

CLERY ACT

REFERENCE GUIDE for CAMPUS SECURITY AUTHORITIES (CSA)

A **CSA** at Colorado College is identified by the following:

Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).

Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

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. An official is defined as any person who has the authority and the duty to act or respond to particular issues on behalf of the institution (Residential Life/Student Life, Faculty Advisors to Student Groups and Counselors or Clergy not acting in the scope of their roles. Counselors and Chaplains operating in their titled function are considered confidential resources and are not required to report under CSA definitions).

CLERY GEOGRAPHY

On Campus

i. 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

ii. Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, 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 other retail vendor).

On Campus Student Housing

A dormitory or other residential facility for students that is located on an institution's campus.

Public Property

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

Non campus Property

i. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

ii. 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.

CLERY OFFENSES

Murder/Nonnegligent Manslaughter

The willful (nonnegligent) killing of one human being by another

Manslaughter by Negligence

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.

Mandatory report to Title IX

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 or physical incapacity.

Mandatory report to Title IX

Incest

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

Mandatory report to Title IX

Statutory Rape

Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Mandatory report to Title IX

Robbery

The taking or attempting to take anything of value 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.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

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, personal property of another, etc.

VAWA OFFENSES

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.

Mandatory report to Title IX

Domestic Violence

A felony or misdemeanor crime of violence committed:

- (a) By a current or former spouse or intimate partner of the victim;
- (b) By a person with whom the victim shares a child in common;

- (c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- (d) 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, or
- (e) 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.

Mandatory report to Title IX

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- (a) Fear for the person's safety or the safety of others; or
- (b) Suffer substantial emotional distress.

Course of conduct means two or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threaten, or communicates to or about a person or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Mandatory report to Title IX

ARREST/REFERRALS

Drug Law Violations

Violation of local laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

Liquor Law Violations

Violation of local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

Weapons Violations

Violation of local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

HATE CRIMES

A hate crime is a committed criminal offense that is motivated, in whole or in part, by the offender's bias(es) against a person's:

- race
- religion
- disability
- sexual orientation
- ethnicity
- national origin
- gender
- gender identity

In addition to all the previous crimes listed, a hate crime can include intimidation, larceny-theft, simple assault, and destruction, damage, or vandalism of property.

ADDITIONAL CRIME CLASSIFICATIONS

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.

Larceny-theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

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

To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

REPORT ELEMENTS

- ◇ Date & Time Reported
- ◇ Date & Time Offense(s) occurred
- ◇ Location of Offense (be as specific as possible)
- ◇ Victim information
- ◇ Offender information, if known (Name, description)
- ◇ Witness information, if known
- ◇ Detailed description of the incident
- ◇ Other offices that may have received the report
- ◇ Name of other officials involved, if known

TIMELY WARNING and EMERGENCY NOTIFICATION REQUIREMENTS

The Clery Act requires Colorado College to make several real-time disclosures to the campus community, the College must also inform the campus community about crimes, hazards, and other critical incidents to the campus community through either a “timely warning” or an “emergency notification.” It is important that Campus Safety receives information regarding incidents and crimes as soon as possible in order to conduct an assessment to honor requirements of both timely warnings and emergency notifications.

The table below summarizes the differences between these two requirements.

	Emergency Notification	Timely Warning
Scope of Incident	Any serious event affecting the health or safety of the campus community	A Clery Act-defined crime
Reason to Send	Event is actively occurring, or threat of event is imminent	Crime has already occurred and may represent a serious or continuing threat to campus community
Location of Incident	Anywhere on campus	Anywhere within Clery Act geography (On-Campus, On-Campus Student Housing, Non-campus, or Public Property)
Timing of Notification	Must be sent once the College confirms the serious situation, threat, or emergency	Must be sent as soon as pertinent information becomes available