Jeanne Clery Act Update

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Jeanne Clery

- Raped & Murdered On-Campus April 5, 1986
- Prior Violence Unknown To Students
Jeanne Clery Act
- Crime Awareness and Campus Security Act of 1990
- Campus Sexual Assault Victims' Bill of Rights (1992)
- Campus Sex Crimes Prevention Act (2000)

Clery Act Update
- Higher Education Act Reauthorization Bills
- Havlik v. Johnson & Wales University
- Dept. of Ed. Rulings & Fines
- Clery Act Training
2008 HEA Reauth.

S. 1642, Passed The Senate July 24, 2007

Emergency Notification

New Annual Policy Disclosure
“Immediate Emergency Response and Evacuation”
Emergency Notification

“Immediate Threat” Notice (incl. cellular & electronic)
Involving Health or Safety
Publicized & Tested Annually

Emergency Notification

“Not more than 30 minutes” in House bill
“Reasonable and timely manner” in Senate bill
New ED Activities

- Annual Compliance Report
  - School’s Compliance With Clery
  - ED’s Monitoring Of
- Work With DOJ On “Best Practices” For Campus Safety & Emergencies

House Bill

- Adds Crime Categories
- Only Degree Granting Institutions Report Hate Crimes
- Adds Anti-Retaliation Provisions
House Crime Categories
- Intimidation
- Larceny-Theft
- Vandalism
- Simple Assault

Technical Amendments
- Would Exclude Foreign Institutions
- Changes Congressional Committee References To “Authorizing Committees”
Havlik v. J & W Univ.

- U.S. Court of Appeals Ruling (1st Cir.) Dec. 2007
- 2007 U.S. App. LEXIS 28075
- Protected From Defamation
- Claim Over Clery “Timely Warning” Naming Accused Student

Timely Warnings

- Ohio State University (2006)
  - Acquaintance Rape Warnings Must Be Considered “Case By Case”
  - Timely Warning Should Have Been Issued After Suspects Removed
Edu. Dept. Rulings

- Eastern Michigan University $357,500 Fine
- La Salle Univ. $110,000 Fine

Appeals Process

Clery Act Training