



TIMELY WARNINGS & SEXUAL ASSAULT: BUILDING AN EFFECTIVE AND CONSISTENT APPROACH

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CLERY CENTER

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JEANNE CLERY ACT: A HISTORY



Changing Landscape

History of Campus Safety

Connie & Howard Clery

- Parents
- Co-founders, Security On Campus (SOC)

Legislation (state, federal)

Advocacy

Awareness raising

Impact

AGENDA

Timely Warning Overview

Mythbusting

Lessons Learned: Program Reviews

Activity

If you asked your students....

“WHAT IS THE CLERY ACT?”

...what would they say?

CLERY ACT OVERVIEW

Annual Security Report

- Policy statements
- Campus crime statistics
- Rights & options for victims of sexual assault, domestic violence, dating violence, & stalking

Ongoing Disclosures

- Emergency notification
- Timely warning
- Public crime log

U.S. Department of Education (ED) Enforces

“Statistics.”

“There are some offices we can go to if something happens...”

“I get these emails/text messages.”

CLERY ACT: OVERVIEW

- **Criminal Offenses**
 - Homicide
 - Sex Offenses
 - Robbery
 - Aggravated Assault
 - Burglary
 - Motor Vehicle Theft
 - Arson
- **Hate Crimes**
- **VAWA Offenses**
 - Dating Violence
 - Domestic Violence
 - Stalking
- **Arrests & Disciplinary Referrals**
 - Liquor law violations
 - Drug law violations
 - Weapons law violations

AT THE CENTER: CAMPUS SECURITY AUTHORITIES

- **Officials with significant responsibility for student and campus activities**
 - **A campus police or a campus security department**
 - **Individuals or offices designated to receive crime reports**
 - **Individuals who have responsibility for campus security**
- Examples of CSAs**
- Professional staff in a Dean of Students office (including leaders in student affairs/housing)
 - Staff in student center building
 - Student activities staff
 - Faculty or staff advisors to student organizations
 - Resident Assistants
 - Coaches
 - Campus Victim Advocate
 - Ombudsperson

TIMELY WARNING OVERVIEW

TIMELY WARNING/EMERGENCY NOTIFICATION

Timely Warning

- Narrow in scope – Clery Act crimes only (unless policy says otherwise)
- Crimes that occurred in past but constitute ongoing threat
- Anywhere on your Clery geography
- To be issued as soon as pertinent information available

Emergency Notification

- Wide focus – any emergency
- Currently occurring emergencies or ones that pose imminent threat to campus community
- On-campus property only
- To be issued upon confirmation of a dangerous actual or threatened situation

TIMELY WARNING POLICY OVERVIEW

- What are timely warnings
- How to alert the campus
- What information to be included
- Decision to alert
- Exempt cases (privileged communications)

TIMELY WARNING POLICY COMPONENTS

A timely warning policy should address the following components:

- Circumstances that trigger a warning
- Who issues
- Dissemination process/channel

CIRCUMSTANCES THAT TRIGGER WARNINGS

- ✓ *Clery Act crimes*
- ✓ *Reported to CSA or local law enforcement*
- ✓ *Occurred in the specified geographic areas*
 - On-campus
 - Public property
 - Noncampus
- ✓ *Represents a serious or continuing threat*
 - Students
 - Employees

TIMELY WARNINGS

Case by case basis considering all facts surrounding occurrence of a crime, including:

- Nature of the crime;
- Whether the crime presents a continuing danger to the campus community; and
- Risk of compromising law enforcement efforts.

DECISION TO ISSUE A WARNING

- **Specify Who Is Responsible**
 - Individual (Title)
 - Department/Office
 - Consultation Process
- **Open Communication**
- **Case-By-Case Basis**

TIMELY WARNING DISSEMINATION PROCESS

- **Must be quick (timely)**
 - **As soon as pertinent information is available**
- **Community-wide**
 - **Likely to reach the entire campus community**
- **Aid in the prevention of similar crimes**
 - **Specify methods**
 - **SMS text messaging**
 - **E-mail, social media**
 - **Posters**
 - **Other methods and/or combination of methods**

TIMELY WARNINGS INCLUDE

- Information that promotes safety
- Allows individuals to protect themselves
- Time, location and type of crime
- Must not identify a victim; may identify a perpetrator or suspect
- Some items to consider

EXEMPT CASES

Crimes Reported to:

- Pastoral or professional counselor

Privileged Information Protected by State Law:

- Medical doctor
- Attorney/client

THINGS TO CONSIDER

- Process (avoid additional layers)
- Training
- Language (victim-blaming v. primary prevention)
- Documentation
- Testing

MYTHBUSTING

TIMELY WARNING MYTHS

- **MYTH:** You must issue a timely warning for every sexual assault
- **MYTH:** You must always include the specific location of the assault in that warning
- **MYTH:** You must include the details of the case (referral to law enforcement)
- **MYTH:** You do not need to include consultations in your policy (e.g. President's Office, Communications)

LESSON LEARNED: PROGRAM REVIEWS

FINDINGS

- “Failure to Comply with the Timely Warning Requirement”
- “Lack of Adequate Policy Statements”

Common themes:

- Distribution of warnings
- Proper coordination of CSAs
- Consideration of whether to issue a warning
- Incomplete policy statement (even if policy or practice exists)

DEPARTMENT OF EDUCATION FINDING

SAMPLE OF A PROGRAM REVIEW THAT DID NOT RESULT IN A FINDING RELATED TO TIMELY WARNING

- Fast Facts:
- Review initiated after shooting on campus
- Evaluated adherence to timely warning policy
- Lockdown on campus and relocated students
- Additional notification of incident via email a few hours later
- Perpetrator apprehended at scene, no indication of accomplices
- Department determined institution acted in compliant manner

CASE STUDY

“ANNIE”

- Annie discloses to her tennis coach that she was raped by several members of the basketball team in a room in the student center after a game.
- She states that she had attended the game intoxicated and was blacking out and could not consent to any of the forced sex acts upon her.
- Annie is in a sociology class with several other basketball players, none of whom she believed were involved in the sexual assault.
- Annie goes to her academic advisor to report that the players who are in her class are mocking her about an assault that she reported and she feels uncomfortable and unsafe. She states that she doesn't know what to do.
- Over the next three weeks, two additional students report sexual assaults by members of the basketball team, only able to name one of the multiple players. Both students report that the attacks happened on a campus building, one in a room in the athletic center and one in the student center.

TIMELY WARNING

- Would you issue a warning for this case? When and why or why not?
 - If you select to issue a warning, draft it.
 - If you select not to issue a warning, document why.

EVALUATION OF SAFETY RISK (TITLE IX)

- Whether there have been other sexual violence complaints about the same alleged perpetrator
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence
- Whether the alleged perpetrator threatened further sexual violence or other violence against the student or others
- Whether the sexual violence was committed by multiple perpetrators
- Increased risk of future acts of sexual violence under similar circumstances (i.e. pattern of perpetration – use illicit drugs/alcohol at a given location or by a particular group)
- Whether the sexual violence was perpetrated with a weapon
- The age of the student subjected to the sexual violence
- Whether the school possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence)

SAMPLE TIMELY WARNING: WHAT CHANGES WOULD YOU MAKE?

University Police Issue Timely Warning

University of XXX Police Receive Report of a Sexual Assault

On the morning of February 3, 2014 the University XXX Police received a report from a female tennis player that she was sexually assaulted by a group of student athletes. The student has requested to not proceed with a investigation at this time and University of XXX Police are respecting her decision and are not investigating this incident.

START WITH THE BASICS

- What is our approach to timely warnings?
- Who is a part of my team for determining if we issue a warning?
- Who isn't involved that should be?
- Are we consistent?
- What are the factors we consider?
- How do we document decisions?

DEPARTMENT OF EDUCATION RESOURCES

- OVW Campus Website
 - www.changingourcampus.org
- Handbook for Campus Safety & Security Reporting
 - <https://www2.ed.gov/admins/lead/safety/handbook.pdf>
- VAWA Amendments to Clery Final Regulations
 - <https://www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act>
- Clery Act Program Review Reports
 - <https://studentaid.ed.gov/about/data-center/school/clery-act>

CLERY CENTER PROGRAMS

- Clery Center Membership Program
 - Education (webinars, trainings, etc.)
 - Resources (online library, member website)
 - Networking & Support (workshops, technical assistance)
 - Self-Assessment (comprehensive tool)
- Jeanne Clery Act Training Seminars
- Online
- Regional Training Events
- National Campus Safety Awareness Month (NCSAM)
- Free videos on hazing prevention, sexual violence, and off-campus fire safety

QUESTIONS?



THANK YOU!

110 GALLAGHER ROAD

WAYNE, PA 19087

484.580.8754

INFO@CLERYCENTER.ORG

CLERYCENTER.ORG