



Developing a Clery Compliance Committee

By Lindi Swope

Director of Clery Compliance Services, D. Stafford & Associates
and Director of NACCOP

PRESENTED BY:





Developing a Clery Compliance Committee

The 2011 *Handbook for Campus Safety and Security Reporting*¹ notes:

“ Although we address “you” throughout, we want to stress that this is not a one-person job. As you will see when you read further, **a key ingredient in ensuring compliance is coordination**—knowing who does what and when. This means that most of you will find it necessary to coordinate compliance activities with many people and offices in the campus community.”²

Historically, the burden of complying with the Clery Act has been largely relegated to the campus police or public safety department because schools have narrowly viewed this Federal law to be limited to disclosing crime statistics. In reality, the complexities of the law reach across multiple offices and administrative divisions within an institution. The Federal government expects institutions to manage their compliance activities using a collaborative approach.

¹At the time of this whitepaper's publication, a third edition of the Handbook is pending. The revised Handbook will address the changes to the Clery Act as brought about by the Violence Against Women Act final regulations.

²Westat, Ward, Diane & Mann, Janice. (2011). The Handbook for Campus Safety and Security Reporting. <http://www2.ed.gov/admins/lead/safety/handbook-2.pdf>, xi.

With the passage of the Violence Against Women Reauthorization Act of 2013, and the subsequent implementing regulations, the need for a sophisticated, cross-functional, multi-disciplinary team to manage compliance with the Clery Act has never been greater. These key legislative changes have increased crime reporting responsibilities in addition to mandating educational, disciplinary and response protocols with which institutions must comply, and many of these requirements do not involve the campus police or public safety unit at all. Although the need for a committee-based approach has been evident since the early amendments to the Clery Act (of which there have been six since the law's inception in 1990), there has never before been a more compelling need for a committee to be at the helm of an institution's Clery compliance efforts.

It is therefore incumbent upon institutions to address complying with the Clery Act by involving key campus stakeholders in a formalized Clery compliance committee. Senior leadership plays a critical role in the success of such a committee by ensuring that members of the committee understand their charge and are empowered with the resources and authority that will be necessary for carrying out the committee's many functions as it relates to coordinating compliance with the Clery Act.

The current *Handbook for Campus Safety and Security Reporting* breaks the regulatory requirements down into 14 sections. Analyzing these sections reinforces the fact that one office or department cannot realistically be aware of all of the activities occurring at an institution without collaboration and involvement from the key stakeholders. Complying with the Clery Act necessitates synthesizing various activities engaged in by the institution and then filtering them down into their appropriate category for compliance purposes.

[Introduction: Overview of Clery Act Compliance](#)

[Geography](#)

[Crime Statistics: Counting and Classifying](#)

[Crime Statistics: Collecting Them](#)

[The Daily Crime Log](#)

[Emergency Notification and Timely Warnings](#)

[Policy Statements \(Disclosing What You Do and How You Do It\)](#)

[Policy Statements \(Sex Offenses and Offenders\)](#)

[Annual Security Report](#)

[Missing Students](#)

[Fire Safety Disclosures](#)

[The Fire Log](#)

[Fire Statistics](#)

[Annual Fire Safety Report](#)

What is a Clery Compliance Committee?

A Clery compliance committee should be comprised of the individuals identified by the institution as having some degree of involvement with the institution's overall compliance process. It is imperative that committee members are trained in their responsibility and have a sufficient understanding of the Clery Act's requirements so as to carry out committee functions in an effective manner. Some members will have a substantial level of involvement with Clery compliance related tasks, such as campus police/public safety and student conduct administrators. Others may have a more narrow scope of Clery compliance responsibilities, such as the institution's registrar and leaders of the admissions processes. Nonetheless, appointing all of these foundational positions to the committee ensures that appropriate institutional personnel are engaged in the compliance process and have an appreciation for how their action (or inaction) can facilitate or hinder compliance.

