

Summary of the Jeanne Clery Act

Overview: The Jeanne Clery Act



Campus Crime Data

The Jeanne Clery Act, a consumer protection law passed in 1990, requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety as well as inform the public of crime in or around campus. This information is made publicly accessible through the university's annual security report.



Support for Victims

Under the Act, institutions must provide survivors of sexual assault, domestic violence, dating violence, and stalking with options such as changes to academic, transportation, or living, or working situations, and assistance in notifying local law enforcement, if the student or employee chooses to do so. It also provides both parties in a campus disciplinary process certain rights.

Policies & Procedures

Colleges and universities must outline specific policies and procedures within their annual security reports, including those related to disseminating timely warnings and emergency notifications, options for survivors of sexual assault, domestic violence, dating violence, and stalking, and campus crime reporting processes.

[Read the full text of the Jeanne Clery Act here >>](#)

Common Challenges to Compliance

Alerting

- **REQUIREMENT:** Institutions have **ongoing reporting obligations**. When an incident occurs, they must determine if a timely warning or emergency notification must be disseminated to the campus community.
- **POLICIES:** Institutions should have specific policies for both **timely warnings** and **emergency notifications**. They should not conflate the two in their policies or in any description of their policies.
- **CHALLENGES:** Some institutions found to be out of compliance did not have required policies in place, or incomplete policies. In other cases, only a limited audience received timely warnings, which should be distributed to everyone within the campus community.
- **SOLUTIONS:** Institutions should **document the decisions they made** and keep a record of this information for at least 7 years. (ex: What were the factors that led an institution to send or choose not to send a timely warning?)
- **HANDBOOK:** Chapter 6 of the [Handbook for Campus Safety and Security Reporting](#) has specific information on timely warnings and emergency notifications. Chapter 5 of the [Handbook](#) speaks to daily crime log requirements. Chapter 7 discusses how a timely warning policy should be reflected within an institution's annual security report.

Clery/Title IX

- **REQUIREMENT:** Under Title IX and the Clery Act, institutions must provide **specific information, options, and resources** to survivors in cases of sexual violence. Institutions must have a **prompt and equitable process** for resolving complaints.
- **POLICIES:** Institutions should have policies that are in compliance with both Title IX and Clery. For example, policies should address possible accommodations and interim measures the institution can implement to help ensure the safety of someone reporting and have disciplinary procedures that ensure a prompt, fair, and impartial process. For more, please see this chart outlining the intersections between Title IX and the Clery Act, disseminated by the White House Task Force to Protect Students from Sexual Assault.
- **SOLUTIONS:** Colleges and universities should review their policies from both a Title IX and Clery lens to ensure that practices in place address requirements under both laws.
- **RESOURCE:** The [Violence against Women Act amendments checklist](#), developed by the Clery Center, highlights Clery Act specific requirements. The updated Handbook for Campus Safety and Security reporting is expected in late 2015 and will address the most recent amendments that influence university policy related to domestic violence, dating violence, stalking, and sexual assault.

Annual Security Report

- **REQUIREMENT:** Institutions must disseminate an annual security report by October 1 of each year. Institutions should use their annual security report as an opportunity to powerfully communicate about all their campus safety and security efforts.
- **POLICIES:** The annual security report should be disseminated to all current students and employees by October 1, with a **direct link** to the report. Prospective students and employees should be given information on the annual security report and how to access it.
- **CHALLENGES:** Institutions were found to be out of compliance by not creating an annual security report, not publishing it by the due date, not providing a direct link to the report when

disseminating, or by neglecting to include key policy statements *(the Clery Center developed a detailed overview of the necessary ASR policy statements for an ASR)*.

- **SOLUTIONS:** Institutions should be sure to include all the required policy statements within the ASR.
- **HANDBOOK:** Chapters 7 - 10 of the [Handbook for Campus Safety and Security Reporting](#) address specific policy statement requirements under the Clery Act.

Collecting Statistics

- **REQUIREMENT:** Institutions gather Clery Act statistics from both local law enforcement and campus security authorities (such as resident assistants, a dean of students, coaches, and other individuals with significant responsibility for student and campus activities).
- **CHALLENGES:** Common noncompliance findings related to collecting statistics include no audit trail to substantiate crime reports and no documentation of requests to local law enforcement for statistics.
- **SOLUTIONS:** Institutions should establish a process for identifying and training campus security authorities on what information they need to share. Reporting forms help ensure consistent documentation, as does training officers writing crime reports. Institutions should maintain documentation on crimes reported as well as notifications to campus security authorities and local law enforcement.
- **HANDBOOK:** Chapter 4 of the [Handbook for Campus Safety and Security Reporting](#) addresses the collection of crime statistics.

