



A President's Guide to the Clery Act: 2023 Edition

This guide is an update to *A President's Guide to the Clery Act*, published by ACE in 2012.



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A Letter from ACE's President

Dear Colleagues,

I am pleased to share the American Council on Education's (ACE) *A President's Guide to the Clery Act: 2023 Edition*.

For more than 30 years, the Clery Act has served as the primary federal law setting forth safety and security requirements for colleges and universities. The goal of this legislation is to provide increased transparency and accountability of colleges and universities by requiring the disclosure of campus crime statistics as well as other campus safety policies. Clery compliance is an essential part of ACE's efforts to provide safe learning environments, and it helps underscore institutional commitment to the safety and well-being of all community members.

While the law's overarching goal is clear, the Clery Act's requirements—coupled with its detailed implementing regulations and extensive subregulatory guidance—are layered and complex. At times, compliance with the law can be challenging; its requirements can be unclear or confusing, even to seasoned experts. Moreover, the law and interpretations of its requirements continue to evolve, creating additional challenges for compliance efforts.

It is our hope that this guide will provide a high-level overview of Clery's requirements for presidents, chancellors, and other senior leaders to help shape compliance efforts on their own campuses. To that end, this guide does not attempt to cover every requirement but instead focuses on five core elements of a Clery compliance program and the related realities every institutional leader should understand. Having solid policies and protocols in place that align with Clery's expectations is imperative; it is critical in the event of a Clery audit or investigation by the Department of Education. More importantly, it is critical to our efforts to provide safe learning environments for students and other community members.

My deep appreciation to John T. Graff and Alicia M. Ward, of the law firm Hirsch Roberts Weinstein LLP, as well to my ACE colleagues Peter McDonough and Anne Meehan, for helping to draft this guide and for sharing their valuable expertise on this topic with the entire higher education community.

Sincerely,

Ted Mitchell, President

American Council on Education

Introduction

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092) (the Clery Act, or Clery) is a federal law requiring colleges and universities that are receiving Title IV program funds to disclose campus security information, including crime statistics, and to comply with various requirements related to campus safety.¹ While the Clery Act is focused on disclosures, the law has evolved to include campus requirements that go well beyond such reporting. It reflects a host of obligations aimed at promoting transparency and institutional investment in safety and well-being.

Colleges and universities take their legal compliance obligations seriously, and while it is clear these are an important motivator for institutions, the primary drive toward enhanced campus safety derives from sincere interest in caring for the well-being of the members of their campus communities. Colleges and universities are committed to safe and healthy environments in which to learn, work, and live. They have come a long way in their campus safety and related compliance efforts, including by investing significant resources—funding, personnel, training, legal advice, and infrastructure—in these endeavors.

By and large, Clery has helped institutions focus both their actions and their messaging related to the safety of their educational communities. However, the Clery statute, its implementing regulations, and related subregulatory guidance are complex—and, in many respects, vague—despite the law's noble intent.² As a result, Clery often has been a source of confusion for many higher education professionals tasked with institutional compliance.

Adding to this complexity is the fact that Clery's requirements have continued to change. Indeed, the Clery statute has been amended five times since it was enacted.³ Following the most recent amendments to the Clery Act in 2013, the Department of Education (ED) issued new regulations in 2014, outlining requirements for campuses related to sexual assault, dating violence, domestic violence, and stalking that included, for example, new requirements for education and prevention programming and for campus disciplinary proceedings related to these crimes.

Subregulatory guidance from ED has also continued to evolve. The Office of Federal Student Aid at ED, which enforces Clery, has published three versions of *The Handbook for Campus Safety and Security Reporting*, including, most recently, a 265-page edition in 2016. In October 2020, ED rescinded the 2016 edition and replaced it with a 13-page document, shifting away from a more comprehensive interpretation of Clery in favor of brief technical guidance.⁴ Despite that rescission, it is our understanding that ED's investigators continue to be informed by the 2016 edition, even if it is not technically in effect.⁵ A new edition is expected to potentially be released in late 2023 or early 2024. Senior leaders and other campus officials charged with Clery compliance will need to remain vigilant for future changes.

