Jeanne Clery Act

• Crime Awareness and Campus Security Act of 1990
• Campus Sexual Assault Victims’ Bill of Rights (1992)
  • Expanded Crime Reporting, Added Public Crime Log
• Campus Sex Crimes Prevention Act (2000)
• Higher Education Opportunity Act (2008)
  • Emergency Response & Evacuation, Missing Students, Fire Safety
• Violence Against Women Reauthorization Act of 2013
  • Repealed & Replaced 1992 Bill of Rights
Annual Security Report
“Say What You Do and Do What You Say”

- “An institution must prepare an annual security report reflecting its current policies” - 34 CFR §668.46(b)
- Separate Disclosures for Each Campus (May be Combined)
- **Consumer Information**
  - Hub for ALL Things Campus Safety
    - “Annual Campus Safety Report”
- 12 Policy Statements (11 Apply to All Institutions)
- 13th Best Practice Policy Statement
- Crime Statistics
Getting it Wrong has Consequences

• “Any failure by an institution to provide this information or to otherwise carry out its campus safety program in a transparent manner deprives the campus community members of vital information to which they are entitled, and effectively negates the intent of the law.”
  • U.S. Department of Education Program Review Findings, May 19, 2020

• **$67,544 Per Violation Fine**

• Indexed For Inflation Annually
  • Last Updated January 31, 2023
How is your ASR prepared each year?

A. Single Person/Office writes it alone
B. A committee writes it
C. A Single person/office writes it with materials submitted from other offices
D. A Single person writes it in collaboration with other departments
E. I don’t know
Institutional Clery Act Committee (Best Practice)

- Focuses on Policy not Statistics
- Multidisciplinary
  - Campus Public Safety
  - Student Affairs
  - Residence Life
  - Greek Life
  - Athletics
  - Human Resources
  - Facilities
  - Legal Counsel
Extreme Makeover: Clery Act Edition

- Top-to-Bottom Review
- Verify Accuracy of Every Policy Statement
  - Track & Document Each Underlying Policy, Procedure, & Practice
- Look at From Perspective of a High School Senior
- Rewrite Policy Statements
  - Utilize Institutional Communications Personnel
- Create New ASR
A Policy Statement Is

- Easily Understood
- Summary of Institutional Policy
- Accurate Reflection of Policy & Practice
A Policy Statement Isn’t

• Copying & Pasting the Whole Policy Itself
• Merely a Recitation of Statutory and or Regulatory Language
Clery Act
ASR Policy Statements

ASR doesn’t have to be in this order.

• Reporting Crimes or Emergencies
• Issuing Alerts
  • Timely Warnings
  • Emergency Notifications
• Preparing Crime Statistics
• Security of & Access to Campus Facilities
• Enforcement Authority of Campus Public Safety
Clery Act
ASR Policy Statements

- Public Crime Log (Best Practice)
- Crime Awareness & Prevention Programming
- Alcoholic Beverages/Underage
- Illegal Drugs
- VAWA
- Sex Offender Registration
- Emergency Response & Evacuation
- Missing Students
Disclosures vs. Required Policies

- Some Require Transparency
- Others Require Specific Policy Elements
- Alerts, VAWA, Missing Students
Do...

- Do – Create Policies for Each Covered Area
- Do – Ensure Policies Meet All Requirements
- Do – Reach All Departments/Offices
Don’t...

✗ Don’t – Rely Upon Existing Policy Without Checking Compliance
✗ Don’t – Use Policies From Only One Department
Reporting Crimes & Emergencies

- Campus Public Safety
- Institution Preferred Reporting Channels
- Disclose Contact Information
- Confidential Reporting
- Must Encourage Accurate/Prompt Reporting of Crimes to Law Enforcement

*Encourage prompt reporting. Offer options, empathy, dignity, and respect.*
Timely Warnings & Emergency Notifications

- Separate Policies & Disclosures
- Can Use Overlapping Channels but Elements Must Remain Distinct
- Timely Warning – Clery Crime Statistics
- Emergency Notification – Immediate Threat
- Institution-wide buy-in is essential!
Preparing Crime Statistics (Not ASR)

• Structure
• Who is Responsible
• Who Information is Collected From
• How are They Trained?
• How Frequently is Information Collected?
Access to Campus Facilities

- Federal
  - Security of
  - Access to
  - Incl. Student Residential Facilities
  - Security Considerations in Maintenance

- Other Areas
  - Landscaping
  - Groundskeeping
  - Outdoor Lighting

by students, employees, guests and other individuals
Campus Law Enforcement

• Enforcement Authority & Jurisdiction
• Arrest Authority
• Working Relationship w/Local Law Enforcement
• MOUs for Crime Investigation
  • Disclosure if there is no MOU
Public Crime Log
(Best Practice)

- All Crimes Reported to Campus Public Safety
  - Must NOT “jeopardize the confidentiality of the victim”
- Entries Added Within Two Business Days
- Updated for 60 Days
- Archives Available Within Two Business Days
- Open to Public Inspection (Where)
- Regular Business Hours

