

# **Washington Adventist University**

**Department of Public Safety**

**CAMPUS SECURITY AUTHORITY REFERENCE MANUAL**

**CLERY ACT REPORTING**

**October 14, 2016**

# CLERY ACT REPORTING

## Introduction

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The purpose of the Clery Act is to provide the campus community with accurate, complete and timely information about crime and the safety of the campus environment so that they can make informed decisions to keep themselves safe.

The federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires institutions of higher education, receiving federal student aid, to report specified crime statistics on college campuses and to provide other safety and crime information to member of the campus community.

The Clery Act requires universities to report campus crime statistics to the U.S. Department of Education (DOE) on an annual basis. Washington Adventist University (WAU) Department of Public Safety (DPS) gathers and compiles the crime statistics information from Campus Security Authorities for the Clery reporting. This manual provides guidance to employees and other individuals associated with WAU who have responsibilities under the Clery Act.

A **Campus Security Authority (CSA)** is a Clery-specific term that encompasses the following groups of individuals and organizations associated with an institution whose functions involve significant responsibilities for students and campus activities: security and law enforcement officers, special event security staff, deans (or other student administrative personnel), coaches, residence hall staff, medical personnel in campus health centers, supervisors and advisors to student clubs and organizations and staff involved in student discipline and campus disciplinary proceedings. Note: professional and pastoral counselors are exempt from the reporting requirements while working within the scope of a license or certifications.

**CSA's** have an important role in WAU compliance with the Clery Act. **CSA** crime reports are used by WAU to fulfill its responsibility to annually disclose Clery crime statistics and to issue timely warning for Clery crimes that pose a serious or continuing threat to the campus community.

Although we want the campus community to report criminal incidents to law enforcement, we know that this does not always happen. A victim of a crime may be more inclined to report it to someone other than WAU-DPS. For this reason, the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be Campus Security Authorities.

## CSA RESPONSIBILITIES

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Under the Clery Act, a crime is considered 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 the offender; it doesn't matter whether the individual involved in the crime or reporting the crime is associated with the institution or not. If a CSA receives the crime information and believes it was provided in good faith, he or she should document it as a crime report. In good faith means there is a reasonable basis for believing that the information is not simply rumor or hearsay, and there is little or no reason to doubt the validity of the information.

CSA's must disclose reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a CSA, nor must a finding of guilt or responsibility be made to disclose the report. If you are in doubt as to whether a crime has been reported, rely on the judgment of the law enforcement professionals.

If someone tells you about a crime or an incident that may be a crime, you must record the information on a crime statistic report form and submit the report to WAU-DPS as soon as possible.

It is very important to provide as much information as possible on the form, including personally identifying information, if it is available, to aid law enforcement. If a victim requests confidentiality, tell the person you are required to report the incident but will not identify anyone involved if the victim wishes to remain anonymous. Other laws, such as Title IX or VAWA, however, may require that you reveal details about the incident. If you need further guidance about the Title IX obligations and regulations, please contact Dr. Ralph Johnson, WAU-Title IX Coordinator.

What should you say to someone who reports a crime to you?

Sample **CSA** Statement:

**"As part of my position on campus, I am a federally mandated crime reporter for the University. I am required to report this incident to the University's Public Safety Department for data collection. If you request confidentiality, the Report Form will not include your name, or that of any other involved individuals. My report will contain only the information you provide. Do you have any questions? Would you like me to help you fill it out?"**

### **Clery Act Reportable Crimes (Section 1)**

**Murder:** The willful (non-negligent) killing of a human being by another. Note: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Manslaughter:** the killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

**Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**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 the consent of the victim.

**Fondling:** The touching of the private body parts of another person for the purpose 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:** Non-forcible 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.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person by force or threat of force or violence and/or by putting the victim in fear. The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear (Includes attempts).

**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. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed. An unlawful assault upon the person of another for the purpose of inflicting severe or aggravated bodily injury (Includes attempts, and whether or not an injury occurred)

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding).

**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.

**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; (1) 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. (2) For the purpose of this definition – (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; (ii) Dating violence does not include acts covered under the definition of domestic violence. The term “dating violence” means 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.

**Domestic Violence:** (1) A felony or misdemeanor crime of violence committed – (i) By a current or former spouse or intimate partner of the victim; (ii) By a person with whom the victim shares a child in common; (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) By a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) 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 or the jurisdiction in which the crime of violence occurred.

**Stalking:** (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (i) Fear for the person's safety or the safety of others; or (ii) Suffer substantial emotional distress. (2) For the purpose of this definition – (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. (iii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

## **Clery Act Reportable Arrests and Referrals (Section 2)**

**Drug/Narcotic Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine). Drug/narcotic violations referred for campus disciplinary action under the Campus Code do not need to be reported to the Police Department.

