

**CLERY ACT**

- The [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act](#) (20 USC § 1092(f)) is a federal law, originally known as the Campus Security Act, that has required colleges and universities across the United States to disclose information about crime on and around their campuses since 1990. All Title IV funding recipient colleges and universities are subject to its requirements.
- The Five Requirements of the Clery Act: Structural Overview
  - Publish an annual safety and security report
    - More than 40 required safety/security disclosures, including 2008 additions of
      - Missing persons reporting
      - Campus fire safety disclosures
      - Campus emergency management provisions
  - Statistics published in 16 crime categories and 9 hate crime classifications
    - Published in October annual report
    - Uploaded to the Department of Education electronically each year
    - Statistics cover the prior three calendar years (annual report published in 2010 included statistics for 2009, 2008 and 2007).
  - Timely warning requirement
  - Campus Sex Crimes Prevention Act (reporting on sex offender status)
  - The Campus Sexual Assault Victim’s Bill of Rights
  - Open Campus Crime Logs
- Guidelines for Compliance Best Practices
- Safety and Security Disclosures for the Annual Report

Regulatory Citation(s)	Required Disclosure
34 CFR 668.46(b)(1) 34 CFR 668.46(c)(1)-(2)	<p>The following categories* of crime statistics for the campus, certain non-campus properties, and certain public property areas which have been reported to local police and campus security authorities must be disclosed for the most recent three calendar years**:</p> <ol style="list-style-type: none"> <li>1. Homicide -- Murder &amp; Nonnegligent manslaughter</li> <li>2. Homicide -- Negligent manslaughter</li> <li>3. Sex Offenses -- Forcible</li> <li>4. Sex Offenses -- Non-Forcible</li> <li>5. Robbery</li> <li>6. Aggravated Assault</li> <li>7. Burglary</li> <li>8. Motor Vehicle Theft</li> <li>9. Arson</li> </ol> <p>Also requires that schools provide statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made)...</p> <ol style="list-style-type: none"> <li>10. Arrests for Liquor Law Violations</li> <li>11. Arrests for Drug Law Violations</li> <li>12. Arrests for Illegal Weapons Possession</li> <li>13. Referrals for Liquor Law Violations</li> </ol>

	<p>14. Referrals for Drug Law Violations  15. Referrals for Illegal Weapons Possession</p> <p>Hate Crimes</p> <p>16. Hate crimes motivated by one of the six categories of hate (see below) which do not fall into any of the crime categories above, but which result in bodily injury must be reported, as must hate-motivated larceny-theft, simple assault, intimidation, and vandalism (which are not Clery Act crime categories)</p> <p><i>*The definitions for these crime categories are taken from the FBI's Uniform Crime Reporting program and are available at <a href="http://campussafety.org/publicpolicy/cleryact/ucrdef.html">http://campussafety.org/publicpolicy/cleryact/ucrdef.html</a>.</i></p> <p><i>**Each incident is to be recorded in the calendar year it was reported not in the year it occurred.</i></p>
<p>34 CFR 668.46(b)(1)  34 CFR 668.46(c)(3)</p>	<p>Hate crimes* must also be reported by category of prejudice:</p> <ul style="list-style-type: none"> <li>• Race</li> <li>• Gender</li> <li>• Religion</li> <li>• Sexual Orientation</li> <li>• Ethnicity</li> <li>• Disability</li> </ul> <p><i>*This <u>separate</u> disclosure includes all crimes reported in the general disclosures as well as any other crime involving bodily injury and reported to local police or campus security authorities.</i></p> <p>A Hate Crime is one in which law enforcement have evidence indicating that the victim or target was intentionally selected on the basis of one of the six categories above.</p>
<p>34 CFR 668.46(b)(1)  34 CFR 668.46(c)(4)</p>	<p>The two sets (general and hate crimes) of crime statistics disclosed pursuant to sections (c)(1) and (3) must be broken down by the following geographic categories:</p> <ul style="list-style-type: none"> <li>• On-Campus (includes incidents reported in residential subset) <ul style="list-style-type: none"> <li>• Student Residential Facilities On-Campus</li> </ul> </li> <li>• Non-Campus Building Or Property</li> <li>• Public Property</li> </ul>
<p>34 CFR 668.46(b)(1)  34 CFR 668.46(c)(8)  <b>OPTIONAL</b></p>	<p>A school may choose to use a map which depicts its campus, noncampus buildings or property, and public property areas. The reporting of crime statistics may be limited to the areas defined by the map.</p> <p>Although the map is optional, if a school chooses to include one in their disclosures it must accurately depict the geographic areas.</p>

