

Understanding the Clery Act: What Senior Campus Leaders Need to Know and How to Support Compliance

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The Jeanne Clery Campus Safety Act (Clery Act) is more than a federal requirement. It's a reflection of a college's commitment to safety, transparency, and accountability. For senior leadership, it is critical to understand the broader impact of Clery compliance. While the Clery Act is often associated with campus safety or compliance offices, the responsibility extends across the entire institution. Support from executive leadership is essential to meet both the letter and the spirit of the law.

Clery Act Basics

The Clery Act, passed in 1990, requires institutions receiving federal funds to:

- Collect and disclose statistics on specific crimes that occur on or near campus
- Publish an Annual Security Report (ASR) every October
- Maintain a daily public crime log
- Issue timely warnings and emergency notifications
- Document policies related to safety, substance use, and sexual violence
- Train Campus Security Authorities (CSAs) and coordinate across departments
- Among much more...

Noncompliance can result in financial penalties, loss of federal funding eligibility, and significant reputational harm. The Department of Education continues to enforce Clery requirements through investigations and audits.

What Senior Leaders Should Know

- 1. Clery Compliance Is a Shared Responsibility**
Clery is not only about campus safety. It involves student services, residence life, Title IX, human resources, and academic departments. A successful compliance program depends on collaboration across these areas.
- 2. There Is Legal and Reputational Risk**
Senior administrators can be held responsible for compliance failures and have been. Knowing how the campus tracks Clery responsibilities and supporting those efforts is a critical part of institutional oversight.
- 3. Leadership Sets the Tone**
When presidents, provosts, and vice presidents show that safety and compliance matter, departments follow suit. A dismissive attitude from leadership can lead to gaps in reporting, training, and response.
- 4. Resources Matter**
Clery compliance takes time, coordination, and technical tools. Many campuses underfund compliance efforts, which can lead to mistakes. Senior leadership should make sure the Clery team has the resources, authority, and institutional backing needed to carry out their responsibilities effectively.

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How to Support Clery Compliance on Your Campus

- 1. Designate a Responsible Clery Compliance Officer**

Assign someone with the skills, authority, and time to manage compliance. Whether the role is full-time or integrated with another position, the person must have access to key data sources and support across departments.
- 2. Stay Informed and Involved**

Meet with the Clery Officer regularly to understand where things stand. Ask about barriers, upcoming deadlines, and what they need from leadership to keep processes on track.
- 3. Promote CSA Identification and Training**

Make it a leadership priority to identify and train Campus Security Authorities each year. This group includes staff in athletics, student affairs, housing, and others who are likely to receive crime reports from students.
- 4. Encourage a Culture of Reporting**

Departments should not withhold or filter safety information. Leaders should make it clear that reporting crimes and policy violations to the Clery Officer is a shared duty, not an optional task.
- 5. Fund Technology and Data Management Tools**

Effective compliance depends on tools for tracking incidents, managing geography maps, and documenting notifications. These tools are an investment in both safety and risk management.
- 6. Link Clery to Strategic Goals and Risk Oversight**

Clery compliance connects to accreditation, campus climate, and institutional trust. Include it in board-level and cabinet-level conversations to reinforce its importance.

Top Clery Compliance Failures and Enforcement Actions

- 1. Underreporting or Misclassifying Crimes**
 - **What goes wrong:** Institutions fail to include all required Clery-reportable crimes or misclassify incidents under the wrong category (e.g., calling an aggravated assault a simple assault).
 - **Common triggers for fines:** Failure to report sexual assaults, dating violence, or hate crimes; incorrectly categorizing crimes to reduce their perceived severity.
 - **Example:** *Michigan State University* was fined over \$4.5 million, partly for failing to accurately report sexual assaults connected to the Larry Nassar case.
- 2. Improper or Incomplete Geography Mapping**
 - **What goes wrong:** Institutions report crimes without correctly understanding what qualifies as "on-campus," "public property," or "non-campus property."
 - **Common triggers for fines:** Omitting crimes from affiliated off-campus buildings, nearby sidewalks, or student organization housing.
 - **Example:** *University of Northern Iowa* was cited for failing to report crimes that occurred in areas technically considered public property adjacent to campus.
- 3. Inadequate or Missing Timely Warnings and Emergency Notifications**
 - **What goes wrong:** Institutions delay or fail to issue alerts for ongoing threats or emergencies that require immediate notification.
 - **Common triggers for fines:** Not issuing timely warnings for crimes that pose a serious or continuing threat; failing to send alerts for active shooter or hazardous situations.
 - **Example:** *Eastern Michigan University* was fined after failing to issue a timely warning in a case where a student was murdered in her residence hall.
- 4. Failure to Maintain or Publish an Accurate Annual Security Report (ASR)**

