



## **Clery Act Crime Reporting & Compliance at the University of Pennsylvania**



Information Provided By:  
The Division of Public Safety  
& The Office of Institutional Compliance

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## **Timely Warning Reports\***

With the exception of counselors, a responsible official who receives a report of a crime that may warrant a timely report should call the Deputy Chief of Investigations of the Division of Public Safety, at 898-4485, as soon as he or she receives the report of the incident. Alternatively, the official can satisfy the two reporting obligations simultaneously by promptly submitting a completed University of Pennsylvania Crime Statistics Reporting Data Form to the Division of Public Safety upon receipt of the report.

\*Extracted from page 7, section 3.B of "Crime Reporting Obligations Under Federal Law" within this document.

## Crime Reporting Obligations Under Federal Law

Federal law requires colleges and universities to report certain crime statistics to students and employees annually. The law also directs institutions to make timely reports to the campus community about crimes that pose a threat to students and employees. In complying with these two requirements, institutions must account not only for crimes reported to campus security and police, but also for crimes reported to other school officials – even when those reports do not, for whatever reason, result in police reports or investigations.

If you are on the distribution list for this outline, it has been determined that representatives of your school or unit are among the University officials who have the reporting obligations described above. In order for the University to fully comply with its reporting obligations, therefore, these responsible University officials must provide relevant information to the Division of Public Safety, the unit charged with the responsibility of coordinating the University's compliance with these two reporting requirements.

This outline summarizes the applicable law regarding the requirements, explains how these obligations extend to certain faculty and administrators in your school or unit, and describes the procedures that should be used to report required information.

### 1. What is Reportable?

#### A. Statistics

The Crime Awareness and Campus Security Act of 1990, now known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("the Act"), requires institutions to report statistics concerning the occurrence on campus and in other geographic areas specified in the Act of the following criminal offenses reported to campus security authorities or local police: 1) murder; 2) sex offenses, forcible or nonforcible; 3) robbery; 4) aggravated assault; 5) burglary; 6) motor vehicle theft; 7) manslaughter; 8) arson; and 9) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and illegal weapons possessions.

In addition, the Act requires institutions to report statistics for certain bias-motivated crimes. Specifically, an institution's hate crime statistics must account for the offenses numbered 1 through 8 above, larceny-theft, simple assault, intimidation, 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. These statistics must be presented according to category of prejudice.

Appendix A provides definitions for the offenses that are reportable under the Act.

## B. Timely Warning Reports

The Act requires institutions to make a “timely warning” to the campus community when a report of murder, sex offense, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter or arson is received by campus security authorities and, in the judgment of the institution, the crime at issue poses a threat to students and employees. The Act and its implementing regulations leave it to each institution to determine the suitability, timing and substance for these reports. At the University, the Division of Public Safety is responsible for making these determinations and for issuing “timely warnings” when appropriate.

## 2. Who Must Report Crime Information?

### A. Statistics

Under the Act, the University’s annual statistics must include crimes reported to campus security authorities. The term “campus security authorities” is defined as “campus security officials and campus officials with significant responsibility for student and campus activities.” Based in part on guidance from the U.S. Department of Education, we have determined that certain administrators in your school or unit fall within the group of University officials with reporting obligations. For example, the U.S. Department of Education has said that disciplinary officers, counselors, deans, athletic coaches and student affairs professionals are among the officials that have an obligation to provide information for the preparation of crime statistics. In most schools, the officials responsible for providing this information will be student affairs professionals and those administrators designated by each school to handle student complaints or provide support services. In the college houses, it will be college house deans and faculty masters. These and other responsible officials, in turn, must ensure that others within their school or unit inform them about incidents that may be reportable.

Two categories of school officials deemed to have significant responsibility for student and campus activities – namely, pastoral counselors and professional counselors – are exempted from this reporting requirement.

The regulations define a “pastoral counselor” as: “A person who is associated with a religious order or denomination, is recognized by that religious order or denomination or someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.”

The regulations define a “professional counselor” as: “A person whose official responsibilities include providing mental health counseling to members of the institution’s community, and is functioning within the scope of his or her license or certification.” The U.S. Department of Education has specifically stated that this exemption is not intended to relieve non-professional and informal counselors from the reporting obligations.

It is important to note that the obligation to report statistics does not require responsible officials to disregard confidentiality. The information these officials provide to Public Safety should not include personally identifiable information about victims or anyone else involved in an incident. In addition, responsible officials within your school or unit are not expected to decide whether a crime has occurred or how to categorize possible crimes. Their role is to provide relevant information about possible offenses to enable Public Safety to classify reported incidents within the rubric of the Act.