1 The Clery Act is named in honor of Jeanne Clery, who was a first-year student at Lehigh University in 1986 when she was sexually assaulted and murdered inside her on-campus residence hall room by another student.

2 See 34 C.F.R. § 668.46.

3 See Higher Education Technical Amendments of 1991, Pub. L. 102-26, § 10 (April 9, 1991); Higher Education Amendments of 1992, Pub. L. 102-325, Title IV, Part G, Title XV, Part D (July 23, 1992); Higher Education Amendments of 1998, Pub. L. No. 105-244, Title IV, § 484B (October 7, 1998); Victims of Trafficking and Violence Prevention Act of 2000, Pub. L. 106-386, Title VI (October 28, 2000); Higher Education Opportunity Act of 2008, Pub. L. 110-315, §488 (August 14, 2008); Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4, Title III, §§ 303 and 304 (March 7, 2013), incorporating provisions of the Campus Sexual Violence Elimination Act, S. 128/H.R. 812, § 2 (February 25, 2013).

4 See Office of Postsecondary Education, "**Rescission of and Replacement for the 2016 Handbook for Campus Safety and Security Reporting**," U.S. Department of Education, originally posted October 9, 2020 and last updated January 19, 2021; and "**Clery Act Appendix for FSA Handbook**," (Washington, DC: U.S. Department of Education, 2020). See also Jeffrey J. Nolan and Peter McDonough, *October 2020 Rescission of 2016 Clery Handbook: What Does It Mean for Colleges and Universities?* (Washington, DC: American Council on Education, 2020), an issue brief describing the impact of the rescission on campuses.

5 See Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting: 2016 Edition* (Washington, DC: U.S. Department of Education, 2016). The handbook was first published in 2005, revised in 2011, and last updated in 2016.

This guide aims to help reduce confusion about the Clery Act by discussing core elements of a Clery compliance program and related realities that institution presidents and senior campus leaders should understand. Having solid policies and protocols in place that align with Clery's expectations is imperative; they will be critical in the event of a Clery audit or investigation by ED. More importantly, they should assist in optimizing personal safety on campus. This guide does not capture all of Clery's specific requirements and is not intended to substitute for any guidance or advice available through ED. For specific questions regarding Clery compliance, ACE encourages consultation with an experienced Clery compliance counsel.

Clery Act Enforcement

ED enforces Clery Act compliance through reviews or assessments, also known as audits or investigations, of an institution's compliance with statutory and regulatory requirements. There are two types of compliance reviews: a general assessment of an institution's compliance with various Title IV eligibility requirements, including Clery, or a focused investigation of campus security and related Clery Act compliance. ED may initiate a focused investigation regarding a complaint received from an allegedly aggrieved party or from an advocacy group, in response to a media event alerting ED to potential compliance concerns at an institution, or through a random review selection process.⁶

ED completes compliance reviews in one of two ways. It can request that an institution produce documents and information for remote analysis with follow up inquiries to be conducted via phone, video conference, or email. Alternatively, ED may request production of information by an institution in advance of a campus site visit by ED investigators. At the conclusion of the information gathering phase, ED will issue a preliminary program review report (PRR) identifying findings of noncompliance accompanied by summaries of ED's rationale for its findings. The institution will then have an opportunity to respond in writing, at which point ED will issue a final program review determination (FPRD) either sustaining or modifying the findings contained in the PRR. Based on the FPRD, ED determines whether to issue a fine, and if so, what the fine amount may be.

