


Jeanne Clery Campus Safety Act:

Key Considerations for Student Affairs Practice

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MISSISSIPPI STATE UNIVERSITY
LEGAL ISSUES CONFERENCE

Jeanne Clery Campus Safety Act: Key Considerations for Student Affairs Practice

This presentation provides an overview and update on the Jeanne Clery Campus Safety Act. Participants will receive insights into the laws' requirements, and the U.S. Department of Education's enforcement and recent statements, including the Stop Campus Hazing Act. Particular attention will be paid to aspects of the law with greatest relevance to student affairs practice.

Michigan State University (2019)

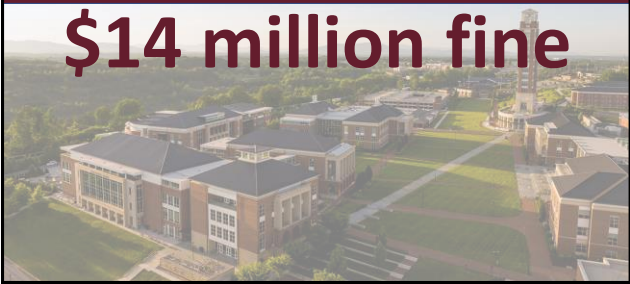


\$4.5 fine

Michigan State Clery Act Violations

- “Lack of institutional control” (p. 33)
- “Failed to compile and disclose accurate and complete crime statistics because its crime statistics did not include the sex crimes that Nassar committed during the years in which the statistics were reported” (p. 8)
- “Failed to issue Timely Warnings to students and employees regarding *Clery*-reportable crimes that may have posed an ongoing threat to students and employees during the review period” (p. 13)
- “Substantially failed to actively seek out, identify, and notify institutional officials who are or were CSAs” (p. 22)
- “Michigan State substantially failed to develop and implement an adequate *Clery Act* compliance program during the years under review” (p. 33)

Liberty University (2024)



Liberty University Clery Act Violations

- The U.S. Department of Education’s [Final Program Review](#) made numerous findings against Liberty including the following:
- Lack of administrative capability,
 - Inaccurate and incomplete informational disclosures,
 - Failure to comply with Violence Against Women Act Requirements,
 - Failure to identify and notify campus securities and to establish an adequate system for collecting crime statistics from all required sources,
 - Failure to properly classify and disclose crime statistics,
 - Failure to issue timely warnings and emergency notifications in accordance with Clery regulations,
 - Failure to maintain an accurate and complete daily crime log,
 - Failure to define Clery geography in accordance with Federal regulations,
 - Failure to comply with Title IV record retention requirements, and
 - Failure to publish and distribute annual security report in accordance with Federal regulations

Current Clery Act Violation Fines

**\$71,545 per significant
misrepresentation**

**January 21, 2025
Federal Register**



Jeanne Clery (1966-1986)

- Raped and Murdered by a fellow student in her residence hall room on April 5, 1986 at Lehigh University.
- Joseph M. Henry was able to enter Jeanne's residence hall room through a series of residence hall doors propped open with pizza boxes.
- Joseph M. Henry was originally convicted and sentenced to death. In 2002, the death penalty was overturned, and Henry reached a plea agreement for life in prison without the possibility of parole to avoid a second punishment hearing.



Origins of the Clery Act



<http://media.philly.com/images/jeanne-clery-400.jpg>

Jeanne Clery Campus Safety Act

- Originally passed in 1990 as part of the Student Right-to-Know and Campus Security Act.
- Amended in 2008, 1998, and 1992 by the Higher Education Act reauthorization.
- Amended in 2013 by the Violence Against Women Reauthorization Act
- **Amended in 2024 by the Stop Campus Hazing Act**
- Codified at 20 USC 1092f.
- Regulations appear at 34 CFR 668.46.
- The three most recent Final Rules were published in the *Federal Register* Oct. 20, 2014 (pp. 62752-62790), Oct. 29, 2009 (pp. 55902-55969), Oct. 31, 2002 (pp. 66519-66521), and Nov. 1, 1999 (pp. 59060-59073).

