



Compliance Corner

Susan H. Lee, Compliance Officer

The Clery Act

In 1986 Jeanne Clery, a freshman at Pennsylvania's Lehigh University, was sexually assaulted and murdered in her campus residence hall room by another student she did not know. Entry doors to her dormitory were propped open with pizza boxes in order for friends to gain easy access. Her school had not informed students about 38 violent crimes on campus in the three years preceding her murder. In response, Clery's parents spearheaded a crusade that led to the enactment of the original Campus Security Act. In 1998, Congress formally named the law in memory of Jeanne Clery.

The Clery Act is contained in section 485 of the Higher Education Act, codified at 20 U.S.C. § 1092. It requires colleges and universities to keep records and report annually on the nature, date, time, and place of crimes occurring on campus, including hate crimes. It also prescribes a number of security-related protocols for emergency response procedures, timely notifications for on-campus crimes, missing students, fire incident reporting, and the like.

The requirements of the Clery Act are complex, and require significant coordination and organization among campus officials and administrators. The University Police Department is the department charged with collecting, classifying and counting all crime statistics related to the Annual Security Report. They also issue "Timely Warnings" and "Immediate Notifications" in the event of an emergency. In addition, they coordinate with all University officials and outside law enforcement agencies in their effort to fulfill the extensive and complicated requirements of the Clery Act. All campuses try to provide a safe and secure environment for students, staff and visitors. The procedures listed in the Annual Security Report aspire to accomplish this goal.

In the aftermath of a crisis on campus, one of the most common questions is whether the institution properly complied with all state and federal requirements, particularly the Clery Act. Failure to comply can result in large fines for an institution (up to \$35,000 *per violation*), suspension, or limiting of Title IV funding. In addition, when crime reporting or other safety procedures are mishandled, significant public scrutiny can result causing serious reputational damage to an institution and its senior leadership. By contrast, sound procedures for handling crises can mitigate tragic outcomes including a public relations nightmare. Ultimately, when the health and safety of students and others are at stake, there is no room for error.

Texas A&M University at Galveston must publish and disseminate an annual campus security report by October 1st containing various security policies and three years' worth of crime statistics. When necessary, the University must also issue timely warnings about crimes that pose an ongoing danger. Some of the categories that must be disclosed are homicide, sex offenses,

robbery, aggravated assault, burglary, motor vehicle theft, and arson. Hate crimes must also be reported by category of prejudice which includes race, gender, religion, sexual orientation, ethnicity, and disability.

All institutional officials with significant responsibility for campus and student activities may also have reporting obligations under the Clery Act. Faculty advisors, coaches, staff involved in student affairs and individuals serving as advisors to student groups are all included and are known as “Campus Security Advisors” (CSA’s). CSA’s are expected to be aware of the constantly changing law regarding their responsibilities.

A couple of commonly asked questions:

If a student reports something to me (Faculty or Staff) in confidence, do I still need to report the incident?

Yes. Any incident that falls in the above categories must be reported to the TAMUG Police Department even if the victim does not want to be identified. It is your responsibility to report the incident to the TAMUG Police Department so that they will know the nature of the incident, the approximate time and location. The Police Department will issue a “Timely Warning”, if one is required (certain criteria must be met such as verification the report is bona fide), so that campus members can take reasonable steps to protect themselves. Note that even if the victim insists on remaining anonymous, the report can still be made without their name. The reporting individual has no requirement to investigate the incident, simply report it.

Q. Does someone have to be convicted of a crime before it is reportable under the Clery Act?

No. Crimes are counted when they are reported regardless of prosecution.

Remember, in a culture of Compliance everyone is committed to

- ***Always do the right thing;***
- ***ask, if they are unsure of the proper procedure or action (UPD is open 24 hours a day);***
- ***report compliance concerns; and***
- ***set the proper example for our students.***

If you have suggestions, ideas or concerns about compliance in your area you may contact Susan H. Lee, Compliance Officer.