

Understanding Your Clery Act Requirements: A buyer's guide for educational institutions



Introduction and origins of the Clery Act

Since the early 1990s, post-secondary education institutions receiving funding from the federal government have been required to disclose information about crime on and near their campusesⁱ. The specific statute mandating these disclosures is the Clery Act, short for the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics.

Passed in 1990 as a major amendment to the Johnson-era Higher Education Act of 1965 (HEA), the Clery Act enshrined the principle that students and employees have the right to know about crimes on campuses across the country. The Campus Sexual Violence Act (SaVE Act) provision of the 2013 Violence Against Women Reauthorization Act (VAWA) added further disclosure burdens for educational institutionsⁱⁱ. Specifically, VAWA obligated institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking, as well as list policies, procedures, and programs pertaining to these incidentsⁱⁱⁱ.

The Clery Act itself is named after Jeanne Clery, a first-year student at Lehigh University in 1986, when she was raped and murdered by a fellow student, Joseph M. Henry. A Pennsylvania jury would go on to convict Henry, sentencing him to death. The death sentence was later thrown out, but Henry remains in prison to this day^{iv}.





It was in the course of the murder trial, though, that the Clery family learned of what they considered lax security measures at Lehigh^v. Believing that a failure to disclose in part contributed to their daughter's murder, the family filed a \$25 million civil suit for negligence against the university. The suit was settled out of court for an undisclosed amount^{vi}.

Meanwhile, the Clery family also began a career in campus safety advocacy, promoting local, state, and federal legislation that would require colleges and universities to make their respective campus crime statistics public. The family's activism culminated in the passage of the Clery Act, signed into law four years after Clery's murder.

What are your Clery Act requirements?

So what exactly does the Clery Act require colleges and universities (including individual campuses) to disclose? As you'd imagine, the list of reporting requirements for crimes perpetrated on campus – or within what's defined as Clery Act geography, which includes 1. on-campus buildings and property, 2. public property within or immediately adjacent to a campus, 3. non-campus buildings or property owned or controlled by the institution^{vii} – is quite extensive.

Foremost, institutions must submit comprehensive annual security reports (ASRs) to employees and students, due every year on October 1. These reports must provide four general categories of crime statistics, including criminal offenses, hate crimes, VAWA offenses, and arrests and referrals for disciplinary action for weapons (see more below)^{viii}. The statistics themselves must furnish the following information:

-  Where a crime occurred
-  To whom the crime was reported
-  The type of crime reported
-  The year in which a crime was reported^{ix}

Further, local law enforcement often has jurisdiction within a school's Clery Act geography. As such, the law requires institutions to make a "reasonable, good-faith effort" to procure relevant crime statistics from those agencies.

Of course, not all knowledge of crime is passed on to peace officers, whether local law enforcement or campus police. Instead, it might get transmitted to campus health physicians, resident advisors, faculty advisors, etc. Under the terms of the Clery Act, though, institutions must collect crime reports from those individuals as well; they are defined for purposes of the law as campus security authorities. The following are included in their ranks:

- Professional staff in a Dean of Students office, including leaders in student affairs and housing
- Staff in the student center or student union building
- Staff in the Student Activities office (handling extracurricular activities)
- Faculty or staff advisors to student organizations
- Resident assistants/advisors; resident and/or community directors
- Students who monitor access to dormitories or other facilities
- Coordinator of Greek Affairs (or related positions)
- Athletic directors (ADs) and coaches (including assistant ADs and assistant coaches)
- Contract security officers
- Event security staff
- Administrators at branch campuses
- A physician in a campus health center, a counselor in a campus counseling center, or a victim advocate in a campus rape crisis center if identified by the school as someone to whom crimes should be reported^x


Finally, the Clery Act also imposes ad-hoc notification requirements on institutions, as well. Specifically, schools must provide timely alerts of certain crimes to the wider campus community. Meant to prevent similar crimes from occurring in the future, these mass notifications should (at minimum) contain information about the type of criminal incident that has occurred.

