



Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Clery Act Annual Security Report and Fire Safety Report

Law/Act:	Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act	
Public Law Citation:	Student Right-to-Know and Campus Security Act, Pub. L. No. 101-542, Title II	
U.S. Code Citation:	<a href="#">20 U.S.C. § 1092(f)</a>	
Code of Federal Regulations Citation:		
Responsible Regulator:	U.S. Department of Education	
BYU–Hawaii Responsible Officer:	Department of Public Safety	
	Updated: Sept. 2016	Updated by: MKC/MNM/DA
	Version: 3.0	Effective Date: September 1, 1991

## PURPOSE

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is intended to address crime on college campuses; increase awareness of crime statistics and security policies among students, parents of students, and employees; encourage the development of security policies and procedures; and establish uniform and consistent reporting of crimes on campus.<sup>1</sup>

## HISTORY

The Clery Act is named for Jeanne Clery, a nineteen-year-old Lehigh University student, who was raped and murdered in her campus residence hall in 1986.<sup>2</sup> Her parents championed the Crime Awareness and Campus Security Act of 1990,<sup>3</sup> which was renamed in 1998 after Jeanne Clery.<sup>4</sup> The Clery Act has been amended several times to include additional requirements. Notably, the Higher Education Opportunity Act of 2008 (HEOA) expanded the list of hate crimes universities must report and required universities to implement procedures for missing student and emergency notifications.<sup>5</sup> The HEOA also added a requirement for universities to report certain fire statistics and policies to the public.<sup>6</sup>

In 2013, President Obama signed into law the Violence Against Women Reauthorization Act (VAWA) which brought about additional changes to the Clery Act.<sup>7</sup> Specifically, VAWA required institutions to begin reporting incidents of dating violence, domestic violence, and stalking in their annual security reports and expanded the categories of reportable hate crimes.<sup>8</sup> VAWA also imposed new requirements related to university policies and sexual violence prevention training for students and employees.<sup>9</sup> VAWA regulations were published in October 2014 and became effective in July of the following year.<sup>10</sup> In 2016, the U.S. Department of Education updated the 2011 version of *The Handbook for Campus Safety and Security Reporting (Handbook)* in order to provide further guidance on Clery Act compliance.<sup>11</sup>

## APPLICABILITY TO BYU–HAWAII

<sup>1</sup> Crime Awareness and Campus Security Act of 1990, Pub. L. No. 101-542, § 202, 104 Stat. 2381 (1990).

<sup>2</sup> *Our History*, CLERY CENTER FOR SECURITY ON CAMPUS, <http://clerycenter.org/our-history> (last visited Sept. 7, 2016).

<sup>3</sup> Crime Awareness and Campus Security Act of 1990, Pub. L. No. 101-542, tit. II, 104 Stat. 2381 (1990).

<sup>4</sup> Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Pub. L. No. 105-244, § 486(e)(15), 112 Stat. 1745 (1998). A complete legislative history is attached to this document as Appendix I.

<sup>5</sup> Higher Education Opportunity Act, Pub. L. No. 110-315, § 488(e), (g), (j), 122 Stat. 3297 (2008).

<sup>6</sup> *Id.* § 488(g).

<sup>7</sup> Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, § 304, 127 Stat. 89 (2013).

<sup>8</sup> *Id.* § 304(a)(1)(ii)–(iii).

<sup>9</sup> *Id.* § 304(a)(5).

<sup>10</sup> Violence Against Women Act, 79 Fed. Reg. 62,752 (Oct. 20, 2014) (codified at 24 C.F.R. pt. 668).

<sup>11</sup> *Campus Security*, U.S. DEP'T OF EDUC., <http://www2.ed.gov/admins/lead/safety/campus.html> (last modified June 28, 2016); see U.S. DEP'T. OF EDUC., *THE HANDBOOK FOR CAMPUS SAFETY AND SECURITY REPORTING*, (2016), available at <https://www2.ed.gov/admins/lead/safety/handbook.pdf> [hereinafter HANDBOOK].



Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Clery Act Annual Security Report and Fire Safety Report

The Clery Act applies to all institutions that participate in federal student financial aid programs.<sup>12</sup> The requirement to publish an annual fire safety report and establish missing student notification procedures likewise applies to institutions participating in federal student financial aid programs if the institution provides on-campus student housing.<sup>13</sup> Because BYU–Hawaii participates in student financial aid programs and maintains on-campus housing facilities for students, it is subject to the Clery Act and must comply with requirements regarding campus safety and security.

## REQUIREMENTS

The Clery Act requires institutions to (1) collect statistics on certain criminal offenses, hate crimes, and incidents of domestic violence, dating violence, and stalking; (2) develop policy statements, procedures, and programs regarding campus safety; (3) prepare and distribute an annual security report; and (4) report and respond to threats and emergencies in a timely manner.<sup>14</sup> An institution that has a police or security department of any kind must also (5) keep a daily crime log;<sup>15</sup> and an institution that maintains on-campus student housing must (6) keep a fire log and prepare and publish an annual fire safety report.<sup>16</sup>

### I. Crime Statistics

#### A. Gathering Statistics from Campus Security Authorities and Local Police Agencies

Under the Clery Act, a university must collect and publish statistics for certain crimes and incidents that are reported to local police agencies or to a campus security authority (CSA).<sup>17</sup> A CSA is defined as

1. a campus police department or security department,
2. an individual with responsibility for campus security,
3. someone identified by an institution in its campus security policy as an individual or organization to which students and employees should report criminal offenses, and
4. an institutional official who has “significant responsibility for student and campus activities.”<sup>18</sup>

Institutions should reevaluate the CSA status of all employees at least once a year.<sup>19</sup> The Department of Education has outlined CSA responsibilities in the *Handbook*.<sup>20</sup> In gathering statistics, an institution must make a good faith effort to collect information from local law enforcement agencies.<sup>21</sup> An institution is not required to report crimes that were reported to a “pastoral or professional counselor.”<sup>22</sup>

#### B. Clery Geography

Crimes are reportable only if they occur in one of the following locations: (1) on campus (including student dormitories), (2) in or on non-campus buildings or property that are owned or controlled by the

---

<sup>12</sup> 20 U.S.C. § 1092(f)(1) (2016).

<sup>13</sup> *Id.* § 1092(i)(1), (j)(1).

<sup>14</sup> *Id.* § 1092(f)(1), (3), (5).

<sup>15</sup> *Id.* § 1092(f)(4); 34 C.F.R. § 668.46(f)(1) (2016).

<sup>16</sup> 20 U.S.C. § 1092(i); 34 C.F.R. § 668.49(b).

<sup>17</sup> 20 U.S.C. § 1092(f)(1)(F).

<sup>18</sup> 34 C.F.R. § 668.46(a). Student and campus activities include student housing, student discipline, and campus judicial proceedings. *Id.*

<sup>19</sup> HANDBOOK, *supra* note 12, 4-5.

<sup>20</sup> *Id.* at 4-5 thru 4-7.

<sup>21</sup> 34 C.F.R. § 668.46(c)(9); HANDBOOK, *supra* note 12, 4-14 thru 4-18 (outlining guidelines for requesting statistics from law enforcement); see 20 U.S.C. § 1092(f)(1)(F)(i) (outlining what statistics institutions must collect from local police). If police agencies are not cooperative, the university is not in violation of the law. 34 C.F.R. § 668.46(c)(11)(ii).

<sup>22</sup> *Id.* § 668.46(c)(8); see also HANDBOOK, *supra* note 12, at 4-7 (defining “pastoral counselor,” “professional counselor”).



Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Clery Act Annual Security Report and Fire Safety Report

institution and frequented by students, or (3) on public property immediately adjacent to campus.<sup>23</sup> Crime statistics must also be reported for each branch or satellite campus owned by the institution (even if overseas).<sup>24</sup> Please refer to the Clery Act Geography Flowchart, attached hereto as Appendix II.

### C. Categories of Statistics

Statistics must be collected and disclosed in an institution's annual security report separately for each of the following categories:

1. Primary Crimes<sup>25</sup>
  - a. Criminal homicide (i.e., murder, non-negligent manslaughter, and negligent manslaughter)
  - b. Sexual assault (sex offenses)
    - i. Rape
    - ii. Fondling
    - iii. Incest
    - iv. Statutory rape
  - c. Robbery
  - d. Aggravated assault
  - e. Burglary
  - f. Motor vehicle theft
  - g. Arson
2. Hate Crimes (i.e., reported crimes that show evidence that the perpetrator targeted a person because of actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability)<sup>26</sup>
  - a. Any of the Primary Crimes that were motivated by a covered bias
  - b. Any of the following incidents if they were motivated by a covered bias<sup>27</sup>:
    - i. Larceny-theft
    - ii. Simple assault
    - iii. Intimidation
    - iv. Destruction, damage, or vandalism of property
    - v. Other crimes involving bodily injury
3. VAWA Offenses<sup>28</sup>
  - a. Domestic violence

---

<sup>23</sup> 20 U.S.C. § 1092(f)(1)(F), (f)(12)(A)-(D); 34 C.F.R. § 668.46(a) (defining "Clery geography"); *id.* § 668.46(c)(1). An institution is considered to have control over a location such that crimes must be reported if the institution has some form of written agreement for housing or classroom space. HANDBOOK, *supra* note 12, at 2-25.

<sup>24</sup> 34 C.F.R. § 668.46(d) (stating that the Clery Act applies to each separate campus); *see also* HANDBOOK, *supra* note 12, at 2-7 thru 2-8 (setting forth examples of separate campuses); *see also* 34 C.F.R. § 600.2 (providing definition of definition of "branch campus")

<sup>25</sup> 20 U.S.C. § 1092(f)(1)(F)(i); 34 C.F.R. § 668.46(c)(1)(i); 34 C.F.R. pt. 66, subpt. D, app. A (referencing Crime Definitions from the Summary Reporting System (SRS) User Manual From the FBI's UCR Program); *see* 34 C.F.R. § 668.46(a) (defining "sexual assault," "domestic violence," "dating violence," and "stalking"); *see* HANDBOOK, *supra* note 12, at 3-5 thru 3-7, 3-9 thru 3-10, 3-13, 3-20 thru 3-21 (defining each of the Primary Crimes).