Resources & Related Laws

Title IX | Title IX is a federal, civil rights law that prohibits gender discrimination in education. Title IX ensures that universities are proactive in handling gender discrimination, have established procedures for handling gender discrimination, harassment, and violence, and provide support for survivors. [Learn more >>](#)

Federal Education Rights and Privacy Act | FERPA protects privacy of students' educational records. Public disclosures under the Clery Act do not include any personally identifiable information. [Learn more >>](#)

Violence Against Women Act | Enacted in 1994, VAWA is a landmark federal law that provides comprehensive provisions to improve the criminal justice response to violence against women, specifically related to sexual and domestic violence. In 2013, section 304 of VAWA amended the Clery Act to add additional reportable crimes. [Learn more >>](#)

Drug-Free Schools and Communities Act | DFSCA requires colleges and universities to establish drug and alcohol abuse prevention programs for students and employees. [Learn more >>](#)

Download Additional Information:

 [Jeanne Clery Act Full Text.pdf](#)

"Suzanne's Law"

Signed into law by President George W. Bush as part of the national "Amber Alert" bill, this federal law requires law enforcement to notify the National Crime Information Center (NCIC) any time a person under age 21 is reported missing. Previously police were only required to report missing persons under the age of 18. The law is named after Suzanne Lyall, a 19 year old University of New York at Albany student who has been missing since 1998. The law is intended to impel police to initiate prompt investigations of young persons who have gone missing. The DPS & EM at the University of the District of Columbia complies with this law.

The District of Columbia Metropolitan Police Department (DC MPD) publishes a Missing Persons Guide that provides instruction on immediate actions to be taken for missing persons. There is no time period for reporting a person missing in the District of Columbia.

To view the DC MPD Missing Persons Guide go to <http://mpdc.dc.gov/page/reporting-missing-person>

Crime Prevention Tips

Using a multi-layered approach, the Department of Public Safety provides services and employs strategies that maximize crime and safety awareness while at the same time encouraging community members to take responsibility for their personal safety and the safety of others. Throughout the academic year, Department members conduct crime prevention and education presentations, distribute preventative and informational literature, and deliver safety and security programs to new and returning students, faculty, staff and guests. Police and environmental health & safety administrators participate in student orientations held at the beginning of each academic year, as well as various other programs and functions sponsored by the University, for the purpose of providing information concerning crime awareness, campus safety, and other public safety procedures, practices and initiatives. Often times, public safety officials are called on to conduct educational and preventative presentations for a targeted group; however, it is not uncommon for public safety officials to contact a particular community member, group, or division when a pattern of criminal or unusual activity is observed at or near a particular campus location. These various overlapping measures promote campus safety by providing a proactive strategy toward thwarting dangerous or threatening conditions that adversely impact the University community. To learn more about crime prevention, or to request a presentation or other literature, please call 202. 274.1798.

Jeanne Clery Disclosure of Campus Security Policy

If you would like to know more about the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, visit: <http://www.securityoncampus.org/summary-jeanne-clery-act>

Sex Offender Registry

CAMPUS SEX CRIMES PREVENTION ACT (CSCP)

The Campus Sex Crimes Prevention Act (section 1601 of Public Law 106-386) was enacted in October of 2000. This particular amendment provides for the tracking of convicted registered sex offenders enrolled as students at institutions of higher education, working or volunteering on campus. The Act mandates that state procedures ensure that sex offender or registration information is promptly made available to law enforcement agencies with jurisdiction where the institution of higher education is located, and that the information is entered into appropriate state records or data systems.

If you would like to know more about the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, visit

<http://www.securityoncampus.org/summary-jeanne-clery-act>

The federal **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)**, [20 USC § 1092\(f\)](#), requires colleges and universities, both public and private, participating in federal student aid programs to disclose campus safety information, and imposes certain basic requirements for handling incidents of sexual violence and emergency situations. Disclosures about crime statistics and summaries of security policies are made once a year in an Annual Security Report (ASR), and information about specific crimes and emergencies is made publicly available on an ongoing basis throughout the year.

The Clery Act is named in memory of Jeanne Clery who was raped and murdered in her residence hall room by a fellow student she did not know on April 5, 1986. Her parents championed laws requiring the disclosure of campus crime information, and the federal law that now bears their daughter's name was first enacted in 1990. It has been amended regularly over the last two decades to keep up with changes in campus safety with the most recent update in 2013 to expand the law's requirements concerning the handling of sexual violence (see the summary of the [Campus Sexual Violence Elimination Act](#) for additional information about these requirements which take effect in 2014).

The U.S. Department of Education (ED) is responsible for enforcing the Clery Act. ED's Clery Act Compliance Division is responsible for conducting investigations and issuing findings of violation. Institutions that violate the Clery Act may face warnings, up to \$35,000 per violation fines, the limitation or suspension of federal aid, or the loss of eligibility to participate in federal student aid programs. Complaints may be filed with clery@ed.gov.

Institutions must annually, no later than October 1st, automatically disseminate an Annual Security Report (ASR) to all current students and employees, as well as make it available to all prospective students and employees upon request. Most institutions comply with this requirement by providing a notice, either by postal or e-mail, of where the ASR may be accessed on the institution's website. The ASR must include three years' worth of crime statistics and summaries of certain security policies and procedures.

