



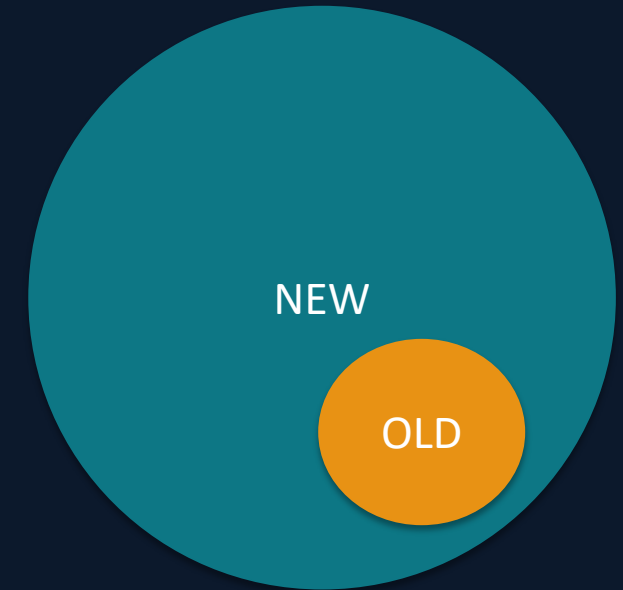
From “Fondling” to “Criminal Sexual Contact”

NIBRS, Clery, Title IX, crime logs, and campus public safety operations

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IACLEA CONFERENCE SESSION



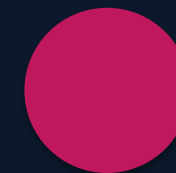
NIBRS



CLERY



TITLE IX



CONDUCT

The conference roadmap: definitions → systems → operations



The session moves from legal language to operational decisions officers make every day.

Baseline definition: “Fondling” under current Clery Appendix A

“Touching of the private body parts... for the purpose of sexual gratification, without consent...”

1

Private
body parts

2

Sexual
gratification

3

Without
consent

4

Age /
mental
incapacity

Still the key Clery statistical category under current Appendix A.

The 2025 NIBRS update: offense 11D is now “Criminal Sexual Contact”

OFFENSE 11D

Criminal Sexual Contact

Intentional touching of clothed or unclothed body parts without consent...

clothed or unclothed

degradation / gratification / humiliation

forced touching by victim

age, impairment, or intoxication

This is broader than the legacy fondling definition.

What broadened—and why public safety documentation matters

The update expands both the conduct captured and the purposes that matter.

Legacy fondling focus	Updated criminal sexual contact focus
Private body parts	Clothed or unclothed body parts
Sexual gratification	Sexual degradation, gratification, or humiliation
Victim is touched by actor	Also includes forced touching by the victim
Age / mental incapacity	Age, mental or physical impairment, or intoxication

Officer narrative detail is now the bridge between NIBRS, Clery, and Title IX.

One incident may move through three separate systems

Police / public safety

State code • RMS/CAD • crime log • safety response

Clery compliance

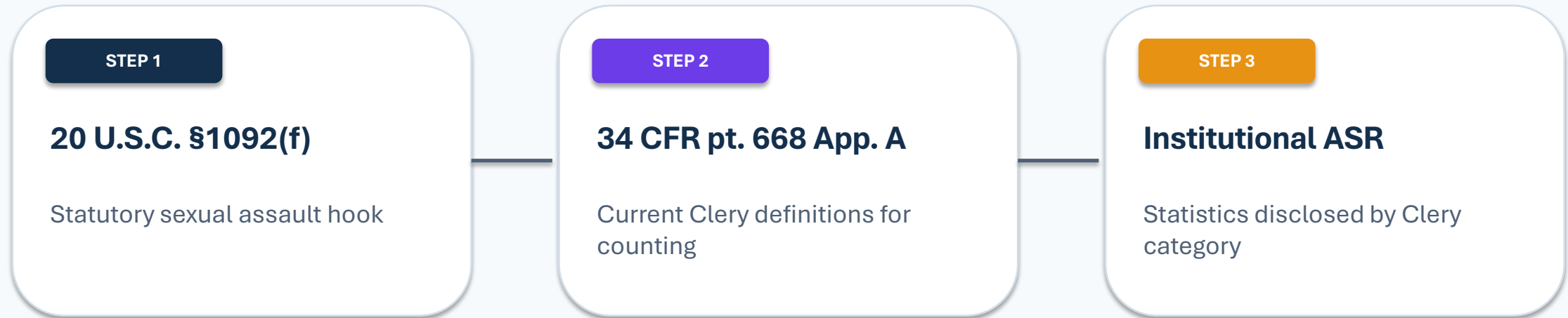
CSA report • geography • Appendix A • ASR statistics • TWN assessment

