



Clery Act, Crime Reporting, & Guidance for Campus Security Authority (CSA)

Background & what is a CSAs?

The Jeanne Clery Campus Security Policy & Crime Statistics Disclosure Act (aka the *Clery Act*) requires colleges and universities who receive federal funding to annually compile and distribute campus security policies and crime statistics. A Campus Security Authority (CSA) is an individual, who by virtue of their University responsibilities and under the *Clery Act*, is designated to receive and report criminal incidents to VUL Campus Security (or the Title IX Office in cases of sexual violence) so that they may be included and published by October 1st each year in the University's Annual Security and Fire Safety Report. Crimes reported by CSAs are also used by the University to issue or facilitate the issuance of timely warnings or emergency notifications for crimes that pose a serious or continuing threat to the campus community. Per the law, CSAs are “Officials with significant responsibility for student and campus activities.” CSAs at Virginia University of Lynchburg include the following:

- Athletic coaches, trainers & staff
- Student Activities & Leadership staff
- Office of Residence Life staff, inclusive of Resident Assistants (RAs) & Resident Directors (RDs)
- Campus Ministries staff, specifically Life Group Leaders (LGLs) & the Assistant Director
- The Executive Vice Presidents for Academic Affairs & Student Life
- Assistant Vice President for Student Life
- Faculty/staff advisers of student clubs and organizations
- VUL Campus Security Staff
- Title IX Coordinators & Investigators

CSAs have an important job to do by reporting *Clery Act* crimes reported to them by students and other community members since they may be hesitant to report crimes to police, but may be more comfortable with reporting crimes to other University officials. If an individual reporting an incident needs assistance, CSAs should explain how to get help. CSAs should advise victims on the resources available to them even if they do not want an investigation conducted. Resources to share with a victim might include VUL Campus Security, the Title IX Office, and/or support services in the local area. Victims reserve the right to choose to act or not. In the event of an emergency situation, CSAs should contact VUL Campus Security or call 911.

Reportable Crimes by CSAs

CSAs are responsible for reporting allegations of *Clery Act* crimes that are reported to them in their capacity as a CSA. Crimes reported to CSAs that may not be classified as *Clery Act* crimes should still be reported to the appropriate authorities. *Clery Act* crimes, alleged or committed, that a CSA is required to report to Campus Police or the Title IX Office include the following:

Criminal Offenses

For *Clery Act* reporting purposes, definitions of criminal offenses are based on the [FBI's Uniform Crime Reporting Handbook \(UCR\)](#). Definitions of sex offenses are based on the FBI's [National Incident-Based Reporting System \(NIBRS\)](#).

Criminal Homicide: murder and non-negligent manslaughter- *The willful (non-negligent) killing of one human being by another.*

- Criminal Homicide: negligent manslaughter- *The killing of another person through gross negligence.*
- Robbery-*The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.*
- Aggravated Assault-*An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.*
- Burglary-*The unlawful entry of a structure to commit a felony or a theft.*
- Motor Vehicle Theft-*The theft or attempted theft of a motor vehicle.*
- Arson-*Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.*

Sex Offenses

- Rape-*The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.*
- Fondling-*The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.*
- Incest-*Nonforcible sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.*
- Statutory Rape-*Nonforcible sexual intercourse with a person who is under the statutory age of consent.*

Other VAWA Offenses

- Dating Violence- *Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.*
- Domestic Violence- *A felony or misdemeanor crime 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 or intimate partner;*
 - *By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;*

- *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 in which the crime of violence occurred.*
- *Stalking Incidents- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—*
 - *Fear for the person's safety or the safety of others; or*
 - *Suffer substantial emotional distress.*

Hate Crime- *A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.*

The following eight categories of bias are reportable under the *Clery Act*:

- *Race- A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.*
- *Religion- A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.*
- *Sexual Orientation- A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.*
- *Gender- A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.*
- *Gender Identity- A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.*
- *Ethnicity- A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.*
- *National Origin- A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.*
- *Disability- A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.*

For *Clery Act* purposes, Hate Crimes include any of the following offenses that are motivated by bias:

- *Murder and Non-negligent Manslaughter (description found above)*
- *Sexual Assault (description found above)*
- *Robbery (description found above)*

- Aggravated Assault (*description found above*)
- Burglary (*description found above*)
- Motor Vehicle Theft (*description found above*)
- Arson (*description found above*)
- 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- *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.*

Arrests and Referrals for Disciplinary Action

- Liquor Law Violation- *The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.*
- Drug Law Violation- *The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.*
 - Weapons Law Violation- *The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.*

When in doubt about if an incident is a *Clery Act* crime, or even if it's criminal in nature, CSAs should report the crime.

Reportable Geography for *Clery Act* Crimes

The location of alleged or committed crimes is important to take into account when reporting a crime to Campus Police or the Title IX Office as a CSA. The following three locations fall within the **reportable geography** for the University:

On campus – including student residential buildings

On public property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

On non-campus property – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

When in doubt about the geography or classification of a reported crime, CSAs should report the crime to Campus Security or the Title IX Office (in cases of sexual violence).

Procedures for Reporting *Clery Act* Crimes

CSAs are required to report crimes when they become aware of information as the University is mandated per the *Clery Act* to accurately release crime statistics to the University community and greater public. CSAs must report crimes to the appropriate party in a timely manner to honor the University's obligation to the *Clery Act* as well as to potentially pass along information that could help protect the greater campus community. No personally identifiable information is included in the crime statistics published by the University in the Annual Security and Fire Safety Report. Excluding reported crimes of sexual violence, CSAs can report crimes without personally identifiable information in situations where a victim is reluctant about reporting a crime or wants to remain anonymous. Please be advised that reports for sexual violence crimes need to include personally identifiable information. However, whenever possible it is vitally important to include personally identifiable information and as much detail as possible when reporting a crime as this will aid law enforcement with properly recording, classifying, and addressing the crime. Double reporting of the same crime can also be avoided when personally identifiable information is included in a report.

CSAs who do not have crimes to report will be asked to submit documentation in writing confirming as much. This can be done through the CSA Reporting Form listed below or in an email to Robert Cabler, Director of Campus Security, at rcabler@vul.edu. A suggested CSA statement confirming no crime reports for a calendar could read as follows: “From 1/1/18 to 12/31/18, I was not aware of, and did not receive, any reports of criminal incidents, arrests or disciplinary actions for *Clery* crimes.”

CSAs should report *Clery Act* crimes using the CSA Reporting Form found online here: <https://vul.com/about-vul/campus-security/csa-crime-report-from/> Campus Security can also be contacted at 434-528-5276 ext; 1128. More information about VUL Campus Security can be found here: <https://www.vul.edu/about-vul/campus-security> Submitted CSA Reporting Forms are sent to representatives from Student Life, Campus Security and Title IX.

Sexual assault, domestic violence, dating violence, and stalking incidents must be reported by CSAs. However, your obligation to report can also be referred to the Title IX Coordinator by contacting Carol Larson at clarson@vul.edu or 434-528-5276. If a report is made to the Title IX Coordinator then a separate report to Campus Security does not need to be submitted.

CSAs with questions about their reporting requirements can contact Robert Cabler, Director for Campus Security, at rcabler@vul.edu or 434-528-5276. When in doubt about reporting a crime, report it and call Robert Cabler for more information.