

New Crime Reporting Standards Help Protect College Students

by Claire Law, MS, IECA (SC)



The Clery Act refers to the reporting of campus crimes and especially assaults against people of any gender, age or creed. Formerly called the “Campus Security Act” it was renamed after the death of Jeanne Clery, a young college student. The Federal Department of Education is the responsible agency for monitoring compliance of this reporting.

It’s important for parents and especially students entering college for the first time to be aware of potential pitfalls. Statistics show that the highest rate of assaults occurs during the fall, when first year students arrive. Why? Because students are excited to be on campus, finally independent of their parents, seek new experiences as they settle into being college students. First year students are trying to make friends.

Away from home and susceptible to peer pressures, students may find themselves in unfamiliar situations. In every residence hall there are orientation sessions for new arrivals that offer many topics to help newbies transition to college life. The Clery and subsequent VAWA Act is an attempt to help colleges and students live better lives on campus.

The Clery Act is a compliance requirement for colleges. They must publish an annual report that encapsulates three years of campus crime statistics and post them in a place that is visible to students physically, like on campus boards, and online. Colleges also must post information about what to do in case of emergencies. If you take a tour of a college and read the bulletin boards, you will likely notice posters that explain what students should do in the case of a terrorist attack or explosion (e.g. duck and cover, move away from windows, exit through approved evacuation routes from the building).

At the recent Student Financial Aid convention in Atlanta (December 2-5, 2014) a representative from the Department of Education, James Moore, from the Clery Act Compliance Team, explained that under Clery, colleges that receive federal funding must participate in crime awareness and drug-alcohol abuse prevention measures on campus, and report these incidents accurately to the Department.

In addition to the Clery Act, new reporting standards now require even a higher level of compliance than Clery with the VAWA Act.

What is VAWA?

VAWA stands for “Violence Against Women Reauthorization Act of 2014. It was enacted on March 3, 2013 and the final rule was issued on October 20, 2014. It requires expanded reporting for incidents of sexual assault, dating violence, domestic violence, stalking (including cyber-stalking), and any and all hate crimes.

VAWA spells out new definitions of what constitutes crimes that need to be reported. In addition, colleges must report these incidents whether or not the perpetrator is found guilty and convicted or whether or not a victim reports the crime days or years after the fact. These crime reports must be brought to the attention of campus security, campus authority, or local law enforcement personnel.

The government representative, Mr. Moore, pointed out that he received many compliance reports from colleges that did not jive with local and internal campus reports. He drew laughter when he added, “these reports don’t balance out even though financial aid administrators are masters at re-conciliation.” For example, he discovered that in some states, campus police do not report an arson if it’s not reportable to the state and the state police do not classify it. The point was made that the Department of Education wants to keep track of all these incidents, even if they are reportable only locally.

Another new reporting requirement under VAWA means that colleges are responsible for reporting incidents and violations even if they took place in such locations as the coffee shop, or burger restaurant, or the campus bookstore managed by a national chain. It’s not enough to say, “oh well, that crime took place at such and such a retail place.” If the place is on campus and frequented by students and supports institutional purposes, it is the responsibility of the college to keep track of those incidents and include them on the report to the Department of Education. In addition, the geographic area covered no longer stops at the campus perimeter. If students reside off campus or nearby, if there are retail shops that serve the students of that college primarily, then the college must report those incidents as well.

Some financial aid administrators voiced the fear that federal funding would be withdrawn if college compliance officers

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make mistakes. Others wondered if they would be breaking FERPA confidentiality rules. The answer was that no federal funding would be withdrawn from colleges as a result of reporting all crimes and incidents, and this reporting would not be a breach of FERPA. However, lax and incorrect reporting would result in penalties and fines.

Several financial aid administrators left the session after hearing more compliance requirements, which will mean hiring dedicated compliance officers at additional expense. This is obviously an emotional topic and a hard one to listen to, especially when colleges are already trying to do their best and invest a great deal of effort in providing services to young people. I thought to myself that smaller colleges might be in a better position to provide "in loco parentis" coverage because faculty and staff may get to know their students in and outside the classroom. However, if these incidents didn't keep occurring on campus there would be no need for Clery or VAWA.

Moore pointed out that very quickly a residence hall that was free of drugs could become a place for gang members to meet when one of them enrolls and becomes the conduit for distribution. Moore pointed out that often people don't know whom to notify when they see possibly dangerous situations in the making. He emphasized that more staff, faculty members, and students should be instructed as to who are the people in charge, how they should pass on the information, and who is the responsible party with the authority of sounding the alarm in an emergency. Although many colleges may already be there, he reminded the financial aid administrators of the need for these measures.

Students are already galvanizing around these issues and formed groups like Take Back the Night (www.takebackthenight.org) and Green Dot, etc. (<http://livethegreendot.com>) to train students on how to live a safer life on campus. I resolved to give these resources to my entering first-year students. It's a difficult and unpleasant topic to discuss, but some of my students are still immature, naïve, and can't wait to get away from their parents and sail off into the sunset.

In conclusion, colleges now are required to appoint and empower a Clery Act compliance officer, enlarge the geographic coverage for which accidents must be reported, identify and train campus security so that more people know who to notify in case of emergency, and develop a plan that is in keeping with the recently approved VAWA act.

References:

The Federal Department of Education's presentation "*Complying with the Clery Act*" presented on Dec 4, 2014 by James Moore, Clery Act Compliance team. <http://fsaconferences.ed.gov/conferences/library/2014/2014FSAConfSession33.ppt>

VAWA: <http://ifap.ed.gov/eannouncements/102014ViolenceAgainstWomenAct.html>

FERPA: <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

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