

# The Clery Act & Title IX

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What do you need to know on a college campus?

# WHAT IS A Campus Security Authority (CSA)?

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[Clery Center CSA Training Video 2014](#)

# OVERVIEW

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- What is the Clery Act?
- Requirements of the Act
- Identifying Campus Security Authorities (CSAs)
- How and Where to file a report
- What is Title IX?
- What is a Mandated Reporter?
- Identifying Responsible Persons

# WHAT IS THE CLERY ACT?

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- 1986: 19 Yr old student Jeanne Clery raped and murdered in residence hall room at Lehigh University
- 1990: Congress passed Crime Awareness and Campus Security Act
- 1998: renamed the Jeanne Clery Disclose of Campus Security Policy and Campus Crime Statistics Act (Clery Act)
- 2008: Campus SaVE Act
- 2013: Violence Against Women Act (VAWA)

# IS IT CLERY ACT REPORTABLE?

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- Geographic Location
- Is it a Clery violation?
- Was it reported to a CSA?

**NOTE:** In order for an incident to be “Clery Reportable” it must meet all criteria above.

# Clery Crime Categories

- **Criminal Offenses**
- Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence
- Sexual assault: rape, fondling, incest, statutory rape
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- **Hate Crimes (any of the above mentioned offenses, and any incidents of)**
- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

# Clery Crime Categories (continued)

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- **VAWA Offenses**
- Domestic violence
- Dating violence
- Stalking
- **Arrests and Referrals for Disciplinary Action**
- Weapons law violations
- Drug abuse violations
- Liquor law violations

# REQUIREMENTS OF THE ACT

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- Produce an Annual Security & Fire Report (ASR)
- Notify campus in a “Timely Manner” of crimes that threaten safety
- Maintain an up-to-date daily log of all reported crimes and their disposition
- Track annual crime statistics that occur
  - 3 years of crime statistics in the ASR
  - Irrelevant whether the crime actually occurred or not; reporting crime is enough to mandate it being tracked and recorded in the log.

# REQUIREMENTS OF THE ACT

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*Albright College Clery Crime Statistics*

*Albright College Campus Security and Fire Report 2017*

# WHEN IS A “TIMELY WARNING” ISSUED?

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The Clery 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 law enforcement and in, judgement of the institution, the crime at issue poses an ongoing threat to students and employees.

# TITLE IX NOTIFICATION

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In accordance with Title IX of the Education Amendments of 1972, which prohibits a college from discrimination based on sex, Albright College does not discriminate on the basis of sex or gender in its educational programs and activities.

[Title IX Notification](#)

[Title IX Statement](#)

# Title IX- Know Your Rights

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- The college has a responsibility to respond promptly and effectively
- Must take immediate action to eliminate sexual harassment or sexual violence that creates a hostile environment
- If a parent or student does not want to file a complaint, if a school knows about the issue, they must investigate and resolve the situation
- A criminal investigation into allegations of sexual harassment/violence does not relieve the college of Title IX duties to resolve complaints promptly and equitably

# Update- Affirmative Consent Policy

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- Consent to engage in sexual activity involves a knowing, free, and ongoing decision on the part of an individual to engage in that activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Consent is assessed based upon the totality of the circumstances (including relevant previous patterns that may have been evidenced) and by considering whether a reasonable, sober person in the same circumstances knew or should have known that the other party could or could not and/or did or did not consent to the sexual activity.
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- Important points regarding consent include:

# Update- Affirmative Consent Policy

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- Prior to initiating any sexual activity, the person(s) initiating the sexual activity is expected to obtain consent.
- Consent must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact.
- Silence, passivity, lack of resistance, or a lack of verbally refusing sexual activity does not, by itself, necessarily indicate consent.
- If at any time during sexual activity, any confusion or ambiguity arises, individuals should pause and seek clarification regarding consent.
- Consent to one form of sexual activity (such as kissing) does not necessarily constitute consent to engage in other forms of sexual activity (such as intercourse).

