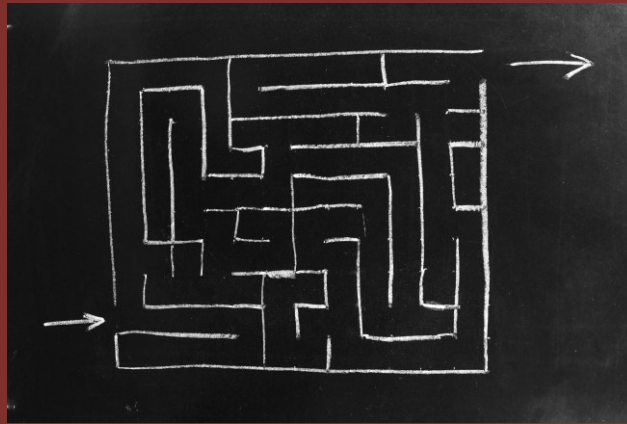




THE CLERY ACT FOR TITLE COORDINATORS AND DEPUTY COORDINATORS



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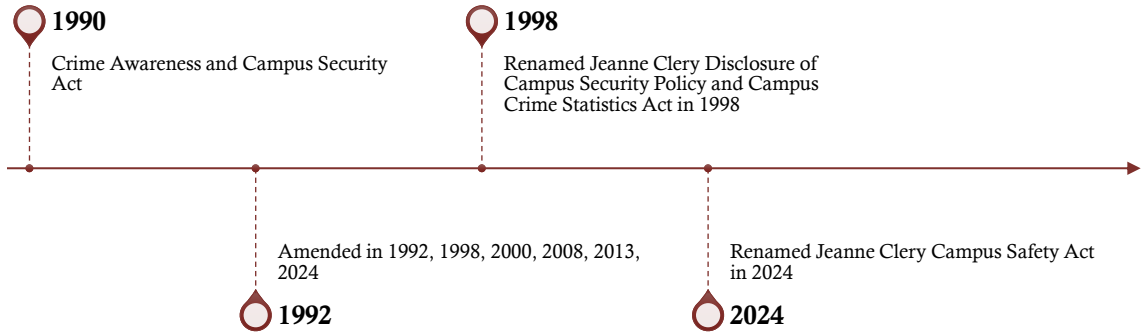
AGENDA

- Overview of the Clery Act.
- Understanding what and who a Campus Security Authority is and how they intersect with Responsible Employees (or other reporting officials under Title IX.)
- Training requirements for employees and students under both laws.
- Considerations with minors on campus under both laws, including minors as students pursuing an academic program as well as minors in camps or other programs.
- Drafting and Implementing Procedures for Resolution.
- Unpacking the written explanation of rights and options under the Clery Act in conjunction with the supportive measures required by Title IX.
- Understanding where and how the laws intersect, overlap, and create different obligations for postsecondary institutions in their written policies and procedures.

2



THE LEGISLATION



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THE PURPOSE OF THE CLERY ACT

To provide the campus community with timely, accurate and complete information about crime and the safety of campus so that they can make informed decisions to keep themselves safe.

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CONSEQUENCES OF NONCOMPLIANCE



A suspension or limiting of the institution's Title IV funding



The institution's name will be provided to Congress by Secretary of ED



ED can issue civil fines for each violation



Final Review Determination Reports are public records (<https://studentaid.gov/data-center/school/clery-act-reports>)



The institution will receive negative media attention



THREE PART TEST FOR REPORTING AND DISCLOSING OFFENSES

1. Was the crime reported to a Campus Security Authority or local law enforcement agency?
2. Is the crime a Clery Act crime?
3. Did the crime occur on or within the institution's reportable Clery Geography?



CAMPUS SECURITY AUTHORITIES

1

Even at institutions with a police department on campus, a student who is the victim of a crime may be more inclined to report it to someone other than the campus police.

2

For this reason, the *Clery Act* requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be “Campus Security Authorities.”

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WHO QUALIFIES AS A CSA?

Function, Function, Function!!!!!!

Because official responsibilities and job titles vary significantly on campuses, an all-inclusive list of specific titles and positions is not provided in the regulations.

To determine specifically which individuals or organizations are campus security authorities for your institution, consider the function of that individual or office.

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CAMPUS SECURITY AUTHORITIES

Group 1: All members of campus police/security department

Note: A security department can be as small as one person.

Group 2: Individuals responsible for security—which includes student or professional employees

Access monitor—any institution owned or controlled facility (including parking facilities)

Contract and Event security, such as for sporting events or large, registered parties, or

Individuals who provide safety escorts around campus (including other students)



CAMPUS SECURITY AUTHORITIES

Group 3: Officials of the institution with significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings

“Official” is defined as any person who has the authority and duty to take action and respond to particular issues on behalf of the institution.



CAMPUS SECURITY AUTHORITIES

Group 4: Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

- What does your Annual Security Report (ASR) say?
- Who should a crime be reported to?

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WHO IS EXEMPT FROM CSA STATUS?