| Four general categories of crime statistics required by the Clery Act | Clery Act Crimes and Definitions ^{xi} |
|---|--|
| <ul style="list-style-type: none"> • Criminal Offenses—Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, 2 including Rape, Fondling, Incest, and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson. • Hate Crimes—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property motivated by bias. • VAWA (Violence Against Women Act) Offenses—Any incidents of Domestic Violence, Dating Violence, and Stalking. • Arrests and Referrals for Disciplinary Action for Weapons—Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations. | <p>Part 1 – Primary Crimes</p> <ol style="list-style-type: none"> 1. Murder and non-negligent manslaughter 2. Negligent manslaughter 3. Aggravated assault 4. Arson 5. Burglary 6. Robbery 7. Motor vehicle theft <p>Sex offenses. The Clery Act has four defined sex offenses for which crime statistics must be collected on Clery geography.</p> <ol style="list-style-type: none"> 8. Rape 9. Fondling 10. Incest 11. Statutory rape <p>Part 2 – Alcohol, drug, and weapon violations. The Clery Act requires institutions collect statistics for violations of state law and or ordinances for drug, alcohol, and weapon violations.</p> <ol style="list-style-type: none"> 12. Liquor law violations 13. Weapons possession 14. Drug abuse violations <p>Part 3 – Hate Crimes</p> <ol style="list-style-type: none"> 15. Hate crimes <p>Part 4 – Violence Against Women Act (2013) Crimes</p> <ol style="list-style-type: none"> 16. Domestic violence 17. Dating violence 18. Stalking |

Clery Act emergency response and evacuation requirements

In addition to extensive, crime disclosure obligations, the Clery Act also mandates institutions to disclose their emergency response and evacuation procedures in their annual security reports. The rationale behind this additional requirement: emergency measures would be implemented in the event of a threat (criminal or otherwise) to the health and safety of students and employees on campus.

As with Clery Act crime notification requirements, emergency response procedure requirements are likewise extensive. Not only do institutions have to list the measures they'll take, but they must also test those procedures annually, assessing viability against pre-defined, measurable goals. That's not all. The Clery Act places strictures on what's considered a test of emergency plans and procedures. According to the law, a test must be a regularly scheduled drill or exercise. It must also consist of appropriate follow-through activities. The full set of requirements includes the following:

-  Must be scheduled. Actual emergency situations or false emergency alarms do not qualify.
-  Must contain drills. A drill is an activity that tests a single procedural operation, e.g. a test of initiating a cell phone alert system or a test of campus security personnel conducting a campus lockdown.
-  Must contain exercises. An exercise is a test involving coordination of efforts, e.g. a test of the coordination of first responders, including police, firefighters, and emergency medical technicians.
-  Must contain follow-through activities. A follow-through activity is an activity designed to review the test, e.g. a survey or interview to obtain feedback from participants^{xii}.


How Noggin helps ensure Clery Act compliance


Clearly, Clery Act compliance is no joke. The level of detailed information needed to meet disclosure requirements (especially for vast Clery Act geographies) is simply staggering: institutions regularly bemoan the number of staff hours (and manual processes) necessary to fully comply with the law.


Violating the Clery Act isn't cheap, either. Single violations of the law, enforced by the U.S. Department of Education (DOE), may lead to penalties of up to \$35,000 per violation. Violating institutions might also risk suspension from federal student financial aid programs, in addition to the reputational hit to the university.

So, what then can colleges and universities do? All-hazards management technology can offer much-needed relief, by helping institutions meet their compliance requirements while cutting down on costs and man hours. All-hazards management solution vendor, Noggin, in particular, provides cloud-based software that helps colleges and universities create forms that easily capture Clery Act crimes, provision dashboards for statistical analysis of reported Clery crimes, and produce mandated (as well as ad-hoc) annual reports for viewing. Noggin also allows for easy crime information entry, using reporting categories and guidelines outlined in the DOE's Handbook for Campus Safety and Security Reporting. Here's the Clery information that gets captured into the system as well as other functionality:


 The location


 The Clery offense
- Whether or not the crime was a hate crime, and if so, the reported bias


 Ability to track and report the disposition of a crime as unfounded


 Easy-to-interpret, exportable Clery dashboards of crimes (by year), segmented by reporting categories


That's not all. As mentioned, Clery requirements go beyond just crime reporting; they also include emergency procedure disclosures. These wide-ranging requirements speak to the complexities of keeping staff and students safe on campus, as well as a managing a wide array of campus operations, events, and incidents. Luckily, Noggin can help there, too. The system manages all campus incidents and emergencies within a single, all-hazards solution, which includes the following capabilities:


 Centralized information management system with tasking and checklists


 Fully spatially-enabled solution pre-integrated with mapping software for better situational awareness


 Integrated communication plans and templates to ensure everyone stays on the same page

 Centralized business continuity management system ensures your business processes are managed efficiently

 Quickly and easily coordinate and dispatch assets and resources to manage events and incidents

 Comprehensive compliance reporting ensures you stay ahead of regulatory obligations

 Robust hazard and risk management keeps your teams ahead of the curve

 Automate your business procedures with fully-configurable, "fit-for-purpose" workflows

Clery Act compliance is a serious business. But simple, secure all-hazards management software like Noggin can help colleges and universities achieve compliance and keep students and employees safe, without breaking the bank or over-stretching staff.

Citations

- i Specifically, the Clery Act attaches conditionality to participation in programs associated with Title IV of the Higher Education Act, which include federal grants, loans, and work-study programs.
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- iv Tyra Braden, *The Morning Call: Henry trades appeal rights for life in prison for 1986 rape, murder of Lehigh student*. Available at http://articles.mcall.com/2002-08-31/news/3417898_1_death-sentence-death-penalty-appeal-rights.
- v Ken Gross and Andrea Fine, *People: After Their Daughter Is Murdered at College, Her Grieving Parents Mount a Crusade for Campus Safety*. Available at <https://people.com/archive/after-their-daughter-is-murdered-at-college-her-grieving-parents-mount-a-crusade-for-campus-safety-vol-33-no-7/>.
- vi Beverly Beyette, *Los Angeles Times: Campus Crime Crusade: Howard and Connie Clery Lost Their Daughter to a Crazy Thief; Now They're Angry and Fighting Back*. Available at http://articles.latimes.com/1989-08-10/news/vw-301_1_campus-crime-statistics/2.
- vii Zach Winn, *Campus Safety Magazine: Clery Act Geography: Definitions and Example Maps*. Available at <https://www.campussafetymagazine.com/clery/clery-act-geography-definitions-clery-map-examples/>.
- viii All institutions must use the definitions of crimes in the FBI's Uniform Crime Reporting Program when compiling crime statistics for Clery Act purposes.
- ix United States Department of Education: *Office of Postsecondary Education: The Handbook for Campus Safety and Security Report*. Available at <https://ifap.ed.gov/eannouncements/attachments/HandbookforCampusSafetyandSecurityReporting.pdf>.
- x CS Staff, *Campus Safety Magazine: Who Is and Isn't a Campus Security Authority*. Available at <https://www.campussafetymagazine.com/university/who-is-and-isn-t-a-campus-security-authority/>.
- xi Department of Public Safety University of Southern California: *Clery Crimes and Definitions*. Available at <https://dps.usc.edu/alerts/clery/crime-definitions/>.
- xii United States Department of Education: *Office of Postsecondary Education: The Handbook for Campus Safety and Security Report*. Available at <https://ifap.ed.gov/eannouncements/attachments/HandbookforCampusSafetyandSecurityReporting.pdf>.

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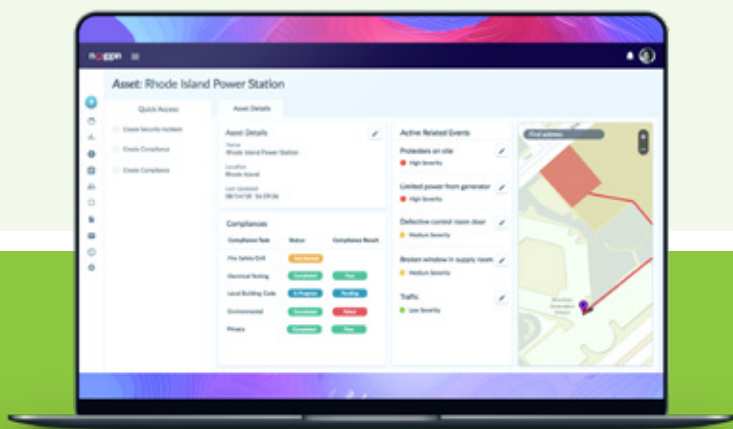
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