Jeanne Ann Clery’s Legacy

- Raped and Murdered April 5, 1986 in Her Residence Hall at Lehigh University
- History of Violent Crimes on Campus
- Led to a National Awareness of Campus Crime
- Federal Clery Act
Legislative History

Mandates for campuses to provide a safe and non-discriminatory learning environment are not new. For decades, legislation has been evolving to increase awareness and develop consequences for on-campus violence, misconduct, and discrimination. Here is a small selection of the major legal changes that have been enacted since 1964.

- **1964**
  - Civil Rights Act: Outlaws discrimination

- **1965**
  - Higher Education Act (HEA): Creates federal financial aid

- **1972**
  - Title IX of the Education Amendments: Prohibits sex discrimination

- **1974**
  - Family Education Rights & Privacy Act (FERPA): Establishes rights of privacy and access to student records

- **1990**

- **1992**
  - HEA Amended: Adds Victims' Bill of Rights

- **1994**
  - Violence Against Women Act: Improves criminal justice response to violence against women

- **1997**
  - Office of Civil Rights Establishes Guidelines on Sexual Harassment: Includes sexual harassment as discrimination

- **1998**

- **2000**
  - HEA Amended: Allows disclosure of results of disciplinary proceeding for sex offenses violating school policy

- **2008**
  - Higher Education Opportunity Act: Reauthorized and amended Clery Act, adding emergency management and fire safety reporting requirements

- **2010**
  - Department of Education Dear Colleague Letter: Prohibits bullying and stereotyping, specifically calling out GLBT and gender bullying

- **2013**
  - Campus SaVE Act: Amends Clery Act, adding new categories and definitions, increasing notifications and publications and mandating prevention and training programs

- **2014**
  - White House Task Force mandates improved training and response to sexual violence

- **2011**
  - Dear Colleague Letter: Clarifies sexual violence and that schools violate Title IX if they know or should reasonably know about harassment
The Clery Act requires colleges and universities to:

- Publish an Annual Security Report (ASR).
- To have a public crime log. *
- Disclose crime statistics.
- Issue timely warnings about Clery Act crimes.
- Devise an emergency response, notification and testing policy.
- Enact policies and procedures.
- Publish an annual fire safety report. *
Regulations

Compliance guidelines are 270 pages.

The abbreviated “check list” is 10 pages.
The current number of policies required under Clery

The number of new policies required by VAWA

Of the 32, the number of policies that are revisions
88

The NEW number of policies required by Clery
Annual Security Report

- The report must be made available to all current students and employees.

- Prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy.

- Institution must issue a notice of its existence and availability.
The Clery Act requires institutions to disclose 3 general categories of crime statistics:

- **Clery Act Crimes:**
  - Criminal Homicide
  - Sex Offenses
  - Robbery
  - Aggravated Assault
  - Burglary
  - Arson
  - Motor Vehicle Theft
  - Domestic Violence
  - Dating Violence
  - Stalking

- **Hate Crimes**—incidents motivated by bias;

- **Arrests and Disciplinary Referrals:**
  - Weapons Violations
  - Drug Abuse Violations
  - Liquor Law Violations
Clery Geography

The statistics must be broken down and reported based on 3 geographical locations

- On Campus
  - Residence Hall Information
- Non-Campus
- Public Property
Ongoing Disclosures
Timely Information

- Schools are required to provide "timely warnings" and a separate more extensive public crime log.

- Timely warnings are triggered when the school considers a crime to pose an ongoing "threat to students and employees" while the log records all incidents reported to the campus police or security department.

- Timely warnings cover a spectrum of situations that could impact safety and security.
Ongoing Disclosures
Timely Warning

- Must Have a Policy
- Clery Crimes
- All Clery Geography
- Considered a Serious or Continuing Threat
- As Soon As Pertinent Information Is Available
- Reach Entire Community
The crime log must include all incidents reported to the campus police or security department.

Incidents are to be included within two business days.

Only the most limited information necessary may be withheld.

The log must be publicly available during normal business hours to any person requesting.
Institutions must have 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 staff occurring or about to occur on the campus
- publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and
- test emergency response and evacuation procedures on an annual basis."
## Timely Warnings vs. Emergency Notifications

<table>
<thead>
<tr>
<th>Timely Warnings</th>
<th>Emergency Notifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Clery Act Crime</td>
<td>• All Hazards Threat</td>
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<tr>
<td>• All Clery Geography</td>
<td>• “On Campus” Only</td>
</tr>
<tr>
<td>• Considered Serious or Continuing Threat</td>
<td>• Confirmed Threat – Student/Staff Health or Safety</td>
</tr>
<tr>
<td>• As Son As “Pertinent Information” is Available</td>
<td>• “Without Delay” Upon confirmation</td>
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<tr>
<td>• Counselor Exception</td>
<td>• Compromise Efforts Exception</td>
</tr>
<tr>
<td>• Entire Community Gets It.</td>
<td>• Can Be Segmented</td>
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</tbody>
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What If. . .?

- Loss of Federal Financial Aid
- Fines are $35,000 “per incident.”
- A recent judge’s ruling indicates that each separate violation must warrant the $35,000 fine.
Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance.
Sexual violence is a form of sexual harassment prohibited by Title IX.

- Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol

- May include rape, sexual assault, sexual battery, and sexual coercion, domestic violence, dating violence, stalking
Title IX

“eliminate the harassment”
“eliminate the harassment”

- Take immediate action to eliminate the harassment
- Prevent its reoccurrence
- Address its effects
“eliminate the harassment”

- Take immediate action to eliminate the harassment
- Prevent its reoccurrence
- Address its effects
  - Respond
  - Investigate
  - Report
Title IX protects students from sexual harassment in an institution’s education programs and activities, including:

- All academic, educational, extracurricular, athletic, and other programs of the institution
- On-campus, off-campus, in transit, sponsored at other locations, etc.
Title IX

What Institutions Must Do

• Appoint Title IX Coordinators
• Provide Training
  • for students, faculty, staff, and administrators
• Implement preventive education programs
• Make victim resources, including comprehensive victim services available
• Develop policies and resources
  • for students, faculty, staff, and administrators
What Institutions Must Do

- Training
- Reporting
- Awareness

Title IX Coordinator
Questions
Contact

Rick Amweg
Executive Director
Center for P – 20 Safety and Security
25 South Front Street
Columbus, OH  43215
614-644-2641
ramweg@regents.state.oh.us
www.saferschools.ohio.gov