Fines for Noncompliance

Between 2015 and 2020, the latest year for which FPRD data is currently publicly available through ED's FSA website, the vast majority of institutions (approximately 79 percent) investigated were fined for noncompliance.⁷ In 2015, the largest fine assessed against a college or university was \$165,000. By 2018, the largest fine was \$966,614—nearly five times higher. By 2020, fines for the most serious cases were topping out at seven figures, more than double the largest fine only two years earlier.⁸ While the financial cost is significant, the true cost of non-compliance extends far beyond these fines, including institution reputational harm, and, in some cases, increased risks to personal safety for members of the campus community.

6 See "Background Information: Clery Act Reviews," Office of Federal Student Aid, U.S. Department of Education, last visited May 24, 2023.

7 "Clery Act Reports," Office of Federal Student Aid, U.S. Department of Education, last visited May 24, 2023.

8 ED may impose civil penalties for noncompliance. As of January 30, 2023, the maximum Clery fine amount is \$67,544 per violation. The Clery fine amount is adjusted annually for inflation under the Federal Civil Penalties Inflation Adjustment Act Improvements Act, 28 U.S.C. § 2461; 34 C.F.R. § 668.84.

Core Compliance Requirements

As noted previously, Clery Act requirements for colleges and universities are complex and at times unclear or confusing. In order to provide a high-level road map for senior higher education leaders to guide campus compliance efforts, it may be helpful to keep in mind five core requirements:

1. **Disclosure of annual crime statistics**
2. **Publication of a daily crime log**
3. **Issuance of timely warnings and emergency notifications**
4. **Disclosure of campus safety policies**
5. **Identification and training of campus security authorities⁹**

Based on a review of ED audits of institutional compliance, we know that if a college or university is going to be assessed substantial fines for noncompliance, those sanctions typically will relate to one of the five foregoing requirements. Thus, accurate and ongoing attention to these areas significantly reduces the likelihood of severe action by ED against an institution and helps mitigate reputational and safety risks that may result from noncompliance. Importantly, institutional leaders should presume that ED will continue to focus its attention on the requirements outlined herein during a Clery compliance audit or investigation.

1. Disclosure of annual crime statistics

The Clery Act requires that every year by October 1, colleges and universities must publish an annual security report (ASR) containing certain crime statistics for the three-year period immediately preceding the year in which the report is published. For example, the 2023 annual disclosure must contain statistics for 2020, 2021, and 2022. An institution is not required to report statistics for all crimes reported to it. Rather, it must publish statistics concerning reported crimes only when *all* of the following apply:

- i. An alleged crime is reported to a campus security authority (CSA) (see section five regarding how to identify campus security authorities and their critical role in the compliance effort)
- ii. The crime is one of the 21 reportable crimes identified in the statute¹⁰
- iii. The crime was reported to have occurred in any of the four geographic locations identified in the statute¹¹

In addition to containing statistics regarding crime reports to CSAs, an ASR must contain statistics regarding Clery Act crimes reported to any law enforcement agency having jurisdiction over an institution's Clery geography, to the extent that such crimes were alleged to have occurred within that geography.

⁹ Although not expressly referenced in the Clery Act statute, this is an important step to ensure Clery compliance.

¹⁰ Clery requires institutions to disclose statistics concerning reports of murder or nonnegligent manslaughter, negligent manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence, stalking, liquor law violations, drug law violations, weapons law violations, and—to the extent there is evidence of a prohibited bias motive—larceny or theft; simple assault; intimidation; and destruction, damage, or vandalism of property. See 34 C.F.R. § 668.46(c); and Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting: 2016 Edition* (Washington, DC: U.S. Department of Education, 2016), 3-2.

¹¹ The four geographical reporting areas are on-campus property, generally; residence halls, which are a subset of on-campus property; non-campus property, if the institution has the right to control and it is frequently used by students; and public property adjacent to or running through a campus. See 34 C.F.R. § 668.46(c)(4); and Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting: 2016 Edition* (Washington, DC: U.S. Department of Education, 2016), 2-10.