**Alcohol Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places;

bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition). Alcohol violations referred for campus disciplinary action under the Campus Code need not be reported to the Police Department. The Clery Act does not require the reporting of public drunkenness or driving while under the influence offenses.

**Weapons Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

### **Clery Act Reportable Hate Crimes (Section 3)**

**Hate Crimes:** A crime involving one or more of the above listed crimes (in Section 1), the crimes of theft, simple assault, intimidation and/or vandalism (see below) reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Larceny-Theft** (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**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.

### **On-Campus Property Location**

Any WAU buildings or properties owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a

manner related to, the institution's educational purposes, including residence halls ; and any WAU buildings or properties that is within or reasonably contiguous to the area identified in the above paragraph of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor). Controlling property is a defined term for Clery Act purposes. 'Controlled by' means that your institution rents, leases or has some other type of written agreement (including an informal one, such as a letter or e-mail) for a building or property, or a portion of a building or property.

### **Non-Campus Property**

Any WAU 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. The non-campus property requirement does *not* include property that is not frequently used by students (e.g., space for back office employees, housing or labs for researchers without students, etc.).

### **Public Property**

Public property is defined by the Clery Act regulations as all public property including thoroughfares, streets, sidewalks, parks and parking facilities that are within the WAU campus, or immediately adjacent to and accessible from the campus. This includes the sidewalk, street and opposite sidewalk immediately adjacent to WAU property, but does not include public property beyond the second sidewalk. The public property requirement covers only public property around on-campus property, not around non-campus property owned or controlled by the institution.

Forms are on the WAU Security website: [www.wau.edu/security](http://www.wau.edu/security)  
Completed forms should be sent to WAU Department of Public Safety as soon as possible

**Washington Adventist University**  
**Department of Public Safety**  
**General Service Building #6**  
**7600 Flower Ave, Takoma Park, Maryland 20912**  
**Tel: 301-891-4019**

**Please note: there are two separate forms. One is for sexual misconduct (sexual assault, rape, other sex offenses), and the other is for all other crimes, as described above. In the case of a report of sexual misconduct, fill out the "CSA Sexual Misconduct Report." For reports of other crimes, fill out the "Crime Report Form."**

## Crime Report Form

Please forward this completed form to the WAU-Director of Public Safety

If no crimes were reported to you in 2016, please check the box below, print your name and initial. This form is being used to document that you have received this reporting form and that no crimes were reported to you for the previous reporting cycle.

Reporting Person (print name): \_\_\_\_\_ Department: \_\_\_\_\_

\_\_\_\_ By placing an X on this line, you are confirming that no crime as describe below, were reported to you during the requested calendar year. Initial Here: \_\_\_\_\_.

Complete this box if a crime was reported to you. If more than one was reported to you, fill out one form for each crime report.

Reporting Person (print name): \_\_\_\_\_ Phone Number: \_\_\_\_\_

Classification (see definitions): \_\_\_\_\_ Date incident Occurred: \_\_\_\_\_

Location of the incident: \_\_\_\_\_

Brief description of the Incident: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

What must be reported?

- Location of crime: provide a detailed description as law enforcement will have to categorize as follow:
  - On campus
  - On campus, in residence halls
  - On public property adjacent to campus
  - On non-campus property owned or controlled by WAU or a recognized student organization
- Time
  - Date and time the crime or incident occurred
  - Date and time when the person reported it to you.
  - Description of the incident
- Helpful Information
  - Name of the victim (if the victim wishes to be identified)
  - Identities of any known suspect(s) or witnesses
  - Use of any weapon(s) in the commission of the crime

- Any injuries involved
- An accurate and complete a description of what happened, if possible

Note:

- Your job is to report the information the person is willing to tell you
- The decision to identify someone is not yours to make
- You don't have to prove what happen or who was a fault
- You ate not supposed to find the perpetrator

## **CSA Sexual Misconduct Report**

### **Sexual Misconduct includes assaults and all other forms of sexual violence**

Note: Before using this form to report an incident/assault that has been reported to you, inform the individual of your intention to complete this form and offer to complete the form together. All information in this form is intended to be kept confidential; however, exceptions may be made in the case of an ongoing threat to the campus that WAU is obligated to address. All efforts will be made to protect the victim and witnesses anonymity; no information should be included which might identify the individual, unless requested by the victim.

If this form is being filled out with the assistance of the victim/survivor, do so only if the victim/survivor is willing to do so. Be patient with them and allow the victim/survivor to be in control of how fast or slow they wish to go through the questions. The victim/survivor may experience re-victimization while going through the questions. If so, take breaks as needed while completing the form.

It is the goal of WAU to determine the details of these types of incidents so that WAU can direct people to the appropriate resources and offer assistance wherever possible. In addition, we hope that having a greater understanding of what happens on campus benefits us as we try to design and implement future educational and intervention efforts.