A general outline of positions to consider for committee development is addressed later in this article. A committee's composition will likely vary based on an institution's size and administrative structure. Larger institutions are typically dealing with a greater volume of compliance-related activities and have personnel with more specialized roles. Smaller institutions may not have the same volume of compliance-related tasks and personnel at smaller institutions tend to have broader areas of responsibility and/or wear multiple hats. A Clery compliance committee should be responsive to each institution's unique characteristics and can vary in size, composition and operations to match the needs identified by the institution. However, a well-developed Clery compliance committee is assuredly important to all institutions of higher education regardless of their size or structure.

Why Does My Institution Need a Clery Compliance Committee?

A common problem is that personnel working outside the campus police/public safety office are unaware of their roles and responsibilities with regard to the institution's compliance requirements. The lack of awareness is usually the result of a lack of knowledge rather than an opposition to helping the institution get into and maintain compliance with the Clery Act. A Clery compliance committee will prove to be an effective tool in garnering much-needed institutional awareness of the abundance of Clery Act requirements. A committee approach can also help to broker relationships between those units whose functions impact compliance efforts and can also help to overcome the silo mentality that exists on many campuses.

A common misconception is that complying with the Clery Act pertains mostly to crime statistics, which reinforces the mindset that the compliance function should rest solely within the campus police or public safety department. In reality, compiling crime statistics is a small percentage of what must be disclosed by an institution (although the function of compiling, classifying and counting offenses can be a full-time job at institutions with high volumes of

incident reports). The requirement of publishing an Annual Security Report (ASR) and, for institutions with on campus student housing facilities, an Annual Fire Safety Report (AFSR) requires addressing 111 discrete policy statements (if the AFSR is required) in a comprehensive and compliant manner. These policy statements must be accurate reflections of the institutional or departmental policies and practices that rest behind them, and it is neither reasonable nor prudent to expect the campus police or public safety unit to know all of the applicable policies and practices of other departments and administrative divisions (just as we wouldn't expect admissions personnel to be able to accurately describe the campus police/public safety unit's law enforcement authority, jurisdiction, arrest authority, and relationships with local and State police agencies). If policies and procedures are insufficient or missing, institutions may struggle in the event of an audit to demonstrate their compliance. The Department of Education (ED) often requires institutions to create and/or revise applicable procedures dealing with areas of noncompliance discovered during audits.

EMERGENCY

When institutions are identified for program reviews by ED to assess compliance with the Clery Act, a part of the review will often involve meetings with campus officials from various offices with Clery responsibilities to determine if the institution is in compliance. If these officials are unaware of their responsibilities and cannot articulate them in meetings with ED, that is problematic. A key point to consider is that institutions do not control the individuals with whom ED will meet with during an onsite review. Currently, the Department of Education can levy a fine of \$35,000 per finding of noncompliance when assessing an institution's compliance with the Clery Act. These fines could be issued for missing policy statements in the Annual Security & Fire Safety Reports, missing crime statistics, failing to properly define the institution's Clery geography and for what ED calls a "lack of administrative capacity." Delaware State University was found to have "...lacked the administrative capability to participate in the federal student financial aid programs authorized by Title IV of the HEA (Title IV programs) in violation of 34 C.F.R. §68.16."³ In a similar finding, Eastern Michigan University was found in noncompliance after ED noted that "the institution must be capable of adequately administering all Title IV programs in accordance with all applicable statutory and regulatory provisions...EMU violated the requirements of the Clery Act and the Department's regulations. *The violations were numerous and systematic and reflect a lack of administrative capability.*"⁴

Institution-wide systematic failures to achieve compliance with the Clery Act resulted in these two institutions each receiving a \$27,500 fine for a "lack of administrative capacity" for failing to fulfill their requirements to participate in Title IV programs. The institutions failed to adequately administer the regulatory requirements related to the Clery Act. Additionally, the institutions had numerous violations of noncompliance due to failing to collaborate with, train and engage key stakeholders in the overall compliance activities. Essentially, there was a pervasive lack of procedures and processes at the institutional level related to compliance. A cautionary insight is provided here in that institutions can mitigate the risk of ED discovering major areas of noncompliance during a program review by proactively generating important discussions and reviews of procedures being maintained by *all* of the entities that share accountability with Clery Act compliance.