34 CFR 668.46(b)(2)	<p>Statement of current campus policies regarding:</p> <ul style="list-style-type: none"> <li>• Procedures and facilities for students to report criminal actions or other emergencies;</li> <li>• Policies for preparing the annual disclosure of campus crime statistics;</li> <li>• List of the titles of each person or organization reports should be made to for the purpose of making timely warnings and the annual statistical disclosure. This disclosure "must" include a statement disclosing whether or not the institution has a voluntary confidential reporting system for annual crime statistics and a description of the program if they have one.</li> </ul>
34 CFR 668.46(b)(3)	<p>Statement of current policies concerning:</p> <ul style="list-style-type: none"> <li>• Safety of and access to campus facilities including campus residences</li> <li>• Security considerations used in the maintenance of campus facilities</li> </ul>
34 CFR 668.46(b)(4)	<p>Statement of current policies re: campus law enforcement including:</p> <ul style="list-style-type: none"> <li>• A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to- <ul style="list-style-type: none"> <li>(i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;</li> <li>(ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and</li> <li>(iii) test emergency response and evacuation procedures on an annual basis.</li> </ul> </li> <li>• the law enforcement authority of campus security personnel;</li> <li>• the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and</li> <li>• policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies.</li> </ul> <p>Description of procedures, if any, that encourage pastoral and professional mental health counselors to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics.</p>

34 CFR 668.46(b)(5)	Description of type and frequency of programs designed to inform students and employees about campus security procedures and practices to encourage responsibility for personal and community safety.
34 CFR 668.46(b)(6)	Description of programs designed to inform students and employees about crime prevention.
34 CFR 668.46(b)(7)	<p>Statement regarding monitoring and recording through local police criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including organizations with off-campus housing.</p> <p>Statement of whether the institution has agreements with such local police agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses.</p>
34 CFR 668.46(b)(8)	Statement of policy re: the possession, use, and sale of alcoholic beverages and enforcement of Federal and State underage drinking laws.
34 CFR 668.46(b)(9)	Statement of policy re: the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.
34 CFR 668.46(b)(10)	Description of drug or alcohol-abuse education programs as required under 120(a)-(d) of the Higher Education Act (can be a cross reference to other publications).
34 CFR 668.46(b)(11)	<p>Statement of policy regarding campus sexual assault program to prevent sex offenses, and procedures to follow when a sex offense occurs. Statement must include:</p> <ol style="list-style-type: none"> <li>i. Description of educational programs to promote the awareness of rape, acquaintance rape and other forcible and non forcible sex offenses</li> <li>ii. Procedures students should follow if a sex offense occurs, including: <ul style="list-style-type: none"> <li>• Who should be contacted</li> <li>• The importance of preserving evidence for the proof of a criminal offense</li> <li>• To whom the alleged offense should be reported</li> </ul> </li> <li>iii. Information on the student's option to notify proper law enforcement officials (including on campus and local police) and a statement that institutional personnel will assist the student if requested.</li> <li>iv. Notification of existing on-and off-campus counseling, mental health or other student services for victims of sex offenses</li> <li>v. Notification that an institution will change the victim's academic and living situations if changes are requested and are reasonably available.</li> <li>vi. Procedures for campus disciplinary procedures in cases of an alleged sex offense, including a clear statement that: <ol style="list-style-type: none"> <li>A. The accuser and accused are entitled to the same opportunities to have others present during a disciplinary</li> </ol> </li> </ol>