Title IX / conduct

Notice • supportive measures • policy definition • resolution process

Same facts. Different legal functions. Coordinated—not identical—terminology.

Clery classification still starts with Appendix A



Until ED updates Appendix A, Clery classification and counting should not be rewritten by the NIBRS label alone.

Clery bottom line: ASR statistics should still count “Fondling”

For ASR / survey statistics

- Use current Clery categories
- Apply Appendix A definitions
- Retain “Fondling” in Clery counts
- Document rationale for any classification

Do not do this

- Do not assume Clery automatically changed
- Do not count every 11D as Fondling without analysis
- Do not let RMS labels replace Clery classification

Crime log, ASR, and Title IX: use the right label for the right function

Function	What it is for	Best terminology approach
Crime log	Public-facing log of crimes reported to police/security	State/local offense nature or department practice
ASR statistics	Annual Clery disclosure and federal survey	Clery categories, including Fondling
Title IX / conduct	Administrative response, support, investigation, resolution	Institutional policy language, potentially updated / broader

Timely warning assessment is Clery-driven—not rewritten by the NIBRS label alone

Timely Warning Notification assessment asks a Clery question:



A new NIBRS label may inform facts; it does not replace the Clery TWN assessment framework.

Title IX is where the NIBRS change may be most disruptive

Policy pressure point

Title IX sexual assault points through Clery to FBI UCR

NIBRS offense 11D changed

Campus policies may need review

Operational pressure point

Reports may fit broader conduct language

Supportive measures may be needed even without criminal process

Terms must be explained in training

Public safety role

Document facts

Route notice

Do not over-screen

Let Title IX apply policy

The incorporation chain: FBI language can flow into campus policy



The chain does not eliminate Clery Appendix A for statistics, but it does trigger policy review for Title IX and conduct.

Institutional drafting choices: continuity, clarity, or full transition

Option	Advantages	Cautions
Retain “Fondling” + updated definition	Continuity for Clery and training	Requires clear footnote / parenthetical
Dual label: Fondling / Criminal Sexual Contact	Best bridge during transition	Needs a crosswalk so staff do not double-count
Move to Criminal Sexual Contact	Reflects new NIBRS language	Must preserve ASR / Clery mapping to Fondling

Student conduct can prohibit broader sexual contact while Clery still counts narrowly

Student conduct may prohibit broader “nonconsensual sexual contact” while Clery still counts by Appendix A.

Use plain-language examples
Cross-reference Title IX when applicable
Map Clery statistics separately
Train public safety and conduct on the distinction

Policy breadth is permissible when it is clear, consistent, and separated from Clery statistical counting.

CSA training and Title IX reporting-role training are not interchangeable

CSA training

- Who is a Campus Security Authority
- What facts must be reported
- Clery geography basics
- How to route to the Clery coordinator
- No re-investigation or filtering