“ Currently, the Department of Education can levy a **fine of \$35,000 per finding** of noncompliance when assessing an institution's compliance with the Clery Act. ”

“ Institution-wide systematic failures to achieve compliance with the Clery Act resulted in two institutions each receiving a **\$27,500 fine** for a "lack of administrative capacity." ”

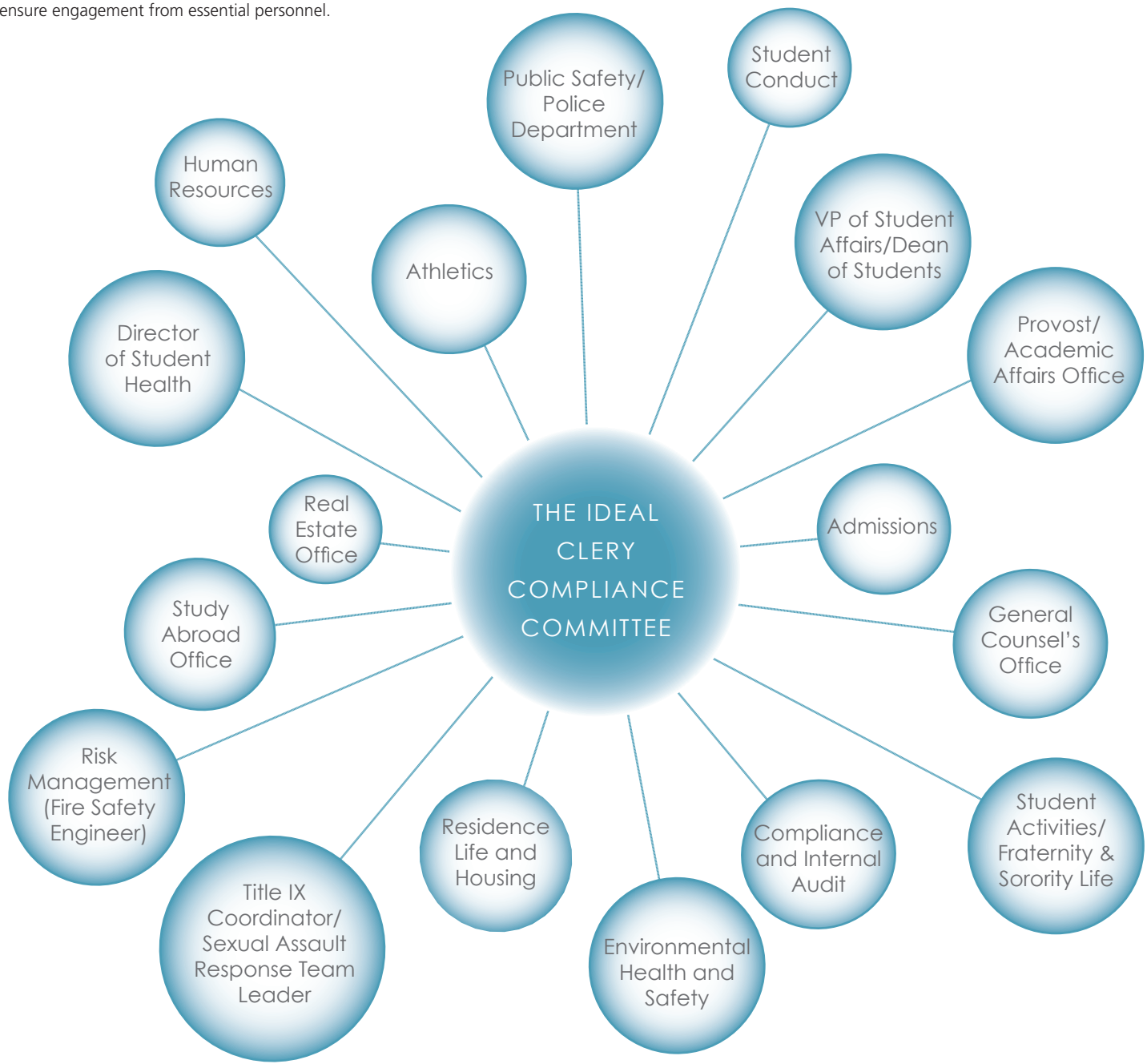


³U.S. Department of Education. (2012). Delaware State University Final Program Review Determination. Retrieved from <https://studentaid.ed.gov/sites/default/files/fsawg/datacenter/cleryact/dsu/DelStateUnivCleryFPRD12512.pdf>