	<p>proceeding;</p> <p>B. Both the accuser and the accused shall be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense (the institution's final determination and any sanction against the accused).</p> <p>The institution will, <b>upon written request</b>, disclose to the alleged victim of any crime of violence, or a nonforcible sex offense, 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.</p> <p>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.</p> <p>vii. Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non forcible sex offenses.</p>
<p>34 CFR 668.41(e) 34 CFR 668.41(c)(2)</p>	<p>Institution shall distribute the report by October 1st of each year to:</p> <ol style="list-style-type: none"> <li>1. Current students and employees by appropriate publication and mailings through: <ul style="list-style-type: none"> <li>• direct mailing to each individual (US Postal Service, campus mail, or electronic mail), or</li> <li>• publications provided directly to each individual, or</li> <li>• posting on an Internet or Intranet web site (provided all required recipients are directly notified of how to access the report and given an opportunity to request a paper copy)</li> </ul> </li> <li>2. Prospective students and employees upon request provided each is informed of the availability of the security report, given a summary of its contents and given the opportunity to request a copy. Institutions may comply with this requirement by using an Internet web site if they provide the exact electronic address of the report and provide a paper copy upon request.</li> <li>3. The crime statistics must also be submitted to the US Department of Education every year in a manner to be prescribed by the DOE.</li> </ol>
<p>34 CFR 668.46(d)</p>	<p>An institution must produce a separate annual report for each separate campus.</p>
<p>(NPRM, p. 42399)</p>	<p>Annual Fire Safety Reporting Requirement</p> <ul style="list-style-type: none"> <li>• This reporting requirement to be phased in beginning with the collection of statistics for calendar year 2009 in the October 1, 2010 Annual Fire Safety Report.</li> <li>• Data to be collected for three subsequent calendar years until three years are represented.</li> <li>• The first report to contain the full three years of data will be the</li> </ul>

<p>§ 668.49(b) (p. 55946)</p>	<p>report due on October 1, 2012.</p> <ul style="list-style-type: none"> <li>• Applies only if the institution maintains an on campus student housing facility.</li> </ul> <p>Report to include:</p> <ul style="list-style-type: none"> <li>• A description of each on-campus student housing facility fire safety system.</li> <li>• The number of fire drills held during the previous calendar year.</li> <li>• The institution’s policies or rules on portable electrical appliances, smoking, and open flames in a student housing facility.</li> <li>• The institution’s procedures for student housing evacuation in the case of a fire.</li> <li>• The policies regarding fire safety education and training programs provided to students and employees.</li> <li>• In these policies, the institution must describe the procedures that students and employees should follow in the case of a fire.</li> <li>• 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.</li> <li>• Plans for future improvements in fire safety, if determined necessary by the institution.</li> </ul>
<p>(p. 55946)</p>	<p>Fire Log</p> <ul style="list-style-type: none"> <li>• Campuses with an on-campus student housing facility will also be required to maintain a written fire log that is an “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”.</li> </ul>
<p>(pp. 55945-55946)</p>	<p>Missing Student Notification</p> <ul style="list-style-type: none"> <li>• Institutions with on-campus student housing facilities will be required to include a statement of policy regarding their Missing Student Notification Procedures for students who reside on campus in the Annual Security Report starting with the October 2010 report.</li> </ul> <p>Missing Student Notification Policy Must Include:</p> <ul style="list-style-type: none"> <li>• A list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours;</li> <li>• Requirement that any missing student report must be referred immediately to the institution’s police or campus security department, or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area.</li> <li>• Contains an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of</li> </ul>

