

Introduction to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998

What is the Clery Act?

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (referred to as the Clery Act) is part of the Higher Education Act. It requires institutions of higher education that receive federal financial aid to report specified crime statistics on college campuses and to provide other safety and crime information to members of the campus community. There is a penalty of \$25,000 for each violation of the regulations that define the reporting requirements.

Who must report campus crime?

In addition to the campus Police Department, Campus Security Authorities must report any crimes or incidents that may be crimes that are reported to them. You are a Campus Security Authority if you fit any the following descriptions:

1. Individuals with Campus Security Responsibility-staff assigned to security functions.
2. Designated Individuals-any individual or organization identified in the campus as Clery Act Coordinator to which crimes must be reported.
3. Officials with Significant Responsibility for Student and Campus Activities-campus officials who manage or otherwise oversee student and campus activities, for example, staff responsible for campus student housing, a student center, or student extra-curricular activities; a director of athletics or a team coach; faculty advisors to a student groups; staff responsible for student discipline; campus judicial staff; and ombudspersons who receive complaints. Each campus must identify these individuals. The Clery Act Coordinator is responsible for ensuring that they are aware of their responsibilities and report periodically.

If you are a Campus Security Authority you must report unless you are one of those whom the regulations define as exempt.

Who is exempt from reporting?

You are exempt from reporting when you are acting as a pastoral or professional counselor. For this purpose:

1. A Pastoral Counselor is a person who (a) is associated with a religious order or denomination, (b) is recognized by that religious order or denomination as someone who provides confidential counseling, and (c) is functioning within the scope of that recognition as a pastoral counselor.
2. A Professional Counselor is a person (a) whose official responsibilities include providing mental health counseling to members of the institution's community and (b) who is functioning within the scope of his or her license or certification.

Other persons who have significant responsibility for student and campus activities are not exempt from reporting if they counsel or advise students and employees, even if they do so in confidence.

What crimes must I report?

The Annual Security Report must include statistics on nine types of crime:

1. Criminal Homicide - (A) Murder and Non-Negligent Manslaughter, and (B) Negligent Manslaughter ;
2. Sex Offenses - (A) Forcible Sex Offenses and (B) Non-Forcible Sex Offenses;
3. Robbery;
4. Aggravated Assault;
5. Burglary;
6. Motor Vehicle Theft;
7. Arson;
8. Arrests and Disciplinary Referrals for liquor law violations, drug law violations, and illegal weapons possession; and
9. Hate Crimes.

Campus Police will ensure that crimes are properly classified.

How do I know what to report?

You must report all allegations of crimes that you determine are made in good faith as a statistic that will be included in the Annual Security Report. Although law enforcement personnel may conclude after further investigation that some allegations are not substantiated by the facts or the law, you must report information that is reported to you. Neither a formal police report nor an investigation is needed in order for a crime report to be included in these statistics.

Definitions of the crimes are available in the Rutgers University Clery Act Compliance Manual. The campus Police Department has staff trained in Clery reporting. They have the final responsibility for assigning the crimes to the correct reporting categories and geographical areas. Your responsibility is to provide as accurate and complete a description as possible of what happened, including the location and whether the victim or alleged perpetrator was a student.

What about confidentiality?

The crime statistics included in the Annual Security Report do not include any information that would identify the victim or the person accused of committing the crime. Your report to the Clery Act Coordinator should not include personally identifying information.

You may use the incident report form (available) from Office of Health Services to record information on sexual assault offenses which also does not contain personally identifying information. Make sure you advise the student that you will not release that information but that you are obligated to report the alleged criminal conduct.

If you are a pastoral counselor or professional counselor, when you think it appropriate, you may tell a person you are counseling about campus procedures for reporting crimes confidentially for inclusion in the annual disclosure of crime statistics even if they person does not want to press charges or participate in an

investigation. Procedures for reporting crimes confidentially must be included in the Annual Security Report.

Where should I send incident reports?

You should report the crimes and disciplinary referrals that have been brought to your attention to Lt. Robert Hahn, the person designated by the campus as Clery Act Coordinator, at Campus Safety. You may submit the incident form or contact Lt. Hahn to find out about the format and timing of reports. (see below)

The campus Clery Act Coordinator will consolidate the data from all these sources, report to the federal Department of Education, publish the Annual Security Report, and inform the campus community where the report is available.

What about timely warnings?

Immediate reporting of crimes allows the police to act in a timely fashion to investigate or otherwise address alleged crimes that may present a clear danger to the campus community. All you need do is report the crime by calling the police. The campus Police Department is responsible for gathering the data for all crimes reported to it and for soliciting information from local police agencies concerning crimes reported to them.

Who is our campus Clery Act Coordination and where can I get more information and advice?

You can get more information from our campus Clery Act Coordinator, Lt Robert Hahn at 973-353-5581 or 973-353-5547.

The Annual Security Report is available on the Campus Safety web site and you may request a hard copy from the campus Police Department. This report includes statements that cover who must report and what the procedures are for confidential reporting.