<sup>26</sup> 34 C.F.R. § 668.46(a) (defining "hate crimes"); *id.* 668.46(c)(4)(i)-(viii) (providing categories of bias for hate crimes); HANDBOOK, *supra* note 12, at 3-27 (defining "hate crime"). Hate crimes may be presented in either a tabular format or in a narrative or descriptive format. HANDBOOK, *supra* note 12, at 9-6. If any reportable crimes were hate crimes, the university must list them again separately, categorized by the bias. 34 C.F.R. § 668.46(c)(4).

<sup>27</sup> 20 U.S.C. § 1092(f)(1)(F)(ii); 34 C.F.R. § 668.46(c)(1)(iii).

<sup>28</sup> 34 C.F.R. § 668.46(c)(1)(iv); Sexual assault is both a VAWA Offense and a Primary Crime, but it is included in the Primary Crime category for Clery Act reporting purposes. HANDBOOK, *supra* note 12, at 3-2.



Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Clery Act Annual Security Report and Fire Safety Report

- b. Dating violence
  - c. Stalking
4. Arrests and Referrals for Disciplinary Action Related to Law Violations<sup>29</sup>
- a. Weapon carrying, possessing, etc.
  - b. Drug abuse violations<sup>30</sup>
  - c. Liquor law violations<sup>31</sup>

Institutions also must include in their web-based surveys and annual security report statistics the total number of unfounded crimes—crimes that sworn or commissioned law enforcement personnel have determined are false or baseless.<sup>32</sup>

**D. Hierarchy Rule**

The Hierarchy Rule requires that, for reporting purposes, only the most serious offense be counted when more than one criminal offense was committed during a single incident.<sup>33</sup> However, if arson is committed, an institution must always record the arson in its statistics, regardless of whether or not it occurs in the same incident as another crime.<sup>34</sup> Additionally, if rape, fondling, incest, or statutory rape occurs in the same incident as a murder, an institution must record both the sex offense and the murder in its statistics.<sup>35</sup>

**II. Required Policies, Procedures, and Programs**

The following policies and procedures regarding campus safety, security, and law enforcement must be in place<sup>36</sup> and, as outlined below, must be included in an institution's annual security report:<sup>37</sup>

1. Policies and procedures for reporting and responding to crimes or other emergencies on campus;<sup>38</sup>
2. Policies concerning security of and access to campus facilities;
3. Policies concerning security considerations used in the maintenance of campus facilities;
4. Campus law enforcement policies regarding authority and jurisdiction of campus police/security and their relationship with local law enforcement;<sup>39</sup>
5. A description of programs that inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for security;
6. A description of programs designed to inform students about the prevention of crimes;
7. Policies concerning the monitoring and recording, through local police agencies, of criminal activity in which students engaged at non-campus locations of recognized student organizations;
8. Policies concerning possession, use, and sale of alcohol, and enforcement of underage drinking laws;
9. Policies regarding possession, use and sale of illegal drugs and enforcement of drug laws;
10. A description of drug or alcohol abuse education programs;

---

<sup>29</sup> 34 C.F.R. § 668.46(c)(1)(ii).

<sup>30</sup> See *Handbook*, *supra* note 12, at 3-48 (stating what does not classify as a drug abuse violation).

<sup>31</sup> See *HANDBOOK*, *supra* note 12, at 3-48 (stating what does not classify as a liquor law violation).

<sup>32</sup> 34 C.F.R. § 668.46(c)(2)(iii); *HANDBOOK*, *supra* note 12, at 3-51 thru 3-54.

<sup>33</sup> 34 C.F.R. § 668.46(a) (defining "hierarchy rule"); *id.* § 668.46(c)(9)(v).

<sup>34</sup> *Id.* § 668.46(c)(9)(vi).

<sup>35</sup> *Id.* § 668.46(c)(9)(v).

<sup>36</sup> The Clery Act expressly states that it does not "require particular policies, procedures, or practices by institutions of higher learning with respect to campus crimes or campus security." 20 U.S.C. § 1092(f)(2) (2016). Nonetheless, the U.S. Department of Education's position is that "[f]ailure to have a required policy or to disclose all of the required policy statements means that your school is not in compliance with the law." *HANDBOOK*, *supra* note 12, at 7-2.

<sup>37</sup> 20 U.S.C. §§ 1092(f)(1)(A)–(E), (G)–(J); see also *HANDBOOK*, *supra* note 12, Ch. 7 (detailing campus security policies).

<sup>38</sup> See 34 C.F.R. § 668.46(b)(2) (listing required policies for reporting and responding to crimes and emergencies).

<sup>39</sup> See 34 C.F.R. § 668.46(b)(4) (listing required law enforcement policies and procedures).



Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Clery Act Annual Security Report and Fire Safety Report

11. A statement that the institution will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator;
12. A policy statement regarding the institution's emergency response and evacuation procedures;<sup>40</sup>
13. A policy statement addressing missing student notification (only if campus has student housing);<sup>41</sup>

In addition, the following policies, procedures, and programs regarding dating violence, domestic violence, sexual assault, and stalking (i.e. the VAWA Offenses) must be in place and must be included in an institution's annual security report:<sup>42</sup>

1. A description of the institution's educational programs and campaigns to promote the primary prevention and awareness of VAWA Offenses, including the following;<sup>43</sup>
2. A description of the institution's ongoing prevention and awareness campaigns, which must provide the same information as primary prevention and awareness programs;
3. The procedures victims should follow in the event of a VAWA offense;<sup>44</sup>
4. A description of how the institution will protect the confidentiality of victims and other parties;<sup>45</sup>
5. A statement that the institution will provide written notification to victims about existing counseling, advocacy, legal assistance, financial aid, and other available services;
6. A statement that the institution will provide written notification to victims about options for accommodations (academic, living, transportation, and work) and other protective measures;
7. A clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged VAWA Offenses;<sup>46</sup>
8. A statement that, when a student or employee reports being a victim of a VAWA Offense, the institution will provide the victim a written explanation of his or her rights and options; and
9. A statement advising the campus community about where law enforcement agency information provided by a state concerning registered sex offenders may be obtained.

A detailed checklist of the required policies, procedures, and programs is included in the Clery Act Checklist, attached as Appendix IV.

### **III. Annual Security Reporting and Disclosure Requirements**

#### **A. Submitting Statistics to the Department of Education**

Each campus subject to the Clery Act annually must submit to the Department of Education crime statistics and, if the campus has on-campus student housing, fire statistics.<sup>47</sup> Such submission is accomplished online through the Campus Safety and Security Survey.<sup>48</sup>

#### **B. Preparing and Publishing an Annual Security Report**

Each year by October 1, every campus subject to the Clery Act also must prepare and publish an annual security report.<sup>49</sup> At a minimum, the annual security report must contain (a) the crime statistics detailed

<sup>40</sup> See 20 U.S.C. § 1092(f)(1)(J) (listing required policies and procedures for emergency response and evacuation).

<sup>41</sup> See 20 U.S.C. § 1092(j) (listing required policies and procedures for missing student notifications).

<sup>42</sup> See 20 U.S.C. § 1092(f)(8); see also HANDBOOK, *supra* note 12, Ch. 8 (detailing required policies, procedures, and programs regarding dating violence, domestic violence, sexual assault, and stalking).

<sup>43</sup> See 20 U.S.C. § 1092(f)(8)(B)(i) (listing requirements for VAWA educational programs and campaigns).

<sup>44</sup> See 20 U.S.C. § 1092(f)(8)(B)(iii) (listing information that must be disclosed to victim).

<sup>45</sup> See 34 C.F.R. § 668.46(b)(11)(iii) (listing confidentiality requirements).

<sup>46</sup> See 34 C.F.R. § 668.46(k) (listing requirements for disciplinary proceedings).

<sup>47</sup> 20 U.S.C. § 1092(f)(5). 34 C.F.R. § 668.41(e)(5).

<sup>48</sup> Department of Education, CAMPUS SAFETY AND SECURITY SURVEY, <https://surveys.ope.ed.gov/campusafety>.

<sup>49</sup> 20 U.S.C. § 1092(f)(1). HANDBOOK, *supra* note 12, at 9-8.



Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Clery Act Annual Security Report and Fire Safety Report

above; and (b) the policies, procedures, and program descriptions outlined above.<sup>50</sup> A detailed checklist outlining the information is attached hereto as Appendix IV.

### **1. Crime Statistics**

The annual security report must report statistics using the definitions specified in the FBI's uniform crime reporting system and in VAWA.<sup>51</sup> If a crime consists of multiple offenses (e.g., burglary, vandalism, and murder), each crime must be separately classified, and of those that qualify as Primary Crimes, an institution is required to report only the highest offense listed in the Uniform Crime Reporting Rule as provided by the FBI.<sup>52</sup> The report must contain crime statistics for the three most recent calendar years.<sup>53</sup> Crime statistics must be broken down according to geographic location (on campus, campus residence halls, non-campus, and public property) and must be listed according to the year in which they were reported (not when the crime occurred).<sup>54</sup> No victims or persons accused of committing crimes shall be identified in the report.<sup>55</sup>

### **2. Required Policies, Procedures, and Program Descriptions**

The annual security report must describe the above-listed and required policies, procedures and program descriptions outlined above. These include those required policies, procedures, and programs related to both (1) campus safety, security, and law enforcement; and (2) dating violence, domestic violence, sexual assault, and stalking (the VAWA Offenses).

#### **C. Distributing and Providing Notice of the Annual Security report to Students and Employees**

Also by October 1 each year, the same report(s) must be distributed to all currently enrolled students and all current employees by either (1) mailing, emailing, or directly handing them a copy or (2) posting the report(s) on the Internet and providing each individual notice of the report's availability, a description of the information the report contains, the exact URL of the report, and a statement that a paper copy will be provided upon request.<sup>56</sup> Each campus also must provide a notice to prospective students and prospective employees that includes a statement of the report's availability, a description of its contents, and an opportunity to request a copy.<sup>57</sup>

## **IV. Threats and Emergency Situations**

The Clery Act also imposes requirements regarding policies and procedures related to (a) timely warnings regarding threats; (b) emergency notification, response, and evacuation; and (c) missing students. Below is a summary of these requirements. Also, attached as Appendix III is a flowchart outlining how to decide whether or not to issue a timely warning or emergency notification.

### **A. Timely Warnings**

Each campus must make a timely warning to the campus community regarding Clery Act crimes considered to be a "threat"—i.e. those that pose a serious or continuing danger to the campus

<sup>50</sup> See 20 U.S.C. § 1092(f)(1); 34 C.F.R. § 668.46(b).