	<p>the determination that the student is missing, if the student has been determined missing by the institutional police or campus security department, or the local law enforcement agency;</p> <ul style="list-style-type: none"> <li>• Advises students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.</li> <li>• Advises students that if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student; and</li> <li>• Advises students that the institution will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.</li> </ul> <p>Notification Requirement:</p> <ul style="list-style-type: none"> <li>• Once a student has been determined to be missing for 24 hours, the institution must have the following procedures in place: <ul style="list-style-type: none"> <li>○ If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing;</li> <li>○ If the student is under 18 years of age and is not emancipated, notifying the student’s custodial parent or guardian and any other designated contact person within 24 hours that the student is missing; and</li> <li>○ Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.</li> </ul> </li> </ul>
(p. 55945)	<p>Emergency Response and Evacuation Procedures</p> <ul style="list-style-type: none"> <li>• Beginning in October 2010, institutions must include a statement of policy regarding the emergency response and evacuation procedures in the Annual Security Report, including: <ul style="list-style-type: none"> <li>○ 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;</li> <li>○ A description of the process the institution will use to— <ul style="list-style-type: none"> <li>▪ Confirm that there is a significant emergency or dangerous situation as described in paragraph</li> </ul> </li> </ul> </li> </ul>

	<p>(g)(1) of this section;</p> <ul style="list-style-type: none"> <li>▪ Determine the appropriate segment or segments of the campus community to receive a notification;</li> <li>▪ Determine the content of the notification; and</li> <li>▪ Initiate the notification system.</li> </ul> <ul style="list-style-type: none"> <li>○ 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;</li> <li>○ A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in this section;</li> <li>○ The institution's procedures for disseminating emergency information to the larger community; and</li> <li>○ The institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including— <ul style="list-style-type: none"> <li>▪ Tests that may be announced or unannounced;</li> <li>▪ Publicizing emergency response and evacuation procedures in conjunction with at least one test per calendar year; and</li> <li>▪ Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.</li> </ul> </li> </ul>
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- Annual Security Report distribution – this report must be provided to all students, employees, prospective students and prospective employees, on an annual basis.
  - Electronic notification of the existence of the report and where to access it is sufficient, and hard copies can be provided upon request.
  - N.B. -- graduate students, distance education students and staff, and applicants must be notified.
- Statistical Reporting – collect crime data from:
  - Campus law enforcement
  - Local law enforcement
  - Any officials designated by your institution as people to whom crimes should be reported
    - EEO, Affirmative action, for example, for reporting of hate crimes
    - Peer advocates, RAs, etc.
  - Any other officials who have significant responsibility for student and campus activities
    - This really includes all officials except counselors, clergy and health service providers functioning under the scope of their licenses and adjunct faculty or other faculty whose only responsibility is teaching. All other officials will be expected to report

crimes in real time to campus law enforcement, in fulfillment not only of the statistical reporting requirement, but also the timely warning requirement. The lists of who must report are the same for both requirements.

- It may be easier and more effective to impose reporting requirements on all employees.
- Because the Clery Act is not a crime reporting law as much as it is a report of crime reporting law, there is no verification or substantiation requirement. If the reporter of a crime believes in good faith that a crime occurred, that report becomes a statistic. Therefore, counselors, clergy and health service providers should voluntarily report crimes, even if they are not required to, because no confidentiality is breached in doing so. When in doubt, counselors, clergy and health service providers should check with their client or patient for permission to report the crime without personally identifiable information.
  - Double counting can be avoided by supplying the date of the incident, its location, its description, and other officials to whom the crime was reported.
  - As a default, where law enforcement officials do not have enough detail to determine the location of the crime, it should be reported in the “on campus”.
- Only campuses with sworn law enforcement have legal authority to “unfound” a reported crime, determining there is no good faith reason to believe a crime occurred, and therefore a statistic should be excluded from the annual report.
- Crime reporting of statistics is subject to the hierarchy rule, in which only the highest ranking (using the Uniform Crime Reporting System) crime is reported when crimes occur together.
  - Thus, the EMU rape/murder would only be reported as a homicide.
  - Arson is exempt from the hierarchy rule, and must be reported even when it occurs in combination with other crimes.
- It is a common misperception that DUI and public intoxication are reported as Liquor Law Violations. They are exempt.
- Under UCR interpretations until 2008, when a property crime occurred, and it could not be determined whether the crime was a larceny or burglary, the higher crime category of burglary was the default. Under clarifications released in August of 2010, revised definitions of burglary will apply from 2009 forward (for inclusion in the Clery Act Annual Report due October, 2010), that should invert the default to larceny in most situations (which is not a Clery-reportable category unless it is a hate crime). The revised definitions are as follows:  
An incident must meet **three conditions** to be classified as a Burglary.
  1. There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry – no force are counted.
  2. The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.
  3. The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft. If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is Larceny.