Professional Counselors

- Includes individuals who are unlicensed and uncertified but acting under the supervision of an exempt counselor, e.g., a graduate student doing an internship.

Pastoral Counselors

- NOTE: These positions are exempt only when acting within the scope of their duties as a counselor or trainee.

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A CSA'S PRIMARY RESPONSIBILITY IS...

to report allegations of Clery Act crimes they receive to the reporting structure established by the institution.

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REPORTED CRIMES

Under the *Clery Act*, a crime is “reported” when it is brought to the attention of a campus security authority, the institution’s police department or campus safety office, or local law enforcement personnel by a victim, witness, other third party or even the offender.

If a Campus Security Authority receives a report, he or she must include it as a crime report using whatever procedure has been specified by your institution.

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REPORTED CRIMES

What you must include, therefore, are **statistics based on reports of alleged criminal incidents**.

It is not necessary for

the crime to have been investigated by the police or a campus security authority,
nor must a finding of guilt or responsibility be made
to include the reported crime in your institution's crime statistics.

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CHECK IN

How do Campus Security
Authorities intersect with
Responsible Employees (or
other reporting officials) under
Title IX?



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WHEN A CSA REPORTS A CRIME...



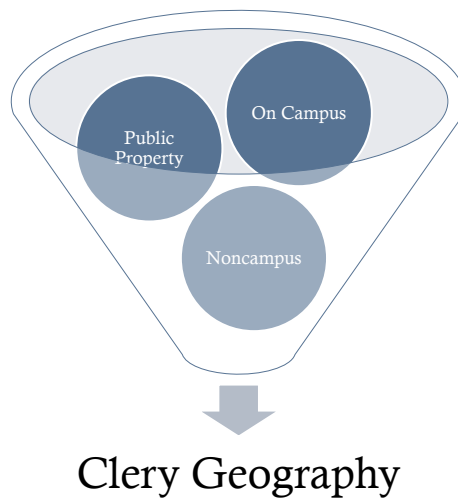
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CLERY GEOGRAPHY



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DEFINITION #1 OF ON CAMPUS



Owned or controlled by the institution



Within the same reasonably contiguous geographic area and



Used in direct support of, or in a manner related to, the institution's educational purposes:

Academic, Administrative and Support Buildings
Residence halls and other on campus housing facilities
"On campus" fraternity & sorority houses

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DEFINING CONTROL

- Controlled by means that your institution (or an institution-associated entity) directly or indirectly rents, leases, or has some other type of written agreement (including an informal written agreement such as a letter or an email) for a building or property or a portion of a building or property.
- Even if there is no payment involved in the transaction, under Clery, a written agreement for use of space gives your institution control of that space for the time period specified in the agreement.

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"REASONABLY CONTIGUOUS"

Reasonably contiguous refers to a building or property your institution owns or controls that's in a location that you and your students consider to be, and treat as, part of your campus

Generally speaking, it is reasonable to consider locations **within one mile of your campus border** to be reasonably contiguous with your campus.

However, this determination must be made on a case by case basis by taking into consideration the circumstances of the campus and the location.



ON-CAMPUS STUDENT HOUSING FACILITIES

On campus student housing facilities, a.k.a. Residential Facilities, are a subset of the On-Campus category.

Basically, this results in institutions "double counting" occurrences of crime:

in the On-Campus category and

in the On-Campus Student Housing Facilities category.

ON-CAMPUS STUDENT HOUSING FACILITIES

On-Campus Student Housing Facilities include any student housing facility that is:

owned or controlled by the institution,

or is located on property that is owned or controlled by the institution,

and is within the reasonably contiguous geographic area that makes up the campus.

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DEFINITION #2 OF ON CAMPUS

Any building or property reasonably contiguous to the campus that is:

- Owned by the institution but controlled by another person
- Frequently used by students, and
- Used to support institutional purposes...
 - Restaurants or food vendors
 - Bookstores or other retail vendors

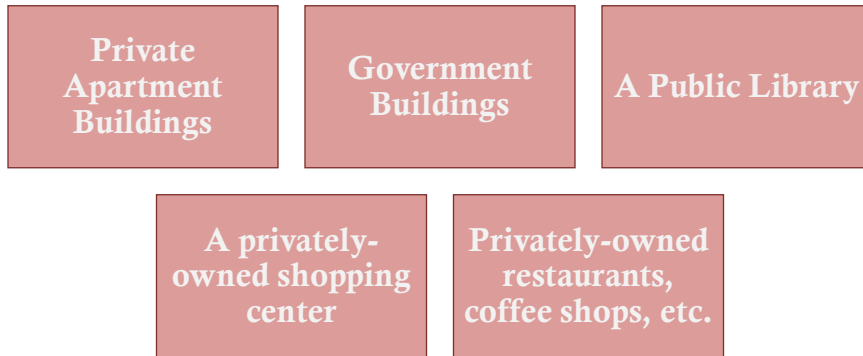


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EXAMPLES OF WHAT NOT* TO REPORT IF THEY ARE WITHIN YOUR CAMPUS



* Unless your institution has a written agreement to use any of these spaces.