Jeanne Clery Campus Safety Act

The Jeanne Clery Campus Safety Act requires that all institutions of higher education which receive federal financial assistance produce an annual security report which is distributed to all current students and employees and a summary of which is available to all prospective students and employees.

Annual Security Report



Annual Security Report

The Annual Security Report Must Contain:

- Procedures to report crimes;
- Policies for responding to these reports of crimes;
- Policies for making timely warning reports to members of the campus community.
- The policies for collecting crime statistics.
- A list of the university officials to whom crimes should be reported.
- Security of and access to campus facilities;

Annual Security Report

The Annual Security Report Must Contain:


- Arrest authority of campus police;
- Policies to encourage prompt reporting of crimes;
- Policies, if any, to encourage pastoral counselors and professional counselors, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
- Programs to inform about crime and take personal responsibility for safety;
- Programs on crime prevention.

Annual Security Report

- Policy on enforcement of underage drinking;
- Policy on enforcing drug laws;
- A description of drug and alcohol education programs;
- Policy for monitoring and recording criminal activity at off-campus locations of recognized student groups.

VAWA

Dating Violence, Domestic Violence, Sexual Assault, and Stalking



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Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking

(i) A description of the institution’s educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking

Procedures to Follow

(A) The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;

(B) How and to whom the alleged offense should be reported;

(C) Options about the involvement of law enforcement and campus authorities, including notification of the victim’s option to—

(1) Notify proper law enforcement authorities, including on-campus and local police;

(2) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

(3) Decline to notify such authorities; and

(D) Where applicable, the rights of victims and the institution’s responsibilities for orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution;

Confidentiality

- (iii) Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will—
- (A) Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and
 - (B) **Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures;**

Written Notification


- (iv) A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, **visa and immigration assistance, student financial aid**, and other services available for victims, both within the institution and in the community;
- (v) A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or **protective measures**. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;

Written Notification

- (vi) An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required by paragraph (k) of this section; and
- (vii) A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in paragraphs (b)(11)(ii) through (vi) of this section.

VAWA

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking



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Incoming Students and New Employees

(i) A description of the institution’s primary prevention and awareness programs for all incoming students and new employees, which must include—

(A) A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in paragraph (a) of this section;

(B) The definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction;

(C) The definition of “consent,” in reference to sexual activity, in the applicable jurisdiction;

(D) A description of safe and positive options for bystander intervention;

(E) Information on risk reduction; and

(F) The information described in paragraphs (b)(11) and (k)(2) of this section; and

Students and Employees

(ii) A description of the institution’s ongoing prevention and awareness campaigns for students and employees, including information described in paragraph (j)(1)(i)(A) through (F) of this section....

(iii) *Ongoing prevention and awareness campaigns* means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in paragraph (j)(1)(i)(A) through (F) of this section

STATE

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VAWA

Procedures for Institutional Disciplinary Action in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking

Procedures of Institutional Disciplinary Action

An institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in paragraph (a) of this section, and that—

(1)(i) Describes each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;

Procedures for Institutional Disciplinary Action

(ii) Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;

(iii) Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and

(iv) Describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking;

Procedures for Institutional Disciplinary Action

Provides that the proceedings will—

- (i) Include a prompt, fair, and impartial process from the initial investigation to the final result;
- (ii) Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- (iii) Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- (iv) Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and

Procedures for Institutional Disciplinary Action

Require simultaneous notification, in writing, to both the accuser and the accused, of—

- (A) The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
- (B) The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;
- (C) Any change to the result; and
- (D) When such results become final.

Procedures for Institutional Disciplinary Action

A prompt, fair, and impartial proceeding includes a proceeding that is—

- (A) Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
- (B) Conducted in a manner that—
 - (1) Is consistent with the institution's policies and transparent to the accuser and accused;
 - (2) Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - (3) Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- (C) Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

**Procedures for Institutional Disciplinary
Action**

- (ii) *Advisor* means any individual who provides the accuser or accused support, guidance, or advice.
- (iii) *Proceeding* means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. *Proceeding* does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.
- (iv) *Result* means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

Victim Notification

The institution will, **upon written request**, disclose to the alleged victim of any crime of violence, or a nonforcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

**Campus Sex Crimes Prevention Act (passed
October 2000)**

The Campus Sex Crime Prevention Act requires (starting in 2003) that states provide institutions with the names of all students and employees who are registered sex offenders and that institutions make this information available and include in the annual security report where this information can be obtained.

