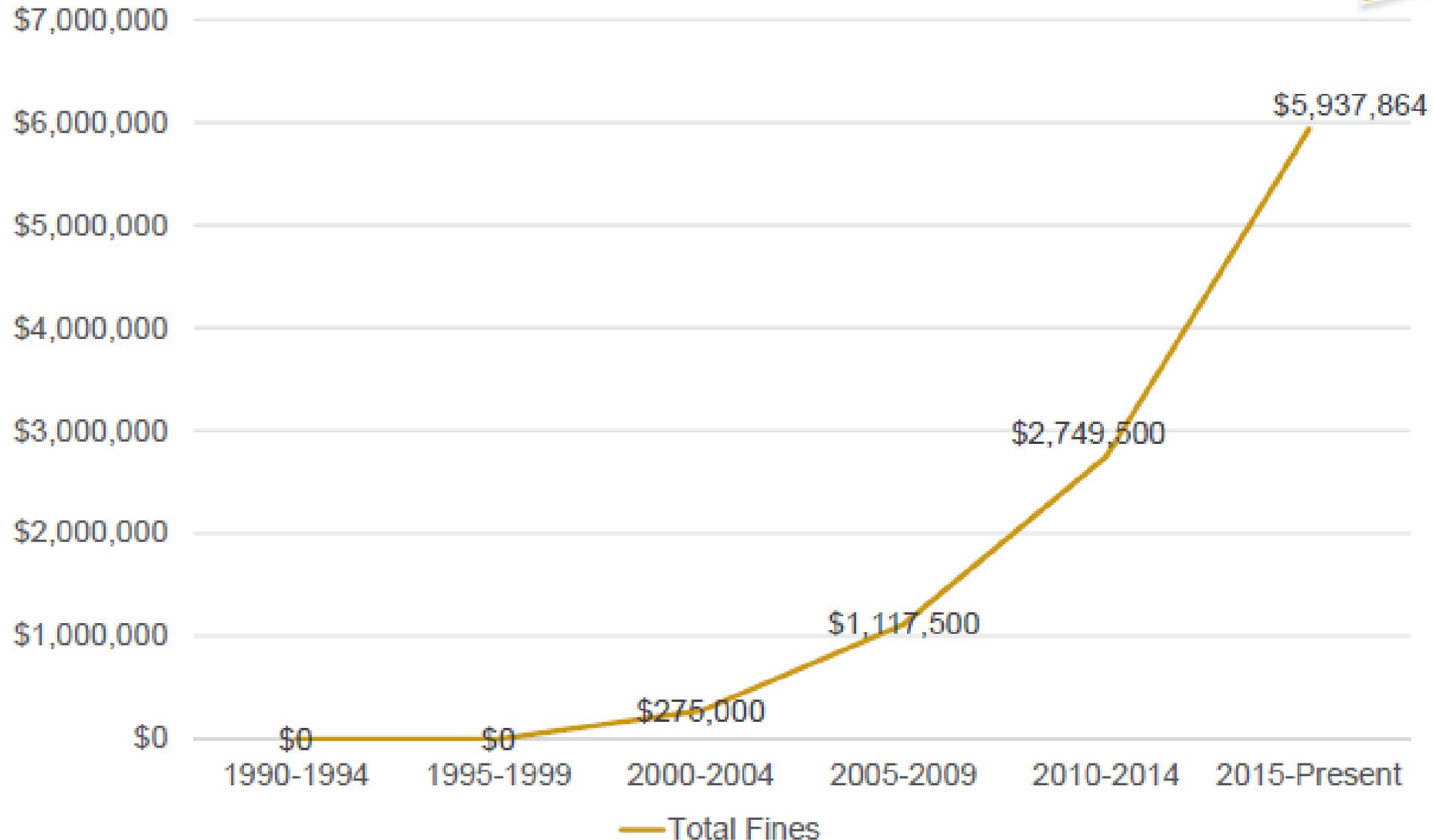
Institutional risk:

- ❑ Title IV funding could be suspended or limited
- ❑ Final Review Determination Reports are public records
- ❑ Negative media attention
- ❑ Fines