<sup>51</sup> 20 U.S.C. § 1092(f)(7); see 34 C.F.R. § 668.46(c)(9) (using the crime reporting system under the Hierarchy rule).

<sup>52</sup> 34 C.F.R. § 668.46(c)(9)(v); FBI, *Uniform Crime Reporting Handbook* (2004) (discussing "Hierarchy Rule" and exceptions) 10–12, available at <http://www2.fbi.gov/ucr/handbook/ucrhandbook04.pdf>.

<sup>53</sup> 20 U.S.C. § 1092(f)(1)(F).

<sup>54</sup> 34 C.F.R. § 668.46(c)(2); see *id.* § 668.46(c)(5)(i)–(ii) (noting that crimes in dormitories or on-campus residential facilities must be broken out of the "on-campus" statistics).

<sup>55</sup> 20 U.S.C. § 1092(f)(7); 34 C.F.R. § 668.46(c)(5). Relevant definitions of crimes are set forth in 34 C.F.R. pt. 668 app. A to subpt. D.

<sup>56</sup> 34 C.F.R. § 668.41(e)(1)–(3).

<sup>57</sup> *Id.* § 668.41(e)(4).





Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Clery Act Annual Security Report and Fire Safety Report

community.<sup>58</sup> The Department of Education also recommends issuing such warnings for non-Clery Act crimes.<sup>59</sup> In making timely warnings, the university must withhold the names of victims as confidential.<sup>60</sup>

### **B. Emergency Notification, Response, and Evacuation**

If there is an immediate threat (i.e. imminent or impending) to the health or safety of students or employees occurring on campus, an institution must issue an emergency notification.<sup>61</sup> An institution also must develop policies and procedures regarding emergency response, and evacuation procedures, and must include a statement regarding such policies and procedures in its annual security report.<sup>62</sup> The procedures must be tested at least annually, and the institution must publicize the procedures in conjunction with at least one test per calendar year.<sup>63</sup> Institutions must document each test of the emergency response and evacuation procedures and include a description of the exercise, the date, the time, and whether the test was announced or unannounced.<sup>64</sup>

### **C. Missing Student Notifications**

Institutions that maintain on-campus housing must establish official notification policies and procedures for students who go missing for more than twenty-four hours.<sup>65</sup> Such policies and procedures must be included in the annual security report.<sup>66</sup> All reports of missing students must be immediately referred to the institution's police or campus security department.<sup>67</sup> Likewise, such institutions must adopt procedures to notify appropriate individuals at the institution.<sup>68</sup> If an investigation confirms that a student has been missing more than twenty-four hours, the institution must contact the person previously designated by the student as a contact person and, if the student is under age eighteen, the student's custodial parent or legal guardian.<sup>69</sup>

### **V. Crime Log**

Any university participating in federal student aid programs and maintaining a police or security department of any kind must keep a daily crime log that records any reported crimes occurring on campus, on a non-campus building or property, on public property, or within its patrol jurisdiction.<sup>70</sup> The log must include the nature, date, time, and general location of each crime, as well as the result of the complaint (if known).<sup>71</sup> Crimes must be included in the log within two business days of being reported, unless disclosing the crime to the public would be illegal or harm the confidentiality of the victim.<sup>72</sup> If any new information about a crime

---

<sup>58</sup> 20 U.S.C. § 1092(f)(3); 34 C.F.R. § 668.46(e)(1). The only exception to this rule is for crimes reported to a pastoral or professional counselor. 34 C.F.R. § 668.46(a).

<sup>59</sup> HANDBOOK, *supra* note 12, at 6-13.

<sup>60</sup> 20 U.S.C. § 1092(f)(3).

<sup>61</sup> 34 C.F.R. § 668.46(e)(3).

<sup>62</sup> *Id.* § 668.46(g).

<sup>63</sup> 20 U.S.C. § 1092(f)(1)(J); 34 C.F.R. § 668.46(g)(6)(ii).

<sup>64</sup> 34 C.F.R. § 668.46(g)(6)(iii).

<sup>65</sup> 20 U.S.C. § 1092(j)(1)(B).

<sup>66</sup> 34 C.F.R. § 668.46(h).

<sup>67</sup> *Id.* § 1092(j)(1)(B)(ii); 34 C.F.R. § 668.46(h)(1)(ii). If a school has no police or security department, the report must be made to local law enforcement. 34 C.F.R. § 668.46(h)(1)(ii).

<sup>68</sup> 20 U.S.C. § 1092(j)(1)(B)(i).

<sup>69</sup> *Id.* § 1092(j)(1)(B)(iii); HANDBOOK, *supra* note 12, at 10-3.

<sup>70</sup> 20 U.S.C. § 1092(f)(4); 34 C.F.R. § 668.46(f)(1).

<sup>71</sup> 20 U.S.C. § 1092(f)(4)(A)(i)–(ii); 34 C.F.R. § 668.46(f)(1)(i)–(ii).

<sup>72</sup> 20 U.S.C. § 1092(f)(4)(B)(i); 34 C.F.R. § 668.46(f)(2). A crime may also be withheld from the log if there is clear and convincing evidence that releasing the information would jeopardize an ongoing criminal investigation or an



Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Clery Act Annual Security Report and Fire Safety Report

becomes available, such information must be updated in the log within two business days.<sup>73</sup> The crime log for the most recent sixty-day period must be open to the public during normal business hours.<sup>74</sup>

## **VI. Fire Safety Report and Fire Log**

### **A. Fire Safety Report**

Institutions that maintain on-campus housing for students must prepare and publish an annual report to the campus community of fire safety and incidents.<sup>75</sup> The report must be prepared and distributed by October 1 of each year, just like the annual security report.<sup>76</sup> The two reports may be published together if the title of the document has both names on it.<sup>77</sup>

Institutions must submit fire statistics annually to the secretary of the Department of Education<sup>78</sup> and include the following statistics in its annual fire safety report<sup>79</sup> for the three most recent calendar years:

1. the number of fires and their causes,
2. the number of people who received fire-related injuries needing medical attention,
3. the number of deaths, and
4. the value of property damaged in fires.<sup>80</sup>

The fire safety report must include the following information, policies, and procedures:

1. a description of the fire safety systems in every on-campus student housing system;<sup>81</sup>
2. the number of supervised fire drills held in the previous calendar year;<sup>82</sup>
3. the university's rules on portable electrical appliances, smoking, and open flames in on-campus student housing;<sup>83</sup>
4. procedures for evacuation in the case of a fire<sup>84</sup> and the policy for educating students and employees about them;<sup>85</sup>
5. a list of people to whom fires should be reported;<sup>86</sup> and
6. any plans to improve fire safety.<sup>87</sup>

Appendix IV includes also includes a checklist for preparing the annual fire safety report.

---

individual's safety, cause a suspect to evade detection, or result in destruction of evidence. But, the information may be withheld only until the danger is no longer likely to occur. 20 U.S.C. § 1092(f)(4)(B)(iii); 34 C.F.R. § 668.46(f)(3)-(4).

<sup>73</sup> 20 U.S.C. § 1092(f)(4)(B)(ii); 34 C.F.R. § 668.46(f)(2).

<sup>74</sup> 34 C.F.R. § 668.46(f)(5). Portions of the crime log older than sixty days must be made available within two business days of a request for public inspection. *Id.*

<sup>75</sup> 20 U.S.C. § 1092(i); 34 C.F.R. § 668.49(b).

<sup>76</sup> 34 C.F.R. § 668.41(e)(1).

<sup>77</sup> *Id.* § 668.41(e)(6). If the two reports are published separately, an institution "must include information in each of the two reports about how to directly access the other report." *Id.*

<sup>78</sup> 20 U.S.C. § 1092(i)(2); 34 C.F.R. § 668.49(c)(2).

<sup>79</sup> 34 C.F.R. § 668.49(b)(1)–(2).

<sup>80</sup> 20 U.S.C. § 1092(i)(1)(A); 34 C.F.R. § 668.49(c)(1).

<sup>81</sup> 20 U.S.C. § 1092(i)(1)(B); 34 C.F.R. § 668.49(b)(1)–(2).

<sup>82</sup> 20 U.S.C. § 1092(i)(1)(C); 34 C.F.R. § 668.49(b)(3).

<sup>83</sup> 20 U.S.C. § 1092(i)(1)(D); 34 C.F.R. § 668.49(b)(4).

<sup>84</sup> 34 C.F.R. § 668.49(b)(5).

<sup>85</sup> *Id.* § 668.49(b)(6).

<sup>86</sup> *Id.* § 668.49(b)(7).

<sup>87</sup> 20 U.S.C. § 1092(i)(1)(E); 34 C.F.R. § 668.49(b)(8).





Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Clery Act Annual Security Report and Fire Safety Report

## B. Fire Log

An institution that has on-campus student housing facilities must maintain an easily written and understandable fire log that records all reported fires occurring in an on-campus student housing facility.<sup>88</sup> The log needs to include the nature, date, time, and general location of each fire.<sup>89</sup> Every fire must be logged within two business days.<sup>90</sup> The most recent sixty days of the fire log must be available to the public during normal business hours and any older information must be available to the public on request within two business days.<sup>91</sup>

## PENALTIES

An institution that violates any provision of the Clery Act may be subject to a civil penalty of up to \$53,907 for each violation.<sup>92</sup>

## COMPLIANCE CALENDAR

- October 1 each year—publish and distribute the annual security report.<sup>93</sup>
- The Department of Education annually sends each registered institution a letter and a registration certificate, which includes a deadline for submitting crime statistics and fire statistics.<sup>94</sup>

## STAYING UP-TO-DATE

The following websites provide valuable information regarding this law and its applicability.

DOCUMENT/REFERENCE	DESCRIPTION
<a href="#">The Handbook for Campus Safety and Security Reporting</a>	A guide to Clery compliance prepared for and published by the U.S. Department of Education
<a href="#">Campus Security, U.S. Department of Education</a>	Department of Education’s website on the Clery Act
<a href="#">Campus Security</a>	Catholic University of America’s summary and description of the Clery Act
<a href="#">Summary of the Jeanne Clery Act</a>	A summary of the Clery Act and its amendments by the Clery Center for Security On Campus, Inc.
<a href="#">Uniform Crime Reporting Handbook</a>	The handbook published by the FBI outlining crime definitions and crime reporting standards, including the hierarchy rule as it applies to multiple offenses

<sup>88</sup> 20 U.S.C. § 1092(i)(1); 34 C.F.R. § 668.49(d)(1).