**Federal Register, Final Rule
October 31, 2002**

Sec. 668.46 Institutional security policies and crime statistics.

Beginning with the annual security report distributed by October 1, 2003, a statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address. (pp. 66519-66521)

**Emergency Response and
Evacuation Procedures**



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Emergency versus Timely

EMERGENCY NOTIFICATIONS

- Broader focus – any significant emergency or dangerous situation
- Anywhere on campus
- Entire campus or segment(s)
- Issue alert immediately upon confirmation

TIMELY WARNINGS

- Narrower focus – Clery Act crimes
- Clery Act geographic area
- Reach entire campus community
- Issue warning as soon as pertinent info is available

**Emergency Response and Evacuation
Procedures**

- (1) The procedures the institution will use 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 the campus; (p. 55945)

**Emergency Response and Evacuation
Procedures**

- (2) A description of the process the institution will use to—
- (i) Confirm that there is a significant emergency or dangerous situation as described in paragraph (g)(1) of this section;
 - (ii) Determine the appropriate segment or segments of the campus community to receive a notification;
 - (iii) Determine the content of the notification; and
 - (iv) Initiate the notification system. (p. 55945)

**Emergency Response and Evacuation
Procedures**

- (3) A statement that the institution will, without delay, and taking into account the safety of the community, 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 carrying out the actions described in paragraph (g)(2) of this section; (p. 55945)

Emergency Response and Evacuation Procedures

- (5) The institution's procedures for disseminating emergency information to the larger community; and
- (6) The institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including—
 - (i) Tests that may be announced or unannounced;
 - (ii) Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and
 - (iii) Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced. (p. 55945)

Timely Warning

"An institution must make a timely warning to the campus community of the following crimes reported to a campus security authority or local police, **if the institution believes a crime represents a threat** to students and employees."

Missing Student Notification



5-Part Missing-Student Notification Policy (HEOA)

All institutions **with on-campus housing** are required to establish a missing student notification policy that includes the following five elements:

1. Informs students that they can identify someone whom the institution will contact within 24 hours of determining a student is missing.
2. Creates a system for students to register the contact information for these individuals.

5-Part Missing-Student Notification Policy (HEOA)

3. Informs students under the age of 18 that the institution must contact the custodial parent within 24 hours of determining a student is missing.
4. Informs students that the institution will also notify law enforcement authorities within 24 hours of determining a student is missing.
5. Requires that notification procedures be initiated within 24 hours of determining a student is missing

3-Part Notification Procedures

If you have on-campus housing, you must establish a missing-student notification procedure that includes:

1. Notification of campus officials within 24 hours of determining a student is missing
2. Immediate referral of all reports to campus law enforcement
3. Notification under the policy if campus law enforcement determines that the student has been missing for more than 24 hours.

Client OFFENSE	YEAR	CONCERN		CONCERN		CONCERN		SUBS IN JURY
		CONCERN	CONCERN	CONCERN	CONCERN	CONCERN	CONCERN	
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The Annual Security Report must include the statistics three most recent calendar years concerning the occurrence on campus, in or on noncampus buildings or property, and on public property of the following crimes that are reported to local police agencies or to a campus security authority.