# Update-Affirmative Consent Policy

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- Consent to previous sexual activity, even in the context of an intimate relationship, does not necessarily presume consent is given to further sexual activity in any subsequent sexual encounter. For example, just because, on one occasion in the past, an individual consented to sexual intercourse, it does not necessarily follow that this one instance of past consent necessarily implies consent to a future instance of sexual intercourse on a different occasion.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion (i.e. words or actions involving threats or implied threats), or any other factor that would eliminate an individual's ability to exercise their own free will.
- Significant age or perceived power differentials can impact an individual's capacity to provide consent.

# Update- Affirmative Consent Policy

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- Consent cannot be obtained from an individual who is incapacitated. Further, consent is automatically withdrawn when a party reaches a state of incapacitation wherein that individual is no longer capable of continuing to consent to any sexual activity. Incapacitation is a state wherein an individual cannot make a knowing, free, and deliberate choice to engage in or continue engaging in sexual activity. Incapacitation is assessed based upon the totality of the circumstances and by considering whether a reasonable, sober person initiating sexual activity would have known or reasonably should have known that the individual was incapacitated or reached a state of incapacitation. Individuals who are asleep, unresponsive or unconscious are incapacitated. An individual who is under the influence of alcohol and/or other drugs may be incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, the inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. An individual may also be incapacitated due to a temporary or permanent disability or physical or mental health condition (including, but not limited to, mental health issues involving anxiety or depression), as well as due to the failure to take any medications associated with any sort of disability or physical or mental health condition.
- Either party may withdraw consent at any time. Once withdrawal of consent has been expressed, sexual activity must cease immediately.

# INTERSECTION BETWEEN CLERY ACT AND TITLE IX

## Intersections Between the Clery Act & Title IX

### The Clery Act

- Campus security authorities
- Non-personally identifiable information (nature, date, time, general location, current disposition)
- All Clery crimes
- Accommodations
- Disciplinary procedures

### Title IX

- Responsible employees
- All relevant details
- Sex discrimination, including sexual harassment, which includes sexual violence
- Interim measures
- Grievance procedures



# INQUIRES CONCERNING TITLE IX

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**Title IX Coordinator:**

Becki Achey  
Dean of Students  
Selwyn Hall – South  
610-921-7795

**Human Resource Contact Information for TIX concerns:**

Manning Smith  
Director of Human Resources  
Camp Building, 2<sup>nd</sup> floor  
610-929-7629

# Mandated Reporting

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- **YOUR DUTY:** Under the College's Title IX Mandated Reporting Policy, **ALL EMPLOYEES, are mandated reporters,** with the exception of:
  - medical providers
    - counselors
    - and clergy

# Responsible Employees

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- It is your duty to report to the Title IX Coordinator or a Deputy Coordinator when you have information about possible discrimination or harassment, including (but not limited to) incidents of sexual assault/gender based harassment.
- This allows us to insure those adversely impacted receive information about rights and resources, and may aid in identifying patterns of concern to inform prevention efforts and/or accountability.
- Not all reported incidents lead to a further action or disciplinary process. In some instances, the reported information includes details of sufficient follow-up (e.g. resources offered or utilized, or conflict resolution conversation completed).

# How to Report

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- You may report by email, by phone, or in person.
- Please refer to the Title IX Notification site for Title IX Coordinator and Deputy Coordinator contact information, located here [Title IX Notification](#).
- As a mandated reporter, you must identify yourself when reporting an incident.
- If you are abroad, please provide information about best means of reaching you (e.g. to reach you by email or provide timeframe, in EST, to reach you at specified number).

# What to Report

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- When reporting behavior that includes bias incidents or possible discrimination/harassment, responsible employees must provide full details of the incident, if known, including:
  - name(s) of the impacted individual(s),
  - alleged perpetrator(s),
  - Witnesses, and
  - any other relevant facts, including the date, time and specific location of the incident.