<sup>89</sup> 20 U.S.C. § 1092(i)(3)(A); 34 C.F.R. § 668.49(d)(1).

<sup>90</sup> 34 C.F.R. § 668.49(d)(2).

<sup>91</sup> 34 C.F.R. § 668.49(d)(3).

<sup>92</sup> 34 C.F.R. § 36.2 (adjusting the penalty amount for inflation); see 20 U.S.C. § 1094(c)(3)(B)(i) (setting forth the original penalty for Clery violations).

<sup>93</sup> 34 C.F.R. § 668.41(e)(1).

<sup>94</sup> 20 U.S.C. § 1092(f)(1)(J)(iii), (f)(5), (i)(2).



Brigham Young University–Hawaii  
Office of Compliance & Ethics Research Memo  
Clery Act Annual Security Report and Fire Safety Report

**Appendix I: Legislative History<sup>95</sup>**

Year	Title	Provisions
1990 (11/8/1990)	Student Right-to-Know and Campus Security Act; Crime Awareness and Campus Security Act of 1990, Title II of Public Law: 101-542 (S. 580)	Required institutions of higher education participating in federal student aid programs to disclose three years' worth of campus crime statistics and security policies.
1991 (04/9/1991)	Higher Education Technical Amendments of 1991; Section 10, Public Law: 102-26 (H.R. 1285)	Changed initial collection of statistics from September 1, 1991 to August 1, 1991 and changed crime statistics reporting period from school year to calendar year.
1992 (07/23/1992)	Higher Education Amendments of 1992; Section 486(c) of Public Law: 102-325 (S. 1150)	Broadened sexual assault reporting, and added required sexual assault policy statements. Specified effective dates of initial collection and dissemination requirements.
1998 (10/7/1998)	Higher Education Amendments of 1998; Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Section 486(e) of Public Law: 105-244 (H.R. 6)	Expanded crime categories that must be reported, added geographical breakdown, expanded definition of campus, added public crime log, and named law after Jeanne Clery.
2000 (8/14/2008)	Higher Education Opportunity Act; Campus Emergency Response and Immediate Warning, Section 488(e) of Public Law: 110-315 (H.R. 4137)	Added requirement for immediate campus notification procedures upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to health or safety; expanded hate crimes to include larceny-theft, simple assault, intimidation, and vandalism; establishes safeguard for whistleblowers.
2008 (8/14/2008)	Higher Education Opportunity Act; Public Law: 110-315	Required statement of emergency response and evacuation procedures in annual security report and emergency notifications on campus, expanded hate crime statistics reported and statement of policy on law enforcement authority of campus personnel, established safeguards for whistleblowers.
2013 (3/7/2013)	Violence Against Women Reauthorization Act; Public Law: 113-4	Required reports of domestic violence, dating violence, and stalking as further categories of reported incidents as well as adding new categories of hate crimes. It also introduced new student discipline requirements and institutional policies as well as requiring new programs to educate students and employees on sexual violence.

<sup>95</sup> Legislative History, Clery Center for Security on Campus, <http://clerycenter.org/node/54> (last visited Aug. 31, 2016).

