

**Senate Higher Education Committee**  
**March 12, 2015**  
**Senate No. 485**

The state colleges and universities strongly support the intent of this bill. The safety of our students, faculty, and staff—and the care we provide to visitors to our campuses—are of paramount importance.

Moreover, keeping our trustees informed of public-safety incidents is essential to their ability to fulfill their fiduciary duties.

The state colleges and universities diligently inform all members of the public about crimes on their campuses. Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)), the institutions publish an Annual Security Report by October 1 of each year, which documents three calendar years of campus crime statistics. The law requires schools to make the report available to all current students and employees, and institutions must notify prospective students and employees of its existence and provide a copy upon request.

Campuses that maintain a police department or security department must maintain a daily crime log that contains specified information about all crimes that occur within the jurisdiction of, and reported to, the campus police or security (34 C.F.R. § 668.46(f)). The campus must make the crime log for the most recent 60-day period open to the public, while crime logs containing material more than 60 days old must be retained for seven years for public inspection upon two days' notice.

The Clery Act requires reporting of crimes in seven major categories and several subcategories:

1. Criminal Homicide
  - a. Murder and non-negligent manslaughter
  - b. Negligent manslaughter
2. Sex Offenses
  - a. Forcible
  - b. Non-Forcible
3. Robbery
4. Aggravated Assault
5. Burglary, where:
  - a. There is evidence of unlawful entry (trespass), which may be either forcible or not involve force.
  - b. Unlawful entry must be of a structure – i.e., having four walls, a roof, and a door.

c. There is evidence that the entry was made in order to commit a felony or theft.

6. Motor Vehicle Theft

7. Arson

Schools are also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):

1. Liquor law violations
2. Drug law violations
3. Illegal weapons possession.

Hate crimes must be reported by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime:

1. Larceny/Theft
2. Simple Assault
3. Intimidation
4. Destruction/Damage/Vandalism of Property.

Our colleges and universities also issue timely warnings about Clery Act crimes that pose a serious or ongoing threat to students and employees. Institutions must provide timely warnings in a manner likely to reach all members of the campus community, and each institution has sophisticated warning systems, including text messaging and e-mails.

A more detailed summary of the Clery Act is attached.

In the spirit of supporting the intent of this bill, we would be grateful for more time to examine the legislation and make recommendations to ensure the bill is as effective as possible while minimizing unintended consequences. Primarily, we would like to have the references in the bill to “crimes, fires and other emergencies,” “criminal incidents” and “campus alerts, threats or emergencies” consistent with their meaning under the Clery Act. In addition, given the complexity of criminal reporting, criminal investigations, and the rights of victims of sexual assaults under the New Jersey Campus Sexual Assault Victim's Bill of Rights Act (N.J.S.A. 18A:16E-1 *et seq.*),<sup>1</sup> we would like to consult with experts to ensure consistency with those requirements.

Thank you for the opportunity to appear before you today.

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<sup>1</sup> Victims of sexual assaults that occur on the campus of any public or independent institution of higher education in New Jersey and where the victim or alleged perpetrator is a student at the institution, or when the victim is a student involved in an off-campus sexual assault, have the right “to be free from pressure from campus personnel . . . to report crimes if the victim does not wish to do so” (N.J.S.A. 18A:61E-2.c).