## B. Timely Reports

In order to promote confidential assistance to victims, the Department of Education has also exempted pastoral counselors and professional counselors from the “timely warning” requirement. Thus, University officials who fit within the category of either “pastoral counselor” or “professional counselor” (as defined above) are not required to provide information for “timely warning” reports.

## 3. How Do You Report Information?

### A. Statistics

The University has developed the **University of Pennsylvania Crime Statistics Reporting Data Form** to collect information about incidents that may be reportable. A link to the form is provided in the Crime Reporting Module as well as on the Division of Public Safety web site.

To provide required information about incidents reported to your unit, you should complete the form on line and submit it electronically. Alternatively, you may print the form and complete it manually. If you choose this alternative, you should send the completed form to the Chief of Police of the Division of Public Safety with a copy to the Institutional Compliance Officer.

Responsible officials should complete a separate form for each criminal incident reported to their unit if the following conditions are met: 1) the incident appears to fit the definition of an offense described in Attachment A; and 2) the incident has not previously been reported to Public Safety. Again, the form does not require providing identifying information about victims or alleged offenders. However, in order to enable those compiling the University’s statistics to properly assign offense and geographical classifications to each incident, the person completing the form should provide a clear description of what occurred and as precise a location as possible for each incident. It is not necessary to provide a specific room or apartment number when doing so would compromise confidentiality. If there is evidence that the selection of the victim was motivated by bias, the person completing the form should describe the evidence and specify the type of prejudice involved.

Please note that this form is merely a tool to collect crime statistics data. It is not intended to be used for making referrals or notifying others about possible follow-up. Further, submitting this form to Public Safety does not amount to reporting a crime to the police. Responsible officials should complete and submit the **University of Pennsylvania Crime Statistics Reporting Data Form** when the two conditions described above are met even if a victim does not wish to make a police report or have an incident investigated.

B. Timely Warning Reports

With the exception of counselors, a responsible official who receives a report of a crime that may warrant a timely report should call the Deputy Chief of Investigations of the Division of Public Safety, at 898-4485, as soon as he or she receives the report of the incident. Alternatively, the official can satisfy the two reporting obligations simultaneously by promptly submitting a completed University of Pennsylvania Crime Statistics Reporting Data Form to the Division of Public Safety upon receipt of the report.

4. How Do You Obtain Guidance?

If you have any questions about the legal obligations outlined in this memorandum or how they apply to administrators within your school or unit, please call Brenda Fraser, Esq., Associate General Counsel, at 746-5278. If you wish to seek guidance about how to handle a particular incident, you may call either Brenda or Karen Winkeler/Division of Public Safety, at 898-4482. If you have questions or comments about the University of Pennsylvania Crime Statistics Reporting Data Form, please contact Linda Egerter Yoder, Assistant Compliance Officer, at 573-3347.

## **Appendix A: Definitions of Crimes Reportable Under The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Higher Education Opportunity Act**

1. **Murder** - The willful (non-negligent) killing of one human being by another.
2. **Forcible Sex Offenses** - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcible or against the person's will where the victim is incapable of giving consent.
  - A. **Forcible Rape** - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
  - B. **Forcible Sodomy** - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
  - C. **Sexual Assault With An Object** - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
  - D. **Forcible Fondling** - The touching of the private parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
3. **Non-forcible Sex Offenses** - Unlawful, non-forcible sexual intercourse.
  - A. **Incest**. Non-forcible Sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - B. **Statutory Rape**. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

4. **Robbery** - The taking or attempting to take anything from 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.
5. **Aggravated Assault** - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of attack is usually assault accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury results from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
6. **Burglary** - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safe-cracking; and all attempts to commit any of the aforementioned.
7. **Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle. (Classify as a motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)
8. **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, personal property of another, etc.
9. **Manslaughter**
  - A. Non negligent Manslaughter [same as murder] - the willful (nonnegligent) killing of one human being by another.
  - B. Manslaughter by Negligence [same as criminal homicide] - the killing of another person through gross negligence.
10. **Weapon Law Violations** - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
11. **Drug Abuse Violations** - Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include : opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).



12. **Liquor Law Violations** - The violation of laws or ordinances prohibiting: the manufacture, sale, transportation, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Hate Crimes** - A reportable hate crime is any of the crimes in the first nine categories listed above, larceny-theft, simple assault, intimidation, destruction, damage or vandalism of property, or a crime 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. (See 20 U.S.C. §1092(f).)

For more information on the **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**, please visit <http://www.securityoncampus.com>.