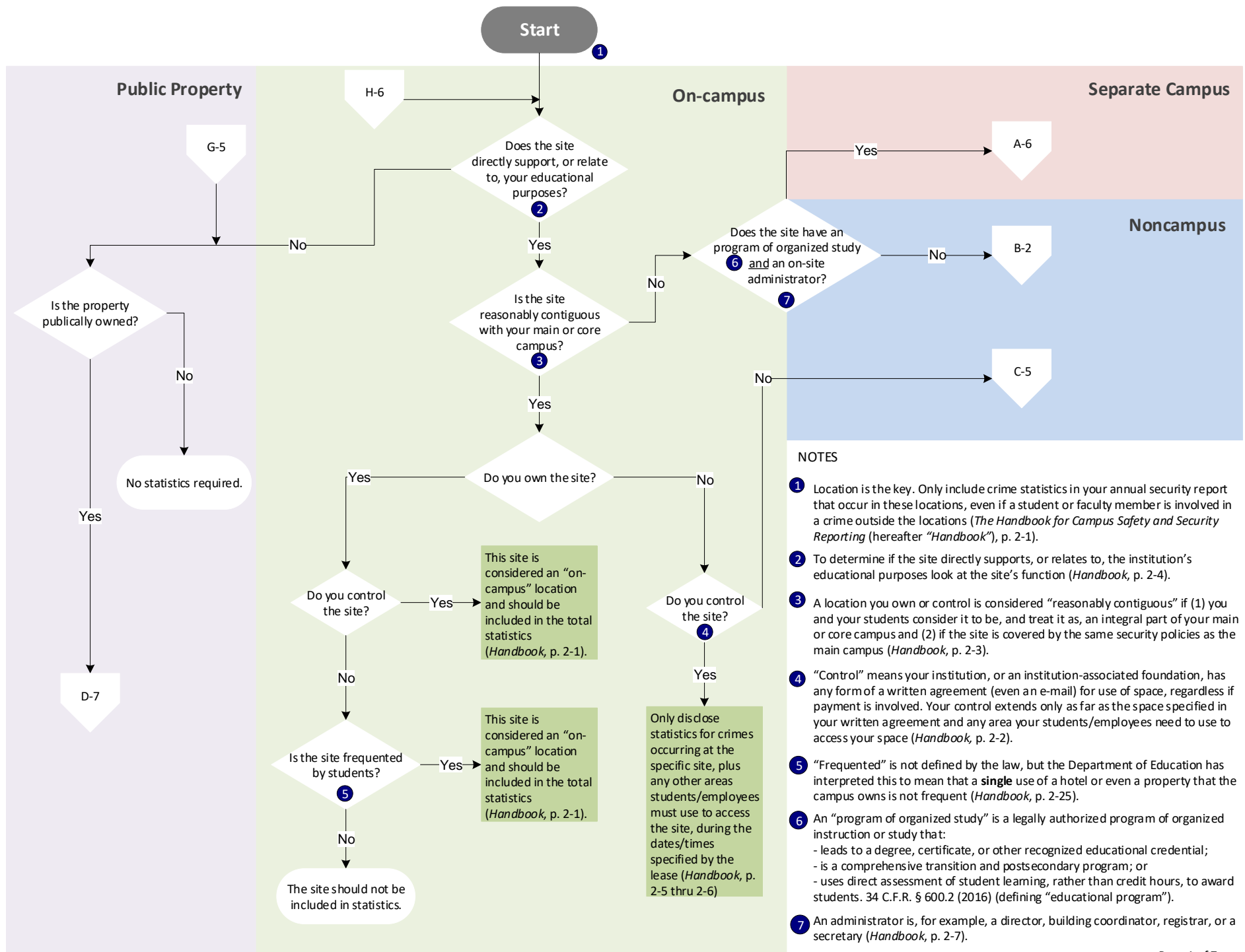


Brigham Young University-Hawaii  
The Office of Compliance

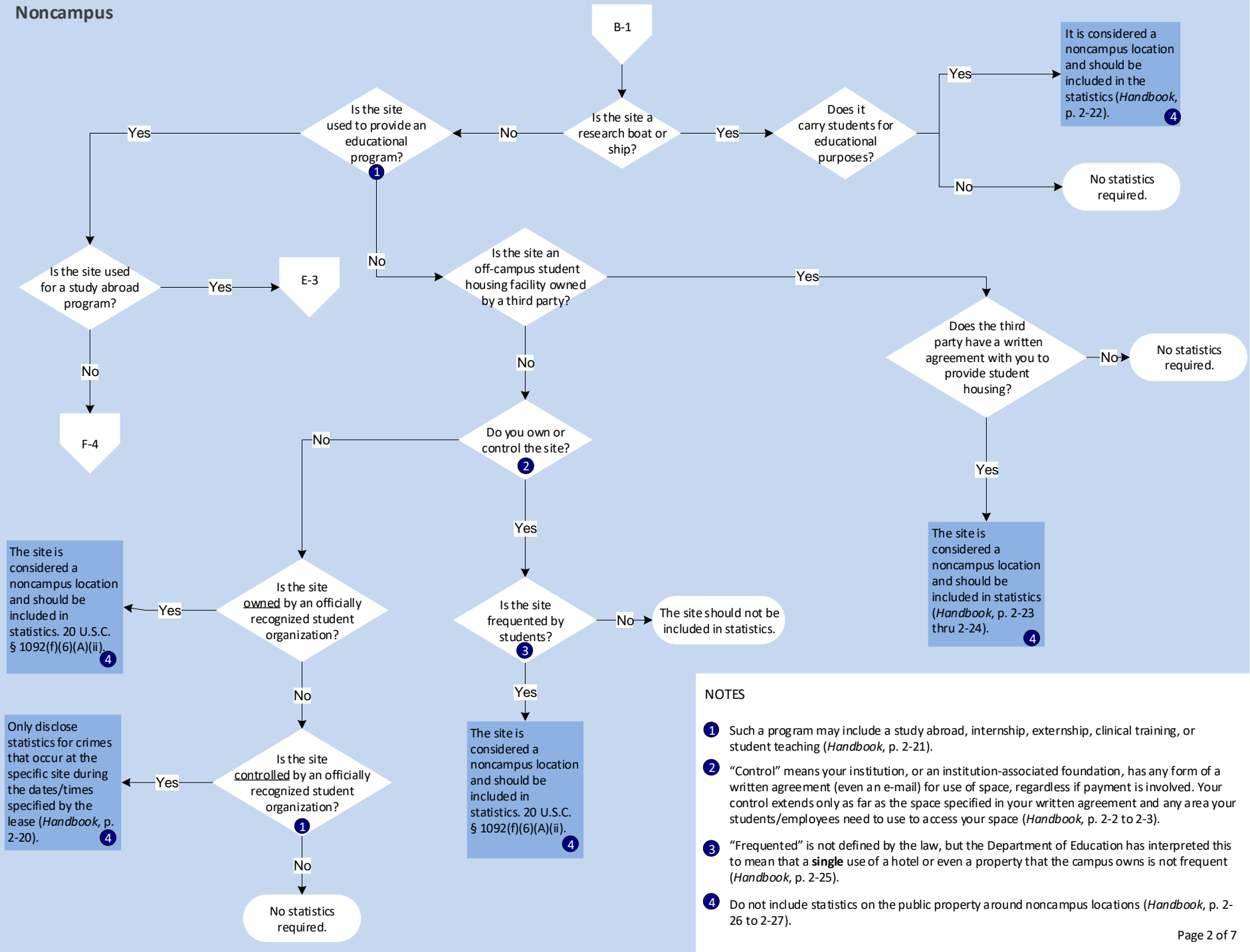
## **Appendix II**

# **Clery Act Geography Flowchart:**

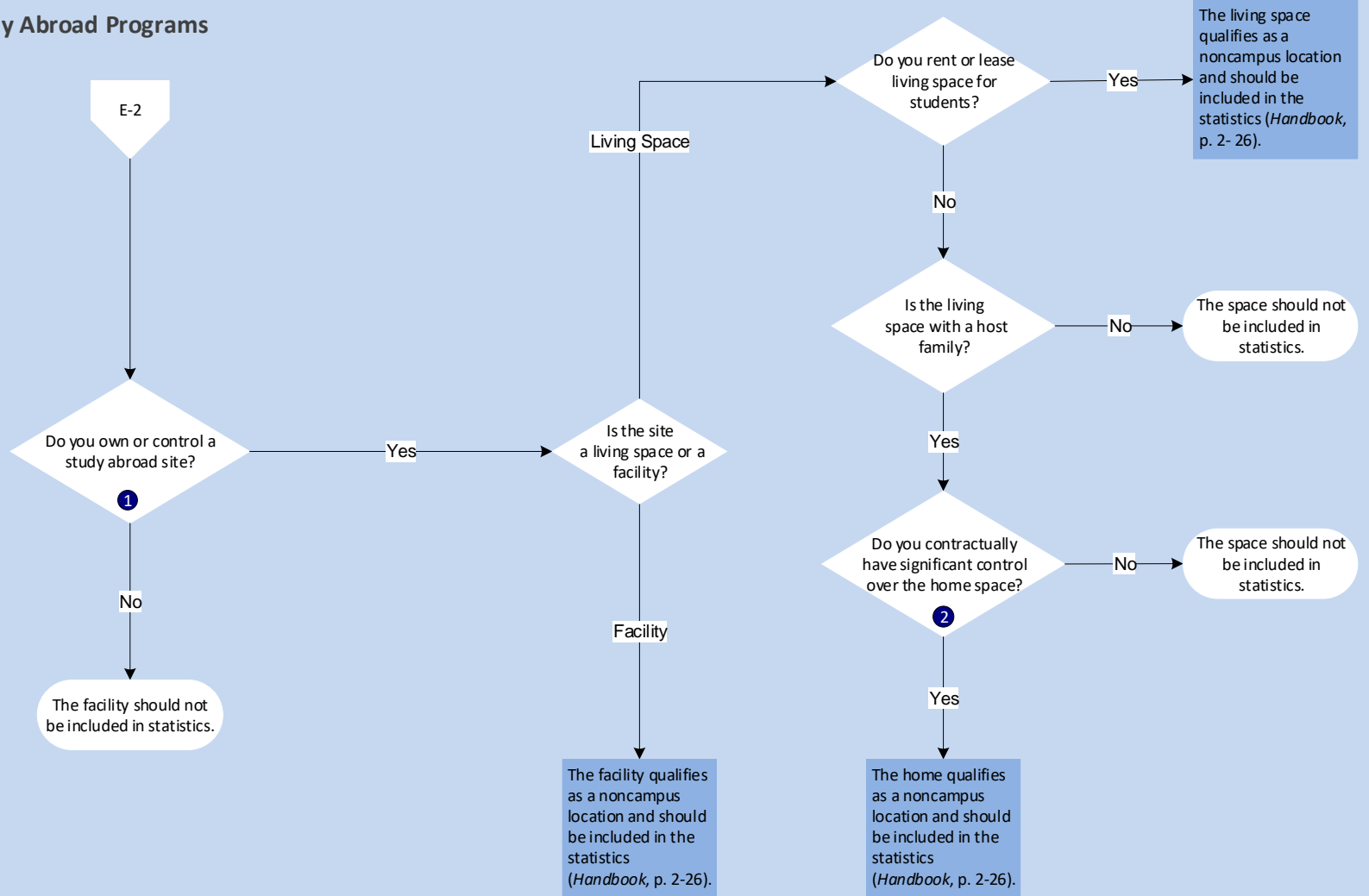
**Does this Location Need to be Reflected in the  
University's Annual Security Report?**



## Noncampus



## Noncampus: Instructions for Study Abroad Programs

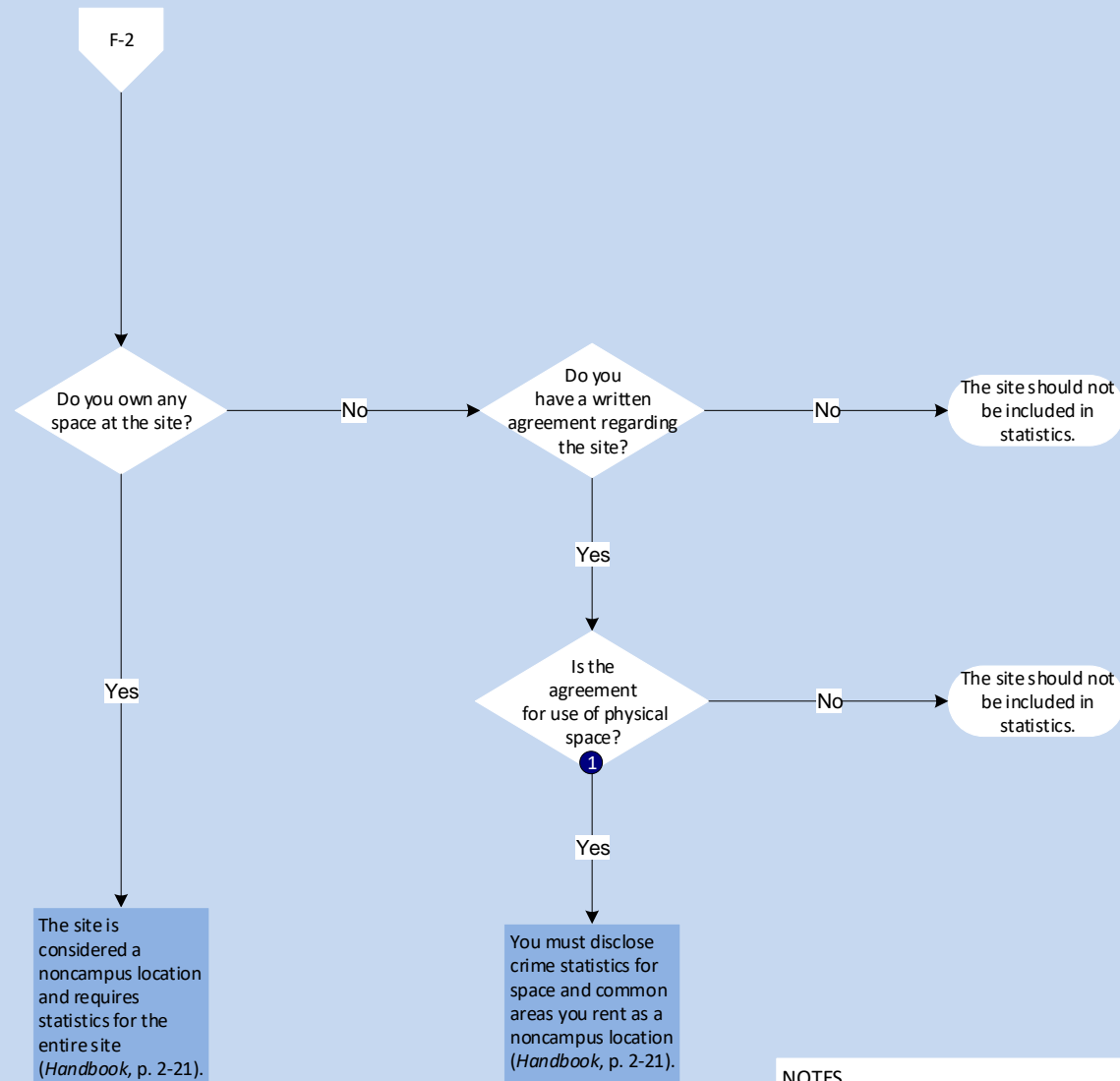


### NOTES:

- 1 "Control" means your institution, or an institution-associated foundation, has any form of a written agreement (even an e-mail) for use of space, regardless if payment is involved. Your control extends only as far as the space specified in your written agreement and any area your students/employees need to use to access your space (Handbook, p. 2-2 thru 2-3).
- 2 Host family situations do not normally qualify as noncampus locations UNLESS your written agreement with the family gives your school some **significant control** over space in the family home (Handbook, p. 2-26).



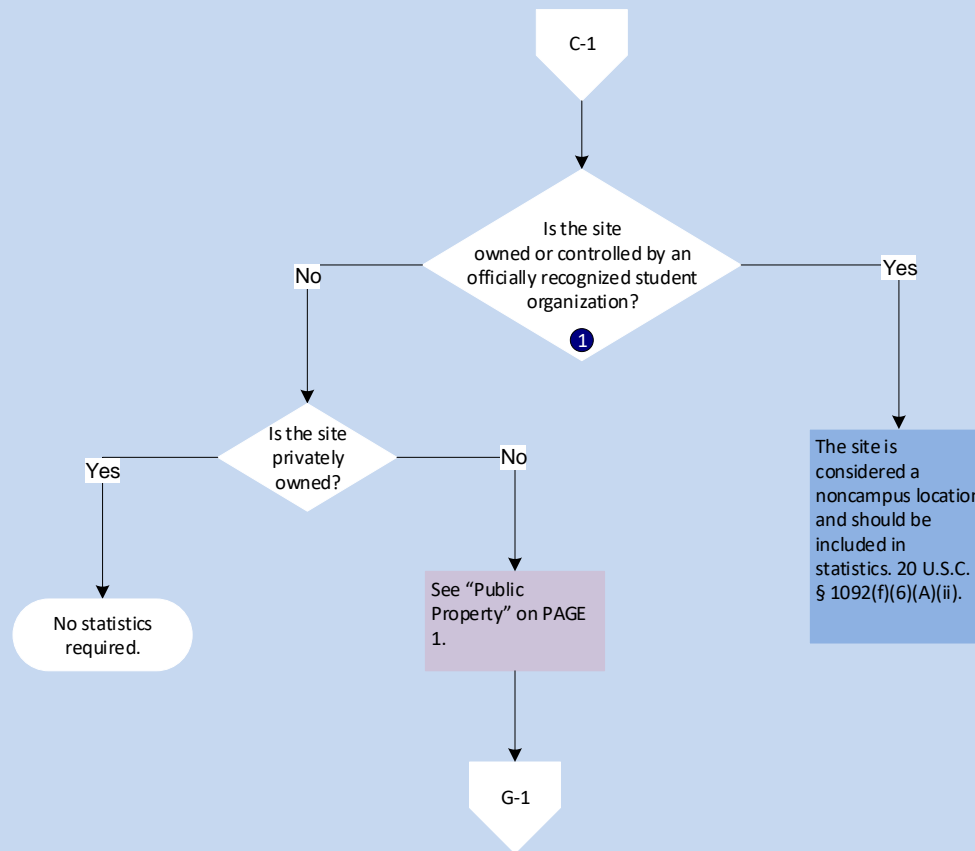
## Noncampus: Off-campus Programs



### NOTES

- ① If the written agreement is for a program, rather than for use of the physical space, you do not have control of the location and do not need to include crime statistics from the location (*Handbook*, p. 2-21).