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DEFINITION #1 OF NONCAMPUS

Any building or property that is not part of the campus, does not fit the definition of a separate campus, and is:

- Owned or controlled by the institution
- Used in direct support of or in relation to the institution's educational purposes, and
- Frequently used by students

For example, remote classrooms or non-contiguous student housing (i.e., > 1 mile away)

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WHAT ARE "EDUCATIONAL PURPOSES?"

Classes

Housing

Internships

Jobs or Work Study

To access campus services like parking office, counseling center, student health center, etc.

To play sports

ANY USE INVOLVING STUDENTS...

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LIMITS OF CONTROL

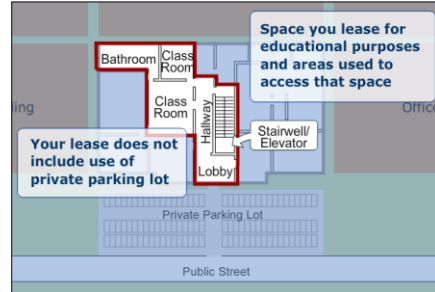
What about buildings or property your institution rents or leases to hold classes on a part-time basis?

- Report crimes that occur during the time covered by your agreement.
- For example, if you lease classroom space in a publicly owned high school or a municipal athletic field, report only the crimes that occur during the days and times covered by your lease or rental agreement.

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LIMITS OF CONTROL

- Include the portions of the space covered by the written agreement as well as any other areas of the building that your students or employees must use to access the contracted space during that time
 - Lobby
 - Hallway
 - Stairwell/Elevator
 - Parking lot
(if addressed by the written agreement)



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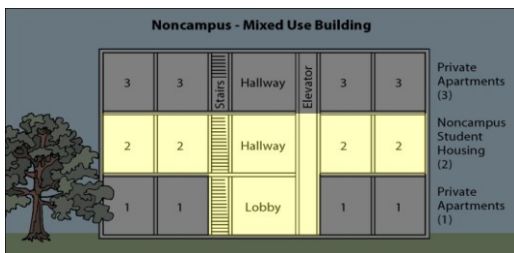
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MIXED USE APARTMENT BUILDINGS

The college leases the 2nd floor of an off-campus apartment building to house students. The college must disclose statistics in the non-campus category for crimes reported to have occurred on the 2nd floor, the lobby, and the stairs and elevator that students use to access the second floor.



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REPEATED USE OF OFF-CAMPUS LOCATIONS

Repeated use of a location for school-sponsored trips: If your institution sponsors students on an overnight trip **every year** and the students stay in the **same hotel each year**, you must include portions of the hotel in your noncampus geography.

For example, students in the debate club take a trip to Washington, D.C. and stay at the same hotel every year. You must include in your statistics any crimes that occur in the rooms used by your students and any common areas used to access the rooms (lobby, elevators, etc.) for the times and dates specified in the rental agreement.

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TRIPS TO OFF-CAMPUS LOCATIONS

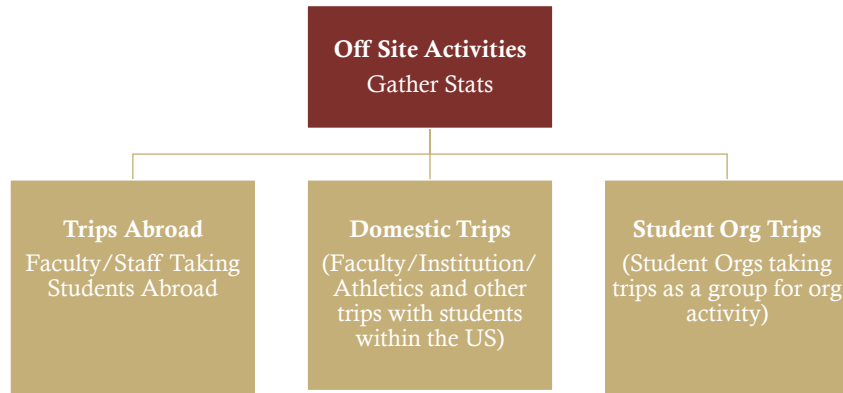
- **Short-stay “away” trips:** If your institution sponsors short-stay “away” trips of *more than one night* [emphasis added] for its students, all locations
 - used by students during the trip,
 - controlled by the institution during the trip and
 - used to support educational purposes
 should be treated as Noncampus property.
- An example is a three-week marine biology study trip to Florida. Any classroom or housing space specified in the agreement between the institution and a third-party providing the space would be noncampus property.

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HOW TO COMPLY: FIGURE OUT THE WHY, WHERE, AND HOW LONG



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DEFINITION #2 OF NONCAMPUS

- Any building or property owned or controlled *by a student organization* that is officially recognized by the institution.
 - This is the only Clery-reportable location not owned or controlled by the institution.
 - Count incidents in the house and yard, i.e., all property owned and controlled by the organization.
 - Registration = Recognition, thus—don't over think it.

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PUBLIC PROPERTY

All public property, including thoroughfares, streets, sidewalks, that is within the campus, or immediately adjacent to and accessible from the campus.