Largest fine = \$2.4M at Penn State

Effective Date	Fine Amount
October 17, 1986	\$25,000
November 18, 2002	\$27,500
October 2, 2012	\$35,000
August 1, 2016	\$53,907
April 20, 2017	\$54,789
January 15, 2018	\$55,907
February 1, 2019	\$57,317

Clery Act/DFSCA Fines 1990-2018



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Clery Act Requirements

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Requirement 1: CSAs



Campus Security Authorities (CSAs) include:

- ❑ University Police
- ❑ Non-police security staff responsible for monitoring University property
- ❑ People and offices designated under our policy as those to whom crimes should be reported
- ❑ “Officials with significant responsibility for student and campus activities”
 - Consider job function, not title
 - Examples include deans, student housing staff, athletic coaches, student coordinators and advisors

Requirement 1: CSAs

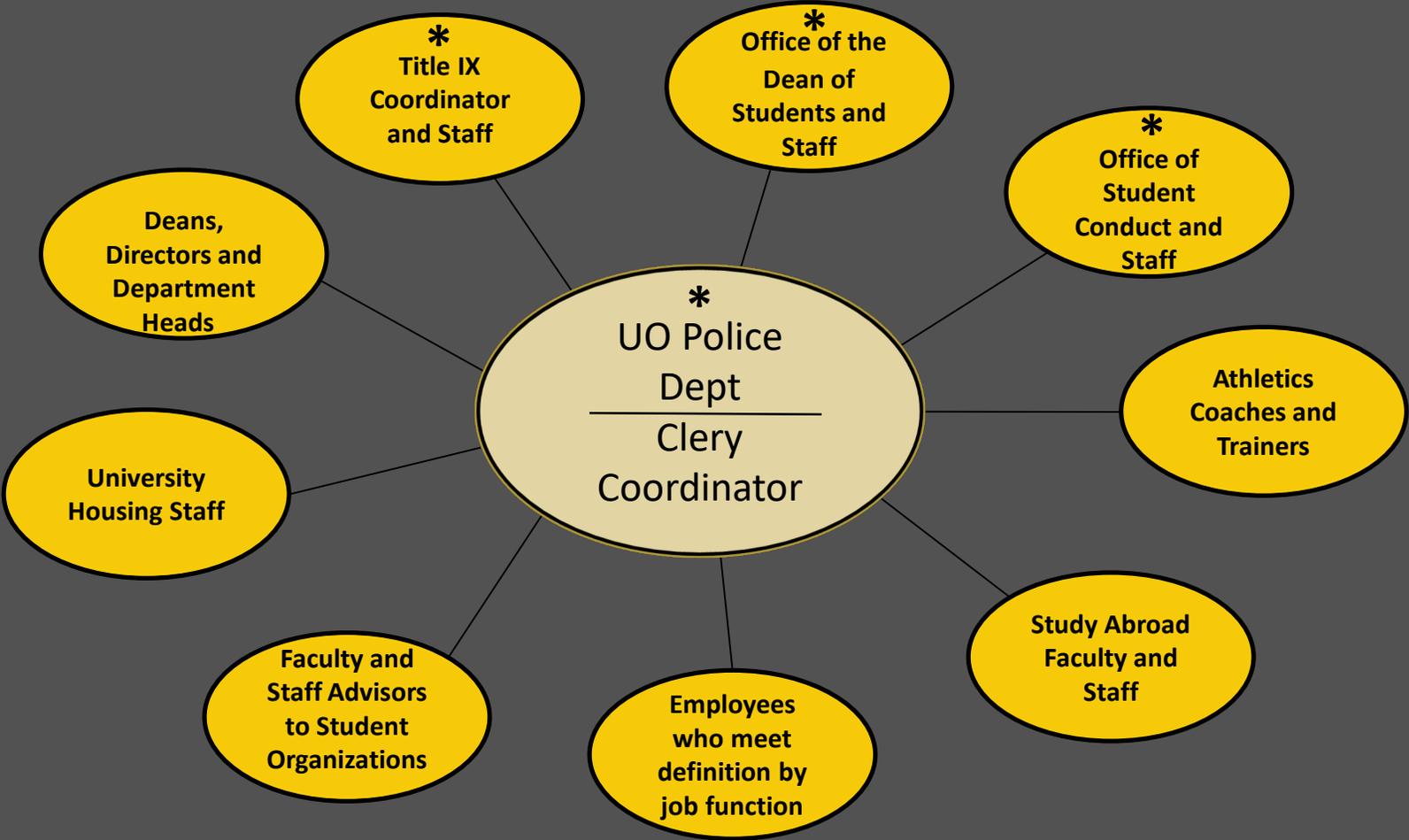
Examples of CSAs

- Deans
- Student Housing Staff
- Athletic Coaches
- Student Activities Coordinators
- Officials who oversee a student center
- Student Conduct Officers
- Resident Assistants (RAs)
- Student Advisors
- Faculty Advisors to student organizations

NOT CSAs

- Administrative staff not responsible for student activities (e.g., payroll, facilities)
- Clerical staff
- Individual faculty who DO NOT serve as advisors to registered student organizations