⁴U.S. Department of Education. (2007). Eastern Michigan University Final Program Review Determination.. Retrieved from <https://studentaid.ed.gov/sites/default/files/fsawg/datacenter/cleryact/easternmichiganuniversity/EMUFPRD11142007.pdf>

Who Should be Invited to Participate with Your Institution's Compliance Activities?

The value of a Clery compliance committee will be improved significantly by ensuring that the appropriate campus constituents are involved. The list below identifies positions that have some degree of involvement with institution's overall Clery compliance activities and should be engaged in the compliance process. Some of these positions have a central role with the ongoing requirements while others do not have the same level of involvement. Nonetheless, institutions should actively recruit all offices with any portion of responsibility for committee membership.⁵ Typically, staff members do not volunteer for an appointment to the committee; therefore, institutional mandates from senior leaders may be necessary to ensure engagement from essential personnel.



⁵Information regarding descriptions of the roles of each of these units is detailed in an article published in the inaugural NACCOP members-only Journal of Clery Compliance Officers and Professionals. The article, written by Dolores Stafford, is titled "Creating Institutional Awareness and Responsibility Regarding the Clery Act."

How to Develop an Effective Committee

Institutions should consider developing policies or a written directive from senior leadership or the president that mandates departmental involvement in Clery compliance activities as an additional measure to strengthen the committee's viability and impact. A well-developed committee should be comprised of members who have been trained in understanding the basics of the Clery Act and be equipped with an operational ability to execute their respective compliance requirement(s). A committee leader should be identified so that someone is tasked with coordinating the committee's efforts. A lack of committee leadership, coupled with the failure to designate responsibilities, provide training and garner institutional support, are likely to result in the committee falling short of achieving its intended purpose.

Involve the Clery Compliance Officer. Each institution should identify a Clery Compliance Officer (CCO), who serves to manage and coordinate the institution's compliance program. Appropriately, the Clery Compliance Officer may be a primary candidate for the duty of chairing the committee. At a minimum, it is critical for an institution's CCO to be a member of the committee. Avoid designing the committee in a manner that limits membership, for example, to only department heads which may exclude the CCO and other essential personnel who need to understand and execute compliance requirements. The Clery compliance committee should support the CCO in achieving institutional compliance with the Clery Act. To do this effectively, the right people need to be involved in the effort – including the CCO.

Through a partnership with STANLEY Security and D.Stafford & Associates, the National Association of Clery Compliance Officers and Professionals (NACCOP) offers a ten-part webinar series addressing the foundational topics of Clery Act compliance. The series runs over 8 months and is the perfect way to train Clery compliance committees without having to travel and spend extended time out of the office. Institutions may register for individual webinars or the entire series. For more information, please visit the "Conferences & Trainings" section of www.naccop.org.

Identify routine meeting dates. Scale agenda topics based on attendees present and recognize that the frequency of certain members attending meetings should vary based on the scope of their involvement with compliance. Institutions have complete flexibility to design the committee in a manner that supports the scope of the compliance-related activities. For example, consider creating sub-committees based on particular topics or comprise a leadership team that meets more frequently (i.e., monthly) and a full Clery Committee joins them on a quarterly basis.

A potential subcommittee could be formed to review crime statistics and should include the campus police/public safety and student conduct personnel. This subcommittee should meet monthly to reconcile referral and arrest statistics for liquor, drug and weapons law violations (among other Clery crimes that are brought to the attention of the student conduct system).

Other committee members may need to attend meetings only once or twice a year. For example, human resources and admissions personnel may be present only to review and ensure the required notice of availability of the Annual Security Report is present in relevant admissions/application materials and contains all required components. Newly-formed committees should consider meeting at least every month until the committee is confident that the institution is in compliance with the Clery Act. Then, the committee can go into maintenance mode and meet at a frequency that suits the institution's needs.