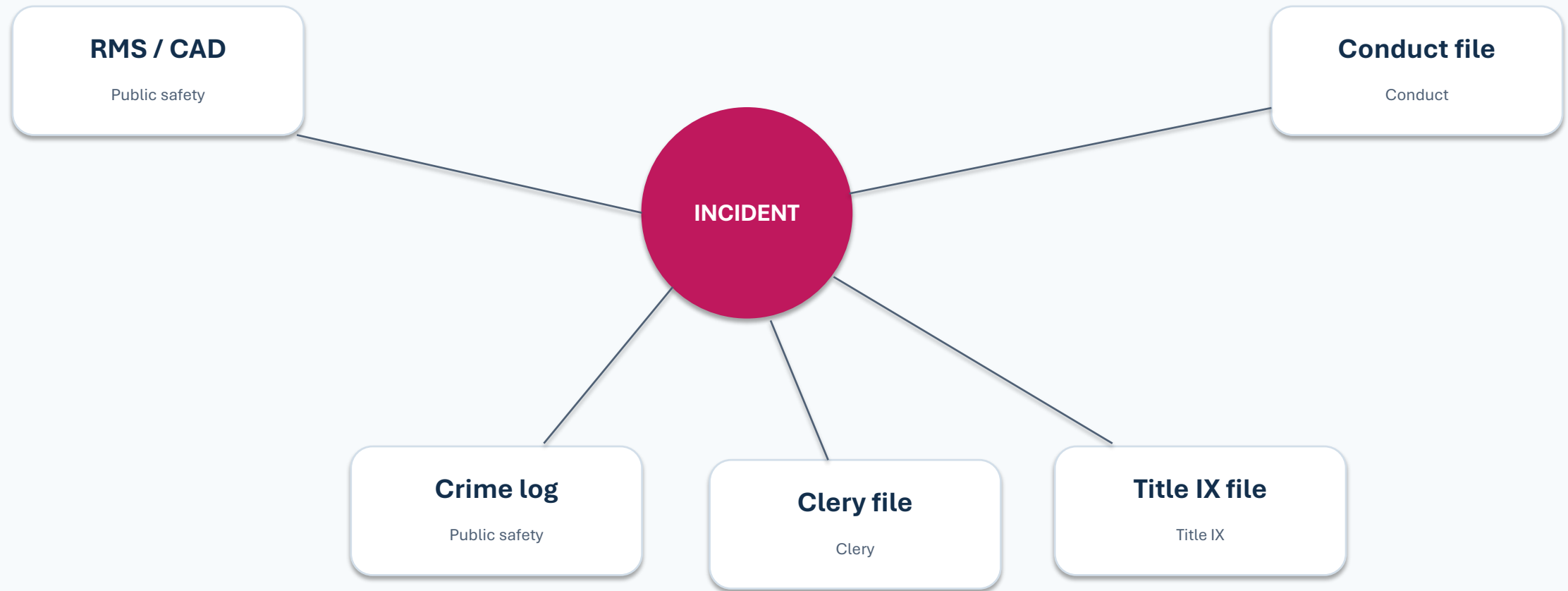
Title IX reporting-role training

- When to notify Title IX
- How to respond to a disclosure
- Confidentiality limits
- Supportive measures and referrals
- Prompt, accurate notice

Build a role-based training matrix before the next annual cycle

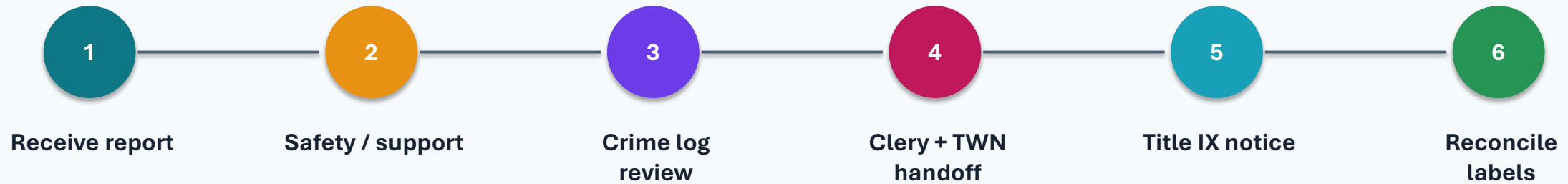
Role	CSA training	Title IX / RE training	Emphasis
Police / public safety	Yes	Often yes	Narratives, safety response, log entry, routing
Dispatch / communications	Maybe	Maybe	Intake scripts and urgent routing
Residence life / athletics	Often	Often	Dual-role reporting and geography basics
Clery coordinator	Advanced	Contextual	Classification, counting, TWN, ASR
Title IX office	Contextual	Advanced	Notice, support, jurisdiction, process records

Recordkeeping: the same incident may need multiple linked records



Multiple records are acceptable; unreconciled records are the risk.

