

**“Jeanne Clery Campus Security Policy Compliance Office Act” Proposal  
Section-By-Section Summary; April 23, 2001**



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1966-1986**



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**Section 1, short title-**

The first section names this legislation the “Jeanne Clery Campus Security Policy Compliance Office Act”.

This draft bill would establish an office within the U.S. Department of Education to implement and enforce a subsection of the Higher Education Act of 1965 known as the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.”

That subsection requires institutions of higher education participating in HEA programs to disclose certain campus crime and security information. It is named in memory of a Lehigh University student sexually assaulted and murdered on campus on April 5<sup>th</sup>, 1986.

**Section 2, establishment of campus security policy compliance office-**

This section establishes the Campus Security Policy Compliance Office and provides what functions that office will carry out.

The Office will have responsibility for assisting institutions to come into compliance with the Clery Act by providing technical assistance. The Clery Act already specifies that the DOE will provide such assistance upon request to schools, but it is presently unclear exactly where schools should turn for authoritative guidance.

The Office will have responsibility for accepting complaints of violations of the Clery Act. Presently the DOE’s regional offices handle complaints, although their personnel often do not have the needed training. The Office will also ensure that complainants are informed of the outcome of any such review. Presently complainants must file a separate Freedom of Information Act request to obtain that information.

The Office will have responsibility for performing random audits of institutions to ensure that they are in full compliance with the Clery Act. At present there is no mechanism to verify that accurate information is being provided to students or the DOE unless a complaint is filed.

The Office will have responsibility for issuing fines as specified in the Clery Act up to \$25,000 per violation.

The Office will collect the campus crime statistics that institutions are required to submit annually to the DOE and make them available to Congress and the public as provided for in the Clery Act. The Office will also report to Congress on all institutions found to be in violation as provided for in the Clery Act.

The Office will also have continuing responsibility to identify promising campus security practices as provided for in the Clery Act.

Additionally, the Office will serve as a coordinating body for campus crime prevention efforts between the DOE, other federal agencies, schools and non-profit victim services groups.

The Secretary of Education will be responsible for staffing the Office, and establishing any needed regulations.

### **Section 3, complaints-**

This section requires schools to include in their annual security report a statement that complaints may be filed with the Campus Security Policy Compliance Office, and that the school will take no retaliatory action against anyone for doing so. Currently members of the campus community are not informed about how to file a complaint, and a school may legally retaliate against them for doing so which has a chilling effect on complaints. The section also defines the rights of a complainant against retaliation.

### **Section 4, liquor law violations-**

This section adds public intoxication and driving under the influence to the categories of crimes for which arrests and disciplinary referrals must be disclosed. Presently these offenses are excluded from the liquor law violations institutions must report.

### **Section 5, annual campus security report-**

This section amends the Clery Act to require that annual campus security reports, including crime statistics, be made available not later than April 5<sup>th</sup> of each year. Presently schools aren't required to release the reports until October 1<sup>st</sup>, too late for prospective students to use the most current data. With the use of web disclosure incoming students at the beginning of the next school year will more easily be able to obtain the reports as well without necessitating that reports be mailed twice a year.

### **Section 6, report to congress-**

This section makes the one time report on campus crime statistics to Congress provided for in the Clery Act an annual requirement. The Campus Security Policy Compliance Office will have responsibility for producing this report.

**“Jeanne Clery Act” Office Bill [April 23, 2001 Draft]**

**proposed by Security On Campus, Inc.  
Howard & Connie Clery**

107<sup>th</sup> CONGRESS  
1<sup>st</sup> Session

**S. ?????**

To establish the Campus Security Policy Compliance Office within the Department of Education, and for other purposes.

**IN THE SENATE OF THE UNITED STATES**

**A BILL**

To establish the Campus Security Policy Compliance Office within the Department of Education, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Jeanne Clery Campus Security Policy Compliance Office Act”.

**SECTION 2. ESTABLISHMENT OF CAMPUS SECURITY POLICY COMPLIANCE OFFICE.**

20 U.S.C. §3418 is amended to read as follows:

Sec. 3418. Campus Security Policy Compliance Office.