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# What to Report cont.

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- It is also important to include information about resources offered and/or actions taken.
- If an individual requests confidentiality or requests that no further action be taken (by the College or declines to pursue reporting to other authorities), please include that information.
- If you have questions about options for follow-up, refer to the *Support and Reporting Options* flowchart, located here [Title IX Notification](#), and you may also include a note.

# Where can I find information about support and reporting options for sexual misconduct and harassment/discrimination?

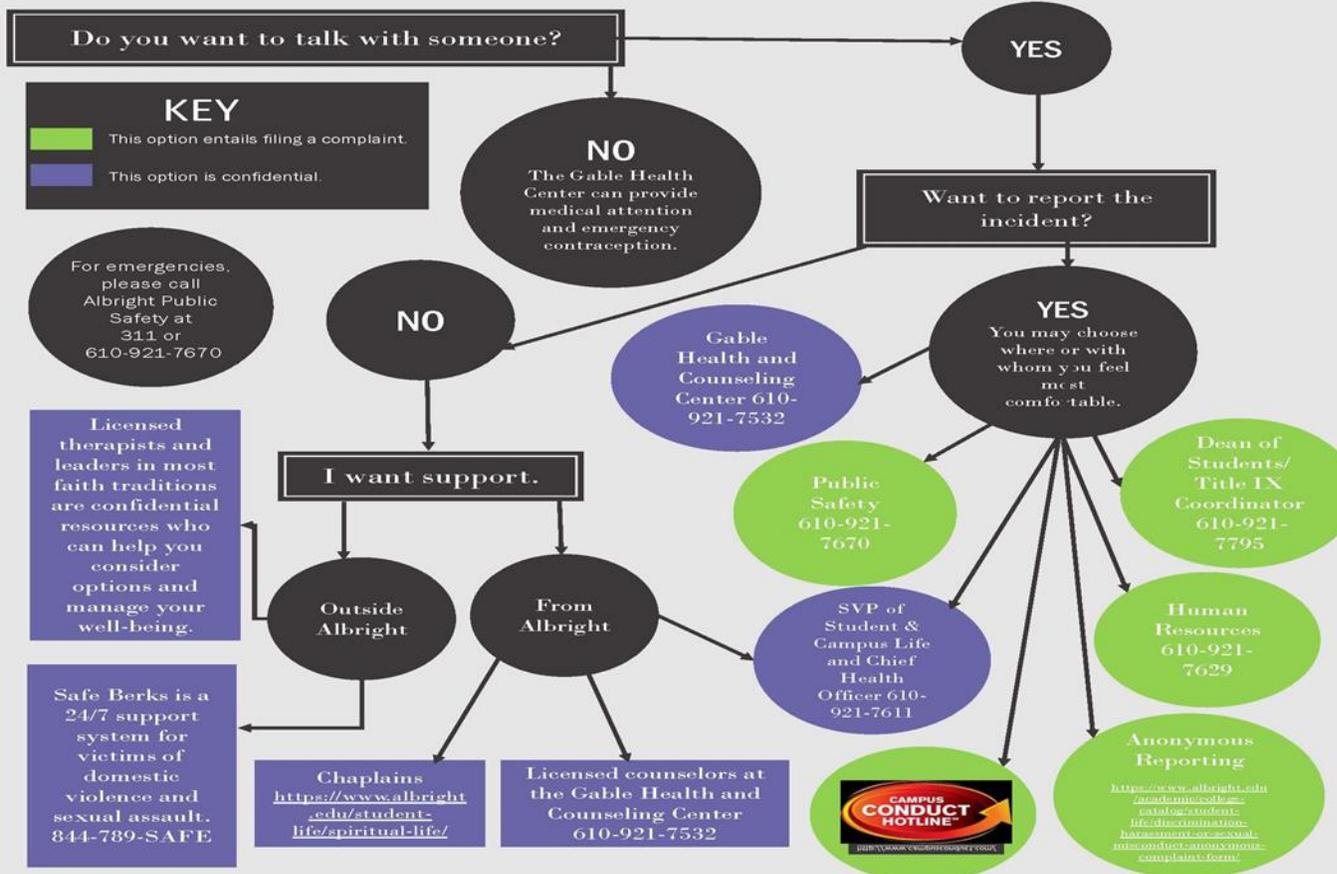
- ~~Quick links to support and reporting options, and to an anonymous complaint form~~ for sexual misconduct and harassment/discrimination can be found on the faculty/staff landing page, <https://www.albright.edu/faculty-n-staff/>, under “Tools” on the right side.
- **Direct links are:**
  - **Sexual Misconduct:** <https://www.albright.edu/academic/college-catalog/student-life/support-and-reporting-options-for-all-forms-of-sexual-misconduct/>
  - **Discrimination/Harassment:** <https://www.albright.edu/academic/college-catalog/student-life/support-and-reporting-options-for-all-forms-of-harassment-or-discrimination/>
  - **Anonymous Complaint Form:** <https://www.albright.edu/academic/college-catalog/student-life/discrimination-harassment-or-sexual-misconduct-anonymous-complaint-form/>
- You may also use the **search function on the Albright homepage** using keywords **sexual misconduct, harassment or discrimination.**