- **EXEMPT:** professional and pastoral counselors who are working within the scope of their license or religious assignment

Requirement 1: CSAs



* Identified in the Annual Security Report as offices and individuals to whom crimes should be reported.

Requirement 2: Collection of Crime Statistics

CSAs must report certain crimes:

- Criminal homicide (murder and manslaughter)**
- Sex offenses, forcible and non-forcible**
- Aggravated assault**
- Robbery**
- Burglary**
- Motor vehicle theft**
- Hate crimes** including any of the seven crimes listed above, or simple assault, vandalism, intimidation, larceny-theft or any other crime causing bodily injury, if motivated by bias.
- Dating violence, domestic violence, stalking (VAWA, effective 2014)**
- Arrests and discipline referrals** of students, staff, and faculty for liquor, drug and weapons law violations

CLERY BIAS CATEGORIES

Actual or perceived:

- Race
- Gender
- Religion
- National Origin
- Sexual Orientation
- Gender Identity
- Ethnicity
- Disability

Requirement 2: Collection of Crime Statistics

“On Campus” Property

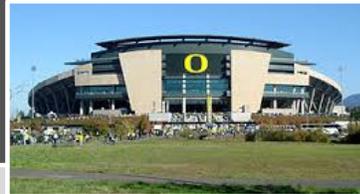


Buildings, streets and other property within the same contiguous area

Examples:

- main campus buildings
- parking lots
- residential facilities

“Non-Campus” Property



Building or property owned or controlled by UO or a student organization, not within contiguous area

Examples:

- Greek Houses
- Autzen Stadium
- Study abroad
- Certain overnight student trips to repeat locations

