

JEANNE CLERY ACT COMPLIANCE UPDATE



Melissa J. Holloway, General Counsel
Jack Moorman, Interim Chief of Police
BOT RMAC Committee
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JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT (THE “CLERY ACT”)

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THE CLERY ACT

Background

- Federal law that requires institutions of higher education in the United States to disclose campus security information including crime statistics for the campus and surrounding areas
- First enacted in 1990 and later renamed for Jeanne Clery, a student who was raped and murdered in her campus residence hall in 1986

THE CLERY ACT

- During the early morning hours of April 5, 1986, Jeanne Clery, a 19-year old Lehigh University freshman, was tortured, raped and murdered in her residence hall room. Her killer was a drug and alcohol abuser, a Lehigh University student whom Jeanne had never met. He gained access to her room by proceeding, unopposed, through three propped open doors, each of which should have been locked. He was convicted and sentenced to death.
- Her parents, Connie and Howard Clery found that only 4% of colleges and universities reported crime on their campuses to the Federal Bureau of Investigation. The Clery's went to work to mandate that all college and universities disclose crimes that occur on their campuses and prepare an annual campus security report (ASR) that shows the crime statistics and what security measures are taking place on campus. In 1990, the Campus Security Act was passed. It was later renamed the Jeanne Clery Act.



N.C. A&T'S OBLIGATIONS UNDER THE CLERY ACT

- Publish an Annual Security Report (ASR) by October 1, documenting three calendar years of select campus crime statistics, security policies and procedures, and information on the basic rights guaranteed victims of sexual assault. Schools must notify all community members that the ASR has been published and make copies available.
- **To maintain a daily crime log.** Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known.

N.C. A&T'S OBLIGATIONS UNDER THE CLERY ACT

- Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement and other school officials who have "significant responsibility for student and campus activities."
- Issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees. Institutions must provide timely warnings in a manner likely to reach all members of the campus community. Timely warnings are limited to those crimes an institution is required to report and include in its ASR.

N.C. A&T'S OBLIGATIONS UNDER THE CLERY ACT

- **Devise an emergency response, notification and testing policy.** Institutions must issue an “Emergency Notification” for any incident that may be considered an immediate and ongoing threat. Examples of a scenario requiring an emergency notification would include a tornado approaching, an active shooter, fire, or health epidemic (Covid-19).
- **Compile and report fire data to the federal government and publish an annual fire safety report.** Institutions must include all fire statistics for each of our On-Grounds student housing facilities.

N.C. A&T'S OBLIGATIONS UNDER THE CLERY ACT

- **Enact policies and procedures to handle reports of missing students.** This requirement is intended to minimize delays and confusion during the initial stages of a missing student investigation. The University provides every student living in University housing the opportunity and means to identify an individual to be contacted in an emergency, including whenever the University determines that a student is missing.
- **Prevention Programming.** The VAWA (Violence Against Women) amendments require prevention programs that aim to stop sexual assault, domestic violence, dating violence, and stalking before they occur. These programs promote positive and healthy behaviors that foster healthy, mutually-respectful relationships and sexuality, encourage safe bystander intervention tactics, and seek to change behavior and social norms in healthy and safe directions.

CONSEQUENCES FOR CLERY NONCOMPLIANCE

- Department of Education can issue civil fines up to \$57,317 per violation
- The largest Clery Act fine imposed to date is \$4.5 million in 2019 against Michigan State University
- UNC Chapel Hill fined \$1.5 million in 2020
- Suspension or limiting of the institution's Federal Aid funding
- Final Review Determination reports are public records
- Negative media attention for the University

ANNUAL SECURITY REPORT

- Statistics for the previous three calendar years
- Crimes (& Fires) Listed in the Act and Reported to:
 - Campus Police/Security
 - Local Police
 - Campus Security Authorities (CSA) - those with “significant responsibility for student activities” such as:
 - Housing and Disciplinary Staff
 - Athletic Coaches and Staff
 - Faculty Advisers to Student Groups
- Develop a documented procedure for soliciting statistics for the Annual Report from the local police and all the individuals or organizations on campus who may fit the definition of campus security authorities (CSA).

CLERY REPORTABLE CRIMES

- Criminal Offenses
- Criminal Homicide
- Murder
- Non-negligent Manslaughter
- Manslaughter by Negligence
- Sexual Assault
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

CLERY REPORTABLE CRIMES

- Hate Crimes
- Any of the First-Tier Criminal Offenses
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property •
- Violence Against Women (VAWA) Offenses
- Domestic Violence
- Dating Violence
- Stalking

CLERY GEOGRAPHY

- Crime statistics are reported pursuant to the guidelines as specified in the Clery Act, as defined under the FBI Uniformed Crime Reporting procedures, and separated by the following geographical areas:
 - > On campus
 - > On-campus residence facilities
 - > Public property
 - > Non-campus properties: university-owned, leased, or controlled property located other than on the main or branch campuses (JSNN, Union Square)

<https://www.ncat.edu/campus-life/university-police-department/jeanne-clery-act/asr.pdf>

QUESTIONS?

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