This new guidance should be used beginning with the report due on October 1

this year. Please do not change statistics reported for prior years since the previous guidance was in effect during that time period.

- Copies of the Department of Education's summary released in August 2010 are accessible at:  
<https://surveys.ope.ed.gov/SECURITY/images/document/Summaryupdated2010.doc>

- Distinguishing larceny, robbery and burglary: If a bike is taken from an outdoor rack on campus, it is a larceny (theft). When the same bike is taken from its rider, that is a robbery. When it is taken from a residence hall room (by someone other than the roommate or a person authorized to be in that room), it is a burglary. Burglary does not require "breaking and entering" as on the cop shows. Burglary only requires unlawful entry into a structure for the purpose of committing a felony or theft.

- "Presence of alcohol" is a conduct code violation on many campuses, and may create a reportable Liquor Law Violation for each person present under the Colorado constructive possession of alcohol statute, as when a beer is close enough to be considered in an individual's dominion and control, even if they are not holding it.
- To be considered for inclusion in the public property statute, a crime must occur not only on property that is adjacent to and accessible from a campus, it must also be publicly owned property. A robbery at a bank immediately next to campus is not, therefore, to be counted as a statistic, unless that bank is the Federal Reserve.
- If your law enforcement officers have patrol jurisdiction over local streets, crimes occurring in areas patrolled by campus officers are not reportable unless they fall within the four geographic zones defined in the Clery Act (listed in the table above).
- Taking campus conduct jurisdiction over an off-campus crime does not make that crime reportable for Clery Act statistical purposes unless the crime occurred within the four geographic zones defined in the Clery Act (listed in the table above).
- Those crimes occurring in campus residence halls must be counted twice, because they occur both on campus and in residential facilities.
- Those crimes occurring in off-campus residential facilities owned or controlled (leased) by the university are reported in the "non-campus buildings and property" category.
- Those crimes which result in both a conduct referral and arrest for Liquor, Drug or Weapons violations are only to be reported as arrests.
- Non-forcible sex offenses include only incest and statutory rape. You are unlikely to have any of those. All other campus sex offenses are more likely to fit the Forcible Sex Offense category.
- Crimes occurring on or in property owned or controlled (leased) by the institution must be reported. However, crimes need not be reported if they occur on university-owned property that is controlled by a third-party, with the exception of fraternity and sorority houses. If the university owns the land or house, crimes there are reportable regardless of who controls the property. Another exception is crime occurring on property owned or controlled by more than one college/university simultaneously. In such cases, the crime should be reported by each campus with ownership/control.