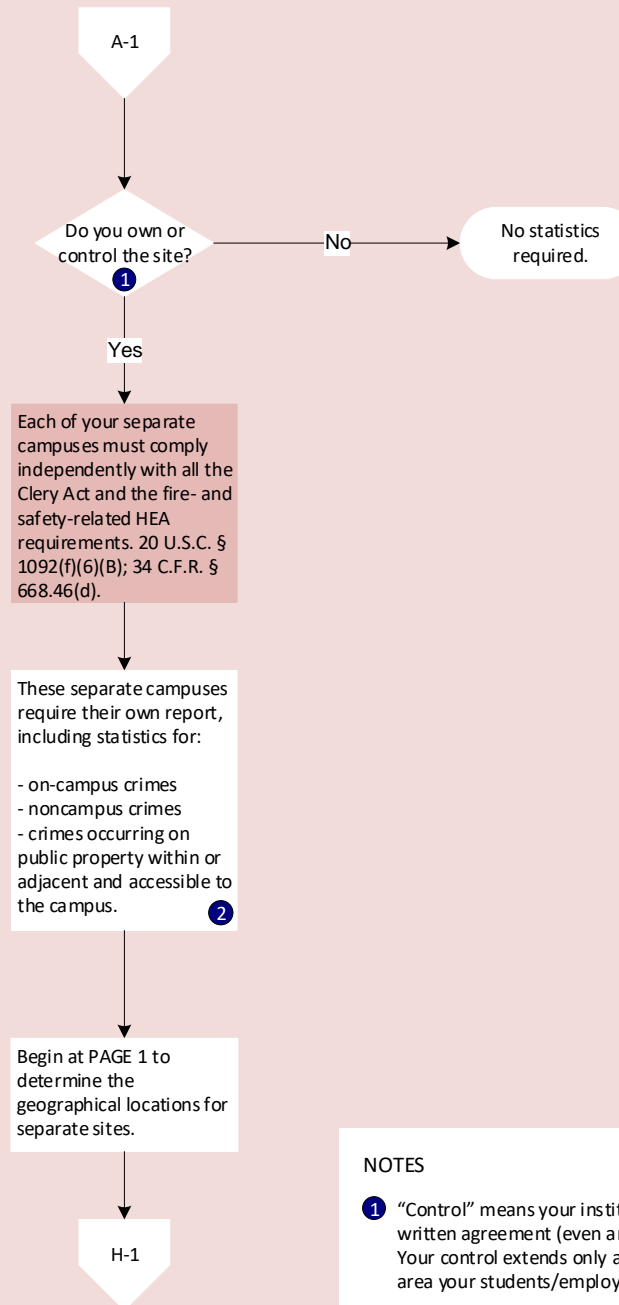
**Noncampus:  
Buildings Owned or Controlled by a Student Organization**



**NOTE**

**1** "Control" means your institution, or an institution-associated foundation, has any form of a written agreement (even an e-mail) for use of space, regardless if payment is involved. Your control extends only as far as the space specified in your written agreement and any area your students/employees need to use to access your space (*Handbook*, p. 2-2 to 2-3).

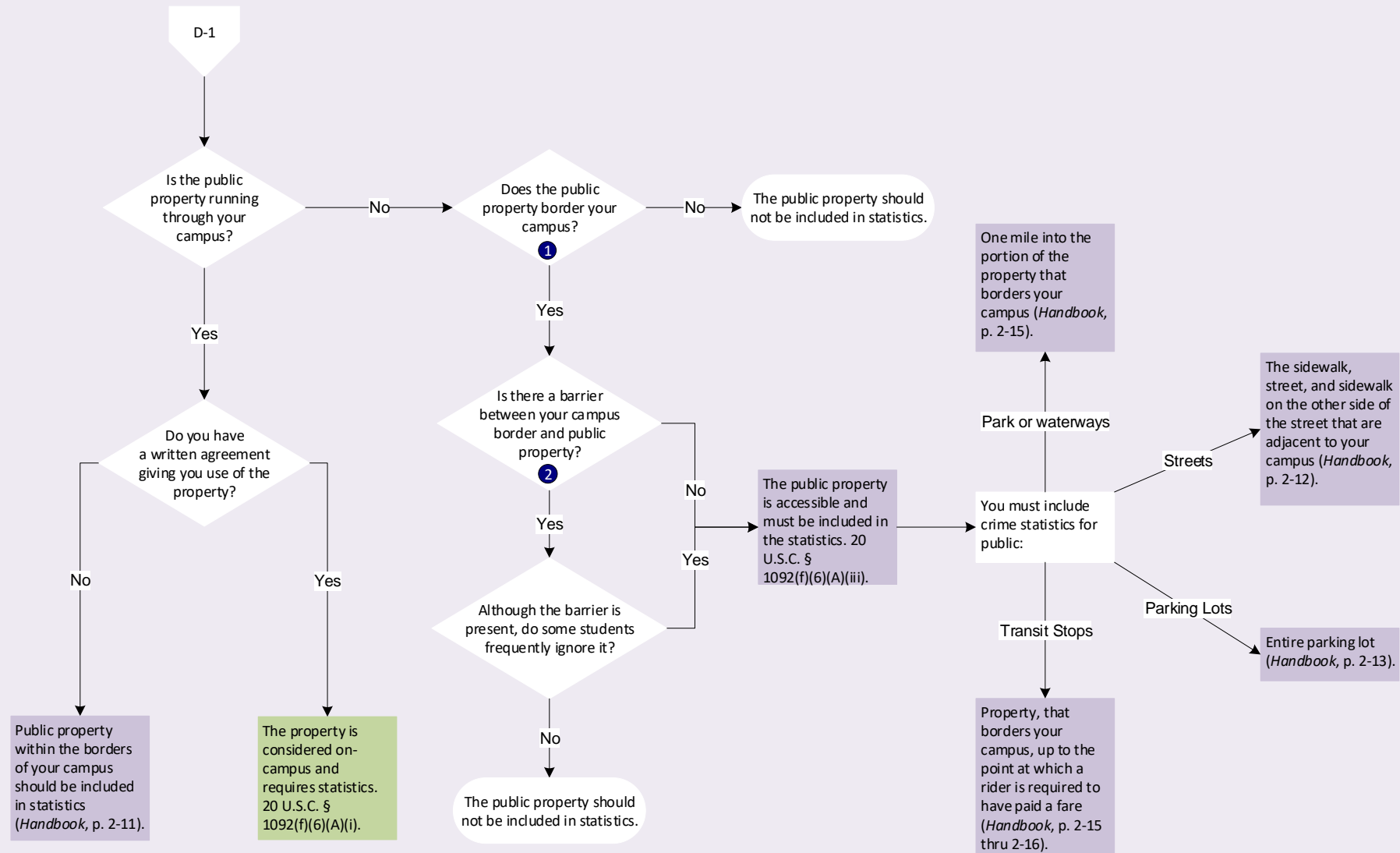
## Separate Campus: Instructions



### NOTES

- 1 "Control" means your institution, or an institution-associated foundation, has any form of a written agreement (even an e-mail) for use of space, regardless if payment is involved. Your control extends only as far as the space specified in your written agreement and any area your students/employees need to use to access your space (*Handbook*, p. 2-2 to 2-3).
- 2 Location is the key. Only include crime statistics in your annual security report that occur in these locations, even if a student or faculty member is involved in a crime outside the locations (*Handbook*, p. 2-1).

## Public Property: Within and Bordering Campus



### NOTES:

- ① Public property is considered “bordering” your campus if you can step off the edge of your campus directly onto a public site. This site could include: thoroughfares, streets, sidewalks, and parking facilities (*Handbook*, p. 2-11).
- ② A barrier can be, for example, a fence or a wall that obstructs traffic (*Handbook*, p. 2-12).