(a) Findings-The Congress finds that-

- (1) Crime and violence on the campuses of institutions of higher education is a problem that degrades students ability to obtain an education;
- (2) Approximately 80 percent of crimes at institutions of higher education are committed by a student upon another student;

- (3) An institution with a female student population of 10,000 may experience as many as 350 rapes during the course of an academic year according to Justice Department victimization studies;
  - (4) 95 percent of the campus crimes that are violent are alcohol or drug related;
  - (5) Binge Drinking is the number one youth drug problem in the country, with approximately 45% of college students binge drinking;
  - (6) The reporting of underage drinking statistics alone is insufficient to demonstrate the true scope of this problem, and the types of liquor law violations reported should be expanded;
  - (7) Public awareness of campus crime can afford students the opportunity to better avoid victimization, and affords schools a method of developing better security plans;
  - (8) Institutions, and the victims of campus violence often receive inaccurate or conflicting information about federal campus security disclosure requirements; and
  - (9) There should be a central authority to ensure that consistent guidance is available.
- (b) Establishment of Office-The Secretary of Education shall establish within the Department of Education a Campus Security Policy Compliance Office.
- (c) Functions of Office-The Secretary, through the Campus Security Policy Compliance Office established under subsection (a) of this section, shall-
- (1) Provide technical assistance to institutions of higher education regarding the requirements of Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f));
  - (2) Accept and investigate complaints of violations of the provisions of 20 U.S.C. §1092 (f), and notify complainants of the outcomes of such investigations;
  - (3) Perform random reviews of compliance with 20 U.S.C. §1092 (f) by institutions of higher education;
  - (4) Enforce the provisions of 20 U.S.C. §1092 (f) by imposing civil penalties as provided for in 20 U.S.C. §1092 (f)(13);
  - (5) Collect from institutions of higher education all information required to be provided to the Secretary under 20 U.S.C. §1092 (f)(5);
  - (6) Make copies and analysis of the crime statistics submitted to the Secretary available to Congress and the public as provided for in 20 U.S.C. §1092 (f)(5) through publication and other means;
  - (7) Report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of 20 U.S.C. 1092(f) as provided for in 20 U.S.C. 1092(f)(11));
  - (8) In coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime; and

- (9) Coordinate with the Department of Justice, other federal agencies, state governments, campus police/security agencies and non-profit victim assistance agencies efforts to combat crime and violence, and to provide assistance to the victims of such crime and violence; including but not limited to sexual assault, arson, hazing, and illegal alcohol and other drug use; at institutions of higher education.
- (d) Staff of Office-The Secretary shall ensure that the Office has adequate staff, including a Director, to carry out all functions established under subsection (b) of this section.
- (e) Regulations-The Secretary shall establish such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

### **SECTION 3. COMPLAINTS.**

(a) NOTIFICATION.-Section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) is amended by adding at the end the following:

(J) A statement indicating that anyone who believes an institution is not in compliance with the campus security disclosure and sexual assault policy requirements of this subsection may file a complaint with the Department of Education's Campus Security Policy Compliance Office and giving the most current address of and contact information for that office. Such statement shall indicate that the institution will not retaliate against any individual for filing a complaint with the Office.

(b) RETALIATION.- Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended--

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following:

(15) No participating institution or agent of any such institution shall intimidate, threaten, coerce, or otherwise discriminate against any individual for the purpose of interfering with the implementation of any provision of this subsection, or any rights or privileges accorded under this subsection, or because the individual has complained, testified, assisted, or otherwise participated in any aspect of an investigation, proceeding, or hearing to enforce this subsection.

### **SECTION 4. LIQUOR LAW VIOLATIONS.**

Section 485(f)(1)(F)(i)(IX) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)(F)(i)(IX)) is amended to read as follows:

(IX) arrests or persons referred for campus disciplinary action for liquor law violations, driving under the influence, drunkenness, drug-related violations, and weapons possession; and

## **SECTION 5. ANNUAL CAMPUS SECURITY REPORT.**

Section 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(1)) is amended to read as follows:

(1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall not later than April 5<sup>th</sup> of each year prepare, publish, and distribute, through appropriate publications, mailings, or electronic network, provided published copies remain available upon request, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

## **SECTION 6. REPORT TO CONGRESS.**

Section 485(f)(5)(A) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(5)(A)) is amended to read as follows:

(A) review such statistics and report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on campus crime statistics not later than August 15<sup>th</sup> of each year;