4 other types of Public Property:

- Public Parks
- Public Parking Facilities
- Public Waterways
- Public Transit Stations/Stops

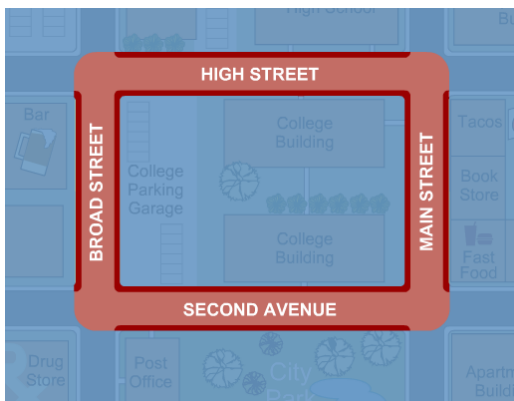
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PUBLIC PROPERTY EXAMPLE

The college's public property consists of the public sidewalk, street and opposite sidewalk along all four borders of the campus.

Nothing beyond the second sidewalk is included in the college's public property.



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USING A GEOGRAPHIC MAP

Accurate picture

Update annually

Separate maps for each campus

In complying with the statistical reporting requirements, an institution may provide a map that depicts its campus, Noncampus buildings or property, and Public Property areas if the map accurately depicts the its campus, Noncampus buildings or property, and Public Property.

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DEFINITION OF SEPARATE CAMPUS

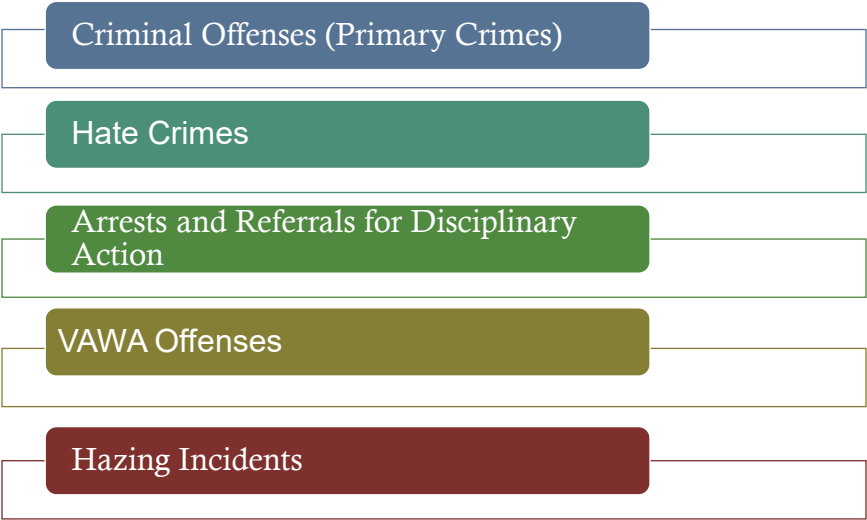
- Your institution owns or controls the site;
- It is not reasonably geographically contiguous with the main campus;
- It has an organized program of study; and
- There is at least one person on site acting in an administrative capacity.
- If a location meets the criteria for a separate campus at any point during a calendar year, it should be treated as a separate campus for that full year.

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GENERAL CRIME CATEGORIES



GENERAL CRIME CATEGORIES



Statistics must be disclosed separately for **each of these general categories**.



This means that when an incident meets definitions in more than one of these categories, it must be reported **in each category**.



SOURCES OF CRIME DEFINITIONS

FBI UCR Summary Reporting System (SRS) User Manual

Murder; Manslaughter by Negligence; Rape; Robbery; Aggravated Assault; Burglary, Motor Vehicle Theft; Arson; Weapons: Carrying, Possessing, Etc.; Drug Abuse Violations; and Liquor Law Violations

FBI UCR National Incident-Based Reporting System (NIBRS) Data Collection Guidelines

Fondling, Incest, and Statutory Rape

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SOURCES OF CRIME DEFINITIONS

FBI Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual

Hate Crimes (Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property)

ED Clery Act Regulations at 34 CFR §668.46(a)

Dating Violence, Domestic Violence, and Stalking

20 U.S.C. §1092(f) Jeanne Clery Campus Safety Act
Hazing

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CLERY ACT GUIDELINES

Classify and count crimes from the records of calls for service, complaints and investigations.

You must **include in your crime statistics the number of all reported offenses**, without regard to the findings of a

court,

coroner

jury, or

the decision of a prosecutor.

You also should not consider the outcome of the student conduct process when classifying and counting offenses.

RESPONSIBILITY FOR CLASSIFYING OFFENSES

"The Department [of Education] must emphasize that the proper classification of an incident is not in any regard dependent on the label that a victim or witness uses to describe it. Rather, a competent institutional official with the requisite knowledge and experience must evaluate the available information and determine the crime classification(s) that apply to the particular set of case facts" (University of Saint Thomas FPRD, 2017, p. 10 [emphasis added]).

