

## **Campus Security Authorities – Frequently Asked Questions**

### **1. Where does the term “Campus Security Authority” (or “CSA”) come from?**

The term “Campus Security Authority” comes from the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”). The Clery Act is a federal law that requires colleges and universities that receive federal funding to compile and publish statistics on certain criminal offenses that occur on or adjacent to school properties and to adopt and implement other security related policies and programming.

### **2. What is a Campus Security Authority?**

In general, a CSA is any university official who has responsibility for campus security or has significant responsibility for student and campus activities. The technical definition in the applicable federal regulations defines a CSA to include:

- A campus police department or a campus security department of an institution;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring an 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; and
- 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.

However, pastoral and professional counselors are not considered campus security authorities when acting in their roles as pastoral or professional counselors, as described in question 4, below.

### **3. Who are the CSAs at Seattle Pacific University?**

The University has identified the following individuals as CSAs:

- Office of Safety and Security staff and student employees
- Human Resources staff
- Office of Student Life staff
- Athletic Directors and Coaches
- Regular faculty members
- Study Abroad Program staff and faculty
- Student Employee Supervisors
- Staff in Roles of Ministry or Counseling (but see exception below)
- Building Emergency Coordinators (BECs) and building monitors
- Resident Assistants (RAs)
- Health Center staff
- Student Academic Services counselors
- Club advisors
- Faculty conductors / directors of band or choral groups

- Faculty directors of theater productions
- Supervisory staff members at Camp Casey and Blakely Island

#### **4. Are pastoral counselors or professional counselors CSAs?**

As noted above, pastoral and professional counselors are not considered campus security authorities when acting in their roles as pastoral or professional counselors. If a pastoral or professional counselor is not acting in the role of pastoral or professional counselor at the time he or she receives information about a Clery Act crime, then the counselor must report the information. If a person has dual roles, one as a professional or pastoral counselor and the other as an official who qualifies as a CSA, and the roles cannot be separated, that individual is considered a CSA and is obligated to report Clery Act crimes of which they are aware.

The terms “pastoral counselor” and “professional counselor” are defined as follows:

- *Pastoral counselor:* a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- *Professional counselor:* a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may have learned about. An individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual who meets the definition of a pastoral or professional counselor, is considered to be one for the purposes of the Clery Act. An individual who is counseling students and/or employees, but who does not meet the Clery Act definition of a pastoral or professional counselor, is not exempt from being a campus security authority.

#### **5. What are the reporting responsibilities of CSAs?**

If a CSA receives information about a “Clery Act crime” (as defined in question 6, below) and believes that the information was provided in good faith, then the CSA should promptly report the information to the Office of Safety and Security. In “good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information. A CSA does not need to have witnessed the crime and is not responsible for proving or deciding whether a crime actually took place. Information about attempted crimes should be reported, not just information about completed crimes. If a CSA does not report an incident to the Office of Safety and Security and the University does not report the incident as required by the Clery Act, the University could be subject to significant monetary fines. Students and employees are also encouraged to report information about other crimes to the Office of Safety and Security, even if not required by the Clery Act.

#### **6. Which crimes are reportable under the Clery Act?**

To be reportable under the Clery Act, a crime must be one of the “Clery Act crimes” listed below and must have occurred at one of the “Covered locations.”

### Clery Act crimes

- *Murder/Non-Negligent Manslaughter*: the willful (non-negligent) killing of one human being by another.
- *Negligent Manslaughter*: the killing of another person through gross negligence.
- *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. 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.)
- *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 a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.)
- *Motor Vehicle Theft*: theft or attempted theft of a motor vehicle. Pursuant to federal regulations, SPU will 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.
- *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 kind, etc.
- *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. This offense includes the rape of both males and females.
- *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.
- *Incest*: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape*: sexual intercourse with a person who is under the statutory age of consent.
- *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.
- *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. 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. 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; and (B) Dating violence does not include acts covered under the definition of domestic violence.

- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:
  - "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.
  - "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.
- **Hate crime:** A crime 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. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. For purposes of reporting hate crimes, any of the crimes listed above that meets the definition of "hate crime" is counted, plus any "hate crime" that includes larceny/theft, simple assault, intimidation, or destruction/damage/vandalism to property, as defined below.
  - **Larceny/Theft:** the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
  - **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.
  - **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.
  - **Destruction/Damage/Vandalism to Property:** 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.
- **Arrests or referrals for disciplinary actions regarding any of the following:**
  - **Liquor Law Violation:** 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.
  - **Drug Law Violation:** 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.

- *Weapon 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. This classification encompasses weapons offenses that are regulatory in nature.

Weapon law violations, drug abuse violations, and liquor law violations only need to be reported under the Clery Act if they result in a person being arrested or referred for disciplinary action. A violation of SPU policy that results in a person being referred for disciplinary action but that does not involve a violation of law does not need to be reported.

#### *Covered locations*

Clery Act crimes only need to be reported if they occur: (1) on campus, (2) on public property adjacent to and accessible from on-campus property, or (3) at off-campus buildings or property owned or controlled by the University (e.g., Camp Casey or Blakely Island).

If you have questions about the application of these rules to particular situations, contact Cheryl Michaels, Associate Director of Safety and Security.

#### **7. What information does a CSA need to report?**

- The date the crime was disclosed to the CSA
- The category of the crime being reported
- The name of the victim\*
- The name of the alleged perpetrator\*
- The location where the crime occurred
- The date and time when the crime occurred

\*If anonymity is requested by the victim, a CSA is still required to report the crime with as much detail as possible about the incident, but the names of the victim and suspect can be omitted.

#### **8. How does a CSA make a report?**

CSAs should make reports to the Office of Safety and Security by calling (206) 281-2911, or emailing Cheryl Michaels ([michac@spu.edu](mailto:michac@spu.edu)), Associate Director of Safety and Security. Alternatively, a CSA can make a report online using the [SPU Online Reporting Form](#). The information provided online will automatically be transmitted to the Office of Safety and Security.

#### **9. What should a CSA do if a person disclosing information about a Clery Act crime asks for confidentiality?**

If a Clery Act crime also constitutes sexual misconduct and the CSA is a Title IX Mandatory Reporter, then the CSA should consult the “Title IX Mandatory Reporter – Frequently Asked Questions” document posted on the [SPU Title IX Website](#) for instructions about respecting confidentiality.

If a Clery Act crime is not also a form of sexual misconduct, or if the CSA is not also a Title IX Mandatory Reporter, then the CSA must still report the Clery Act crime but can do so without providing the name of the victim or perpetrator. Generally, reports filed in this manner are only counted and disclosed in the annual crime statistics for the institution. However, a CSA should not promise complete confidentiality. In certain circumstances, a CSA or the University may need to disclose information to comply with applicable law or to protect the campus.

**10. What does the University do with the information after it has been reported?**

The University uses the information reported by CSAs to fulfill its obligations under the Clery Act to compile and publish crime statistics involving the campus population. If information from a CSA report indicates a threat to campus, then the University may notify the campus community about the threat or take other precautions to promote the safety of the campus. Depending on the situation, information may be shared with the Office of Student Life, an investigation may be initiated, and/or an alleged perpetrator of an offense may be subject to discipline.