2. Publication of a daily crime log

Clery requires that institutions publish a daily crime log (DCL) recording all alleged criminal incidents that have been reported to the campus police or security department when such incidents are alleged to have occurred within a campus law enforcement unit's patrol and response jurisdiction. All colleges and universities must maintain a DCL and must make it available for public inspection if the institution operates a police or security department.

A DCL must contain specific information regarding a reported incident, including the date the crime was reported, the nature of the crime, the general location of the crime, and the disposition of the matter, if known. Entries on the DCL must be recorded within two business days of reporting to campus law enforcement or security. Colleges and universities must update incident disposition information contained in a DCL entry if the disposition changes within 60 days of an incident's original entry in a DCL.

Data contained in a DCL is distinct from data contained in an ASR for four key reasons:

- A DCL records more than just Clery Act–defined crimes; it records *all* reported crimes alleged to have occurred in an institution's Clery geography, thus providing a more accurate picture of the true nature of the crimes most frequently impacting campus.
- A DCL must contain not only information regarding crimes reported to have occurred on an institution's statutorily defined Clery geography but also information concerning any crime reported to have occurred anywhere institution police or security respond (i.e., a patrol jurisdiction).
- ASR data is numeric only, but DCL data contains context regarding a reported incident. That context, including greater geographical specificity, is intended to allow the public to become more informed about specific areas of concern on or around a campus.
- ASR data is published only once a year (unless it must be updated due to required adjustments). A DCL must be updated and published throughout the year.

In sum, the DCL must provide the public with a timely snapshot of a campus's crime profile to the extent incidents are reported to law enforcement. The importance of the DCL from ED's perspective cannot be overstated. ED views failure to maintain and publish an accurate crime log as a critical safety failure that deprives the public of important information needed to inform safety-related decisions, irrespective of how often the public may access information contained in a DCL. ED's concern for crime log compliance is reflected in the fines it assesses for compliance failures.

From a public relations perspective, a college or university's failure to adequately maintain a DCL can lead to damaging public relations outcomes. When journalists and special interest groups seek current information about crime on campus, they typically will look to an institution's crime log to inform fact finding and narrative development. Inadequate crime logs tend to inspire further inquiry about both crime on campus and an administration's demeanor toward campus safety. The DCL can become a story within a story, thus adding an unnecessary layer of complexity to problem-solving when an institution is faced with a crime-related crisis on campus or during an ED audit.

The data comprising the annual statistics and DCL entries must square with law enforcement and institution administrative records. For context, a Clery Act crime alleged to have occurred on campus and documented in a campus law enforcement incident report must be connected to both a DCL entry and an annual statistic.

A growing area of ED audit focus in recent years is the manner in which crimes may be classified on a police incident report for state law purposes vis-à-vis the manner in which they are classified for Clery purposes in a DCL or in the annual statistics. It is imperative that incident reports contain sufficiently detailed information to allow ED to verify DCL and statistical data, particularly where an incident may be classified one way under state law but another way under Clery.

There are very few exemptions to the DCL publication requirement, and—given the frequency with which a crime log must be updated—it is advisable to assign more than one person the responsibility of maintaining a DCL.

3. Issuance of timely warnings and emergency notifications

The Clery Act requires institutions to issue urgent communications to their campus community when there is a threat of serious harm to campus. These urgent communications fall into one of two statutorily defined categories: timely warnings and emergency notifications. The touchstones for determining which type of urgent communication may be required in a particular situation are different but easily confused. Campus officials responsible for assessing incidents for the appropriateness of distributing these communications must understand these distinctions (see table 1).

