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Responsible Office:
[University Police](#)

Procedure Title:

Campus Security Policy and Campus Crime Statistics Reporting (Clery Act - also known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act)

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This procedure item applies to:
Community Colleges
State-Operated Campuses

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Summary

This Procedure is intended to implement the legal requirements of the United States Code regarding the Disclosure of Campus Security Policy and Campus Crime Statistics, [20 U.S.C. §1092 \(f\)](#), also known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (hereinafter Clery Act). It outlines the specific reporting procedures that University campuses must follow to ensure compliance with the law. Accordingly, each University campus shall do the following:

- Collect specific information with respect to campus crime statistics and security policies and each year distribute such information, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request.
- Make timely reports to the campus community about crimes considered to be a threat to students and employees that are reported to campus law enforcement or local police agencies.
- Make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or safety department.
- Develop and distribute, as part of the report, a statement of policy regarding the campus' sexual assault prevention programs, which shall be aimed at prevention of sex offenses; and the procedures followed once a sex offense has occurred.
- Submit, on an annual basis, to the U.S. Secretary of Education a copy of the statistics required to be made available pursuant to [20 U.S.C. §1092 \(f\)](#) and in accordance with the definitions used in the [Uniform Crime Reporting system](#).
- Distinguish, by means of separate categories, any criminal offenses that occur on campus; in or on a non-campus building or property; on public property; and in dormitories or other residential facilities for students on campus.

Additionally, each state-operated campus shall do the following:

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- Submit, on an annual basis, on or before each October 15, to the System Administration Office of University Police a digital copy of the Annual Security Report issued to that state-operated campus's community, pursuant to federal law and regulation and to this Procedure.
- The College President or his or her Senior Staff designee, shall review and certify to the Chancellor, the accuracy of each Annual Security Report.

The System Administration of the State University of New York shall do the following:

- The Office of University Police shall review the State-operated Campus' Annual Security Reports on a rotating basis; each campus' Annual Security Report shall be reviewed at least every three (3) years. Additionally, the Office of University Police, in coordination with the Office of University Life and the Office of University Counsel shall periodically provide guidance and training to campus and system officials charged with compliance with the Clery Act.
- The Office of University Audit shall periodically, and as resources permit, perform an audit of selected campus' compliance with the Clery Act.
- The Office of University Counsel shall maintain an Internet ListServ to provide guidance to campus and System Administration officials charged with compliance with the Clery Act and assist the Office of University Police in providing guidance on complying with the Act.

Process

Campus Security Policy and Campus Crime Statistics Reporting

- A. Each University campus of the State University of New York shall collect the following information with respect to crime statistics and security policies of that campus, and prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the security policies and crime statistics of that campus:
1. A statement of current campus policies regarding procedures and facilities for students and others to use to report criminal actions or other emergencies occurring on campus and policies concerning the campus' response to such reports.
 2. A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
 3. A statement of current policies concerning campus law enforcement, including the following:
 - a. The police officer status of University Police.
 - b. The working relationship between University Police and State and local law enforcement agencies, including that the campus has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses with such agencies.
 - c. Policies that encourage accurate and prompt reporting of all crimes to the University Police and/or the appropriate law enforcement agencies.
 4. A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
 5. A description of programs designed to inform students and employees about the prevention of crimes.
 6. Statistics concerning the occurrence on campus, in or on non-campus buildings or property, and on public property, during the most recent calendar year and the 2 preceding calendar years for which data are available:

- a. The following criminal offenses reported to campus security authorities or local police agencies:
 1. Murder
 2. Sex offenses, forcible or non-forcible
 3. Robbery
 4. Aggravated assault
 5. Burglary
 6. Motor vehicle theft
 7. Manslaughter
 8. Arson
- b. The number of arrests or referrals for campus disciplinary action for liquor law violations, drug-related violations and weapons possession.
- c. The number of crimes described in subclasses (1) through (8) of clause (6) (a) and the number of incidents of larceny-theft, simple assault, intimidation and destruction, damage, or vandalism of property and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies. This data shall be collected and reported according to category of prejudice.
- d. For purposes of reporting the statistics with respect to crimes described in paragraph (A)(6), a campus shall distinguish, by means of separate categories, any criminal offenses that occur as follows:
 1. On campus
 2. In or on a non-campus building or property
 3. On public property
 4. In dormitories or other residential facilities for students on campus.
7. A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the campus, including those student organizations with off-campus housing facilities.
8. A statement of policy regarding the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws and a statement of policy regarding the possession, use and sale of illegal drugs and enforcement of federal and state drug laws and a description of any drug or alcohol abuse education programs as required under [20 U.S.C. §1011i](#).
9. A statement advising the campus community where law enforcement agency information concerning registered sex offenders may be obtained, such as the law enforcement office of the campus, a local law enforcement agency with jurisdiction for the campus or a campus web site (see the University policy regarding Sex Offender Registration).
10. A statement of current campus policies regarding immediate emergency response and evacuation procedures including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to do the following:
 - a. Immediately notify the campus community upon the confirmation of a significant emergency or

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dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, unless issuing a notification will compromise efforts to contain the emergency.