**Figure 6. Sample Daily Crime Log With Required Elements**

<table>
<thead>
<tr>
<th>Nature</th>
<th>Case Number</th>
<th>Date/Time Reported</th>
<th>Date/Time Occurred</th>
<th>General Location</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larceny</td>
<td>2015-0003</td>
<td>01/20/15 1505hrs</td>
<td>01/10/15 0800hrs</td>
<td>Admin. Building</td>
<td>Closed 05/24/15</td>
</tr>
<tr>
<td>Vandalism</td>
<td>2015-00010</td>
<td>01/27/15 1231hrs</td>
<td>01/17 - 01/22/15</td>
<td>Jacobson Hall</td>
<td>Closed 05/24/15</td>
</tr>
<tr>
<td>Vandalism</td>
<td>2015-00035</td>
<td>04/12/15 1937hrs</td>
<td>04/12/15 1930hrs</td>
<td>Lester Hall</td>
<td>Open</td>
</tr>
<tr>
<td>Liquor Law Violation</td>
<td>2015-0040</td>
<td>04/23/15 0300hrs</td>
<td>04/23/15 0300hrs</td>
<td>South Parking Lot</td>
<td>Judicial Referral</td>
</tr>
<tr>
<td>Simple Assault – Dating Violence</td>
<td>2015-0042</td>
<td>05/01/15 1735hrs</td>
<td>05/01/15 1735hrs</td>
<td>Smith Student Union</td>
<td>Closed 07/23/15</td>
</tr>
</tbody>
</table>
Educational Programming

- Institution Wide
- Type & Frequency
- Campus Security
- Crime Prevention
- Assessment
Educational Programming

- Summarize
- Institution-wide
  - Not just public safety
- Show what you do
Alcohol & Other Drugs

- Underage Drinking Laws
- Federal and State Drug Laws
- AOD Abuse Education Programs (DFSCA)
  - May Cross-Reference
- Assessment (Fed. Biennial)
  - Review, as a process
- ASR is NOT sufficient for Primary DFSCA Disclosure to Students & Employees – Misses Students Enrolling in Another Academic Session & New Employees
Which law or laws requires Institutions of Higher Education to Prohibit Sexual Assault?

- Title IX
- Clery Act/VAWA
- FERPA
- Title IX and Clery Act/VAWA
Which law or laws requires Institutions of Higher Education to Prohibit Sexual Assault?

- Title IX
- Clery Act/VAWA
- FERPA

- **Title IX and Clery Act/VAWA**
Violence Against Women Act

• Prevention
• Response
• Disciplinary Action
VAWA: Specific policies are required

MUST include a statement prohibiting:
- Dating Violence
- Domestic Violence
- Sexual Assault
- Stalking
Sex Offender Registration

- Usually a Web Link
  - Local
  - State
  - Federal
Emergency Response & Evacuation

• *Summary* of Emergency Management Plan
• Don’t Disclose Confidential or Sensitive Operational Information
• Separate from emergency notifications (Must Include Summary)
• Annual Test (Must Be Planned)
Missing Students (On-Campus Student Housing)

• Confidential Emergency Contact
  • Note that this might be different from a parent
• Who to Report to
• Investigation
• Notification of Local Law Enforcement & Confidential Contact
Crime Statistics

• “An institution must report to the Department and disclose in its annual security report statistics for the three most recent calendar years concerning the number of each of the following crimes that occurred on or within its Clery geography and that are reported to local police agencies or to a campus security authority”
  • 34 CFR §668.46(c)

<table>
<thead>
<tr>
<th>Criminal Offenses</th>
<th>Year</th>
<th>Campus - Clery Geography</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>On Campus</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Student</td>
<td>Other</td>
<td>On</td>
<td>Noncampus</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Housing</td>
<td>On</td>
<td>Campus</td>
<td>Building</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Facilities</td>
<td>Campus</td>
<td>Total</td>
<td>or Property</td>
</tr>
<tr>
<td>Murder and Non-negligent Manslaughter</td>
<td>Year</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Year</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Year</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>Year</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Year</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Year</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Rape</td>
<td>Year</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Year</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Year</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
To Summarize

• ASR covers 13 policy areas
  • Some with specific policy requirements
• Coordinated, continuous, collaborative, institution-wide effort
• Senior leadership at state, institution, and department levels
• Create a Process, not a document
• “Say what you do. Do what you say”
ASR Publication

• October 1st Publication Deadline
• May Publish on Website
• Provide Copy or Direct Notice to Current Students & Employees
• Provide Notice to Prospective Students & Employees
• May Combine With Annual Fire Safety Report
• **Recommendation: Publicize**
  • Press Release
  • Social Media
  • National Campus Safety Awareness Month Programming (September)
Achieving safe campuses is more than checking a box and it takes the whole institution to comply.

Questions?
Follow-Up

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