

# The Who, What, Where and When of Clery Compliance:

## What Title IX Professionals Need to Know

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BALLAST

# Meet Our Team



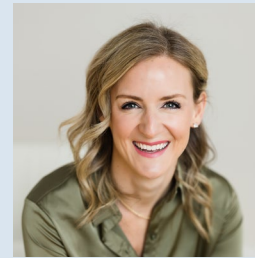
**Sean Somermeyer**  
Partner



**Carl Crosby Lehmann**  
Partner



**Mary Dunnewold**  
Partner

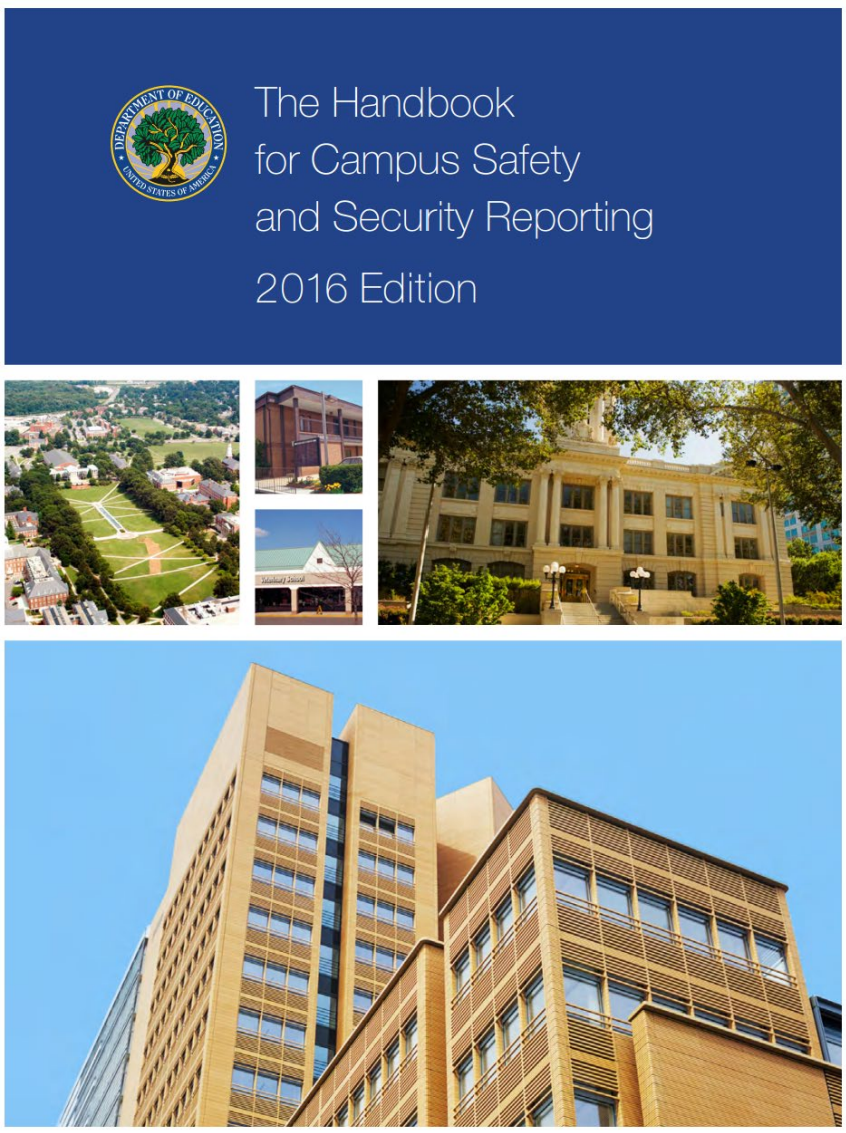


**Nina Harris**  
Director



**Kari Hohn**  
Director

# Clery Act



**Consumer  
Protection**

**Emergency  
Notification**



# The Who

## **Campus Security Authorities (CSAs)**

Campus police / security personnel

Individuals with responsibilities for campus security

Individuals assigned to receive reports of crimes

An official with significant responsibility for campus events and activities including student discipline and student judicial processes

# The What

**Serious Crimes** – Murder, Homicide, Sexual Assault (Rape, Incest, Fondling, Statutory Rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson

**Hate Crimes** – Any of the above PLUS Theft, Any Assault, Intimidation, Destruction of Property / Vandalism AND motivated by bias

**VAWA Crimes** – Domestic Violence, Dating Violence and Stalking

**Arrests and Referrals for Disciplinary Action** for Drug Abuse, Alcohol Violations, and Weapons Violations

# The Where

*Any building or property 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 building or property that is within or reasonably contiguous to the area identified in paragraph (1) 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).*

