



# WESTERN MICHIGAN UNIVERSITY

## Public Safety



### Clery Act Campus Security Authorities Responsibilities

<p><b>What is the Clery Act?</b></p>	<p>The Clery Act, a federal law titled: Jeane Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, requires certain categories of crime, arrest and referrals that fall into specified locations to be reported in an Annual Security and Fire Safety Report which is published by October 1st each year and is made available to the campus community.</p> <p>Additionally, the Clery Act requires safety information to be issued to alert the campus community of crimes considered to be an ongoing threat to students and employees. These crimes may be reported to Campus Security Authorities (CSA's), WMU Public Safety or other local Law enforcement agencies.</p> <p>The purpose of the Clery Act is to encourage the accurate reporting and collection of campus crime data as well as promote crime awareness and enhance safety.</p> <p><b>The WMU Annual Security Report and Fire Safety Report is available on the WMU Public Safety website at : <a href="https://wmudps.wmich.edu/campus-safety">https://wmudps.wmich.edu/campus-safety</a></b></p>
<p><b>What is a Campus Security Authority (CSA)?</b></p>	<p>Safety on campus is not the sole responsibility of WMU Public Safety, it is a collaborative effort across campus. Your responsibility for students, campus activities, and/or campus security is identifiable by WMU community members as an authority figure to whom they may seek help from.</p> <p><b><u>As a CSA, you are federally mandated to report Clery Act offenses which are disclosed to you.</u></b></p>
<p><b>CSA Crime Reporting Obligation</b></p>	<p>Any person identified as a CSA must report to WMU Public Safety a crime or incident they become aware of. The reportable Clery Act Crimes are "good faith" reports (which there is a reasonable basis to believe it is not hearsay/rumor) reported by witnesses, 3<sup>rd</sup> party, victim or offender.</p> <p><b>A CSA is not responsible for determining if a crime occurred, but shall report the incident to WMU Public Safety.</b></p>
<p><b>Clery Geography</b></p>	<p><b>On-campus:</b></p> <p>Is defined as "any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the</p>

institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including student halls; and

Any building or 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)."

The first part of this definition states that, for Clery reporting purposes, your campus includes buildings and properties that meet all the following criteria:

- Your institution owns or controls them;
- They are reasonably contiguous to one another; and
- They directly support or relate to the institution's educational purposes.

The second part of the on-campus definition requires you to include buildings and properties within your campus, or reasonably contiguous to it that meet all three of the following criteria:

- Your institution owns but does not control them;
- They are frequently used by your students; and
- They are used to support the institution's educational purposes.

#### **Public Property**

Is defined as "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 institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes."

No matter where your campus is located, your Clery public property category consists solely of two limited areas.

The first is public property within your campus. An example is a public road or public bike path that runs through your campus. You must report statistics for crimes that occur on the section of the road or bike path that touches your campus. A private road or private driveway running through your campus is not public property. A public or municipal parking lot that bisects your campus is part of your public property. A privately owned parking lot that bisects your campus is not. However, regardless of whether it's publicly or privately owned, if your institution has a written agreement giving it use of the parking lot, include the lot in your on-campus geography, not your public property geography.

The second area is public property that immediately borders and is accessible from the campus. In many cases this property consists of a public sidewalk that borders the campus, the public street along the sidewalk and the public sidewalk on the other side of the street (i.e., sidewalk, street, sidewalk). Again, only the portions of the sidewalk, street and sidewalk that are adjacent to your campus are included in your public property. If you have an urban campus that is comprised of 100 buildings that have public sidewalks and public streets separating them, the same

	<p>rules apply. You must identify the public property associated with each of these campus buildings, generally: sidewalk, street, sidewalk.</p> <p>So how do you determine whether the public property immediately adjacent to your campus is accessible? Look for one of two conditions to be present:</p> <ul style="list-style-type: none"> <li>• There is no barrier of any kind between your campus border and public property. For example, you can step off the edge of your campus directly onto a public sidewalk.</li> <li>• A standard of use has been established by your students. This means that although some type of barrier is present, your students frequently ignore, overcome or even use it, to gain access to public property for example: A wall, fence or gate that students frequently drive, climb over, under or through.</li> </ul> <p>Other public property considerations:</p> <ul style="list-style-type: none"> <li>• Sidewalk, street, sidewalk: Your public property does not include anything beyond the second sidewalk. If there is no second sidewalk, it doesn't include anything beyond the street,</li> <li>• Private homes and businesses are not included.</li> </ul> <p><b>Non-campus building or property</b></p> <p>Is defined as "any building or property owned or controlled by a student organization recognized by the institution; and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution."</p> <ul style="list-style-type: none"> <li>• Fraternity and Sorority owned Chapter houses fall into this category as do off campus Gallatin College locations and Ag research centers.</li> </ul> <p><b>Separate Campus</b></p> <p>Is defined as "a separate location that the institution owns or controls, is not reasonable geographically contiguous with the main campus, has an organized program of study, and there is at least one person on site acting in an administrative capacity."</p>
<p><b>Clery Reportable Crimes</b></p>	<p><b>Murder/Non-Negligent Manslaughter:</b> the willful (non-negligent) killing of one human being by another.</p> <p><b>Manslaughter by Negligence :</b> the killing of another person through gross negligence.</p> <p><b>Sexual Assault (Sex Offenses)</b> Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.</p>

**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. This offense includes the rape of both males and females.

**Forcible 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:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** the taking or attempting to take anything from value of the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**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.