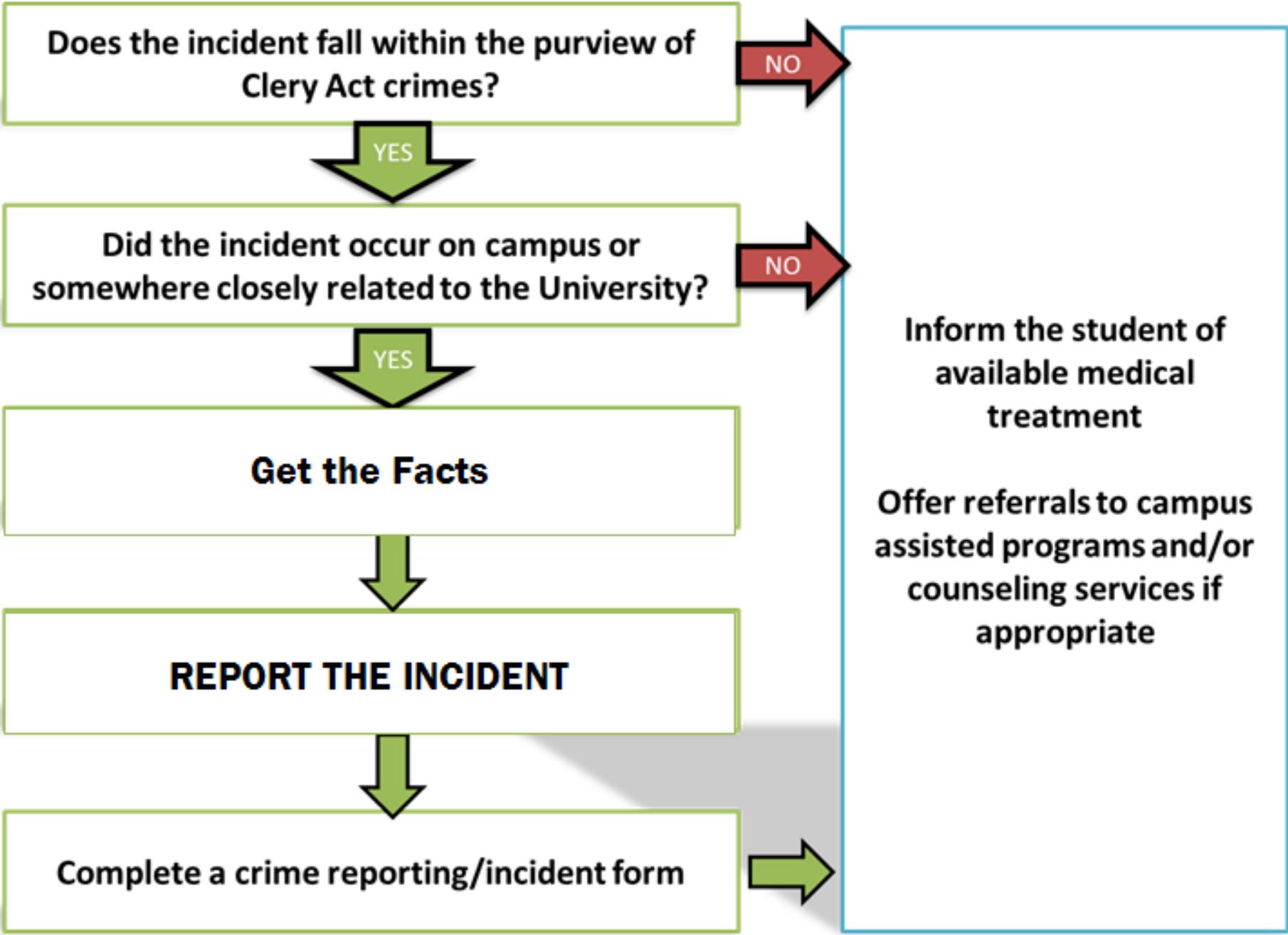
“Public” Property



Public property adjacent to campus.

Examples:

- Sidewalks next to campus



Does the incident fall within the purview of Clery Act crimes?

NO

YES

Did the incident occur on campus or somewhere closely related to the University?

NO

YES

Get the Facts

REPORT THE INCIDENT

Complete a crime reporting/incident form

Inform the student of available medical treatment

Offer referrals to campus assisted programs and/or counseling services if appropriate

CSAs and Data Collection: What we're doing

Designate an individual (HR Compliance and Training Officer) to coordinate CSAs

Work with key stakeholders (deans, department heads) to identify CSAs

Notify and train CSAs, regularly

Update Clery geography

Create a system for CSAs to report crimes

Create clery@uoregon.edu account

Update information on the Clery webpages

Documentation!!

Requirement 3: Daily Crime Log

Purpose: to record all criminal incidents and alleged criminal incidents that are reported to UOPD.

- Must include all reports within Clery geography or within “patrol jurisdiction”
- Entries must be recorded within 2 business days
- Log for most recent 60 days is posted online, and available at UOPD
- Previous crime logs are available upon request

Clery Crime Log

Nature (Classification)	Case #	Date Reported	Date/Time Occurred	General Location	Disposition
Harassment	19-00318	03/26/19	3/26/19 1047	LLCS	Open
Theft	19-00319	03/26/19	3/26/19 2025 - 2300	Lundquist Business College	Closed. Suspended
Stalking	N/A	03/25/19	7/20/2018	On Campus	Received from Title IX
Theft	19-00316	03/25/19	3/25/19 1036	2125 Franklin	Closed. Suspended
Harassment	19-00317	03/25/19	3/25/19 1608	Oregon Hall	Closed. Suspended
Hit & Run - Property Damage	19-00314	03/24/19	3/24/19 0015	Spencer View Apts	Closed. Suspended
Theft from Vehicle	19-00315	03/24/19	3/24/19 1354	Spencer View Apts	Closed. Suspended
Warrant Arrest (x 2)	19-00312	03/23/19	3/23/19 0215	1000 Alder	Arrest
Theft from Vehicle	19-00313	03/23/19	3/23/19 0757	Spencer View Apts	Closed. Suspended