- Criminal Offenses
- VAWA Offenses
- Hate Crimes
- Arrests and Referrals for Disciplinary Action

Crime Statistics

- | | |
|--|------------------------|
| 1. Criminal homicide: | 3. Robbery |
| (A) Murder and nonnegligent manslaughter | 4. Aggravated assault |
| (B) Negligent manslaughter | 5. Burglary |
| 2. Sex offenses: | 6. Motor vehicle theft |
| • Rape | 7. Arson |
| • Fondling | |
| • Incest | |
| • Statutory Rape | |

Offense Hierarchy

1. Murder & Non-Negligent Manslaughter
2. Manslaughter by Negligence
3. Sex Offenses
4. Robbery
5. Aggravated Assault
6. Burglary
7. Motor Vehicle Theft

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Hierarchy Rule Exceptions

Sexual Assault

- If rape, fondling, incest, or statutory rape occurs in the same incident as a murder, the institution must record both the sex offense and the murder in its statistics
- Fondling is recognized as an element of the other sex offenses; Include a sexual assault as fondling only if it is the only sexual assault

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Hierarchy Rule Exceptions

Arson

- Arson is always counted
- Multiple offenses – report most serious along with arson
- Incidents in which persons are killed as a direct result of arson - classified as a homicide and arson

VAWA Crime Statistics

The VAWA regulations added the following offenses to the statistics that must be reported:

- Domestic Violence,
- Dating Violence, and
- Stalking

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

(iii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Relationship

- When the reporting party asserts that there was a dating relationship, institutions should err on the side of assuming that the victim and the perpetrator were in a dating relationship to avoid incorrectly omitting incidents from the crime statistics and the crime log.
- Third parties who are reporting an incident of dating violence are not required to use specific terms to characterize the relationship or to characterize the relationship at all; however, they should be asked whether they can characterize the relationship.
- Ultimately, the institution is responsible for determining whether the incident is an incident of dating violence.

Domestic Violence

- (i) A felony or misdemeanor crime of violence committed—
 - (A) By a current or former spouse or intimate partner of the victim;
 - (B) By a person with whom the victim shares a child in common;
 - (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- (ii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking

- (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - (A) Fear for the person's safety or the safety of others; or
 - (B) Suffer substantial emotional distress.
- (ii) For the purposes of this definition—
 - (A) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - (B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
 - (C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Counting Stalking

- (i) When recording reports of stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a campus security authority.
- (ii) An institution must record each report of stalking as occurring at only the first location within the institution's Clery geography in which:
 - (A) A perpetrator engaged in the stalking course of conduct; or
 - (B) A victim first became aware of the stalking.

VAWA Crimes: Outside of the Hierarchy Rule

Dating Violence, Domestic Violence, & Stalking

- Dating violence, domestic violence, and stalking are not listed in the hierarchy in the final regulations for the VAWA amendments to the Clery Act

Hate Crimes

An institution must report, by category of prejudice, any crime it reports pursuant to paragraphs (c)(1)(i) through (vii) of this section [this refers to criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson], and any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, gender identity, sexual orientation, national origin, ethnicity, or disability.

Hate Crime Expansion

The list of hate crimes* to be reported also includes:

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

* Note: this statistics are not required generally, but only for hate crimes.

Hate Crimes: Outside of the Hierarchy Rule

Hate Crimes

- Disclose all of the offenses committed in a multiple offense incident that are bias-motivated
- In a multiple-offense incident, only the crimes that are bias-motivated should be classified as hate crimes

Crime Statistics

Arrests for liquor law violations, drug law violations, and illegal weapons possession.

Statistics for persons (includes both students and employees) who were not arrested but were **referred for campus disciplinary action** for liquor law violations, drug law violations, and illegal weapons possession (beginning with 1999).

Arrests: Use Discretion

- If there are multiple arrest or referral counts, determine which to count and document justification.
- Officer discretion is allowed only for illegal weapons possession, drug, and liquor law violations that occur during the same incident.

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Referrals for Disciplinary Action

The *Handbook* stated that if the process involves the following three criteria, it is a disciplinary action under Clery:

1. The official receiving the referral must initiate a disciplinary action;
2. A record of the action must be kept; and
3. The action may, but does not have to, result in a sanction.