# Where can I find information about support and reporting options for sexual misconduct and harassment/discrimination?

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- For accessible viewing, information is presented both in html format and as downloadable pdfs. Downloadable pdf flowcharts are available on the webpages listed above.
- Direct links to the pdf flowcharts are:
- Sexual Misconduct: <https://www.albright.edu/wp-content/uploads/2019/01/Flowchart-for-Harassment-Discrimination-or-Sexual-Misconduct-Support-and-Reporting-Options-8.11.20-Working-Document-converted.pdf>
- Harassment/Discrimination: <https://www.albright.edu/wp-content/uploads/2020/12/Flowchart-for-Harassment-Discrimination-Support-and-Reporting-Options-12.17.20.pdf>
- New, updated posters with support and reporting options are displayed in buildings across campus.

# SUPPORT AND REPORTING OPTIONS for all forms of sexual misconduct



ADDITIONAL RESOURCES		
FOR QUESTIONS ABOUT...	CALL...	AT...
COUNSELING EMERGENCIES	PUBLIC SAFETY	610-921-7670
HOUSING RELOCATION	RESIDENTIAL LIFE	610-921-7641
ACADEMIC ADJUSTMENTS	ACADEMIC AFFAIRS	610-921-7643
NO-CONTACT ORDERS	PUBLIC SAFETY	610-921-7670

Because our differences make us stronger and empower us to better understand and respect one another, the College aims to recruit, house, educate, employ, and support all types of people and to celebrate their diversity including—but not limited to—race, ethnicity, national origin, citizenship status, religious or spiritual identity, gender and gender identity, sexual orientation, marital and parental status, veteran status, political affiliation, and differing abilities.

Student Title IX Policy  
 The Albright Compass Student Handbook can be accessed at [Albright.edu/student-life/compass/](https://www.albright.edu/student-life/compass/)

The Albright College Employee Handbook can be accessed at <https://www.albright.edu/policies/employee-handbook/effective-05-2015/>

# SUPPORT AND REPORTING OPTIONS

## FOR ALL FORMS OF HARASSMENT OR DISCRIMINATION

Do you want to talk with someone?

### CONFIDENTIAL SUPPORT/CONTACTS

Licensed counselors at  
the Gable Health and  
Counseling Center  
610-921-7532

Chaplains  
<https://www.albright.edu/student-life/spiritual-life/>

Licensed therapists and  
leaders in most faith  
traditions are confidential  
resources who can help you  
consider options and manage  
your well-being.