PRIMARY CRIMES (UCR PART 1)

Criminal Homicide

- Murder & Nonnegligent Manslaughter
- Manslaughter by Negligence

Sexual Assault (Sex Offenses)

- Rape
- Fondling
- Incest
- Statutory Rape

Robbery

Aggravated Assault

Burglary

Motor Vehicle Theft

Arson

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MURDER & NONNEGLIGENT MANSLAUGHTER

The willful killing of one human being by another.

Count: One offense per victim

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GENERAL RULE: CRIMINAL HOMICIDE

Any death caused by injuries received in a:

- fight,
- argument,
- quarrel,
- assault, or
- the commission of a crime

is classified as Murder and Non-negligent Manslaughter.

MANSLAUGHTER BY NEGLIGENCE

Classify as Manslaughter by Negligence: Any death caused by Gross Negligence of another.

Gross Negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

SEXUAL ASSAULT



Sexual assault means an offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape as used in the FBI's UCR program and included in Appendix A of this subpart.

Sexual assault, a.k.a. Sex Offenses, involves "any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent."

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RAPE

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Count one offense per victim.

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RAPE



This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol).

Physical resistance is not required on the part of the victim to demonstrate lack of consent.

FONDLING

Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.

CLERY REPORTING REMINDER: NIBRS CHANGES DO NOT AFFECT CLERY DEFINITIONS; WE BELIEVE DO IMPACT TITLE IX...

What Prompted the Confusion?

On June 23, 2025, the FBI released an updated UCR NIBRS User Manual, which included a terminology change, replacing “Fondling” with “Criminal Sexual Contact” and expanding the definition for UCR purposes. **NACCOP reached out to the Clery Branch and Help Desk** to ask whether these changes affect Clery reporting.

The Official Response

The Help Desk confirmed: “For Clery Act purposes, institutions should use the definitions as they are found in the Clery Act statute and regulations.” Specifically, the definition of **Fondling** remains:

“The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including incidents where the victim is incapable of giving consent because of age or temporary or permanent mental incapacity.”

This is the exact language found in Appendix A, and it remains the standard for Clery classification.

What This Means for Institutions

Do not adopt new UCR terminology for Clery reporting.

Continue using Appendix A definitions when classifying and counting Clery crimes.

Monitor for future updates but know that UCR changes do not automatically affect Clery obligations.

Until Appendix A is formally revised, institutions should treat external changes, such as those in the NIBRS manual, as non-binding for Clery purposes.

TITLE IX UPDATE: NIBRS REDEFINES “FONDLING” AS “CRIMINAL SEXUAL CONTACT”

What Changed? In June 2025, the FBI released its updated *Uniform Crime Reporting (UCR) NIBRS User Manual*, replacing the term *fondling* with *criminal sexual contact*. As you read above, this change **does not affect Clery Act reporting definitions, but it does carry implications for Title IX policy and enforcement.**

New Definition: Criminal Sexual Contact (NIBRS 2025)

The intentional touching of the clothed or unclothed body parts of another person, without the consent of the victim, for the purpose of sexual gratification, sexual humiliation, or sexual degradation.

Key Differences from the Previous Definition

Expanded Intent: Includes *sexual humiliation* and *sexual degradation*, not just *gratification*.

Broader Scope of Touching: Applies to *any body part*, clothed or unclothed and no longer limited to “private” areas.

No Age or Incapacity Requirement: Unlike Clery’s definition of fondling, NIBRS does not require the victim to be incapable of consent due to age or mental condition.

WHY THIS MATTERS FOR TITLE IX

Under the 2020 Title IX Rule, sexual assault is defined by reference to FBI UCR definitions. With NIBRS now in effect, institutions must recognize that **more conduct may now qualify as sexual assault under Title IX than previously captured by the narrower fondling definition.**

Examples of newly qualifying conduct may include:

Non-consensual touching of a person's clothed arm, leg, or back for purposes of sexual humiliation.

Forced touching of a perpetrator's body by the victim, even if not involving private parts.

Institutional Action Steps

Update Title IX policies to reflect the expanded definition of criminal sexual contact. (****You may still call the conduct "Nonconsensual Touching or Nonconsensual Contact BUT you must use the new definition.)

Train Title IX staff and decision-makers on the broader scope of qualifying conduct.

Clarify classification protocols to ensure consistency with federal expectations.

Communicate changes to campus stakeholders to reinforce understanding and compliance.

INCEST

Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.



STATUTORY RAPE

Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.

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CONSENT

The ability of the victim to give consent must be a professional determination by a law enforcement agency.

Note that, while the definitions of Sexual Assault include lack of consent as an element of the offense, for the purposes of including a reported Sexual Assault in Clery Act statistics, no determination as to whether that element has been met is required.

Therefore, all Sexual Assaults that are reported to a campus security authority must be included in your Clery Act statistics and also included in your crime log (if you are required to have one), regardless of the issue of consent.