**Owned or Controlled** = written agreement

**Reasonably Contiguous** = within at least 1 mile

**Directly Support** = case-by-case analysis (e.g., high school located on campus)

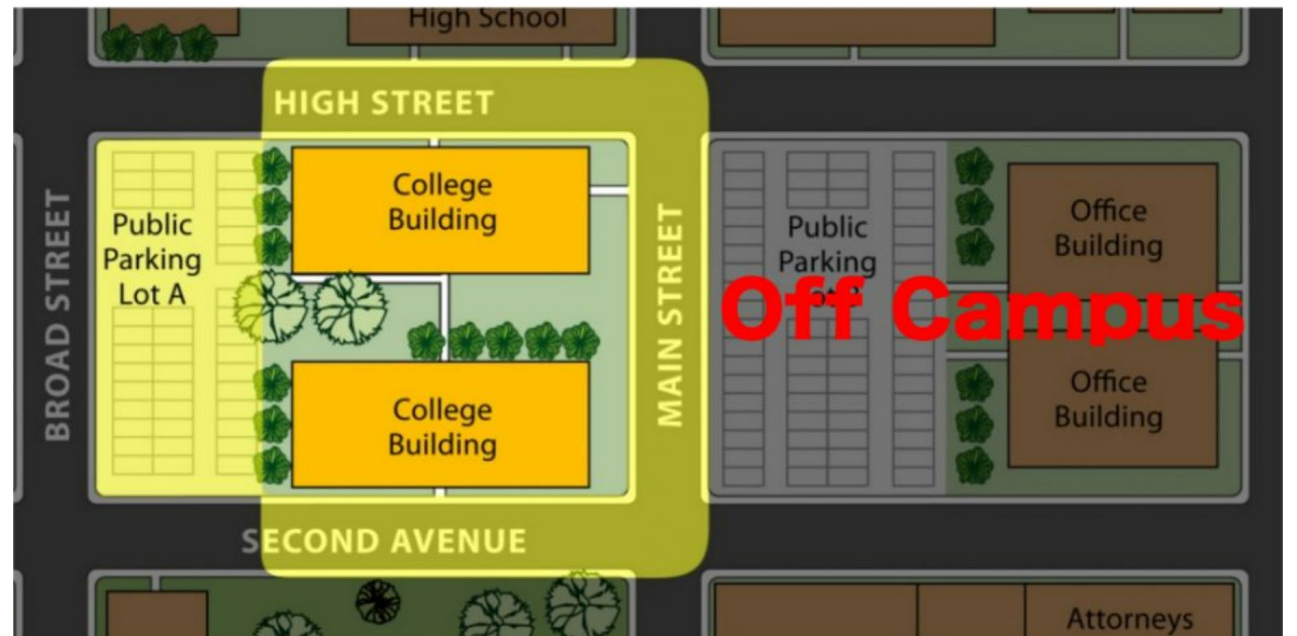
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**Own but Not Controlled**

**Used by Students and Support Institution**

Restaurant, bookstore, convenience store

# The Where

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





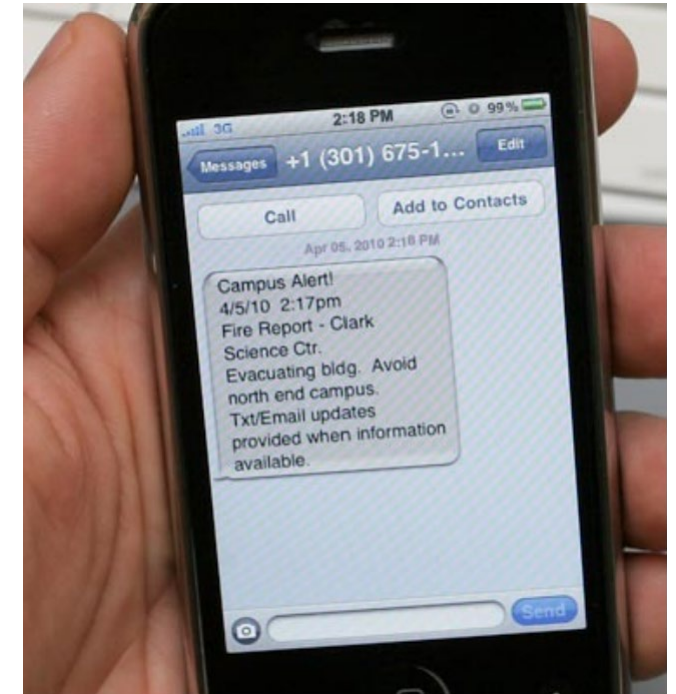
# The When

**Emergency Notification** – immediate notice to campus community of situations that involve immediate threats to health or safety

**Timely Warnings** – immediate notice of all reported Clery crimes that occur in Clery geography

**Daily Crime Log** – record of all criminal and alleged criminal incidents

**Annual Security Report** – annual report to Department and campus community on crime statistics from last three years and policies



# Education and Prevention Efforts

## Clery Act

Implementation by institutions and disclosure of programs to prevent dating violence, domestic violence, sexual assault and stalking, including – primary prevention and awareness programs for incoming students and employees; and ongoing prevention and awareness campaigns for students and employees.

## Title IX

Must provide regular training and education programs for students, faculty and staff to raise awareness about sexual assault, dating violence, domestic violence and stalking. Training should include information on reporting procedures, resources available, and the institution's policies.



# Reporting Responsibilities

## Clery Act

CSAs are required to report allegations of Clery crimes (including sexual assault, dating violence, domestic violence and stalking).

