

CLERY ACT Reportable Crimes Definitions and Geography Definitions

The Department of Education requires all people who are identified as Campus Security Authorities to report certain serious criminal incidents to the Campus Safety Department in order to comply with Clery Act reporting under federal law. Interestingly enough, not all faculty and staff are considered Campus Security Authorities unless they fit the definition in the paragraph below. All faculty and staff members that are not Campus Security Authorities are still strongly encouraged to report any crime to the Campus Safety Department. Furthermore, while not included as a requirement of the Clery Act, all employees are strongly encouraged to report incidents of sexual harassment and discrimination under the reporting requirements of Title IX and Calvin College's Safer Space Policy.

The definition of a **Campus Security Authority**, according to the Clery Act is as follows: **"An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings."** For example, the Department of Education's definition includes a dean or director who oversees student discipline or student extra-curricular activities, or has significant responsibility for student and campus activities. Similarly, a director of athletics, team coach, and faculty advisor to a student group or organization also has significant responsibility for student and campus activities. Whether true or not, the Department of Education believes that a single teaching faculty member is less likely to have significant responsibility for student campus activities, except when serving as an advisor or coach to a student group, organization or team.

What is required of a Campus Security Authority? No other action is required other than the mere reporting of an incident to the Campus Safety Department in a timely manner using the Clery Report Form. Naturally, if anyone reports a crime to you it would be best to encourage them to directly report the incident to the Campus Safety Department. However, if they refuse, you are still obligated to report the incident to the Campus Safety Department as soon as possible. If the victim wishes to remain anonymous, you do not have to supply their name. The incident itself must still be reported, and you are required to provide information about **what happened** and **where it happened**. It is not your responsibility to investigate the crime or determine whether or not a crime actually occurred. That is the responsibility of the Campus Safety Department.

The Clery Act requires the reporting of the following crimes:

- **Murder/Non-Negligent Manslaughter** -The willful killing of a human being by another.
- **Negligent Manslaughter** - The killing of another person through gross negligence.
- **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 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** - 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 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.
- **Aggravated Assault** - An unlawful assault upon the person of another with a firearm, deadly weapon, object, instrument or by any means or use of force likely to produce great bodily harm (includes attempts, whether or not injury occurred).
- **Burglary** - The unlawful entry into a defined structure with the intent to commit a theft or any felony.
- **Motor Vehicle Theft** - The taking of a vehicle without consent of the owner with the intent to either permanently or temporarily deprive the owner of title or possession of the vehicle.
- **Arson** - The willful or malicious burning or attempt to burn a dwelling, house, public building, motor vehicle or aircraft, or personal property of another.
- **Domestic Violence** - Asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, or person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- **Dating Violence** - Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
- **Stalking** - A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.
- **Hate Crimes** - A criminal act motivated by bias against any person, or group of persons, or the property of any persons or group of persons because of the ethnicity, race, national origin, religion, sexual orientation, or disability of the person or group of persons, or bias upon the perception that the person or group has one or more of those characteristics. For Clery reporting purposes, the only hate crime reported are those associated with "reportable crimes" identified in the definitions above.
- **Liquor Law Violations** - The unlawful possession, sale, transportation, manufacturing, furnishing of alcohol to a minor (under 21 years) and maintaining an unlawful drinking place (does not include public drunkenness or driving while under the influence).
- **Narcotics/Drug Violations** - The unlawful possession, sale, use, transportation, cultivation, manufacturing or maintaining of an unlawful place (does not include driving under the influence, and/or being under the influence of narcotics/illegal drugs).
- **Illegal Weapons Possession** - No weapons of any kind are allowed on campus, except as authorized by the Board of Trustees. Weapons includes, but is not limited to firearms, ammunition, explosives, switchblades, paint-ball guns, "Air-soft" guns, BB guns, potato launchers, slingshots and similar devices. Exceptions for Campus Safety supervisors are governed by the college's Use of Force Policy.

The Clery Act requires the reporting of Clery reportable offenses that occur on any of the property types described below:

- **On—Campus Property**

- 1) 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

- 2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), 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 retail vendor).

- **Non-Campus Building or Property**

- 1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

- 2) 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.

- **Public Property**

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