

Requirements Under the Clery Act: 11 FAQs for Campus Security Authorities¹

(1) What is the Clery Act and what does it require?

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) is a federal law requiring universities that receive federal funding to maintain and disclose campus crime statistics and security information. The U.S. Department of Education enforces the Clery Act and can issue fines for violations. In compliance with the Clery Act, MUSC collects information about certain crimes and publishes it in an Annual Security Report (ASR) every October.

Any employee who is designated as a Campus Security Authority (CSA) must immediately report certain criminal conduct to the MUSC Department of Public Safety (DPS) so that MUSC can accurately disclose campus crime statistics, investigate ongoing threats, and issue timely warnings to the MUSC community.

(2) What is a Campus Security Authority (CSA) and how do I know if I am one?

Although the name suggests that only individuals employed in safety and security roles are Campus Security Authorities, there are four categories of employees that are designated as CSAs. In addition to all Department of Public Safety personnel and security staff responsible for monitoring access to campus property, you may be a CSA if you are an official with significant responsibility for student and campus activities. CSAs may include student affairs/student conduct staff, student activities staff, human resources staff, and advisors to student organizations. Lastly, you may be a CSA if you are specifically designated by our Crime Reporting Policy as a CSA. You will be notified by your supervisor if you are a Campus Security Authority (CSA) and will be required to complete annual training.

(3) What kind of conduct am I required to report?

As soon as a CSA becomes aware of conduct that reasonably appears to be a Clery Act incident they must immediately report the incident to DPS. The following crimes constitute Clery Act incidents²:

- All primary crimes (murder, non-negligent manslaughter, and negligent manslaughter), sexual assault (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- VAWA crimes: dating violence, domestic violence, and stalking; and
- Arrests and referrals for disciplinary action for liquor law, drug law, and weapons law violations.

¹ These FAQs were developed for the MUSC community by the Department of Public Safety and Department of Diversity, Equity, and Inclusion. If you have any follow-up questions about this material, please contact Captain John Plitsch (plitsch@muscdiversity.edu) or Deputy Title IX Coordinator Daniela Harris (harridan@muscdiversity.edu).

² Definitions of Clery Act crimes are available [online](#).

(4) How do I report a Clery Act incident to the Department of Public Safety?

For emergency situations or crimes in progress: call (843) 792-4196 if on-campus or 911 to reach the local law enforcement if off campus. Inform the dispatcher of the location and nature of the emergency, and an officer will be sent to the location.

For non-emergency situations: call the DPS at (843) 792-4196 OR contact MUSC's Clery Act Coordinator, Captain John Plitsch, at (843) 792-3767 or plitsch@musc.edu.

You can also use your LiveSafe App to call or message Public Safety for both emergency and non-emergency situations on campus. The LiveSafe App shares your location with DPS.

When you contact DPS, be prepared to provide a description of the incident (date, time, location, and individuals involved if it is not an anonymous reporting situation). DPS will follow up with questions if they need additional clarification.

CSAs must report the incident to DPS even if it was shared with them in confidence. If the victim wishes to remain anonymous, they may do so. The CSA does not need to provide personally identifying information about the victim or perpetrator. The obligation to report under the Clery Act is about *when* and *where* an incident occurred, not about *who* committed it.

(5) What if I am not sure if a Clery Act incident occurred?

CSAs should report the incident even if they received the information secondhand or are not sure if a crime has actually occurred. It is not the CSA's job to determine whether all the elements of a crime have occurred. The only times CSAs do not need to report are when (1) they reasonably believe the report was not made in good faith or (2) they are reasonably certain that the incident has already been reported. When in doubt, we suggest reporting. Failing to report a Clery incident may lead to disciplinary action.

(6) When do I need to report a Clery Act incident to the Department of Public Safety?

CSAs should report the incident in a timely manner. In non-emergency situations, when the incident does not pose a serious and ongoing threat, CSAs should report promptly. In emergency situations, CSAs should always contact local law enforcement immediately.

(7) Where must the incident occur for it to be reportable under the Clery Act?

CSAs are required to report incidents that occur in locations that constitute Clery Act Geography:

- On campus: this refers to MUSC's downtown Charleston campus and means any location that is owned or controlled by MUSC and is used (1) for educational purposes or (2) by students for some other purposes (e.g., food vendors).
 - [Please refer to the Campus Map for further reference.](#)
- Public property bordering campus: this means all parking facilities, sidewalks, thoroughfares, and streets adjacent to MUSC's campus.
- Non-campus areas that are owned or controlled (1) by an official student organization or (2) by MUSC *and* frequently used by students in connection with MUSC's educational mission. For example, MUSC-contracted housing for students on away rotations.

If you are unsure whether the location constitutes Clery Act geography, consult with DPS.

(8) What does the Department of Public Safety do with the reported information?

De-identified statistical information will be published in the Annual Security Report and the daily campus crime log. This reporting helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety.

DPS may also issue a timely warning to the university community whenever a situation occurs within MUSC's Clery Geography and represents a serious or continuing threat. The purpose of a timely warning is to help prevent similar crimes. DPS determines whether a timely warning is necessary on a case-by-case basis and considers the totality of the circumstances and whether there is a continuing danger to the community. The amount and type of information published in a timely warning will vary depending on the incident. If certain information could compromise law enforcement efforts, it may be withheld from the timely warning. Timely warnings are typically distributed via email, although occasionally they may be sent via text message.

Reporting a Clery incident to the Department of Public Safety does not automatically result in a law enforcement action such as an investigation. For example, if the incident occurred outside of MUSC's jurisdiction, DPS may refer the case to another law enforcement agency. Also, DPS is unlikely to initiate an investigation when the victim does not wish to cooperate.

(9) Are any CSAs exempt from reporting to the Department of Public Safety?

Professional mental health counselors and pastoral counselors are exempt from the requirement to report, but only if they learn of the Clery Act incident while acting in their capacity as a professional mental health counselor or pastoral counselor. Exempt counselors may still encourage the student or employee to make a voluntary confidential report to the Department of Public Safety for inclusion in the ASR. If you have a professional counselor's license but are employed by MUSC in a different capacity, this exemption does not apply to you. Similarly, if you have a dual role at MUSC and learn about a Clery Act incident when you are not serving as a mental health counselor or a pastoral counselor, you must report the incident.

(10) Is there anything a CSA should avoid doing?

CSAs should not attempt to investigate or prove whether the alleged incident occurred. That is the job of law enforcement. CSAs also should not try to convince a victim to contact law enforcement. It is the victim's choice to report the incident to law enforcement or to decline to report.

(11) How is CSA reporting different from Title IX reporting?

CSAs must report all Clery Act crimes to the Department of Public Safety. Reporting a Clery Act incident to DPS is not the same as reporting violations of the Prohibited Discrimination, Harassment, and Sexual Misconduct Policy. Under that Policy, faculty and staff are considered "Responsible Employees," and must report to the Office of the Title IX Coordinator whenever they become aware of Prohibited Conduct. Because sexual assault, stalking, dating violence and domestic violence are Clery Act crimes *and* violations of the Prohibited Discrimination, Harassment, and Sexual Misconduct Policy, an employee may need to report it to both the Department of Public Safety (if they are a CSA) and to the Office of the Title IX Coordinator. More information about reporting as a Responsible Employee is available online at <https://education.musc.edu/leadership/diversity/title-ix/responsible-employee-guidelines>