**Burglary:** the unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle.

**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, or 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. 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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 of the jurisdiction in which the crime of violence occurred.

**Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

**Weapons: Carrying, Possessing, Etc. Law Violations:** the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations:** the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violations:** the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**HATE CRIME:** a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. WMU is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson; and larceny-theft, simple assault, destruction/damage/vandalism of property, and intimidation (see definitions below). If a hate crime occurs where there is an incident involving larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

**Larceny-Theft:** the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

**Constructive possession** is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**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.

**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 person having custody or control of it.

**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.

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A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc., the assault is then also classified as a hate/bias crime. There are eight categories of hate (bias):

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such

	<p>disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.</p>
<p><b>How a CSA Responds When a Crime is Reported</b></p>	<ol style="list-style-type: none"> <li>1. When a CSA is notified of a crime in progress, or an ongoing threat to the campus community, they will contact WMU Public Safety immediately for assistance.</li> <li>2. If it is not an emergency, the CSA should ask if the individual reporting the crime would like to report the incident to WMU Public Safety. <ul style="list-style-type: none"> <li>• If yes, the CSA should coordinate reporting and contact WMU Public Safety.</li> <li>• If no, the CSA should explain they are a <b>federally mandated</b> to submit a crime report under the Clery Act. The report can be submitted without identifying the reporting party and/or victim if they request to remain anonymous.</li> </ul> </li> <li>3. If the CSA has firsthand knowledge/confirmation the reporting party has already filed a report with WMU Public Safety, the CSA is not obligated to complete a CSA reporting form. <ul style="list-style-type: none"> <li>• If the reporting party advises they will file a report, but the CSA has no firsthand knowledge/confirmation that a police report was filed, then the CSA must complete and submit a CSA reporting form.</li> </ul> </li> </ol>
<p><b>Fire Safety Disclosure</b></p>	<p>The Higher Education Act defines a fire as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. This definition contains two descriptions of fire. The first is "any instance of open flame or other burning in a place not intended to contain burning." Some examples are:</p> <ul style="list-style-type: none"> <li>• Trash can fire</li> <li>• Burning oven mitt on a stove</li> <li>• Grease fire on a stovetop</li> <li>• Flame coming from electric extension cord</li> <li>• Burning wall hanging or poster</li> <li>• Fire in an overheated bathroom vent fan</li> <li>• Couch that is burning without any flame evident</li> </ul> <p>The second type of fire is "any instance of open flame or other burning in an uncontrolled manner." Some examples are:</p> <ul style="list-style-type: none"> <li>• Chimney fire</li> <li>• Gas stove fire</li> <li>• Fuel burner or boiler fire</li> </ul> <p>Include: All fires that meet the HEA definition regardless of</p> <ul style="list-style-type: none"> <li>• size</li> <li>• cause</li> </ul>

- Whether the fire results in injury death or property damage
- Your institutions fire safety policies. Even if institution prohibits the burning of candles, a lit candle does not meet the definition of a fire. If drapes catch on fire due to the brushing against a lit candle, the burning drapes meet the definition.
- Fires reported to any official at your institution (e.g., to a residence life officer), not just to campus fire or security authorities.
- Fires on the roof or the outside walls of a building even if the fire doesn't reach the inside.
- An incident where there is evidence of burning, for example a singed electrical cord.
- Fires in parking facilities and dining halls that are physical attached to and accessed directly from, on-campus student housing facilities. "Accessed directly from" means an individual can enter the area directly from the housing area without leaving the building.

Do not include:

- Sparks or smoke where there is no open flame or other burning.
- Such incidents as burnt microwave popcorn that triggers fire alarms or smoke detectors, unless there is evidence of flames.
- Attempted arson in cases where there is no open flame or burning. (Attempted arson shall be included along with statistics for completed arson in the Clery Crime Statistics).
- Fires in parking facilities which are not physically attached to dining and residence halls.
- Incidents that violate your institutions fire safety policies but do not meet the HEA definition of fire. For example, fire in a fireplace at a student housing facility.

Required fire statistics:

- The number of fires and cause of each fire.
- The number of persons who received fire related injuries that resulted in medical treatment.
- The number of deaths related to a fire.
- The value of property damage caused by the fire.



<b>CSA Crime Documentation- CSA Report Form</b>	<p>Please use the CSA Crime Report Form, located on the WMU Public Safety website: <a href="https://wmudps.wmich.edu/clery-info.php">https://wmudps.wmich.edu/clery-info.php</a>, to communicate reports promptly to WMU Public Safety.</p> <p>A CSA is required to report the following information:</p> <ul style="list-style-type: none"><li>• Location of the crime, if known</li><li>• Date/Time incident took place, when it was reported to you</li><li>• Names of individuals involved (including witnesses), if available/known (reporting party and/or victim may remain anonymous)</li><li>• Description of the crime/incident in detail. DO NOT INVESTIGATE. Providing details is essential for Public Safety to determine the type of crime/incident.</li></ul>
<b>Clery Act and CSA Additional Information and Questions</b>	<p>A CSA has a duty to report. For more information on CSA training, please contact WMU Public Safety Officer Victoria Hastings (<a href="mailto:Victoria.hastings@wmich.edu">Victoria.hastings@wmich.edu</a>), or visit the WMU Public Safety website: <a href="https://wmudps.wmich.edu/">https://wmudps.wmich.edu/</a></p>