Please return this form in a sealed envelope to the Crime Victim Advocate Office the WAU-DPS at General Services Building #6, GS-4, 7600 Flower Ave, Takoma Park, Maryland.

Please return this form in a sealed envelope marked:

**CONFIDENTIAL**

**WAU DEPARTMENT OF PUBLIC SAFETY**

**CRIME VICTIM ADVOCATE OFFICE**

Date: \_\_\_\_\_

## CSA Sexual Misconduct Report

1. Are you reporting an incident/assault that happened to you or an incident/assault that was discussed with you?

- \_\_\_ incident/assault happened to me.
- \_\_\_ incident/assault was discussed with me by the victim.
- \_\_\_ incident/assault was discussed with me by a friend of the victim.

2. Reporter: \_\_\_\_\_ Phone: \_\_\_\_\_

3. When did the victim first discuss the incident/assault with you? \_\_\_\_\_

4. Did the incident occur while the victim was enrolled at WAU: \_\_\_\_\_

5. Victim Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Year in School: \_\_\_\_\_

6. Victim residence:

- \_\_\_ Residence Hall      \_\_\_ Girls dorm      \_\_\_ Boys Dorm
- \_\_\_ Off Campus
- \_\_\_ Campus Apt/Housing

7. Location of incident/assault on campus (check appropriate response below):

- \_\_\_ Residence Hall      \_\_\_ Girls Dorm      \_\_\_ Boys Dorm
- \_\_\_ Other Campus Building (please indicate which one): \_\_\_\_\_
- \_\_\_ Outdoor
- \_\_\_ Automobile
- \_\_\_ Other, please describe: \_\_\_\_\_

8. Describe the location of incident/assault (name of building/street etc): \_\_\_\_\_

9. Time and date of incident/assault (if known): \_\_\_\_\_

10. Was the incident/assault associated with an organized event (campus sponsored or not)? \_\_\_\_\_

11. Describe the incident/assault (check all that applies):

- \_\_\_ Exposure of the assailant genitals without consent.
- \_\_\_ Sexual contact (fondling, kissing, petting, but no penetration) without consent.
- \_\_\_ Attempted intercourse without consent (penetration did not occur).
- \_\_\_ Intercourse (oral, anal, or vaginal penetration by penis or other object) without consent.

- \_\_\_ Other (please describe):

12. Was either party under the influence of alcohol or other drugs at the time of the incident/assault?

- Victim/Survivor: Alcohol/Drugs \_\_\_ No \_\_\_ Unsure \_\_\_ Other \_\_\_
- Assailant: Alcohol/Drugs \_\_\_ No \_\_\_ Unsure \_\_\_ Other \_\_\_

13. Describe the pressure or force used by assailant(s) (Check all that apply)

- \_\_\_ Verbal pressure or arguments
- \_\_\_ Position of authority (boss, teacher, supervisor, etc)
- \_\_\_ Threat of physical force (with or without weapon)
- \_\_\_ Use of physical force (hit, held down, etc)
- \_\_\_ Gave the victim/survivor alcohol or drugs resulting in significant incapacitation
- \_\_\_ Victim/survivor was unconscious or blacked out during incident/assault
- \_\_\_ Victim/survivor suspects that a "date rape drug" was involved in the incident/assault
- \_\_\_ Other (please describe): \_\_\_\_\_

14. Was a weapon used in the incident/assault?:

Type:

15. Number of assailant(s): \_\_\_

Description of assailant(s): \_\_\_\_\_  
\_\_\_\_\_

16. Status of assailant(s) (check all that apply):

- \_\_\_ Student
- \_\_\_ Faculty
- \_\_\_ Staff
- \_\_\_ No campus role
- \_\_\_ Unknown

17. Describe the nature of the relationship of the assailant(s) to the victim/survivor prior to the incident/assault:

- \_\_\_ Stranger
- \_\_\_ Spontaneous date (i.e. met at a party)
- \_\_\_ On a date
- \_\_\_ Romantic acquaintance/ongoing relationship
- \_\_\_ Friend or nonromantic acquaintance
- \_\_\_ Relative
- \_\_\_ Other: Describe:

18. Other departments at WAU the victim/survivor has reported this incident/assault to or discussed it with:

19. Other individuals at WAU the victim/survivor has talked with about this incident

- \_\_\_ Friend \_\_\_ RA \_\_\_ Faculty \_\_\_ Staff member \_\_\_ Other

20. Did you refer the victim/survivor to other resources on or off campus? \_\_\_ Yes \_\_\_ No

Describe:

21. Name of victim/survivor (only if they wish to disclose it):

22. How to contact victim/survivor (only if they wish to be contacted):