History of Clery

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act is a federal statute codified at 20 U.S.C. §1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 CFR 668.46. The Act was established in 1990 and most recently amended by the Higher Education Opportunity Act (HEOA) of 2008. The Act requires colleges who receive federal aid to report campus crime information to all students and employees, and submit crime statistics to the Dept. of Education by October 1 of each year. There are a substantial number of additional reporting and policy requirements to comply with this Act. This program describes them and the new regulations.

5 Major Requirements for Campuses
1. An Annual Security Report containing safety and security disclosures – the new laws have expanded this substantially
2. Maintenance of and access to Campus Crime Logs
3. Timely Warning requirement
4. Campus Sexual Assault Victim’s Bill of Rights
5. Sex Offender Information dissemination

Annual Security Report Crime Categories

- Criminal Homicide
- Sex Offenses (forcible and non-forcible)
- Robbery
- Arrests for alcohol, drug and illegal weapon violations
- Hate Crimes
- Students referred for campus disciplinary action for alcohol, drug or illegal weapon violations
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Alcohol, Drug and Weapons Offenses to be Counted

Include 3 years’ statistics for arrests and persons not arrested, but referred for campus disciplinary action for:
- liquor law violations
- drug law violations
illegal weapons possession

NOTE: This is a body count! The statistic to be published is the number of persons who were arrested -- NOT the number of incidents, or the number of charges placed.

**Hate Crimes Defined**

A hate crime is a crime that manifests evidence that the perpetrator intentionally selected the victim because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity or disability. Crimes of this type must be identified by category of prejudice within the geographic reporting areas as well as by the specified crime reporting categories for the type of crime involved.

Additionally, the HEOA modified the list of hate crimes that must be reported to include:

- larceny-theft
- simple assault
- intimidation
- property destruction, damage or vandalism

**Crime Statistics: What to Count?**

A crime is officially reported when it is filed with local police, campus law enforcement or “campus security authority”.

It must fall in one of the crimes listed in the Clery Act.

It must occur within the geographic framework set forth by the Act. On-campus, on-campus residential, or “non-campus” or “public” property as defined in the Act.

**Who Are Campus Security Authorities?**

Campus security authorities are:

- Members of a law enforcement department.
- An individual who has responsibility for campus security but is not a part of the law enforcement department.
- Any individual specified to receive reports about criminal offenses.
- An official of the institution who has significant responsibility for student and campus activities (such as housing, campus conduct, Dean of Students, involved with student activities, coaches, faculty advisor to a student group).

**Not Campus Security Authorities**

A single teaching faculty member (other than an advisor to a student group);
A physician in a campus health center;
A counselor in a counseling center whose only responsibility is to provide care to students;
A pastoral counselor.
However, by policy, the institution could identify these positions as Security Authorities for anonymous reporting.

The Geography of Crime Reporting

Crime statistics must be reported by location:
On campus
In dormitories or other student residences within the “on-campus” area;
Non-campus buildings or property
Public property

Definition of “On Campus”

Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls.

Incidents that occur in on-campus residential facilities must be entered twice on the report, in both the “on campus” and the “residential facilities” categories.

Campus Buildings or Properties

Any building or property (other than a branch campus) owned or controlled by an institution of higher education that is within the same reasonably contiguous geographic area of the institution that is owned by the institution but:

- is controlled by another person
- is frequently used by students
- is used in direct support of, or in relation to, the institution’s education purposes (such as food or other retail vendor)

Non-Campus Buildings or Property

Any building or property owned or controlled by a student organization officially recognized by the institution.

Any building or property owned or controlled by the institution that is used in direct support of, or in relation to, the institutions educational purposes, that is frequented by students and is not within the same reasonably contiguous geographic area of the institution (for example, a fraternity house).
Public Property

“Public property”, is that which includes thoroughfares, streets, sidewalks and parking facilities, and is within the campus or immediately adjacent to and accessible from the campus.

If there is a barrier between the campus and the public property, such as a highway or a fence the public property will not be included.

“These regulations do not require crime statistics from public property surrounding non-campus buildings or property.”

So . . . Where does one draw the line?

A sidewalk or a public parking lot across the street from campus property would be included in this reporting area, while a limited-access interstate highway which directly borders the campus but is separated by a right-of-way fence would not be.

Use of a map to define the area is optional, but recommended to clarify the zone for reporting crimes.

Timely Warning Notice Requirement

The institution must post a timely warning any time one of the specified crimes occur which represents a threat to the students and employees.
The warning must be issued in a manner that will aid in the prevention of similar crimes.
The institution should develop an internal policy addressing questions such as when to issue warnings, for what types of crimes, and who has the responsibility for issuing such warnings.

Sexual Assault Victims Bill of Rights

A statement about the institution’s programs to prevent sexual assault and procedures to follow when a sex offense occurs

A description of educational programs to promote the awareness of rape, acquaintance rape and other forcible and non-forcible sex offenses

Procedures students should follow if a sex offense occurs, including procedures about who should be contacted, the importance of preserving evidence for the proof of a criminal offense and to whom the offense should be reported

Information about a student’s option to notify appropriate law enforcement authorities and that institutional personnel will assist in notifying the authorities

Notification of on-campus and off-campus counseling or other services for victims of sex offenses

Notification that the institution will change a victim’s academic and living situation after report of a sex offense
Procedures for campus disciplinary action in cases of an alleged sex offense

Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding for a sex offense

Statement that the accuser and accused are entitled to the same opportunities to have others present during a disciplinary proceeding

A statement that both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceedings involving a sex offense

**Fire Safety Reporting**

- Applies to campuses with on-campus housing
- Must be included in Annual Security Report
- Initial reporting year, October 2010
- Must report for 3 previous years
  - Number of fires including causes
  - Number of fire related injuries requiring treatment including at campus health center
  - Number of deaths (fire related)
  - Value of property damaged

**Fire Safety—What to Report**

- Description of fire safety systems in housing
- Number of drills conducted annually
- Policies on electronic appliance use, smoking, open-flames
- Evacuation procedures
- Fire safety education/training
- Titles of staff/agencies to which employees and students should report a fire
- Plans for improvement

**Missing Student Notification**

- Only applies to colleges and universities that have on-campus student housing facilities
- Must have a policy (elements below)
  - List of titles of the persons or organizations to which students and employees should report that a student has been missing for 24 hours
  - Missing person must be reported to campus police IMMEDIATELY or local law enforcement that has jurisdiction
  - Include an option for the student to identify a contact person or persons whom the institution should notify within 24 hours after student is identified
as missing (this could be a current boyfriend or girlfriend identified by the student)

- If the student is under 18 a custodial parent must be notified within 24 hours of the determination a student is missing

Student contact information will remain confidential; accessible only to authorized campus officials and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

This information is often requested by the college or university when the student first receives their campus email address and logs on.

**Emergency Notification Policy**

Beginning in October 2010, all institutions must include a statement of policy regarding the emergency response and evacuation procedures in the Annual Security Report. The policy must include:

1. The procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.
2. A description of the process the institution will use to:
   a. Confirm that there is a significant emergency or dangerous situation;
   b. Determine the appropriate segment or segments of the campus community to receive a notification;
   c. Determine the content of the notification; and
   d. Initiate the notification system
3. A statement that the institution will, without delay, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
4. A list of the titles of the person or persons or organization or organizations responsible for carry out the actions.
5. The institution’s procedures for disseminating emergency information to the larger community.
6. The institution’s procedures to test the emergency response and evacuation procedures on at least an annual basis.