

Many of you have recently called or written to the Campus Safety Help Desk seeking clarification on similar reporting issues. We are responding via this broadcast e-mail so that every institution will have access to the same information.

1) Does the change in the UCR definition of rape affect Clery reporting?

As you may know, the F.B.I. revised the definition of forcible rape used by the Uniform Crime Reporting (UCR) Summary Reporting Program in December 2011. However, the Clery Act requires institutions to use the definition of forcible rape found in the National Incident-Based Reporting System (NIBRS) edition of the UCR Handbook. As a result, the change in the forcible rape definition does not affect Clery Act reporting at this time. Please continue to use the definition of forcible rape found in the Department's regulations at 34 CFR Part 668, Subpart D, Appendix A and reflected on page 37 in The Handbook for Campus Safety and Security Reporting.

2) Is an institution's Title IX coordinator also a Campus Security Authority for Clery purposes?

A Title IX coordinator is considered to have significant responsibility for student and campus activities. Therefore a Title IX coordinator is, by definition, a campus security authority (CSA). A deputy Title IX coordinator, however, is a CSA only if he/she has significant responsibility for student and campus activities (See pages 74-75 of the Handbook) or the deputy coordinator is listed in the school's campus security policy as someone to whom crimes should be reported.

3) Reporting for additional campuses and noncampus locations.

Under the Clery Act, an institution is required to include in its crime statistics any Clery crimes reported as occurring in every building or property it owns or controls, domestic or foreign, that is used in direct support of, or in relation to, the institution's educational purposes or any building owned or controlled by a student organization officially recognized by the institution. Control means that your institution (or the student organization) rents, leases, or has some other type of written agreement, no matter how informal, for the use of a location or a portion of a location (See page 12 of the Handbook). Such locations fall under either the separate campus or the noncampus category.

Any location (domestic or foreign) that: is owned or controlled by your institution; is not reasonably geographically contiguous with the main campus; has an organized program of study; and has at least one person on site acting in an administrative capacity is a **separate campus** and, under Clery, must meet all of the HEA safety-and security-related requirements (See examples on pages 15-16 of the Handbook). This includes completing the web-based survey and publishing an annual security report (and an annual fire safety report, if applicable) for that location.

Any additional location you own or control that is not a separate campus, but is used for your educational purposes, falls under the **noncampus** reporting category if it is frequently used by students and is not reasonably contiguous to your campus. A location is considered "frequently used by students" in the following types of situations:

- (a) The institution has a written agreement for a location used to offer one or more classes.** An example is a rented wing of a high school where evening classes are held. The wing of the high school falls under the noncampus category for the dates and times it is rented, regardless of whether the institution rents it once or more than once.
- (b) The institution has a written agreement for a location used to house its students.** Some examples are a hotel, an apartment building, or a student housing facility on another campus used for overflow housing. The hotel rooms, apartments or housing facilities specified in your written agreement plus any associated common areas are considered noncampus property.

- (c) The institution makes repeated use of a location.** An example is, if every year students in the debate club take a trip to Washington, DC and stay at the same hotel, you must include any Clery crimes reported as occurring in certain portions of the hotel in your crime statistics. As discussed on page 27 in the Handbook, you must report any crimes reported as occurring in the rooms rented to your students and any common areas used to access the rooms (lobby, elevators, etc.) for the times and dates specified in the rental agreement. Note that what matters here is repeated use of an owned or controlled location, not the number of days it is used or whether it is used by the same students or different students.
- (d) The institution sponsors short-stay “away” trips for its students.** Generally a trip of short duration to a one-time-only location, such as an overnight trip to see a traveling art exhibit or an athletic event, would not meet this qualification, but some trips of longer duration would. An example is a three week art study trip to another city for a series of art lectures and demonstrations at a museum. In the latter type of situation, any classroom or housing space specified in any written agreement entered into by the institution would be noncampus property for Clery Act reporting purposes. However, if your institution doesn’t enter into an agreement for the use of a particular space or area, you are not required to include crimes in that area in your campus crime statistics. For example, an institution’s art students may visit museums that are open to the public without a special agreement for the use of the space in the museum. There are other situations, such as sports tournaments, for which the host institution makes all of the housing arrangements for visiting students. In these situations, the visitor institutions do not have a written agreement for the use of space and are not required to disclose crime statistics for the housing in which their students are located.

The Clery Act is very specific with regard to the geography that is applicable to your reporting requirement. If you want to report for additional locations that do not fall into these geographic categories, you can include them in a separate table or in a caveat in the annual security report and in a caveat in the web-based survey.

As always, we encourage you to contact the Campus Safety Help Desk if, after reading the handbook, you are unsure whether to report for a particular location. Call us toll-free at (800) 435-5985 or e-mail us at campussafetyhelp@westat.com.