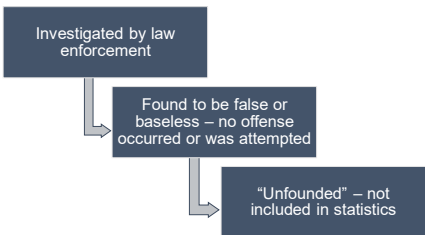
Counting Referrals

"A Resident Assistant (RA) has the duty of loading disciplinary information into an electronic database. She enters the names of 15 students who were at an on-campus party where there was drinking. The RA's supervisor begins the disciplinary action process by reviewing the information in the database. She determines that five of those students were not involved in the drinking activities and did not violate any liquor laws. Nothing more is done in terms of disciplinary action for those five individuals. The disciplinary process continues for the remaining 10 individuals who were at the party." (p. 3-50)

Excluded from Crime Statistics

- Non-Clery Act crimes (vandalism, theft, disorderly conduct, drunk driving, etc.)
- Crimes outside Clery geographic area
- Unfounded crimes

Unfounded Crimes



Unfounded Crimes

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. **The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.**



Campus Security Act

Crimes (including Hate Crimes) shall be reported in separate categories for:

- A. On campus
- B. Of the crimes on campus, the number of crimes that took place in dormitories or other residential facilities for students on campus
- C. In or on a noncampus building or property
- D. On public property

Campus

- (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Noncampus Building or Property

- (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.



Campus Security Authorities



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Campus Security Authority

- Campus police/security department
- Individuals responsible for security
 - Access monitor
 - Resident assistant
- Individual or offices designated to receive crime reports
- Officials with significant responsibility for student and campus activities

Campus Security Authority

- Dean of students who oversees student housing, a student center, or student extracurricular activities
- Director of athletics, all athletic coaches (including part-time employees and graduate assistants)
- Faculty advisor to a student group
- Student resident advisor or assistant
- Student who monitors access to residence halls or buildings that are owned by recognized student organizations
- Coordinator of Greek affairs
- Title IX Coordinator

Who Is Not a CSA?

- Faculty without responsibility for student or campus activities outside the classroom
- Support staff
 - Clerical
 - Food service workers

Classifying CSAs

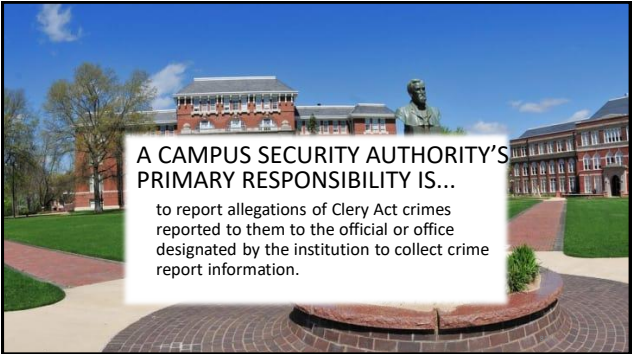
If your institution directs students or employees to report crimes to other individuals, those individuals are CSAs, including:

- Physicians in a campus health center
- Counselors, including peer counselors (except for professional or pastoral counselors)
- Health educators

Who is exempt?

- Pastoral counselors
- Professional counselors
 - Applies to mental health counselors employed or under contract by the institution
- Person uncertified but acting under the supervision of an exempt counselor

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Stop Campus Hazing Act



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Stop Campus Hazing Act

September 21, 2023	Legislation introduced in the House.
September 11, 2024	Passed by the House Committee on Education & the Workforce.
September 24, 2024	Passed by the full House on a voice vote.
December 11, 2024	Passed by the Senate by unanimous consent.
December 23, 2024	Signed into law by President Biden (Public Law No: 118-173)

Stop Campus Hazing Act

- Core Requirements of the Stop Campus Hazing Act:
- Inclusion of hazing statistics in the institution's Annual Security Report (ASR). Institutions must begin collecting statistics on January 1, 2025.
 - The development and inclusion of specific hazing policies in the Annual Security Report (ASR).
 - Creation of the Campus Hazing Transparency Report.

ASR Statistics: Stop Campus Hazing Act

Institutions were required to begin collecting statistics on January 1, 2025 (to be included in the October 2026 ASR).

Considerations in counting:

- Reported to campus security authorities or local law enforcement,
- Counting using hazing incidents which will mean if the same people are engaged in multiple hazing acts with insignificant intervals of time and place—this is one hazing incident for reporting statistics.