Daily Crime Log: What we're doing

Review and update
procedures for the creation
and maintenance of the
daily crime log

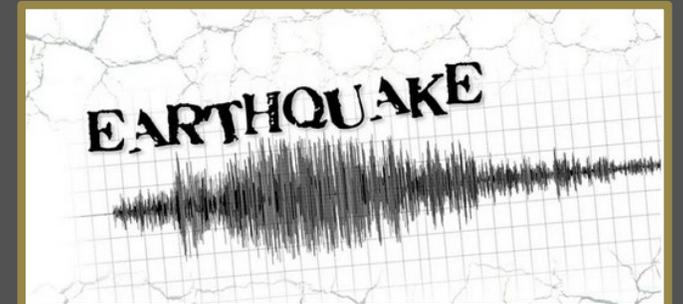
Make sure log is publicly
available

Update information about
the daily crime log on the
Clery webpages

Requirement 4: Emergency Notifications

Universities must immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees. E.g.:

- Outbreak of meningitis, norovirus, or other serious illness
- Approaching tornado, hurricane or other extreme weather conditions
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder, bomb threat
- Civil unrest or rioting
- Explosion, or nearby chemical or hazardous waste spill



Requirement 4: Emergency Notifications

Emergency response and evacuation procedures must include:

- Procedures the institution will use to immediately notify the campus community (UO Alerts)
- A description of the process the institution will use to confirm that there is a significant emergency, determine the appropriate segment(s) of the campus community to receive a notification, determine the content of the notification, and initiate the notification
- Statement the institution will, without delay, initiate the emergency notification system unless such notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency
- A list of the titles of the person(s) or organizations responsible for emergency notifications
- Procedures for disseminating emergency information to the larger community
- Procedures to test the emergency response and evacuation process, at least annually

Requirement 5: Timely Warnings

Purpose: alert campus community to certain crimes in order to aid in the prevention of similar crimes.

Must issue a timely warning for all Clery Act crimes that occur on Clery geography and that are (a) reported to CSAs or local police agencies (b) represent a serious or continuing threat to students or employees

Case-by-case determination, considering:

- nature of the crime
- continuing danger to the campus community
- the possible risk of compromising law enforcement efforts



EMs and Timely Warnings: What we're doing

Review and update
procedures re
emergency
notifications

Review and update
procedures re timely
warnings

Additional training

Work closely with Risk
Services about
communication plans

Create redundancies,
backup processes

Update information on
the Clery webpages

Requirement 6: Annual Security Report

Must be published by October 1.

Includes last three years of Clery data.