Campus Sexual Assault Victims' Bill of Rights

Since 1992, supplementing [Title IX](#) requirements, the Clery Act has required institutions to have and annually disclose a summary of a policy specifically addressing sexual assault. The policy must address three main areas - 1.) Victims' Rights, 2.) Disciplinary Procedures, and 3.) Educational Programming. These provisions were updated in 2013 expanding the law to cover a broader spectrum of sexual violence and provide for additional requirements, with changes taking effect in 2014 (see the summary of the [Campus Sexual Violence Elimination Act](#) for more details).

Institutions are required to provide information about where a student should report a sex offense along with information about the importance of preserving evidence for possible criminal prosecution, and are obligated to afford students the following rights -

- To be informed of their right to notify law enforcement, and to be assisted by campus authorities in doing so;
- To be informed of existing counseling, mental health or student services for victims on and off campus (contact information must be included); and
- To be informed of options for changing academic and living situations if requested by the victim and reasonably available.

Institutions must also implement internal disciplinary procedures for sexual assault cases. They must disclose possible sanctions that may be imposed following a final determination, and ensure that both the accuser and the accused are entitled to -

- The same opportunity to have others, such as a support person or witnesses, present during a disciplinary proceeding; and
- To be informed of the outcome of any disciplinary proceeding (such disclosure is unconditional meaning the victim is free to share the outcome with anyone they wish).

Institutions must offer, and disclose a summary of, education programs to promote the awareness of "rape, acquaintance rape, or other sex offenses, forcible or nonforcible."

Campus Security Policy Statements

Institutions must disclose in their ASRs summaries of their security policies concerning each of the following -

- Reporting crimes and emergencies;
- Security of and access to campus facilities, including residences;
- The law enforcement authority of campus security personnel;
- The working relationship with state and local law enforcement (including if there are any formal agreements such as a memorandum of understanding);
- Encouraging the accurate and prompt reporting of crimes to law enforcement;
- Security awareness programming;
- Crime prevention programming;
- Monitoring criminal activity at non-campus locations of officially recognized student organizations;
- Alcohol and other drug use;
- The availability of information about registered sex offenders affiliated with the institution; and
- Emergency response procedures (including immediate notification and at least one annual test).

Ongoing Disclosures

All institutions must also make two types of ongoing disclosures - [1.\) Timely Warnings, and 2.\) Emergency Notifications](#). Institutions that maintain a police or security department, including using contract security guards, of any kind must maintain a **Public Crime Log**.

Campus community wide timely warnings must be issued "as soon as the pertinent information is available" when any crime institutions must report in their statistics is deemed by the institution to "be a threat to other students and employees". The only exception is for crimes which are reported in a Privileged communication, such as with a licensed mental health counselor.

Emergency notifications must be issued upon confirmation by responsible authorities of any "significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus". Notifications may be limited to only those segments of the campus at risk. The only exception is if issuing the notification would compromise efforts to contain the emergency.

Finally, institutions which maintain a police or security department of any kind must maintain a public written log of all crimes reported to the department (unless they are outside the Clery geography or patrol jurisdiction of the department). Most day-to-day crime information released under the Clery Act is through this log which must contain, at a minimum, the following information about each report -

- Nature (crime category or optionally a brief narrative description);
- Date and time reported;
- Date and time occurred (may be a range if the exact time is unknown);
- General location; and
- Disposition (if known).

The log must be made available for public inspection during regular business hours. New entries must be made within two business days, and kept updated for sixty days. After sixty days entries may be archived and made available for inspection within two business days of a request. Archived entries must be maintained for a period of seven years.

Information in the log must not violate the confidentiality of any victim. Information may also be withheld at the discretion of the institution if there is clear and convincing evidence disclosure would jeopardize an ongoing investigation, the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence until such outcome is no longer likely to occur.

Non-Retaliation

The Clery Act currently contains language designed to limit institutions from retaliating against any individual with respect to implementing the Act. The 2013 amendment, which takes effect in 2014, significantly strengthens protections for any person asserting rights under the Act or attempting to undertake responsibilities to fully comply.

The new language explicitly provides that no "officer, employee, or agent of an institution...shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or

responsibilities" under the Act. Violation of this provision is a separate violation of the law subject to full penalties, and which may be invoked even if there are no other violations of the Act.

SEX OFFENDER REGISTRY

The Metropolitan Police Department (MPD) has an established sex offender registration program for the District of Columbia in order to release sex offender information to the public. If you would like further information, please contact the Metropolitan Police Department – Sex Offender Registry Unit, at 300 Indiana Avenue, N.W., Washington, D.C. 20001, or call (202) 727-4407. The public may view the entire sex offender registry by visiting one of the Police Districts, the Sex Offender Registry Unit, or by viewing the following web address: <http://sexoffender.dc.gov/>.