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- **What goes wrong:** ASRs are missing required policy statements, contain outdated data, don't follow their own policy, or are published late.
 - **Common triggers for fines:** Missing policies on sexual violence response, drug and alcohol use, or timely warning procedures; ASRs not distributed to current and prospective students and employees.
 - **Example:** *Salem International University* received a fine for missing policy statements in its ASR and for failing to distribute it properly.
5. **Lack of CSA Identification and Training**
- **What goes wrong:** Institutions fail to identify all employees who meet the definition of a Campus Security Authority (CSA) or do not train them adequately on their reporting responsibilities.
 - **Common triggers for fines:** Failure to collect reports from CSAs, lack of documentation showing CSAs were notified of their roles, or inadequate training programs.
 - **Example:** Multiple institutions have been cited during program reviews for not having a process to notify or train CSAs.
6. **Incomplete or Inaccurate Daily Crime Logs**
- **What goes wrong:** Logs are not updated within two business days, lack required details, or exclude qualifying incidents.
 - **Common triggers for fines:** Not including dates, times, locations, or general nature of the crime; not maintaining public 60-day access to logs.
 - **Example:** This is a common issue uncovered during reviews, even when it does not lead to a formal fine.
7. **Lack of Coordination Between Departments**
- **What goes wrong:** Key departments like Title IX, campus safety, student conduct, housing, and human resources do not share crime information.
 - **Common triggers for fines:** Title IX cases not reported to Clery compliance officers; incidents reported to human resources not reflected in annual statistics.
 - **Example:** In many cases, findings mention poor internal communication as a major contributing factor to violations.

Why These Issues Persist

- **Clery is complex:** It requires legal knowledge, technical skill, and institutional coordination.
- **Decentralized data:** Crime reports often live in different systems or departments.
- **Insufficient training:** Many institutions don't train appropriate staff on how Clery works.
- **Compliance fatigue:** With multiple overlapping federal laws (Clery, VAWA, Title IX, FERPA), campuses may inadvertently drop the ball.

Key Takeaways for Leadership

1. Don't assume compliance is handled just by the campus safety office.
2. Ensure someone owns Clery compliance institution-wide, with proper authority.
3. Invest in systems and training that bring data together and improve reporting accuracy.
4. Encourage cross-departmental communication and documentation.

Final Thought

Supporting Clery compliance is not just about avoiding fines. It's about reinforcing your institution's credibility, transparency, and commitment to student safety. When senior leaders

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take an active role, they help ensure that compliance is done well and that the community knows safety is a *real* priority.

If you haven't already, ask your Clery Compliance Officer a simple question: *What can I do to support your efforts this year?*

Additional Resources:

- Campus Safety Resources ([Dept. of Education](#))
 - A President's Guide to the Clery Act: 2023 Edition ([American Council on Education](#))
 - Clery Act Highlights ([DMI KB – Login Required](#))
 - Developing a Clery Compliance Committee ([DMI KB – Login Required](#))
 - Study Abroad Programs – Clery ([DMI KB – Login Required](#))
 - Timely Warning vs Emergency Notifications ([DMI KB – Login Required](#))
 - Stop Campus Hazing Act ([DMI KB – Login Required](#))
 - Professional Organizations:
 - [National Association of Clery Compliance Officers & Professionals \(NACCOP\)](#)
 - [Clery Center](#)
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