

Clery Act Basics for Campus Security Authorities (CSAs)

1. Who is a CSA?

- A Campus Security Authority (CSA) includes police department and other security personnel, as well as officials who have significant responsibility for student and campus activities, including, but not limited to, student housing and student conduct.

2. What does a CSA do?

- A CSA has an obligation to immediately report a Clery Reportable Crime occurring at a Clery Geographic Location to the UC San Diego Police Department. The CSA does not investigate or prove a crime actually occurred.

3. What is a Clery Reportable Crime?

Clery Reportable Crimes include the following (see pages 4-5 for definitions):

❖ **Primary Crimes:**

- Criminal Homicide: Murder/Non-negligent Manslaughter
- Criminal Homicide: Manslaughter by Negligence
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Sex Offenses (Rape, Fondling, Incest, Statutory Rape)

❖ **Hazing**

❖ **Hate Crimes** (crimes motivated by bias related to race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, and disability):

- Any of the Primary Crimes listed above; PLUS:

- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/damage/vandalism of property

❖ **Arrests and Referrals for Disciplinary Action for:**

- California/San Diego Liquor Law Violations
- California/San Diego Drug Law Violations
- California/San Diego Weapons Law Violations

❖ **Violence Against Women Act (VAWA) Crimes:**

- Domestic Violence
- Dating Violence
- Stalking

4. What and Where is a Clery Geographic Location?

Clery Geographic Locations include:

- **On-campus building or property:** (i) Any building or property owned or controlled by the university within the same reasonably contiguous geographic area and used by the university in direct support of, or in a manner related to, the university's educational purposes; and (ii) Any building or property that is within or reasonably contiguous to the area identified in part (i) of this definition, that is owned by the university but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). (Do not include on-campus student housing facilities in this category.)
- **On-campus student housing facility:** Any student housing facility that is owned or controlled by the university, or is located on property that is owned or controlled by the university, and is within the reasonably contiguous geographic area that makes up the main campus.
- **Non-campus building or property:** (i) Any building or property owned or controlled by a student organization that is officially recognized by the university; or (ii) Any building or property owned or controlled by the university that is used in direct support of, or in relation to, the university's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the university.
- **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.

UC San Diego's campus Clery map is available at: <http://go.ucsd.edu/2hsOHyr>.

5. When does a CSA make a report to the UC San Diego Police Department?

A CSA should **immediately** report a Clery Reportable Crime occurring at a Clery Geographic Location to the UC San Diego Police Department. The CSA does not investigate or prove a crime actually occurred.

6. How does a CSA make a report to the UC San Diego Police Department?

CSAs should complete the *UC San Diego Campus Security Authority (CSA) Crime Report Form* or submit the report electronically. Visit <http://clery.ucsd.edu/>.

7. Some Important Tips and Reminders

- Call 911 in an emergency.
- **If the incident involves a potential sexual assault; robbery or any other violent crime; or a hate crime, please ask the victim's permission to share their contact information so that the UC San Diego Police Department can contact them.** A victim of sexual violence or relationship violence can agree to provide their name and request that it be kept confidential by the UC San Diego Police Department. The Police Department can advise the victim on this process.
- Offer support services to survivors of dating violence, domestic violence, sexual assault and stalking by connecting with the CARE office. Visit: <https://care.ucsd.edu/>.
- Separately report incidents of dating violence, domestic violence, sexual assault and stalking to the Office for the Prevention of Harassment & Discrimination if required by Title IX/UC Policy. Visit: <https://ophd.ucsd.edu/>.
- Mandated Reporters under the California Child Abuse and Neglect Reporting Act (CANRA) must make reports of suspected child abuse or neglect to the local child protection or law enforcement agencies as well as an internal report through the Whistleblower Hotline. See: <https://adminrecords.ucsd.edu/ppm/docs/200-26.html>.
- The *UC San Diego Campus Security Authority Crime Report Form* can be found at <http://clery.ucsd.edu/>.
- Contact information:
 - **Emergencies/After Hours/Submitting Reports:**
UC San Diego Police Department
Campus Services Complex, Building B
9-1-1 for emergencies
858.534.4351(non-emergencies)
Clery.ucsd.edu (to submit CSA Crime Report Form)
 - **Business Hours/Non-emergency Questions:**
Erika Saracino, Associate Director of Compliance
858.822.2220 and esaracino@ucsd.edu

Definitions of Clery Reportable Crimes (Definitions are in Alphabetical Order.)

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result 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.)

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.

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; safecracking; and all attempts to commit any of the aforementioned.

Criminal Homicide - Murder/Non-negligent Manslaughter

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

Criminal Homicide – Manslaughter by Negligence

The killing of another person through gross negligence.

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. (i) 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. (ii) For the purposes of this definition— (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence.

Destruction/Damage/Vandalism of Property (Clery Reportable for Hate Crime Only)

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.

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.

Drug Law Violations

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

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 incapacity.

Hate Crimes

Crimes that are reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes are counted for only certain Clery crimes. See Item 3 on page 1.

Hazing

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that – (I) is committed in the course of initiation into, an affiliation with, or the maintenance of membership in, a student organization; and (II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such

as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including – (aa) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity; (bb) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity; (cc) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances; (dd) causing, coercing, or otherwise inducing another person to perform sexual acts; (ee) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct; (ff) any activity against another person that includes a criminal violation of local, State, Tribal or Federal law; and (gg) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

Incest

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

Intimidation (Clery Reportable for Hate Crime Only)

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 (Except Motor Vehicle Theft) (Clery Reportable for Hate Crime Only)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Liquor Law Violations

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned

– including joyriding.)

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.

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.

Simple Assault (Clery Reportable for Hate Crime Only)

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.

Stalking

(i) 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. (ii) For the purposes of this definition— (A) *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, threatens, or communicates to or about a person, or interferes with a person’s property. (B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. (C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Statutory Rape

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

Weapons Law Violations

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