## Appendix III Brigham Young University-Hawaii Emergency Notification/Timely Warning Decision Tree

20 U.S.C § 1092(f)(1)(J)(i), (f)(3); 34 C.F.R. § 668.46(e); Clery Handbook (U.S. Department of

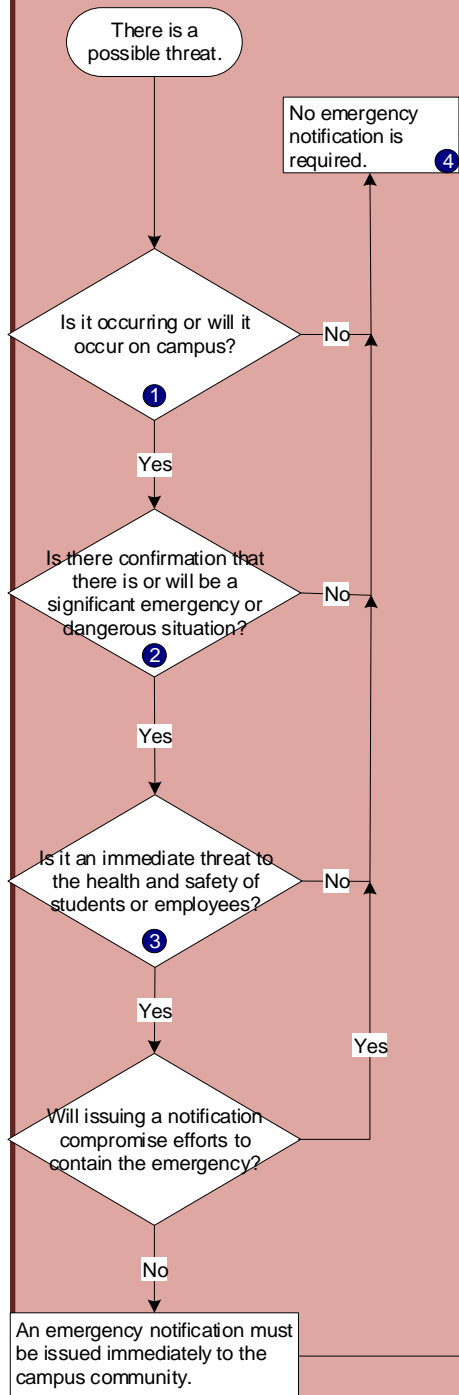
Education, The Handbook for Campus Safety and Security Reporting)

### Notes:

- 1 *Campus* means any building or property owned or controlled by a school within the same reasonably contiguous geographic area and used in support of its educational purposes, including residence halls and property within the same contiguous geographic area of the school that is owned by the school, but controlled by another person, and supports the school's purposes. 20 U.S.C. § 1092(f)(6)(A)(ii).
- 2 Confirmation means that an institution official(s) has verified that a legitimate emergency or dangerous situation exists; it does not necessarily mean that all of the pertinent details are known or even available. *The Handbook for Campus Safety and Security Reporting*, at 6-3 (hereinafter *Handbook*).
- 3 An *immediate threat* is anything that is a currently or impending dangerous situation. Examples of such may be: forest fire, outbreak of a serious illness, extreme weather conditions like a hurricane or tornado, earthquake, gas leak, terrorist incident, armed intruder, bomb threat, civil unrest/rioting, explosion(s), hazardous waste spill, etc. *Handbook* at 6-2 to 6-3.
- 4 Timely warnings should not be limited to certain types of Clery Act crimes and may include non-Clery Act crimes. *Handbook* at 6-13.
- 5 Clery reportable crimes occurred on campus, noncampus property, or public property, and include: murder, sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, arson, hate crimes, dating violence, domestic violence, and stalking. 20 USC § 1092(f)(1)(F); 34 CFR § 668.46(c); *Handbook* at 3-1 thru 3-55.
- 6 A CSA (campus security authority) is a campus police department or campus security department; any individual(s) who have responsibility for campus security such as someone monitoring entrance onto the institution's property; an individual or organization specified to receive student crime reports; or an official of the institution who has significant responsibility for student and campus activities. A pastoral or professional counselor is not a CSA. 34 C.F.R. § 668.46(a).
- 7 Consider: Are students and employees at risk of becoming victims of a similar crime? Has the perpetrator been apprehended (if so, there is likely no continuing threat)? Does the criminal incident appear to be a one-time occurrence or does it fall into a pattern of reported crimes? *Handbook* 6-13 thru 6-14.
- 8 Even if an institution does not have all the facts surrounding an incident(s), it should issue a warning. It may follow up with additional information as it becomes available. *Handbook* at 6-12.
- 9 Take law enforcement efforts into consideration when you issue a warning. *Handbook* at 6-14.

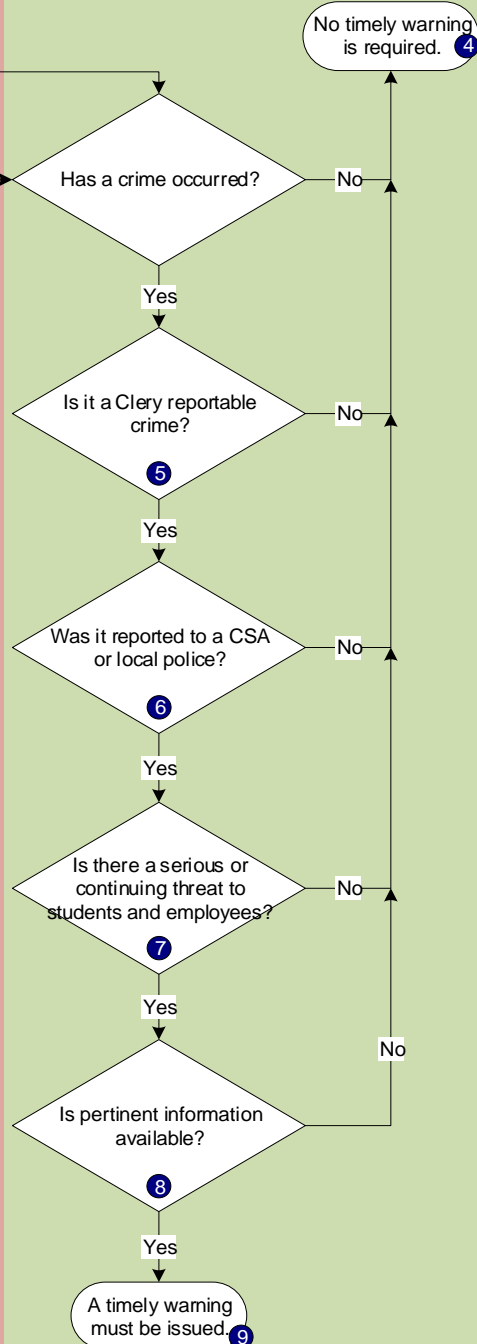
### Emergency Notification

Emergency Notifications have a wide focus on any significant crimes or dangerous situations (may include Clery Act crimes). They are triggered by an event that is currently occurring on campus that involves an immediate threat to the health or safety of students or employees.



### Timely Warning

Timely Warnings have a narrow focus on Clery Act crimes and are triggered by crimes that have already occurred but represent an ongoing threat. They are to be issued for any Clery Act crime committed on Clery Act geography that is reported to campus security authorities.



## APPENDIX IV—CLERY ACT ANNUAL SECURITY REPORT AND FIRE SAFETY REPORT CHECKLIST

### Basic Information:

1. *Who must receive the report?* Current students/employees (and prospective students/employees who request).
2. *How must the annual report be distributed?* Either (a) mail or email; or (b) proper notice + post on Internet.
3. *Who else must receive notice of the report?* Prospective students and prospective employees.
4. *What records must be retained?* The latest annual report and all supporting records used to compile it.
5. *How to submit to Dep't of Ed.:* Submit statistics (not full report) via the [Campus Safety and Security Survey](#)
6. *When is the DEADLINE:* Each year by October 1, but the report may be created, distributed, and submitted earlier.

*(Note that each term appearing in blue font is a hyperlink to additional information regarding that term.)*

### Elements of the Annual Security Report and Fire Safety Report:

1. [Crime, Arrest, and Disciplinary Referral Statistics](#): Statistics for each of the *reported* crimes and offenses listed below for the previous three calendar years, and organized by geographic location.
2. [Required Policy Statements](#): A clear and concise description of procedures, practices, and programs used to keep students and employees safe and facilities secure, including those related to (a) campus safety, security, and law enforcement; and (b) dating violence, domestic violence, sexual assault, and stalking.
3. [Fire Safety and Reporting](#) (if campus has student housing): (a) fire statistics for the three previous calendar years and (b) a fire safety report, including policies/information about fire drills, responsible people, and plans to improve fire safety.

1. CRIME, ARREST, AND DISCIPLINARY REFERRAL STATISTICS	
<p>The annual report must include following categories of crimes and offenses, which (1) were <i>reported</i> (not necessarily committed) during the previous three calendar years (2) to a <a href="#">campus security authority</a> and (3) occurred within the institution's relevant <a href="#">Clery Act Geography</a> (see <a href="#">Clery Act Geography Flowchart</a>).</p>	
Criminal Offenses	Hate Crimes
<p>Any of the following crimes:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">criminal homicide</a>, including                             <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">murder</a></li> <li><input type="checkbox"/> <a href="#">non-negligent manslaughter</a></li> <li><input type="checkbox"/> <a href="#">manslaughter by negligence</a></li> </ul> </li> <li><input type="checkbox"/> <a href="#">sexual assault</a>, including                             <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">rape</a></li> <li><input type="checkbox"/> <a href="#">fondling</a></li> <li><input type="checkbox"/> <a href="#">incest</a></li> <li><input type="checkbox"/> <a href="#">statutory rape</a></li> </ul> </li> <li><input type="checkbox"/> <a href="#">robbery</a></li> <li><input type="checkbox"/> <a href="#">aggravated assault</a></li> <li><input type="checkbox"/> <a href="#">burglary</a></li> <li><input type="checkbox"/> <a href="#">motor vehicle theft</a></li> <li><input type="checkbox"/> <a href="#">arson</a></li> </ul>	<p>Any of the following crimes, motivated by bias against the victim based on <a href="#">race</a>, <a href="#">religion</a>, <a href="#">sexual orientation</a>, <a href="#">gender</a>, <a href="#">gender identity</a>, <a href="#">ethnicity</a>, <a href="#">national origin</a>, or <a href="#">disability</a>:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">criminal homicide</a>, including                             <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">murder</a></li> <li><input type="checkbox"/> <a href="#">non-negligent manslaughter</a></li> <li><input type="checkbox"/> <a href="#">manslaughter by negligence</a></li> </ul> </li> <li><input type="checkbox"/> <a href="#">sexual assault</a>, including                             <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">rape</a></li> <li><input type="checkbox"/> <a href="#">fondling</a></li> <li><input type="checkbox"/> <a href="#">incest</a></li> <li><input type="checkbox"/> <a href="#">statutory rape</a></li> </ul> </li> <li><input type="checkbox"/> <a href="#">robbery</a></li> <li><input type="checkbox"/> <a href="#">aggravated assault</a></li> <li><input type="checkbox"/> <a href="#">burglary</a></li> <li><input type="checkbox"/> <a href="#">motor vehicle theft</a></li> <li><input type="checkbox"/> <a href="#">arson</a></li> <li><input type="checkbox"/> any incidents of the following:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">larceny-theft</a></li> <li><input type="checkbox"/> <a href="#">simple assault</a></li> <li><input type="checkbox"/> <a href="#">intimidation</a></li> <li><input type="checkbox"/> <a href="#">destruction/damage/vandalism of property</a></li> </ul> </li> </ul>
Violence Against Women Act (VAWA) Offenses	Arrests and Disciplinary Referrals for Law Violations
<p>Any incidents of the following:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">domestic violence</a></li> <li><input type="checkbox"/> <a href="#">dating violence</a></li> <li><input type="checkbox"/> <a href="#">stalking</a></li> </ul>	<p>The number of <a href="#">arrests</a> and the number of persons <a href="#">referred for disciplinary</a> action for the following law violations:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <a href="#">weapons violations</a>—carrying, possessing, etc.</li> <li><input type="checkbox"/> <a href="#">drug abuse violations</a></li> <li><input type="checkbox"/> <a href="#">liquor law violations</a></li> </ul>



**Unfounded Crimes**—As of 2015, the report also must include crimes that were withheld from reported statistics for the last three calendar years because they were “unfounded,” but a crime may be deemed “unfounded” only if sworn or commissioned law enforcement personnel formally determine the report is false or baseless.