Table 1. Statutorily Defined Categories of Urgent Communications

	Timely Warning	Emergency Notification
Scope	Clery Act crimes only	Any serious emergency or dangerous situation
Trigger	Past or ongoing threats	Current or imminent threats
Where	Clery Act geography	On campus
When	As soon as pertinent information is available	Immediately upon threat confirmation

By and large, if a college or university is going to be sanctioned for a compliance violation related to an urgent communication, it will be due to either a failure to issue a timely warning in response to a crime impacting statutorily defined Clery geography or a failure to precisely adhere to the specific requirements and procedures detailed in the timely warning policy, despite issuance of a communication. Institutions can significantly reduce the likelihood of exposure arising from a timely warning or an emergency notification violation by undertaking the following:

- Draft a policy that defines timely warnings and emergency notifications as they are referred to within the institution. For example, some institutions may call timely warnings “crime alerts” and emergency notifications “urgent warnings.” Regardless of the terminology, the policy needs to define it and colleges and universities need to consistently use that terminology in various related policy and informational documents across an institution.
- Minimize the layers of approval required between an institution’s receipt of notice of a threat to campus and its issuance of an urgent communication.
- Educate those with responsibility for deploying the timely warning or emergency notification policy regarding the policy’s requirements and how to follow them. Institutions struggle at times to comply with the policy when working through a timely warning or emergency notification situation, and the failure to follow a policy precisely—even if a communication is issued—can result in an adverse finding against an institution coupled with a significant fine.

- Instruct those who are likely to receive reports of crimes that might indicate an ongoing threat to campus on the process to accurately identify threats and timely communicate these threats to campus. Very importantly, that training needs to educate people on how to identify threats that may not be readily apparent.
- Create a process for documenting decisions regarding whether to issue timely warnings or emergency notifications following a report of a serious incident or threat to the campus.
- Reconcile timely warnings against annual crime statistics and DCL entries. Timely warnings are issued for Clery Act crimes reported in Clery geography. An institution should never have an instance in which a timely warning is issued but there is not a corresponding annual statistic or crime log entry concerning the incident.
- Ensure that the institution's timely warning or emergency notification policy statement contained in the annual security report (see section four) is consistent with how the institution makes such notifications in practice.

The importance of a properly functioning timely warning or emergency notification platform extends far beyond good compliance. While many of Clery's requirements may feel bureaucratic or disconnected from higher education's operational realities, the timely warning or emergency notification requirement is rooted in the law's desire to increase the likelihood of safety and survival during a critical incident on campus.

4. Disclosure of campus safety policies

In addition to the crime data reporting requirements described in the previous section, Clery requires colleges and universities to disclose a number of policy statements regarding safety on campus. Among other things, these policy statements must address external campus security, internal building security (including in residence halls), contact information for crime reporting, institution relationships with external law enforcement, legal authority for powers exercised by campus law enforcement, missing persons investigations, campus emergency preparedness and response policies, timely warnings and emergency notifications, preparation of crime statistics for inclusion in the ASR, fire safety rules and data concerning fires on campus, and sexual misconduct response procedures and grievance policies.¹² At last count, there were over 60 policy statements that an institution must include in its ASR.

It is important that colleges and universities review each of their policy disclosures every year in advance of publication of the ASR. That effort necessarily must include review by the offices responsible for or assisting with development, maintenance, or implementation of the policy under review. Gone are the days when a campus law enforcement unit can reasonably be expected to manage review of the numerous policy statements required to be included in the ASR. The scope of information that must be included in the ASR has become so broad and requires such specialized input from various stakeholders at an institution that the only effective approach to reviewing and updating policy statements is through enterprise-wide leadership investment.

Importantly, the policy statements contained in the ASR must accurately reflect institution policy, and in turn, institution policy must reflect the processes that are employed in addressing a matter that falls under the policy. For example, an institution's timely warning policy must—without exception—reflect the way an institution handles a timely warning matter, and the way the institution handles a timely warning matter must comply with the policy. If either deviates from the other, an institution is in violation of the Clery Act.

¹² This guide summarizes concerns and practical insight related to Clery's crime disclosure requirements because they are the most difficult portions of Clery to understand and institutions stand the most risk when failing to comply with them. Higher education leadership should understand that Clery also requires certain fire safety statistics and policy disclosures, however, that may be published either in a stand-alone fire safety report or consolidated into a college or university's ASR.