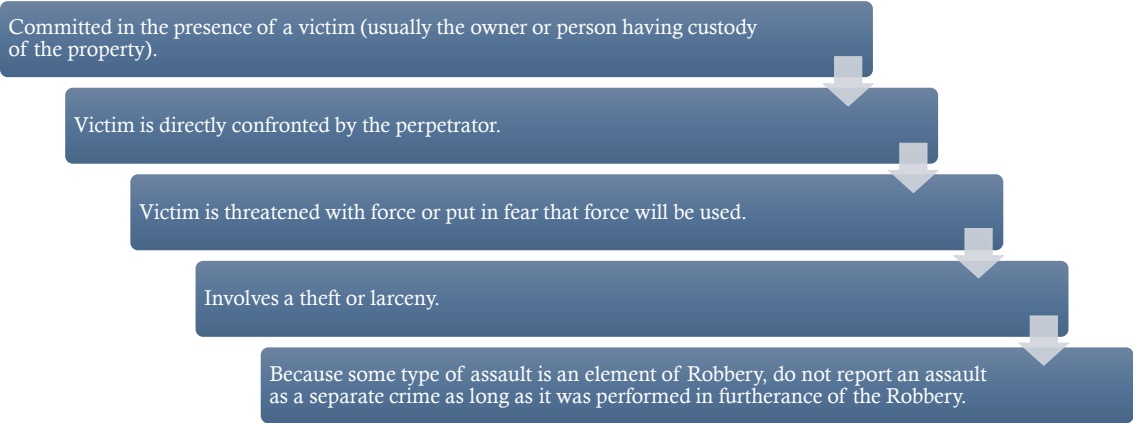
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ESSENTIAL ELEMENTS OF ROBBERY



ROBBERY

COUNT: ■ One offense for each distinct incident, including attempts. ■ Carjacking counts as Robbery only and not as a Motor Vehicle Theft. ■ If the victim offers “resistance”	DO NOT COUNT: ■ The number of: ■ Offenders, ■ Victims, or ■ People present ■ If force or threat of force doesn’t exist - such as a pick-pocket or purse snatching.
--	--

Aggravated Assault



Type of weapon employed or use of an object as a weapon

Seriousness of the injury

Intent to cause serious injury

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AGGRAVATED INJURIES

Broken Bones

Internal Injuries

Stitches

Loss of Teeth

Severe Laceration

Loss of Consciousness

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BURGLARY

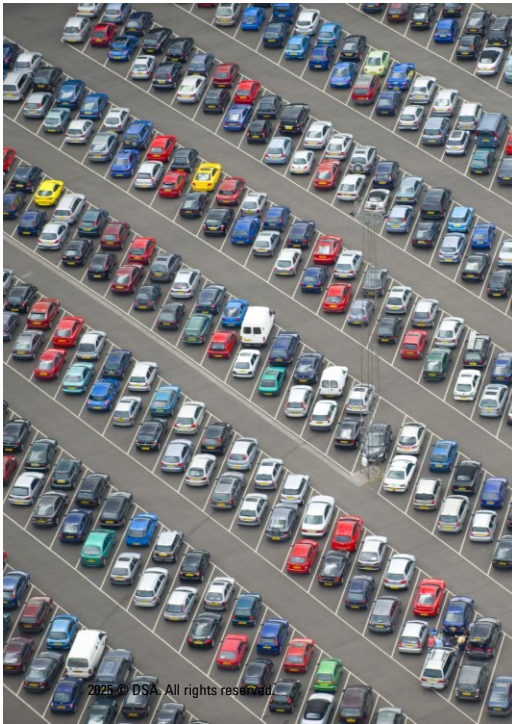
An incident must meet **three conditions** to be classified as a Burglary.

- 1. There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry – no force are counted.
- 2. The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door.



COUNTING BURGLARY OFFENSES

On Campus Student Housing Facilities	Academic/Administrative Buildings
▪ Each bedroom in a student housing facility suite is considered a separate dwelling. ▪ In suite-style residential facilities, count unlawful entry into the common area of a suite as a separate Burglary statistic.	▪ Use Hotel Rule if the Burglaries occurred as part of the commission of one crime (typically under the control of a single manager).



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MOTOR VEHICLE THEFT

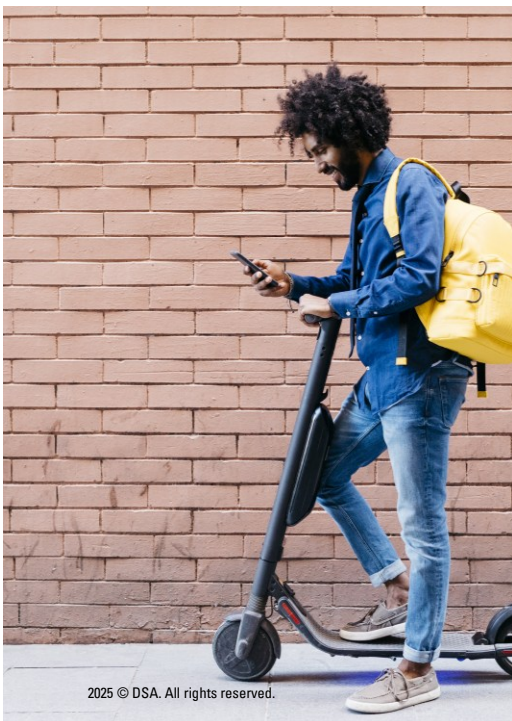
Count: One offense for each stolen vehicle.