## 2. REQUIRED POLICY STATEMENTS

Done	(a) Policies and Procedures regarding Campus Safety, Security, and Law Enforcement
<input type="checkbox"/>	1. <b>procedures</b> for students and others to report crimes or other emergencies occurring <b>on campus</b> , including:
<input type="checkbox"/>	a. <b>policies</b> for making <b>timely warning</b> reports to campus community regarding <i>Clery Act</i> crimes.
<input type="checkbox"/>	b. <b>policies</b> for preparing the annual disclosure of <b>crime statistics</b> .
<input type="checkbox"/>	c. <b>a list</b> of titles of each person or organization to whom students and employees should report <i>Clery Act</i> crimes for the purpose of making timely warning reports and the annual statistical disclosure.
<input type="checkbox"/>	d. <b>a description</b> of institutional policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report.
<input type="checkbox"/>	2. <b>policies</b> concerning security of and access to campus facilities, including campus residences.
<input type="checkbox"/>	3. <b>policies</b> concerning security considerations used in the maintenance of campus facilities
<input type="checkbox"/>	4. campus law enforcement <b>policies</b> , including:
<input type="checkbox"/>	a. <b>campus law</b> enforcement authority and jurisdiction of campus security personnel (e.g. arrest authority)
<input type="checkbox"/>	b. <b>the working relationship</b> of campus security with state and local law enforcement agencies, including any MOUs or agreements with law enforcement agencies, for the investigation of crimes.
<input type="checkbox"/>	c. <b>policies</b> that encourage accurate and prompt reporting to campus policies and appropriate police agencies, when the victim of a crime elects to or is unable to make such a report.
<input type="checkbox"/>	d. <b>procedures</b> that encourage <b>pastoral or professional counselors</b> , if they deem appropriate, to inform persons they are counseling of any procedures to report crimes on a voluntary, confidential basis.
<input type="checkbox"/>	5. <b>a description</b> of programs designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for security.
<input type="checkbox"/>	6. <b>a description</b> of programs designed to inform students about the prevention of crimes.
<input type="checkbox"/>	7. <b>policies</b> concerning monitoring and recording, through local police agencies, of criminal activity in which students engaged at <b>non-campus locations</b> of student organizations recognized by the institution.
<input type="checkbox"/>	8. <b>policies</b> concerning possession, use, and sale of alcohol, and enforcement of underage drinking laws.
<input type="checkbox"/>	9. <b>policies</b> regarding possession, use and sale of illegal drugs and enforcement of federal and state drug laws
<input type="checkbox"/>	10. <b>a description</b> of drug or alcohol abuse education programs (Drug-Free Schools and Communities Act).
<input type="checkbox"/>	11. <b>a statement</b> that the institution will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary <b>proceeding</b> conducted by such institution against a student who is the alleged perpetrator of such crime or offense.
<input type="checkbox"/>	12. <b>a policy statement</b> regarding the institution’s emergency response and evacuation procedures, including:
<input type="checkbox"/>	a. <b>procedures</b> used to immediately notify campus community of a significant emergency or dangerous situation involving an <b>immediate threat to health or safety</b> of students or employees on campus.
<input type="checkbox"/>	b. <b>a description</b> of the process to confirm existence of emergency, to determine an appropriate response and content of the notice, and to initiate the notification system.
<input type="checkbox"/>	c. <b>a statement</b> that the institution will come up with and issue a notice without delay, unless doing so will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
<input type="checkbox"/>	d. <b>a list</b> of the titles of the person or persons or organization responsible for carrying out these actions.
<input type="checkbox"/>	e. <b>procedures</b> for disseminating emergency information to the larger community
<input type="checkbox"/>	f. <b>procedures</b> to test the emergency response and evacuation procedures on at least an annual basis
<input type="checkbox"/>	13. <b>a policy statement</b> addressing missing student notification (only if campus has student housing), including:
<input type="checkbox"/>	a. <b>a list</b> of titles of persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours.
<input type="checkbox"/>	b. <b>a statement</b> that any missing student report will be referred immediately to campus police or security, or to local law enforcement with jurisdiction.
<input type="checkbox"/>	c. <b>a statement</b> that each student may identify contact person(s) that will be notified within 24 hours after campus police or security, or local law enforcement, determine that a student is missing.
<input type="checkbox"/>	d. <b>a statement</b> that student contact information will be registered confidentially, accessed only by authorized campus officials, and disclosed only in furtherance of a missing person investigation.

<input type="checkbox"/>	e. a statement that the parent or guardian of a student under age 18, others designated by the student, and local law enforcement will be notified within 24 hours after a determination that the student is missing.
--------------------------	---

2. REQUIRED POLICY STATEMENTS (CONTINUED)	
Done	(b) Policies and Procedures regarding Dating Violence, Domestic Violence, Sexual Assault, and Stalking
<input type="checkbox"/>	1. a description of the institution's educational programs and campaigns to promote primary prevention and awareness of dating violence, domestic violence, sexual assault, and stalking, including:
<input type="checkbox"/>	a. a description of the institution's primary prevention and awareness programs for all incoming students and new employees.
<input type="checkbox"/>	b. a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined under the Clery Act (the "VAWA Offenses")
<input type="checkbox"/>	c. the definition of the VAWA Offenses, as those terms are defined in the applicable jurisdiction
<input type="checkbox"/>	d. the definition of "consent" in reference to sexual activity, in the applicable jurisdiction
<input type="checkbox"/>	e. a description of safe and positive options for bystander intervention, and risk reductions
<input type="checkbox"/>	2. a description of the institution's ongoing prevention and awareness campaigns for students and employees, which must provide the same information as primary prevention and awareness programs.
	3. the procedures victims should follow in the event of a VAWA Offense, including:
<input type="checkbox"/>	a. written information about the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order
<input type="checkbox"/>	b. how and to whom the alleged offense should be reported
<input type="checkbox"/>	c. options about the involvement of law enforcement and campus authorities, including the victim's option to notify, to receive assistance to notify, or to decline to notify law enforcement;
<input type="checkbox"/>	d. the rights of victims and the institution's responsibilities for protective orders or similar orders
<input type="checkbox"/>	4. how the institution will protect the confidentiality of victims and other necessary parties, including:
<input type="checkbox"/>	a. how the institution will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim.
<input type="checkbox"/>	b. how the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
<input type="checkbox"/>	5. a statement that the institution will provide written notification to students and employees about existing counseling, advocacy, legal assistance, financial aid, and other services available for victims.
<input type="checkbox"/>	6. a statement that the institution will provide written notification to victims about options for accommodations (academic, living, transportation, and work) and other protective measures.
<input type="checkbox"/>	7. a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, including a statement describing:
<input type="checkbox"/>	a. each type of disciplinary proceeding used
<input type="checkbox"/>	b. the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding
<input type="checkbox"/>	c. how to file a disciplinary complaint
<input type="checkbox"/>	d. how the institution determines which type of proceeding to use based on the circumstances
<input type="checkbox"/>	e. the standard of evidence that will be used during the disciplinary proceeding
<input type="checkbox"/>	f. the possible sanctions may be imposed following the results of the disciplinary proceeding
<input type="checkbox"/>	g. the range of protective measures that the institution may offer to the victim following an allegation
<input type="checkbox"/>	h. the proceedings will include a prompt, fair and impartial process from initial investigation to final result
<input type="checkbox"/>	i. the proceedings will be conducted by officials who, at a minimum, have annual training on these issues and on how to conduct an investigation and hearing that protects victims and promotes accountability
<input type="checkbox"/>	j. the proceedings will provide the accuser and the accused with the same opportunities to have others present during the proceeding, including being accompanied by an advisor of their choice, but that may restrict the advisor's participation in the proceedings (applied equally to both sides).
<input type="checkbox"/>	k. the results of the disciplinary proceeding, any change in results, when results are final, and procedures for appeal will be disclosed simultaneously and in writing to both the accuser and the accused.
<input type="checkbox"/>	8. a statement that, when a student or employee reports that he or she has been a victim of a VAWA Offense, the institution will provide the victim a written explanation of his or her rights and options.

<input type="checkbox"/>	9. a statement advising the campus community about where law enforcement agency information provided by a state concerning registered sex offenders may be obtained
--------------------------	---

### 3. FIRE SAFETY AND REPORTING

An institution that has on-campus student housing facilities must publish an annual fire safety report by Oct. 1. It is optional to include the fire safety report in the institution's Clery report, as long as the document has a title that clearly states that both the fire safety report and Clery report are included in the document. If an institution chooses to publish the reports separately, then each report must have information about how to directly access the other report. The fire safety report must include both (a) fire statistics and (b) information, policies and procedures about fire safety.

#### (a) Fire Statistics

The statistics must identify each facility by name and street address, for each facility include:

- ☐ number of fires
- ☐ cause of each fire
- ☐ number of persons who received fire-related injuries that resulted in treatment at a medical facility
- ☐ number of deaths related to a fire
- ☐ value of property damage caused by a fire

Done	(b) Information, Policies, and Procedures Regarding Fire Safety
<input type="checkbox"/>	1. a description of each on-campus student housing facility fire safety system
<input type="checkbox"/>	2. the number of fire drills held during the previous calendar year
<input type="checkbox"/>	3. the policies or rules on portable electrical appliances smoking and open flames in a student housing facility
<input type="checkbox"/>	4. the procedures for student housing evacuation in the case of a fire
<input type="checkbox"/>	5. the policies regarding fire safety education and training programs provided to the students and employees
<input type="checkbox"/>	6. a description of the procedures that students and employees should follow in case of fire
<input type="checkbox"/>	7. a list of the titles of each person or organization to which students and employees should report a fire
<input type="checkbox"/>	8. the plans for future improvements in fire safety, if determined necessary by the institution