

Jeanne Clery Act Update



Security On Campus, Inc.

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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)
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1998)
- 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
- H.R. 4137, Passed The House Ed. & Labor Cmt. November 15, 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”
- La Salle U. (2006)
 - 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

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