The 48-hour coordination workflow public safety should expect



Build the workflow before the case: named owners, written routing, and a shared classification crosswalk.

Failure modes: where institutions are most likely to get exposed

Failure mode	Control
Clery stats rely on new definition	Use Appendix A until and unless legal amendment
Title IX policy not reviewed	Counsel-led policy and conduct-code review
Crime log label drives every decision	Crime log uses states crime code, which must be reconciled against Clery
CSA and Title IX training merged	Role-based training matrix; definitions updated
Records cannot be reconciled	Shared incident ID / linked case notes

Recommended 60–90 day institutional action plan

Days 1–30

Convene working group
Inventory terminology
Identify impacted systems

Days 31–60

Select terminology architecture
Draft crosswalk
Update forms and training

Days 61–90

Train roles
Audit sample cases
Issue implementation memo

Key takeaways for campus police and public safety

- 1 Old fondling still matters for Clery statistics.
- 2 New NIBRS language is broader and drives policy review.
- 3 Crime log, ASR, and Title IX use different legal lenses.
- 4 Public safety narratives must preserve the facts.
- 5 **Coordination—not identical wording—is the compliance strategy.**

Discussion prompts for your campus implementation team

- Who decides the crime log label, ASR classification, and Title IX charge?
- Can our systems link one incident across public safety, Clery, Title IX, and conduct?
- Have we trained our police/public safety officers? Records officers?
- Have we updated CSA and RE employee training materials?
- Could we explain different labels for the same incident to an auditor or regulator?

Mini case studies: classify the same facts across systems

For each scenario, ask what must be reported, whether it is counted, which policy applies, and which office owns the next step.

Case 1 — “Just a joke”

Residence hall hallway. A student tells an RA that another student grabbed their buttocks over clothing, laughed, and said it was “just a joke.” The student does not want police involvement but wants the behavior to stop.

Questions: CSA report? Title IX notice? Crime log? ASR count? Conduct charge?

Case 2 — Recognized house

Fraternity-owned house. At a party hosted by an officially recognized fraternity, a student reports that another student forced the reporting party’s hand onto the respondent’s clothed genitals. Public safety receives the report two weeks later.

Questions: Clery geography? Crime log timing? ASR category? Title IX jurisdiction? Student conduct?

Case 3 — Employee report

Campus office / parking area. An employee reports that a supervisor repeatedly touched the employee’s breasts over clothing in an office and once in a campus parking lot. The employee asks whether the report can stay confidential.

Questions: State-code log entry? CSA/Clery count? Title IX or employee conduct process? Supportive measures? Records?

Case-study crosswalk: reporting, counting, policy, and conduct

Use this as an answer-key model: the same incident may legitimately move through several pathways with different labels.

Case	Reporting / routing	Clery counting / crime log	Policy / conduct response	Coordination note
1. Residence hall “joke”	RA likely routes to Clery and Title IX based on assigned roles; public safety may be notified if campus protocol requires.	Residence hall is campus geography. ASR: evaluate under current Fondling definition. Crime log only if reported to campus police/security department.	Title IX / sexual misconduct review; student conduct may charge non-consensual sexual contact even if complainant declines police.	Document facts: body part, clothing, consent, purpose, location, requested response.
2. Recognized fraternity house	Public safety report should trigger Clery coordinator and Title IX notice; consider timely warning assessment if ongoing threat.	Officially recognized fraternity-owned house is likely noncampus property. ASR: current Clery category may be Fondling if elements met. Crime log if reported to department.	Title IX jurisdiction may apply to recognized student organization context; conduct process likely available regardless of criminal prosecution.	Cross-reference law-enforcement classification with Clery category and Title IX policy language.
3. Employee supervisor report	Public safety routes to Title IX / HR and Clery as applicable; explain confidentiality limits and support options.	Campus office / parking area likely campus geography. ASR: evaluate as Fondling under current Appendix A. Crime log uses state/local offense nature if reported to department.	Title IX, employee conduct, and HR processes may be implicated; supportive measures and anti-retaliation notice are important.	Keep RMS, Clery, Title IX/HR, and conduct records factually consistent while labels differ.



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