<http://www.campusconduct.com/>

### Anonymous Reporting

<https://www.albright.edu/academic/college-catalog/student-life/discrimination-harassment-or-sexual-misconduct-anonymous-complaint-form/>

For  
emergencies,  
please call  
Albright Public  
Safety at  
311 or  
610-921-7670

### REPORTING AGENTS

Dean of Students/ Title  
IX Coordinator  
610-921-7795

Human Resources  
610-921-7629

Public Safety  
610-921-7670

CITE-C  
[reportit@albright.edu](mailto:reportit@albright.edu)



<http://www.campusconduct.com/>

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### EXTERNAL RESOURCES

Contact	Phone	Website
Equal Employment Opportunity Commission (EEOC)	1-800-669-4000	<a href="https://www.eeoc.gov/">https://www.eeoc.gov/</a>
Hispanic Center of Reading and Berks County	610-376-3748	<a href="https://www.centrohispano.org/">https://www.centrohispano.org/</a>
LGBTQ of Greater Reading	610-864-5800	<a href="https://www.lgbtcenterofreading.com/">https://www.lgbtcenterofreading.com/</a>
National Association for the Advancement of Colored People (NAACP)	(877) NAACP-98	<a href="https://www.naacp.org/">https://www.naacp.org/</a>
US Department of Education Office for Civil Rights	1-800-421-3481	<a href="https://ocrcas.ed.gov/">https://ocrcas.ed.gov/</a>
SAFE Berks	844-789-SAFE	<a href="https://www.safeberks.org/">https://www.safeberks.org/</a>

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# Disclosure of Sexual Violence

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- If an individual discloses recent experience of sexual violence (e.g. assault of any type), insure the individual is aware of a right to medical or mental health support, assistance from the College (procedures, remedy), and/or option to report to law enforcement (and option to decline to do so).
- Validate the courage it takes to share such experience, avoid asking for details that are not necessary for immediate response.

# SAFE Berks Victim Advocate

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- Get emotional support by scheduling an appointment with the Albright College Counseling Center (ext. 7532). Or by contacting [SAFE Berks](#), a local provider.
- Meet with a Safe Berks Advocate on campus  
Victoria Simmons, Campus Response Specialist
- **On-Campus location:**  
Selwyn Hall, 2<sup>nd</sup> floor  
Call or text at 484-651-9745  
Office hours: Tuesday and Friday- 1 p.m. – 4:30 p.m.  
[staceyj@saferberks.org](mailto:staceyj@saferberks.org)



# SAFE Berks Victim Advocate

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- **Safe Berks Hotline (24 hours)**

844-789-SAFE or Text  
SAFE BERKS to 20121

- **Safe Berks**

255 Chestnut Street  
Reading, PA 19602  
Phone: [610-373-1206](tel:610-373-1206)  
Fax: [610-372-4188](tel:610-372-4188)



# EDUCATIONAL PROGRAMMING

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- Peer Education Programs
- Safe Berks Programs-  
Domestic/Dating Violence, Stalking,  
Sexual Misconduct
- Bystander Intervention
- Campus SaVE/Sex & the Law
- National Vision Wall Project
- Adopt an Officer Programs
- Sexual Assault Awareness Month
- R.A.D. Self Defense Program
- Safety Awareness Month
- It's on Us Campaign
- Alcohol Awareness Week
- What is the Red Zone?
- PLCB Grant Funding for programs

# IT'S ON US CAMPAIGN



- Albright College has joined the national *It's On Us* movement to stop sexual assault on college and university campuses, and to change the way we think about the problem. The national assault statistics are jarring. But one is one too many. It's on us to help keep women and men safe, and to not be a bystander to the problem.
- It's on us, Albrightians, to make a change. Be part of the solution. Take the pledge to stop sexual assault at [ItsOnUs.org](https://ItsOnUs.org).
- [Albright College Its On Us](#)
- [Albright Athletes Stop the Violence 2019](#)

# Questions and Discussion

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