The volume of work required to review and revise ASR policy statements can be significant. At the same time, demands on higher education personnel can be intense, many of the required participants may be absent from campus during the summer vacation season, and commencement of the fall semester is often frenetic. As a result, institutions are advised to begin their policy statement review process in March or early April, several months ahead of the October 1 publication deadline.

Upon publication of the annual security and fire safety reports, an institution must notify all current students and employees that the reports are available, briefly summarize their contents, and provide guidance regarding how to access the reports. In addition, colleges and universities must provide an opportunity for prospective students and employees to obtain the reports by notifying those populations regarding availability of the reports, describing their contents, and providing instructions regarding how to access the reports. Compliance with the requirement to notify current students and employees is fairly easy because that is usually done through a system-wide email containing a link to an electronic copy of the report. The more difficult issue institutions struggle with is how to notify prospective students and employees. Given where higher education is technologically, most colleges and universities are able to route prospective student and employee traffic to the reports via tabs or links contained on admissions and human resources pages—the two web pages prospective students and employees are likely to visit early in their interactions with an institution.

5. Identification and training of campus security authorities

Under the Clery Act, a crime is considered to have been reported to an institution when it is brought to the attention of a CSA by an alleged victim, witness, other third party, or even the alleged offender. “Campus security authority” is a specific Clery Act term that includes four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution
- Any individuals who have significant responsibility for campus security but who do not constitute a campus police department or a campus security department
- Any individuals or organizations specified in an institution’s statement of campus security policy as entities to which criminal offenses should be reported¹³
- Any officials of an institution who have significant responsibility for student and campus activities (an “official” is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution)

It does not matter whether the individuals involved in a criminal incident or those reporting an incident are associated with an institution. For reporting purposes, Clery is concerned with what happened and where it happened, not who it happened to—unlike Title IX, which is concerned about what happened and to whom. If a CSA receives information about an alleged crime occurring on Clery geography, the institution is deemed to be on notice of that incident and may be required to disclose certain information concerning the matter in annual statistics, the DCL, or via timely warning or emergency notification. If the CSA fails to report the matter to the institution or if the institution fails to communicate with the CSA for the purpose of obtaining information regarding crime reports made to the

13 This third category of CSA is entirely voluntary on the part of an institution. Institutions need to be careful to remember to collect data for inclusion in the ASR from voluntarily designated individuals or positions as CSAs in their annual security reports. It often has been the case that an institution has published an annual security report containing a list of individuals who have been voluntarily designated as CSAs but then failed to notify those individuals that they have been designated as such, and the institution subsequently failed to communicate with them to collect reports of crime from those individuals. Even if none of those individuals has any crime information to report, the institution’s failure to inquire whether they have received crime reports will be deemed by ED as a failure to accurately report statistics in the ASR.

CSA, the institution is considered to have inaccurately published its crime statistics, thereby subjecting the institution to exposure of adverse findings and resulting fines.

The accuracy and completeness of a college or university's required Clery Act disclosures rely upon effective communication between CSAs and those overseeing the Clery compliance function as well as appropriate training of CSAs so that the institution is aware of and able to adequately fulfill its reporting obligations. The majority of an institution's CSAs falls into the fourth, somewhat elusive, statutory category identified in the preceding list—*officials of an institution who have significant responsibility for student and campus activities*. Because of that reality, institutions must work to accurately identify individuals in that category, notify them of their reporting responsibilities, provide them with reporting avenues, track turnover in those positions, and periodically communicate with them to determine whether information has been reported to them that they, in turn, have not reported to the institution's Clery compliance personnel.

The best practice in the collection of crime information from CSAs is for institution leadership to require that a system-wide employee position assessment is conducted, through which each position is reviewed to determine whether the job functions of that employee fall into one of the CSA position categories identified in the preceding list. Once that is done, the institution must develop a system to track turnover in CSA positions. Given the vast differences between human resources personnel platforms and institutional operating customs, this will require carefully studying an institution's current personnel tracking systems and planning for how to best leverage those systems to facilitate tracking in a way that is least disruptive to current demands on employees.