- If taken by a person who doesn't have legal access or owner consent.
- Include attempts and joyriding, even if the vehicle is recovered.

Do Not Count:

- Taking a vehicle for temporary use when prior authority has been granted or can be assumed, such as in family situations, rental car agreements, or unauthorized use by chauffer's and others having lawful access to the vehicle.

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OTHER VEHICLES THAT COUNT AS MOTOR VEHICLE THEFT

Golf Cart

Trail Bike

Moped

Self-Propelled
Motor Home

Motorcycles

Motor Scooters
& Motorized
Wheelchair

All-Terrain Vehicles

Snowmobiles

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OTHER VEHICLES THAT DO NOT COUNT AS MOTOR VEHICLE THEFT



Farm
Equipment

Bulldozers

Airplanes

Construction
Equipment

Motorboats

Sailboats

Houseboats

Jet Skis

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CLASSIFY AS ARSON

Only fires determined to have been willfully or maliciously set.

The Clery Act requires institutions to disclose all Arsons that occur on their Clery Act geography. This includes seemingly minor fires such as burning wastebaskets or bulletin boards, regardless of whether they are discovered while burning or after being extinguished.

All of the evidence for any fire not known to be accidental (such as a cooking fire) must be considered by the institutional official designated to make such determinations.

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01

Count one offense for each distinct incident.

02

Count all fires determined to be arsons by the institutional official designated to make such determinations.

03

Count most serious other offense and arson—if there are multiple offenses.

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ATTEMPTED CRIMES

Do not differentiate between attempted and completed crimes—the only exception is that there is not offense of Attempted Murder.

“Attempted Murders” are counted as Aggravated Assaults.

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HIERARCHY RULE APPLICATION

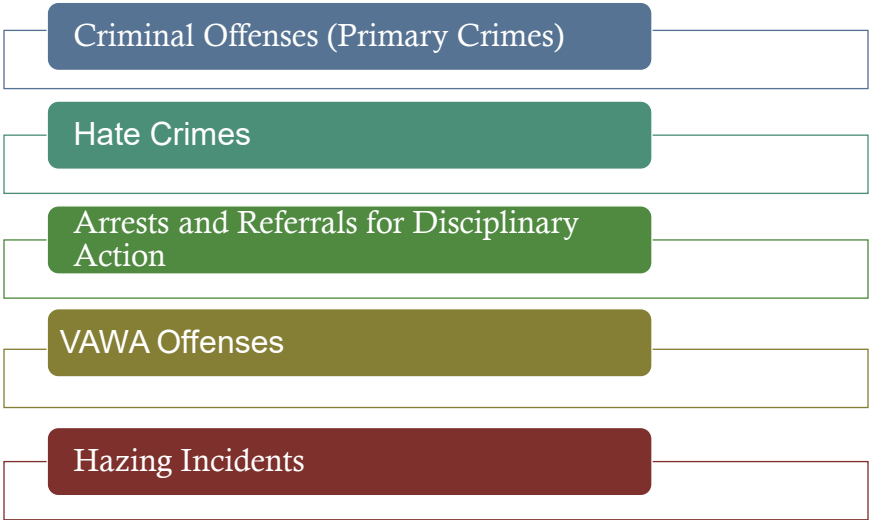
Applies To:

- Criminal Offenses (Primary Crimes) *except* Arson:
 - Murder and Non-negligent Manslaughter
 - Manslaughter by Negligence
 - Sexual Assault
 - Robbery
 - Aggravated Assault
 - Burglary
 - Motor Vehicle Theft

Does Not Apply To:

- Hate Crimes
- Arson
- Arrests and Referrals for Disciplinary Action
 - Liquor Law Violations
 - Drug Law Violations
 - Weapon Law Violations
- VAWA Offenses
 - Domestic Violence
 - Dating Violence
 - Stalking

GENERAL CRIME CATEGORIES





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HATE CRIMES

A **hate crime** is “a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim” (2016 Handbook, 3-25).

Bias is “a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, ethnicity, [national origin], gender, or gender identity” (FBI, 2015, p. 31).

Source for this section: FBI Hate Crime Data Collection Guidelines and Training Manual (2015)

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HATE CRIME OFFENSES CATEGORIES

Group A

Murder and Non-negligent Manslaughter

Sexual Assault

Rape,

Fondling,

Incest and

Statutory Rape

Robbery

Aggravated Assault

Burglary

Motor Vehicle Theft

Arson

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CATEGORIES OF BIAS

Race

- Religion
- Ethnicity
- National Origin

Gender

- Sexual Orientation
- Disability
- Gender Identity

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DETERMINING BIAS MOTIVATION

The 2016 Handbook states:

“Before an incident can be reported as a hate crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender’s actions were motivated, in whole or in part, by bias” (3-30).