Definitions: Stop Campus Hazing Act

**Student
Organization**

An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Definitions: Stop Campus Hazing Act

Hazing

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—

(I) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and

(II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization, of physical or psychological injury

Policies: Stop Campus Hazing Act

The Annual Security Report must include a statement of hazing policy which must address:

- How to report incidents of hazing,
- The process the institution uses to investigate hazing allegations,
- Description of information on applicable local, State, and Tribal laws on hazing.

Policies: Stop Campus Hazing Act

The Annual Security Report must include a statement of policy regarding hazing prevention and awareness programs which must provide descriptions of:

- Prevention and awareness programs related to hazing (as defined by the institution) that includes a description of research-informed campus-wide prevention programs designed to reach students, staff, and faculty.
- Primary prevention strategies intended to stop hazing before hazing occurs, which may include skill building for bystander intervention, information about ethical leadership, and the promotion of strategies for building group cohesion without hazing.

Policies: Stop Campus Hazing Act

- Hazing policies must be developed at within 6 months of the law taking effect (June 2025).
- Must appear in the 2027 ASR at the latest.
- Can be included in the 2026 ASR.

CHTR: Stop Campus Hazing Act

Institutions will be required to create a **Campus Hazing Transparency Report (CHTR)**.

- The first CHTR will be due by December 23, 2025, if the institution has hazing findings to report since July 1, 2025.
- The CHTR must be updated at least twice a year, if new hazing incidents have been adjudicated.
- No institution has to create a CHTR until there is a finding of a hazing violation.
- Must be available on the public website.
- Must be maintained for at least 5 years.

CHTR: Stop Campus Hazing Act

Campus Hazing Transparency Report (CHTR) must contain:

- Statement of the availability of the hazing statistics in the ASR with a link.
- Statement of the institution's hazing policy.
- Information regarding applicable local, State, and Tribal laws on hazing.

CHTR: Stop Campus Hazing Act

Campus Hazing Transparency Report (CHTR) must contain:

- Information about each student organization which the institution has issued a finding a responsibility related to a hazing violation.

CHTR: Stop Campus Hazing Act

For student organizations found responsible of hazing violations, the CHTR must contain:

- The name of the student organization;
- A general description of the hazing violation, including whether alcohol or drugs were involved;
- Sanctions imposed; and
- Key dates:
 - When the incident happened,
 - When the investigation began,
 - When the finding was reached, and
 - When the organization was notified of the finding.

CHTR: Stop Campus Hazing Act

There are key differences between incidents included in the ASR and the CHTR:

- Only student organizations recognized by the institution.
- Only cases in which there is a finding of responsibility.
- Using the institution's hazing definition, not the definition in the legislation.
- Appears to not be limited to the Clery Act campus definition.

Next Steps: Stop Campus Hazing Act

The U.S. Department of Education will develop regulations to implement the **Stop Campus Hazing Act**:

- Required to developed using Negotiated Rulemaking,
- Will likely take more than a year, and
- ED may release a Dear Colleague Letter or other guidance to assist institutions with compliance prior to the publication of the Final Rule.

Next Steps: Stop Campus Hazing Act

What your campus should do now in response to the **Stop Campus Hazing Act**:

- Take affirmative steps to ensure that campus security authorities are aware of the require to share reports of hazing through your institutional process.
- Bring together key stakeholders to begin discussing training and policy obligations. Be sure to include: athletics, club sports, fraternity and sorority life, marching band, and student activities.
- Determine if your Clery Act Compliance Team should be expanded in light of these new requirements.

Distributing
the ASR



Annual Security Report

- (e) Annual security report. (1) Enrolled students and current employees--annual security report. By **October 1** of each year, an institution must distribute, to all enrolled students and current employees, its annual security report described in Sec. 668.46(b), through appropriate publications and mailings, including—
- (i) Direct mailing to each individual through the U.S. Postal Service, campus mail, or electronic mail;
 - (ii) A publication or publications provided directly to each individual; or
 - (iii) Posting on an Internet website or an Intranet website, subject certain restrictions.

