

HIGHER EDUCATION



INTRODUCTION TO THE CLERY ACT

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TRAINING

TRAINING APPROPRIATE FOR:

- ☒ Title IX Coordinators
- ☒ Clery Compliance Officers
- ☒ Campus Safety
- ☒ Others involved with Clery compliance
- ☒ Campus Security Authorities



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BACKGROUND



- 1986, Lehigh University
- 19 year old freshman Jeanne Clery sexually assaulted and murdered by another student in her dorm
- Jeanne's parents advocated for stronger legislation to make campuses transparent and accountable



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- 1990 - Crime Awareness & Campus Security Act of 1990
- Federal consumer protection law requiring information about public safety issues at U.S. higher education institutions
- Amendments in 1991, 1992, 1998, 2000, 2013, 2024
 - 1998 Amendment: renamed to Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
 - 2024 Amendment: renamed to Jeanne Clery Campus Safety Act

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CLERY ACT STATUTE

20 U.S.C. § 1092(f) – “Disclosure of campus security policy and campus crime statistics”

CLERY REGULATIONS

- 34 C.F.R. § 668.41(e) – “Annual security report and annual fire safety report”
- 34 C.F.R. § 668.46 – “Institutional security policies and crime statistics”
- 34 C.F.R. Pt. 668, Subpt. D., App. A – “Appendix A to Subpart D of Part 668 – Crime Definitions in Accordance with the Federal Bureau of Investigation’s Uniform Crime Reporting Program”



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FIRE SAFETY STATUTE

20 U.S.C. § 1092(i) – “Disclosure of fire safety standards and measures”

FIRE SAFETY REGULATIONS

- 34 C.F.R. § 668.41(e) – “Annual security report and annual fire safety report”
- 34 C.F.R. § 668.49 – “Institutional fire safety policies and fire statistics”



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WHO MUST COMPLY WITH THE CLERY ACT?

Public and private postsecondary institutions that participate in any of the federal Title IV student financial assistance programs, such as:

- Pell Grants
- Federal Supplemental Education Opportunity Grants
- Leveraging Educational Assistance Partnership Program
- Federal Work-Study Program
- Federal Direct Loan Program
- Federal Perkins Loans



Exemptions:

- Distance education-only institutions
- Foreign institutions (note: foreign campuses are not exempt)



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General Clery Act Requirements



	Annual Security Report		Missing student notification policies and procedures
	Crime statistics		Programs to prevent dating violence, domestic violence, sexual assault, and stalking
	Timely warnings and emergency notifications		Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking
	Crime log		Campus Hazing Transparency Report
	Emergency response and evacuation procedures		

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ENFORCEMENT

- Enforced by the Department of Education's Office of Federal Student Aid
- What may cause the initiation of a program review?
 - Complaint
 - Significant media events
 - Consultation with regional offices
 - Campus Crime Program Reviews



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NONCOMPLIANCE

- Maximum civil penalty per violation = \$71,545 (increases annually)
- Limitation or suspension of federal aid
- ED reports to appropriate committees of Congress the institutions that are not in compliance

Note: ED's Final Program Review Determination Reports are public records.



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NONCOMPLIANCE

\$14 Million - Liberty University (2024)

\$4.5 Million - Michigan State University (2019)

\$2.4 Million - Pennsylvania State University (2016)

\$2.35 Million - University of California, Berkeley (2020)

\$1.5 Million - University of North Carolina at Chapel Hill (2020)



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GUIDANCE

ED's Office of Postsecondary Education has published several iterations of a handbook as a tool to assist in complying with the Clery Act.



The Handbook for Campus Safety and Security Reporting, 2016 Edition - rescinded October 9, 2020



Replaced with new appendix to Financial Student Aid Handbook - Clery Act Appendix for FSA Handbook



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Contacting ED for Guidance

- HandbookQuestions@ed.gov
- campussafetyhelp@weststat.com
- csh@weststat.com
- Response may come from HandbookQuestions@weststat.com



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#Collaboration

"Lack of administrative capability" is often a finding made during program reviews.

Consider having:

- Clery Coordinator/Director
- Clery Compliance Committee
- *Collaboration with campuswide departments*



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RETALIATION PROHIBITED

"No officer, employee, or agent of an institution participating in any program under this subchapter shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this subsection."



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QUESTIONS?

TITLE IX UNIVERSITY

HIGHER EDUCATION

PRESENTED BY INSTITUTIONAL COMPLIANCE SOLUTIONS



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