- Timely Warnings
  - The Clery Act States that “[E]ach institution participating in any program under this title shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.” Thus, the timely warning requirement is somewhat subjective and is only triggered when a campus considers a crime to pose an ongoing "threat to students and employees". Timely warnings cover a broader source of reports (campus police or security, other campus officials, and off-campus law enforcement) than the campus crime log requirement but are limited to those crime categories required in the annual report. The crime log includes only incidents reported to the campus police or security department, but covers all crimes not just those required in the annual report, meaning crimes like theft are included in the log. State crime definitions may be used.
  - Reporting of off-campus threats is not required but the Clery Act, but may be essential in meeting duties to warn imposed by state common law or statute, where foreseeable harm may be directed to the campus from within or without.
  - Unfortunately, the Department of Education does not define timely, and while we know that Virginia Tech was found in 2010 to be in violation of the Clery Act for warnings that were made two hours after its shootings in 2007, the desire to withhold warnings so as not to panic the community, to conduct an investigation, or to increase the possibility of detaining a suspect are valid. The time-honored law enforcement criteria for warnings are still worth noting – if you can warn your community about the nature of a threat, the source of a threat, and steps individuals can take to protect themselves from the threat, a warning should be issued. Most campuses are moving to a series of warnings that occur in the immediate aftermath of a threat, with increasingly detailed information released with each alert as available. Revisions to the Clery Act in 2008 state: policies shall include procedures to-(i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;
  - FERPA was amended in 2008 to address timely warnings, as well. The final regulations removed the language requiring strict construction of this exception and added a provision that says that, in making a determination under § 99.36, an educational agency or institution may take into account the totality of the circumstances pertaining to a threat to the safety or health of the student or other individuals. If the school determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to appropriate parties whose knowledge of the information is necessary to protect the health and safety of the student or other individuals.
  - Occasionally, it may be necessary to personally name a suspect or threatener in order to give meaning to a timely warning. Havlik v. Johnson & Wales University (2007) established a qualified privilege for colleges and universities who do so in good faith, holding to do so was not actionable as defamation.

- Campus Crime Logs
  - Schools that maintain a police or security department are required to disclose in the public crime log "any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department." The log is required to include the "nature, date, time, and general location of each crime" as well as its disposition if known. Incidents are to be included within two business days but certain limited information may be withheld to protect victim confidentiality, ensure the integrity of ongoing investigations, or to keep a suspect from fleeing. Only the most limited information necessary may be withheld and even then it must be released "once the adverse effect...is no longer likely to occur."
    - Please note this requirement is much broader than the 16 Clery Act crime categories.
  - The log must be publicly available during normal business hours. This means that in addition to students and employees the general public such as parents or members of the local press may access it. Logs remain open for 60 days and subsequently must be available within 2 business days of a request.
  - It is a best practice to train office staff and/or dispatchers or anyone who provides desk duty in the campus law enforcement departmental office on how to respond appropriately to requests for log access by members of the public. Often, reporters are the ones asking, and any attempts to limit access will give them a bigger story than they came for. Generally, logs should be offered to any requester without screening, verification, ID or delay. They are intended to be publicly accessible.
- The Campus Sexual Assault Victims' Bill of Rights – the requirements of this amendment to the Clery Act (enacted in 1992) are below. It partially codifies a set of rights that really emanate from Title IX, assuring gender equity in campus conduct hearings, victim intake, and services. Generally, any right typically afforded to one gender needs to be accorded to the other, under federal law. When the provisions below assure victims the right to know the outcome of the hearing, it is both because they have a right to know, and because that right allows them to exercise an opportunity to appeal if respondents (typically men) are also given that right under campus policy. Thus, "final results" as stated below are defined as the results of any hearing, not just the ultimate determination on a campus complaint of sexual assault.
  - Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding--
    - such institution's campus sexual assault programs, which shall be aimed at prevention of sex offenses; and
    - the procedures followed once a sex offense has occurred.
  - The policy described above shall address the following areas:
  - Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.
  - Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or nonforcible.
  - Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.
  - Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that--

- the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and
    - both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.
  - Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.
  - Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.
- Campus Sex Crimes Prevention Act (CSCPA) – Enacted in 2000, this amendment to the Clery Act works in tandem with the federal Wetterling Act to funnel sex offender status information to campuses and/or local police of jurisdiction when they enroll, live, work or volunteer on a college campus. The Clery Act then mandates that colleges and universities include in their annual report a link to the state website where that sex offender information is maintained and accessible.
  - Nothing in the CSCPA requires a college to list, name or depict actual sex offenders, though some campuses with high numbers of Tier Three offenders have felt a strong need to publicize that information as part of their duty to warn.
- 2008 amendments – In 2008, Congress enacted campus security legislation affecting missing persons, emergency management and fire safety as part of the Higher Education Act Reauthorization. Each of these provisions was folded into the Clery Act’s annual reporting requirement and implementing regulations. The disclosures and actions required are summarized in the table above.