

**USER GUIDE FOR CSAs:
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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PART 1: 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. School officials with this reporting responsibility are known as Campus Security Authorities (CSAs).

In order for the University to fully comply with its reporting obligations, therefore, you 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 you 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, non-negligent, manslaughter, and manslaughter by negligence; 2) sexual assault, including rape, fondling, incest and statutory rape; 3) robbery; 4) aggravated assault; 5) domestic violence; 6) dating violence; 7) stalking; 8) burglary; 9) motor vehicle theft; 10) arson; and 11) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and illegal weapon possessions.

In addition, the Act requires institutions to report statistics for certain bias-motivated or hate crimes. Specifically, an institution's hate crime statistics must account for the offenses numbered 1 through 10 above, as well as larceny theft, simple assault, intimidation, 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, national origin, disability or gender identity 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 any of the above crimes is received by campus security authorities and, in the judgment of the institution, the crime at issue poses an ongoing or continuing 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 (DPS) along with senior leadership are responsible for making these determinations and for issuing “timely warnings” when appropriate. **Any timely warning issued shall not contain the names or other identifying information of any victim/s.**

When the DPS becomes aware of criminal incidents or any event that, in the judgment of DPS and the University’s senior leadership, constitute an immediate, significant danger to the health or safety of the campus community, the Division of Public Safety issues an emergency notification to notify the community. Depending on the particular circumstances, a timely warning may be disseminated by using one or a combination of the following: e-mail distribution; various campus publications; the Public Safety and University website; crime alerts; flyers posted at various locations on campus; and/ or activation of the UPennAlert system which employs personal electronic devices, Penn Siren Outdoor System (Penn SOS) and/ or digital displays to advise the community of the situation.

2. Who Must Report Crime Information?

A. Campus Security Authorities (CSAs)

Under the Act, the University’s annual statistics must include crimes reported to Campus Security Authorities (CSAs). 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 you 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 directors, as reported up to them by resident and graduate assistants. These and other responsible officials, in turn, must ensure that



others within their school or unit inform them about incidents that may be reportable.

If someone reports a crime or an incident that might be a crime to you, as a CSA you must report the incident immediately to Public Safety. The parties involved in the incident do not have to be affiliated with the University. Help connect the person to available options and resources within the University for affiliates. Do not attempt to investigate any crime reported to you. When in doubt, always report the incident to Public Safety who will conduct an appropriate investigation.

3. Exemptions from Reporting Requirements

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

A. 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 as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.”

B. 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.

4. Confidential Reporting

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.

5. How Do You Report Information?

- A. **Call Public Safety** - you may report a crime by calling Public Safety at 215-573-3333 or 511 from any campus phone. If it is a sensitive crime (sexual assault, stalking, dating or domestic violence), you may call Special Services at 215-898-4481.

B. Online Form

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 website. (www.publicsafety.upenn.edu/clery/crime-statistics-reporting-data-form)

To provide required information about incidents reported to you, you should complete the form online 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 Superintendent of the University of Pennsylvania Police Department for the Division of Public Safety with a copy to the Institutional Compliance Officer.

i. How to Fill out the Online Form

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.

6. 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 215-746-5278. If you wish to seek guidance about a crime sensitive in nature, you may call Patricia Brennan of Special Services (215-898-4481). If you have questions about the University of Pennsylvania Crime Statistics Reporting Data Form, please contact either Kathleen Shields Anderson (215-898-7517) at the Division of Public Safety. **Thank You for your attention to this important issue.**



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 and the Violence Against Women Act

1. Murder - The willful (non-negligent) killing of one human being by another.

2. Manslaughter

A. Non negligent Manslaughter [same as murder] - the willful (non-negligent) killing of one human being by another.

B. Manslaughter by Negligence [same as criminal homicide] - the killing of another person through gross negligence.

3. Sexual Assault - 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. Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration of a sex organ of another person, without the consent of the victim.

B. Fondling - The touching of the private body parts of another 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 temporary or permanent mental or physical incapacity.

C. Incest. - Sexual intercourse between persons who are related to each other within the degree wherein marriage is prohibited by law.

D. Statutory Rape. - Sexual intercourse with a person who is under the statutory age of consent. In Pennsylvania, it is illegal for an adult (someone 18 or older) to have sex with a minor (someone younger than 16), even if the sex is consensual.

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. Domestic Violence - a felony or misdemeanor crime of violence committed a) 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 domestic or family violence laws of the jurisdiction in which the crime of violence occurred; and/or 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.

Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

7. 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. For the purposes of this definition, 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.

8. Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for the person's safety or the safety of others or suffer substantial emotional distress.

9. 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.

10. 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.)

11. 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.

12. Weapons 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.

13. Drug Law 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).

14. 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 - The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed in the categories above and larceny-theft, simple assault, intimidation, 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, national origin, disability or gender identity of the victim. These statistics must be presented according to category of prejudice.

The definitions of additional hate crimes categories are as follows:

- A. Larceny Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another.
- B. B. 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.
- C. C. 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 the person having custody or control of it.
- D. 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 aggrieved bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

The categories of prejudice under Hate Crimes are as follows:

- A. Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.
- B. 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.
- C. 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.

- D. Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation – a person’s physical, romantic and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- E. 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.
- F. National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- G. Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.
- H. Gender Identity** – A preformed negative opinion or attitude toward a group of persons because the perceived gender identity.

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