The process to accurately identify CSAs, especially in the fourth category, is time consuming and can be intimidating from process and cost perspectives. From a compliance standpoint, however, it is a critical step; failure to do so increases the likelihood of substantial fines.

Records Retention

Clery records retention requirements are straightforward. A college or university must retain records for at least seven years. If an institution cannot produce records to ED during an audit due to premature destruction or loss, it will likely face adverse findings and fines.

Clery's Relationship with Title IX

There is often confusion surrounding the overlap between Clery and Title IX, particularly with respect to sexual misconduct grievance and response policies and procedures. Clery and Title IX generally impose separate and distinct legal requirements upon institutions, and institutions must ensure they are fully compliant with both laws. Clery requires disclosure of certain crime statistics related to sexual misconduct (specifically, statistics of sexual assault, domestic violence, dating violence, and stalking); disclosure of certain rights of individuals reporting sexual misconduct; disclosure of certain institutional obligations upon receipt of a report of sexual misconduct; and, in some instances, distribution of timely warnings or emergency notifications advising the community of an imminent threat of sexual violence. By way of contrast, Title IX requires institutions to investigate and redress sexual misconduct affecting their campus communities, and it governs the way investigations and efforts to redress are conducted.

The overlap between the two statutes lies in the area of required institutional disclosures about resources available to reporting parties, rights of individuals participating in an institutional sexual misconduct proceeding, institutional support obligations, and sexual misconduct grievance procedures. All of these disclosures are required to

be contained in an institution's ASR under Clery, and the policies underlying these disclosures are essential to the proper functioning of an institution's response to sexual misconduct under Title IX. Further, Clery's statistics disclosure obligations require timely communication between the Title IX and Clery compliance functions when criminal sexual misconduct is reported to a Title IX office.

Minors on Campus

Colleges and universities have been hosting programming for minors on campuses for many years now and with increasing frequency. On-campus youth programs come with a host of practical and legal concerns for an institution, including those related to Clery compliance. For about the past 10 years, ED has focused more of its attention on crimes against minors that have been alleged to have occurred on campus. Institutions hosting minors can be confronted with disastrous outcomes if a minor is victimized, especially if a crime goes unreported for some period of time. But there are basic steps colleges and universities can take to reduce the likelihood of incidents occurring or going unreported.

First, institutions should know where minors are located on campus and why they are there. Second, institutions should ensure that there is a central clearinghouse for maintaining lists of minor programming by area and the institution officials who are responsible for each program or serving as points of contacts for such programs. Third, those responsible for minor programming should be trained regarding the institution's policies concerning minors on campus, particularly with respect to safety issues, including criminal incident response and reporting. Fourth, institutions should ensure crimes involving minors are evaluated for issuance of timely warnings or emergency notifications, inclusion in both the DCL and the ASR, and necessity of initiating Title IX procedures. Fifth, it is advisable for institutions to incorporate a term requiring compliance with institutional training, response, and reporting requirements concerning minors on campus into any contract or memorandum of understanding with any third-party program.

Conclusion

Clery compliance may seem daunting at times, both practically and financially. But if institutions focus their compliance efforts around the core areas discussed in this guide and continue to demonstrate commitment to safety and objectivity regarding areas for improvement, build upon safety and compliance platforms, and view Clery as an obligation to foster well-being of individuals through coordinated responses to health and safety issues, they will no doubt stand in better compliance stead.

It is important to understand that each of the areas discussed in this guide relate to nuanced legal requirements and subject matter. Presidents, chancellors, and other senior leaders are encouraged to establish and actively engage with an institutional Clery compliance committee staffed by those responsible for compliance and other institutional stakeholders. Doing so will lead to a better understanding of an institution's current compliance profile and what is needed to enhance compliance as well as the development of a plan to ensure the safest possible environment for students and other members of the campus community.