- b. Publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff.
 - c. Test emergency response and evacuation procedures on an annual basis.
- B. Each University campus shall make timely reports to the campus community about those crimes, listed in paragraph (A)(6) that are considered to be a threat to other students and employees, and are reported to campus law enforcement or local police agencies. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.
- C. Each University Campus shall make, keep and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including:
1. The nature, date, time, and general location of each crime.
 2. The disposition of the complaint, if known.

All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority.

1. If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.
 2. If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.
- D. On an annual basis, each University campus shall submit to the U.S. Secretary of Education ([Campus Crime and Security at Postsecondary Education Institutions Survey](#)) a copy of the statistics required to be made available under paragraph (A)(6)above.
- E. The statistics described in paragraph (A)(6) shall be compiled in accordance with the definitions used in the [Uniform Crime Reporting system](#) of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the [Hate Crime Statistics Act](#). Such statistics shall not identify victims of crimes or persons accused of crimes.
- F. Each University campus shall develop and distribute as part of the report described in paragraph (A) a statement of policy regarding the following:
1. Such campus' sexual assault prevention programs (see the University policy regarding Sexual Assault Prevention), which shall be aimed at prevention of sex offenses.
 2. The procedures followed once a sex offense has occurred.

The policy described in subparagraph (F) shall address the following areas:

1. Education programs to promote the awareness of rape, acquaintance rape and other sex offenses.
2. Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape or other sex offenses, forcible or non-forcible.

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3. Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.
 4. Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement of the following:
 - i. The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding.
 - ii. Both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.
 5. Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.
 6. Notification of students of existing counseling, mental health or student services for victims of sexual assault, both on campus and in the community.
 7. Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.
- G. No campus, or an officer, employee, or agent of a campus may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this policy.

In support of this procedure, the following definitions are included:

H. Definitions

Campus – (1) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution 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) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

Non-campus building or property – (1) any building or property owned or controlled by a student organization recognized by the institution; and (2) any building or property (other than a branch campus) owned or controlled by a campus that is used in direct support of, or in relation to, the campus' educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the campus.

Public property – all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the campus if the facility is used by the campus in direct support of, or in a manner related to the campus' educational purposes.

Campus security authority – (1) a campus police or security department; (2) any individual or organization specified in the campus' statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; (3) a campus official who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

Forms

[Campus Crime and Security at Postsecondary Education Institutions Survey](#) (Annual Reporting

Mechanism for Requirements of 20 U.S.C. 1092(f)

Related Procedures

[Student Consumer Information and Disclosures](#)

Other Related Information

[U.S. Department of Education](#)

U.S. Department of Education's

[Handbook for Campus Crime Reporting](#)

[42 U.S.C. §14071](#) (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program)

[20 U.S.C. §1011i](#) (Drug and alcohol abuse prevention)

[Uniform Crime Reporting System](#)

[28 U.S.C. §534](#) (Hate Crime Statistics Act)

[Bias-Related Crime Prevention Policy](#)

[Sexual Assault Prevention Policy](#)

Authority

[20 U.S.C. §1092\(f\)](#)

Chapter 597, Laws of 2003

History

Memorandum to Presidents from Office of University Counsel and Vice Chancellor for Legal Affairs dated July 23, 2008 regarding reporting and classifying burglaries and larcenies. Model Report for the Crimes Awareness & Campus Security Act distributed to Chief Student Affairs Officers, Chiefs of Police, Directors of Public Safety, Directors of Residence Life, and Coordinators of Campus Judicial Affairs on June 19, 2000.

Memorandum to Presidents from Office of Vice Chancellor for Student Affairs and Special Programs, dated March 4, 1994 reminded campuses that sexual assault statistics and policies that address prevention, procedures for reporting and campus judicial procedures related to sexual assault must be included in the annual campus security/safety report. A copy of "Sex Offense on Campus" by the American Council on Education and National Association of Student personnel Administrators, which discusses amendments to the 1990 Campus Security Act, is provided.

Memorandum to Presidents from Office of University Counsel and the Vice Chancellor for Legal Affairs, dated December 30, 1992 outlining new requirements under selected provisions of the Higher Education Amendments of 1992. The amendment to the Campus Security Act requires campuses to include in their reports statistics not only of rape but also of all sex offenses, forcible or non-forcible. Campuses must also develop a policy that includes

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programs aimed at preventing sex offenses and procedures to be followed once a sex offense has occurred.

Memorandum to Presidents from Office of University Counsel and the Vice Chancellor for Legal Affairs and Office of Vice Chancellor for Student Affairs and Special Programs, dated August 2, 1991 outlining new Federal Student Right-to-Know and Campus Security Act and the type of information to be contained in the report. Beginning in August 1, 1991, campuses are required to collect certain information annually relating to campus crimes and their own security policies. Beginning September 1, 1992, this information must be published in an annual security report for dissemination to all current students and employees of the campus and to applicants for enrollment or employment, upon request. The Act also amends the Family Educational Rights and Privacy Act ("FERPA" or "Buckley Amendment") to allow campuses to disclose to an alleged victim of a violent crime the results of any disciplinary proceeding conducted by a campus against the alleged student perpetrator of that crime.

This document was last updated August 27, 2009.

Appendices

[Annual Security Act Certification Form Letter](#)