Upon notice of allegations to CSA, institution must provide a written explanation of rights and options, analyze whether there is a serious or ongoing threat that would warrant a timely warning, and determine whether must be reported in the institution's statistics.

## Title IX

When Title IX Coordinator or official with authority to institute corrective measures knows of allegation of sexual assault, dating violence, domestic violence and stalking, must reach out to reporting party to explain supportive measures available and how to initiate file a formal complaint.



# Supporting Parties

## Clery Act

Provide victims of dating violence, domestic violence, sexual assault, and stalking with information in writing about options changes to academic, living, transportation, and working accommodations, as well as other protective measures. Must be provided if requested and reasonably available, regardless of whether the person chooses to report to law enforcement. Must also describe range of protective measures available during the disciplinary process.

## Title IX

Title IX coordinator provides the reporting party with information on supportive measures, which are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge. Supportive measures may be provided before or after the filing of a formal complaint or where no formal complaint has been filed. These services are also provided to the respondent during a disciplinary process.



# Disciplinary / Grievance Process

## Clery Act

- Requires institutions to explain the types of proceedings, steps involved, and timelines for such procedures within their policies.
- Must describe standard of evidence to be used.
- Must list all possible sanctions.
- Must train individuals involved in disciplinary proceedings.
- Complainants and respondents must have the same opportunity to have others present at disciplinary proceedings (which includes formal and nonformal meetings), including an advisor of choice.
- Simultaneous notice of determination.

## Title IX

- Provides specific steps that must take place as part of an institution's grievance process.
- Must identify standard of review. May be preponderance of the evidence unless clear and convincing standard used in any other disciplinary policy.
- Must describe the range of sanctions that may be imposed.
- Must train all personnel involved in overseeing grievance process.
- Right to an advisor of choice, who may be an attorney. Grievance process must include a live hearing where advisor conducts cross-examination.
- Simultaneous notice of determination.

POP

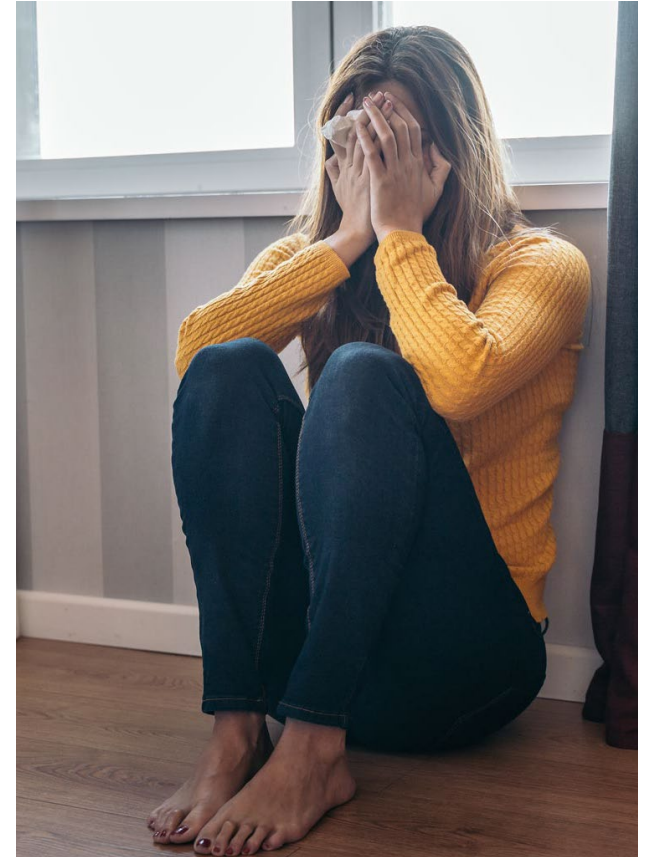
QUIZ!



Jennifer is a first-year student at your college. She appears to have had a great first semester so far, but lately her RA has noticed that she doesn't seem as happy. She has stopped attending events and seems to have withdrawn from friends.

When the RA notices Jennifer crying in the library, she approaches to ask if anything is wrong, Jennifer shares that she just received a message from a guy she knew from high school who has been harassing her on social media and with calls and texts. Every time she blocks him he tries to reconnect through a different alias. She says she's tried to politely tell him to stop but he won't take no for an answer. When more bluntly told him to stop, he became very angry and threatened to come to campus.

Jennifer thanks the RA for her concern but says that things are already being taken care of. She tells the RA, "I've already reported this to the police in my hometown and they are working to fix this. I just prefer that this not be a thing here at all, so I'd really appreciate it if you just kept this confidential."



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Nelson is a student in the accounting program. You notice he looks upset and ask him how he is doing. In response he shares the following:

“Somebody stole my car from the school parking lot last month. I had just bought it. The police found it abandoned on the other side of town. I guess it is good I have it back, but whoever did this trashed the inside with racist graffiti. Based on what was written in the note they left, it is clear they know who I am. I just feel so violated and I walk around school wondering if it was someone from here. I know I need to get over this, but I just can’t stop thinking about it. I can’t sleep at night. I can’t concentrate here. It is really affecting my grades.”





# Thank you!



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