Provide committee members with training. It is important to train committee members on the essential elements of the Clery Act, in order to arm them with the regulatory information they need to successfully carry out their responsibilities and ensure the committee does the same. It is noteworthy to mention that the committee's training records should be retained with the institution's Clery records. The effectiveness of the committee will be significantly diminished if members lack an education surrounding their role with compliance. Members should receive Clery Act training on an annual basis so they can continue to fine-tune their processes and obtain information about updates or amendments related to compliance.

Committee Agenda Topics

This is not necessarily an all-inclusive list, but is provided as an example of topics the committee should address.

- Campus Security Authorities (CSAs)
 - Identifying, training, collecting crime statistics, documenting list of CSAs
- Clery Geography
 - Developing a Clery Map
 - Discussing Noncampus and Separate Campus locations
 - Short stay-away trips (Athletics, student organizations, etc.)
 - Study Abroad programs
- Identifying Clery crime categories
- Assessing state laws/local ordinances for liquor, drug and weapon law offenses and VAWA offenses
- Clery Act/VAWA policy statements and program review
- Annual Security Report preparation and review
- Emergency Response/Immediate Notification
- Timely Warning Notice (TWN) requirements
- Discuss issuing a TWN for acquaintance rape reports
- Missing person reporting requirements
- Fire Safety Report and Fire Log
- Institutional records retention
- Distribution of compliance documents or notice of availability to current students/employees
- Distribution of compliance documents or notice of availability to prospective students/employees
- Addressing Clery Act /VAWA updates
- Other institutional procedures and practices, such as creating forms and processes to document activities (noncampus written agreements, athletics/student organization travel, etc.)
- Records retention
- Review your institution's Drug and Alcohol Abuse Prevention Program to ensure compliance with the Drug-Free Schools and Communities Act (ED is now charged with ensuring compliance with the DFSCA)
- Review ED fining activity and monitoring lessons learned

The entity on campus responsible for Clery Act compliance should work with senior leaders of the institution to implement a Clery compliance committee, if they have not already done so. Train committee members in the basic requirements of the law so everyone is aware of the requirements. Develop a structure for the committee meetings and develop a meeting schedule. Members should collaborate on prioritizing the agenda topics based on the committee's self-assessment of compliance strengths and weaknesses. Using a systematic and coordinated approach will increase an institution's likelihood of being in compliance with the Clery Act.

As a security leader, enhancing security and safety at higher education facilities, colleges and universities, STANLEY Security understands the significance of educating school administrators and policymakers on the intricacies of compliance. We partner with institutions of higher learning to help develop, review, and refine physical security standards and procedures that reinforce cultures of safety for campuses all over North America. Not only do we offer cutting edge technologies and integrated security solutions to promote on-campus safety, but we also act as an educator on the importance of compliance-driven decisions. STANLEY continues this progressive, comprehensive approach to higher education security by partnering with D. Stafford & Associates and the National Association of Clery Compliance Officers and Professionals (NACCOP). STANLEY has combined its expertise with that of Dolores Stafford, a nationally recognized expert on the Clery Act and premier consultant on campus security in both the law enforcement and security industries for the last 17 years, to establish a culture of safety, knowledge and information sharing amongst campus advisors and administrators in the endeavor to secure campus environments nationwide.

Kyle Gordon
Director of Higher Education Solutions, North America
STANLEY Security

CONTACT INFORMATION

Lindi Swope

Director of Clery Compliance Services
D. Stafford & Associates
Director of The National Association of Clery
Compliance Officers and Professionals (NACCOP)
570-863-8324
lswope@dstaffordandassociates.com
www.dstaffordandassociates.com

Dolores A. Stafford

President & CEO
D. Stafford & Associates
Executive Director of the National Association of Clery Compliance
Officers & Professionals (NACCOP)
302-344-5809
dolores@dstaffordandassociates.com
www.dstaffordandassociates.com

Kyle Gordon

Director of Higher Education Market Solutions, North America
STANLEY Security
585-709-6269
Kyle.Gordon@sbdinc.com
www.stanleycss.com/highered