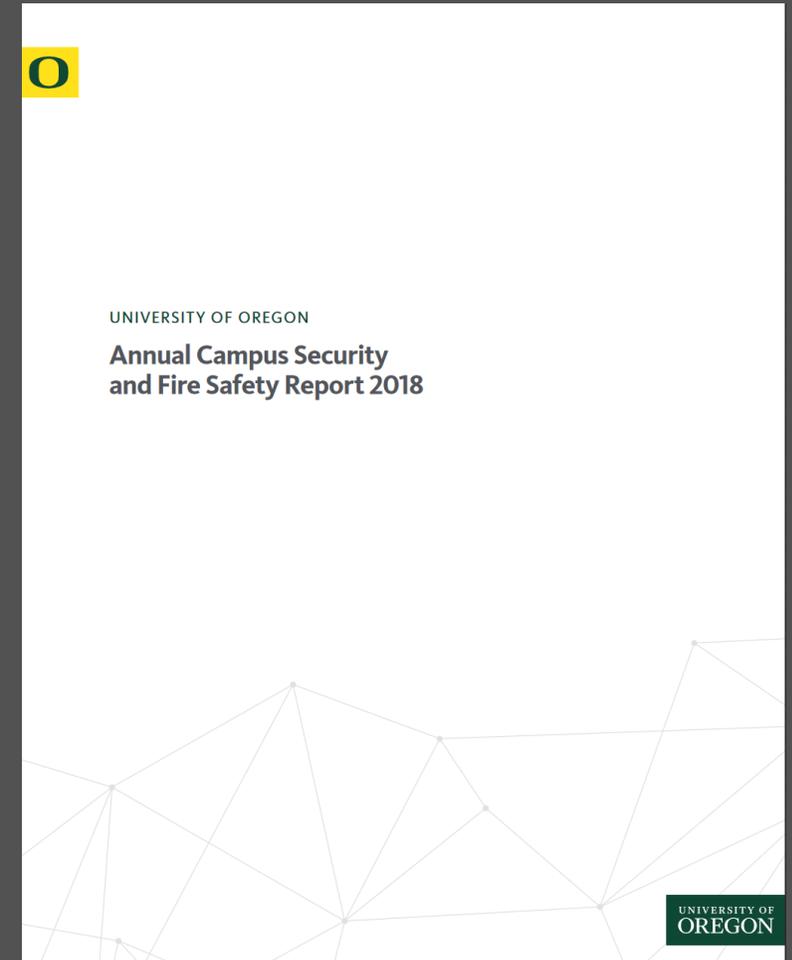
Distribute report to current students and employees

- ✓ email or mail, or
- ✓ posting on website, with notice and offer to provide paper copy on request

Provide report to prospective students and employees

- ✓ notice must state report's availability, describe contents, and provide opportunity to request a copy.

Submit crime statistics to the Department of Education.



Requirement 7: Policy Statements

Annual Security Report must address policies for:

- Timely Warnings
- Emergency response and evacuation procedures
- Preparing annual disclosure of crime statistics
- List of persons or organizations to whom crime reports should be made
- Confidential reports
- Law enforcement jurisdiction
- Working relationship between campus security and state/local law enforcement
- Programs designed to inform students and employees about the prevention of crimes
- Possession, use and sale of alcoholic beverages
- Possession, use and sale of illegal drugs
- Description of drug and alcohol abuse education programs
- Missing students

Requirement 8: VAWA

Effective March 7, 2014

Additional rules for:

- Dating violence
- Domestic violence
- Sexual assault
- Stalking

Universities must provide information about:

- ✓ prevention and awareness programs
- ✓ definition of consent
- ✓ standard of evidence for disciplinary proceedings
- ✓ possible sanctions that could be imposed
- ✓ measures for protecting victims' confidentiality
- ✓ protective measures
- ✓ annual training on issues relating to sexual violence
- ✓ same opportunities for accuser and accused
- ✓ simultaneous notification in writing to both the accused and accuser of the result of the disciplinary proceeding and process for appeal
- ✓ written explanation to victims of rights and options

Annual Security Report: What we're doing

Review Annual Security Report for required content

Review policies and procedures

Require two-person authentication for data submitted to the Department of Education

Update information on the Clery webpages

Documentation!!

Requirement 9: Fire Log

The Clery Act requires that we maintain a written, easily understood fire log that records, by the date reported, any fire that occurs in an on-campus student housing facility.

- Applies to student-housing fires (including main campus, Oregon Institute of Marine Biology in Charleston, Pine Mountain Observatory in Bend)
- Includes reports to any university official
 - ❖ Compare crime statistics, which are “reported” when brought to attention of CSA or local law enforcement
- Entries must be recorded within 2 business days
- Log for most recent 60 days is available for public inspection
- Previous fire logs are available upon request



Requirement 10: Fire Safety Report

The University must distribute an Annual Fire Safety Report by October 1.

The report must state, for each student housing facility:

- The number of fires and cause of each fire;
- The number of persons who received fire-related injuries that resulted in treatment at a medical facility, including at an on-campus health center;
- The number of deaths related to a fire; and
- The value of property damage caused by a fire.

The report must include a number of statements relating to fire safety systems, number of fire drills, evacuation procedures, training programs, etc.

Fire Safety: What we're doing

Make sure fire log is publicly available

Ensure sufficient audit trail

Review and update procedures for fire safety and fire log

Update information on the Clery webpages



| Questions?