Annual Security Report

Notice to enrolled students. (1) An institution annually must distribute to all enrolled students a notice of the availability of the information required to be disclosed pursuant by the Campus Security Act. The notice must list and briefly describe the information and tell the student how to obtain the information.

Annual Security Report

An institution that discloses information to enrolled students as required under the Campus Security Act by posting the information on an Internet website or an Intranet website must include in the notice —

- (i) The exact electronic address at which the information is posted; and
- (ii) A statement that the institution will provide a paper copy of the information on request.

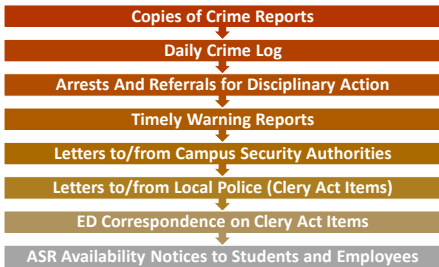
Annual Security Report

A copy of [name of institution]'s annual security report. This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by [name of institution]; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters. You can obtain a copy of this report by contacting [name of office] or by accessing the following website [address of website]. (p. 43583)

Record Retention and the Campus Security Act

Institutions must maintain retain records to substantiate the information released under the Campus Security Act for 3 calendar years after the final disclosure (34 CFR 668.24). This effectively means 7 years because a crime occurred and reported in January 2009 would be included in the 2010, 2011, and 2012 annual security reports and would have to be maintained for 3 years after the last disclosure.

Record Retention



Clery Act Whistleblower Protections (HEOA)

(17) Nothing in this subsection [The Clery Act] shall be construed to permit an institution, or an officer, employee, or agent of an institution, participating in any program under this title to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this subsection.



Fire Safety



On-Campus Student Housing Facility

- *On-campus student housing facility:* A dormitory or other residential facility for students that is located on an institution's campus, as defined in § 668.46(a) (p. 55943).

Note: This new definition applies to the fire safety, missing student, and existing campus security regulations.

Annual Fire Safety Report

- Required the initial report by October 2, 2010
- May be combined with the Annual Security Report, but title must be clear.
- May publish two separate reports, each report must include information about the other.

Annual Fire Safety Report:
Fire Statistics

An institution must report statistics for each on-campus student housing facility, for the three most recent calendar years for which data are available, concerning—

- (i) The number of fires and the cause of each fire;
- (ii) The number of persons who received fire-related injuries that resulted in treatment at a medical facility, including at an on-campus health center;
- (iii) The number of deaths related to a fire; and
- (iv) The value of property damage caused by a fire. (p. 55946)

Annual Fire Safety Report:
Additional Components

- A description of each on-campus student housing facility fire safety system.
- The number of fire drills held during the previous calendar year.
- The institution's policies or rules on portable electrical appliances, smoking, and open flames in a student housing facility.
- The institution's procedures for student housing evacuation in the case of a fire. (p. 55946)

Annual Fire Safety Report:
Additional Components

- The policies regarding fire safety education and training programs provided to the students and employees. In these policies, the institution must describe the procedures that students and employees should follow in the case of a fire.
- For purposes of including a fire in the statistics in the annual fire safety report, a list of the titles of each person or organization to which students and employees should report that a fire occurred.
- Plans for future improvements in fire safety, if determined necessary by the institution. (p. 55946)

Annual Fire Safety Report: Notice and Disclosure

- *Enrolled students and current employees—annual security report and annual fire safety report.* By October 1 of each year, an institution must distribute to all enrolled students and current employees its annual security report described in § 668.46(b), and, if the institution maintains an on-campus student housing facility, its annual fire safety report described in § 668.49(b).
- *Prospective students and prospective employees—annual security report and annual fire safety report.* For each of the reports, the institution must provide a notice to prospective students and prospective employees that includes a statement of the report's availability, a description of its contents, and an opportunity to request a copy. (p. 55943)

Fire Log

Campuses with an on-campus student housing facility will also be required to maintain a written fire log that is “easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time, and general location of each fire” (p. 55946).

For More Information:

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