



Campus Safety Update

by Amy J. Borman

AMENDMENTS TO THE CAMPUS SAFETY AND SECURITY REGULATIONS WILL TAKE EFFECT ON JULY 1, 2010. These regulations help instruct post-secondary institutions on how to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act codified at 20 USC 1092(f) as part of the Higher Education Act of 1965. The regulations were amended by the Secretary of Education on October 29, 2009.

The Clery Act - Background

The Clery Act, originally known as the Campus Security Act of 1990, requires colleges and universities to disclose information about crime on and around campus. The Act is applicable to any public or private institution participating in federal student financial aid programs. It was renamed in 1998 after Jeanne Clery, a 19 year-old Lehigh University freshman, who was raped and murdered while asleep in her residence hall in 1986.

Under the Clery Act, institutions are required to publish an annual security report by October 1 that includes three years of campus crime statistics. These crime statistics must be broken down both categorically (criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and arson), and geographically (on-campus, residential facilities for students on campus, non-campus buildings and public property). The report also is to include a security policy statement explaining sexual assault policies, the law enforcement authority of campus policy and where students should go to report crimes.

The Clery Act further mandates access to information, including a timely warning when there is an ongoing threat to students and employees and a public

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crime log that covers all incidents reported to campus police. The crime log must specify the nature, date, time and general location of each crime.

Clery Act Amendments

One of the new amendments creates additional requirements to the annual security report. Beginning on July 1, 2010, this report is required to contain a statement of policy regarding emergency response and evacuation procedures. This statement is to include the process the institution will use to confirm a significant emergency, determine the appropriate segment of the campus community to receive notification and initiate the notification system. Additionally, the institution needs to indicate the procedures for both disseminating emergency information as well as annually testing the emergency response and evacuation plan.

If the institution provides on-campus housing, it also will be required to include a statement of policy regarding missing student notification procedures in its annual security report. This statement must indicate to whom individuals should report if a student has been missing for more than 24 hours. Additionally, under this amendment, an institution is required to refer any missing student report immediately to the police or campus security.

The amendments also include a new “fire safety policies and statistics” regulation. By October 1, 2010, an institution that maintains on-campus student housing must prepare an annual fire safety report that includes a description of each on-campus student housing facility fire safety system; the number of fire drills held during the previous calendar year; the institution’s policies on portable electrical appliances, smoking and open flames in a student housing facility; the institution’s procedures for student housing evacuation in the event of a fire; policies regarding fire safety education and training programs for students and employees; and plans for future improvements in fire safety. The annual report also must include fire statistics concerning the number of fires, the cause, the number of deaths related to a fire and any property damage.

Finally, the amendment requires institutions to provide students and staff access to the annual fire report as well as the annual security report. Prior to this amendment, institutions only were required to provide access to the annual security report. Now, institutions must distribute both reports to current students and employees as well as provide prospective students and staff notice of where to receive access.

Should you have any questions concerning the Clery Act Amendments, or advice concerning policies required by the Amendment, please contact Ms. Borman.



Ms. Borman is a member of the Firm and located primarily in our Columbus office. She has significant experience in advising clients on compliance with emerging legislative and statutory issues in the areas of education and business law. Ms. Borman can be reached at 419-564-1445.

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