

History of the Clery Act: Fact Sheet

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The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act, 20 U.S.C. 1092) was originally enacted as Title II of the Student Right-to-Know and Campus Security Act of 1990 (P.L. 101-542); it was signed into federal law as an amendment to the Higher Education Act of 1965. The Clery Act was enacted to increase the accountability and transparency of Institutions of Higher Education (IHEs) in meeting certain responsibilities with regard to the safety and security of students on their campuses. It required IHEs participating in HEA Title IV financial assistance programs to disclose campus crime statistics and security information.

In 1991, the Higher Education Technical Amendments of 1991 (P.L. 102-26) made minor changes to the Clery Act. The time period for reporting crime statistics was changed from a calendar year to an academic year, and the initial collection of statistics was changed from September 1, 1991, to August 1, 1991.

In 1992, the Higher Education Amendments of 1992 (P.L. 102-325) amended the Clery Act to require that IHEs develop and implement policies and procedures to specifically protect the rights of sexual assault survivors.

In 1998, the Higher Education Amendments of 1998 (P.L. 105-244) renamed the law in memory of an 18-year-old Lehigh University student named Jeanne Clery, who was raped and murdered in her dorm room in 1986. The 1998 amendments increased the categories of crimes that must be included in campus reports to add arson and negligent manslaughter, as well as expanded the geographic locations that must be included in crime reporting to cover residence halls, non-campus buildings not geographically contiguous to the campus owned or operated by the IHE, and public property immediately adjacent to a facility that is owned or operated by the institution for educational purposes. It also required IHEs with a security or police department to maintain a public crime log. In addition, the amendments required IHEs to report their crime data to the U.S. Department of Education (ED) annually, to disclose these data along with required policy statements in their Annual Security Reports (ASRs) to current students and employees, and to provide such data to prospective students and employees upon request.¹

In 2000, the Victims of Trafficking and Violence Prevention Act (P.L. 106-386) amended the Clery Act again by requiring IHEs to provide information on the location of the state's public sex offender registry. It also amended the Family Educational Right and Privacy Act of 1994 (P.L. 93-380) to clarify that IHEs may disclose registered sex offender information without violating privacy laws.

Additional amendments to the Clery Act were added through the Higher Education Opportunity Act of 2008 (HEOA, P.L. 110-315). The HEOA amended the Clery Act by adding a requirement that IHEs develop and distribute immediate campus emergency response and evacuation procedures. The HEOA also required IHEs to report bias-related hate crimes in four new categories: larceny, simple assault, intimidation, and destruction/damage/vandalism of property. The amendments also required IHEs with on campus student housing to develop and publicize policies for responding to missing student reports and to implement fire safety reporting requirements. Additionally, the amendments required that IHEs disclose the relationship of campus security with state and local law enforcement agencies. Finally, the amendments required

¹ For more information, see *U.S. Department of Justice and Federal Bureau of Investigation. 1999. Hate Crime Data Collection Guidelines: Uniform Crime Reporting*. Washington, DC, <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/hcguidelinesdc99.pdf>.

IHEs to disclose the results of disciplinary proceedings to the alleged victim of any crime of violence or non-forcible sex offense.

The most recent amendments to the Clery Act were adopted as part of the reauthorization of the Violence Against Women Act (VAWA, P.L. 113-4). VAWA incorporated provisions from the Campus Sexual Violence Elimination Act (S. 128/H.R. 812). These provisions included, among other things, new reporting requirements for IHEs beyond the crime statistics currently required to be reported in ASRs. These newly reportable crime categories include domestic violence, dating violence, and stalking. VAWA also added two new categories of bias applicable to hate crime reporting. These two new categories are national origin and gender identity.

VAWA requires ASRs to include a statement of the IHE's policy on programs to prevent sexual assaults, domestic violence, dating violence, and stalking; policies to address these incidents if they occur, including a statement on the standard of evidence that will be used during an institutional conduct proceeding regarding these crimes; and primary prevention programs that are provided to promote awareness of these crimes for incoming students and new employees, as well as providing ongoing awareness and prevention training for students and faculty.

In addition, VAWA requires that students and employees receive written notification of available victim services including counseling, advocacy, and legal assistance, as well as options for modifying a victim's academic, living, transportation, or work arrangements. Victims are to be notified of their rights, including their right to notify or not notify law enforcement and campus authorities of a crime of sexual violence. VAWA also requires that officials who investigate a complaint or conduct an administrative proceeding regarding sexual assault, domestic violence, dating violence, or stalking receive annual training on how to conduct an investigation or a proceeding that protects the safety of victims and promotes accountability.

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