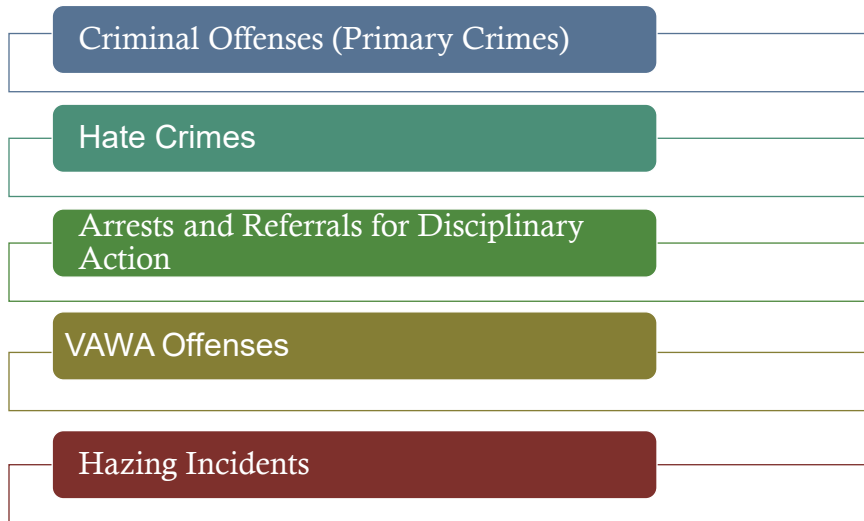
The Handbook identifies facts that are *supportive* of a finding of bias on pages 3-30 through 3-31.

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GENERAL CRIME CATEGORIES



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DISCLOSING ARREST & REFERRAL STATISTICS

*“You must report statistics for **violations of the law resulting in arrests or persons being referred for disciplinary action.**”*
(Handbook, 2016, p. 3-42).

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ASSESSING LAWS/ORDINANCES

*“Because state laws and local ordinances vary widely, **you need to ascertain the specific laws and ordinances that apply to your institution.**”*

(Handbook, 2016, p. 3-42).



WEAPON LAW VIOLATIONS

The violation of laws or ordinances prohibiting the:

- Manufacture
- Sale
- Purchase
- Transportation
- Possession
- Concealment or
- Use

of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

WEAPON LAW VIOLATIONS

- This classification encompasses weapons offenses that are regulatory in nature.
- Agencies must include:
 - manufacture, sale, or possession of deadly weapons;
 - carrying deadly weapons, concealed or openly;
 - using, manufacturing, etc. of silencers;
 - furnishing deadly weapons to minors;
 - aliens possessing deadly weapons; and
 - attempts to commit any of the above.

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DRUG LAW VIOLATIONS

Violations of laws prohibiting the production, distribution, and/or use of

certain controlled substances and

the equipment or devices utilized in their preparation and/or use.

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DRUG LAW VIOLATIONS

Arrests [and referrals] for violations of state and local laws, specifically those related to the unlawful

possession

sale

use

growing

manufacturing

making

of narcotic drugs.

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LIQUOR LAW VIOLATIONS

The violation of state laws or local laws/ordinances prohibiting the:

Manufacture

Sale

Purchase

Transportation

Possession

Use

of alcoholic beverages.

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LIQUOR LAW VIOLATIONS

Agencies must include:

- Manufacture, sale, transporting, furnishing, possessing, etc. of intoxicating liquor
- Maintaining unlawful drinking places
- Bootlegging and operating a still
- Furnishing liquor to a minor or intemperate person
- Underage possession
- Using a vehicle for illegal transportation of liquor
- Drinking on train or public conveyance
- Attempts to commit any of the above

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DO NOT INCLUDE IN YOUR STATISTICS...

Policy violations
(count only law
violations)

Drunkenness*

DUI/DWI

*Do not include drunkenness unless state law classifies drunkenness as internal possession and a violation of possession laws.

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DEFINITION OF ARRESTS

Persons processed by arrest, citation or summons.



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REFERRED FOR DISCIPLINARY ACTION

The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

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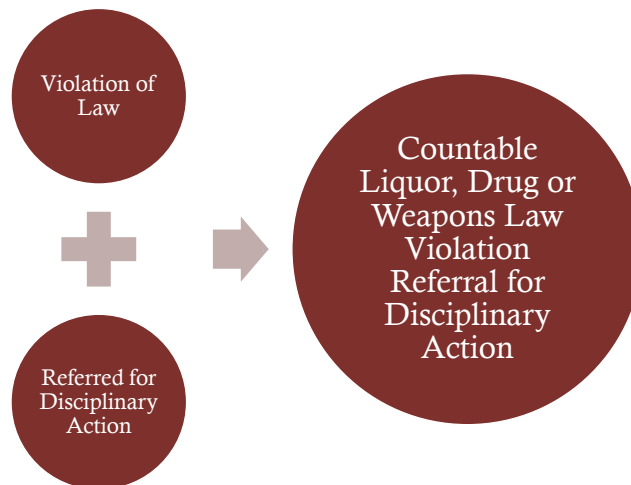
DISCLOSING REFERRAL STATISTICS

“You must report statistics for **violations of the law resulting in arrests or persons being referred for disciplinary action.**

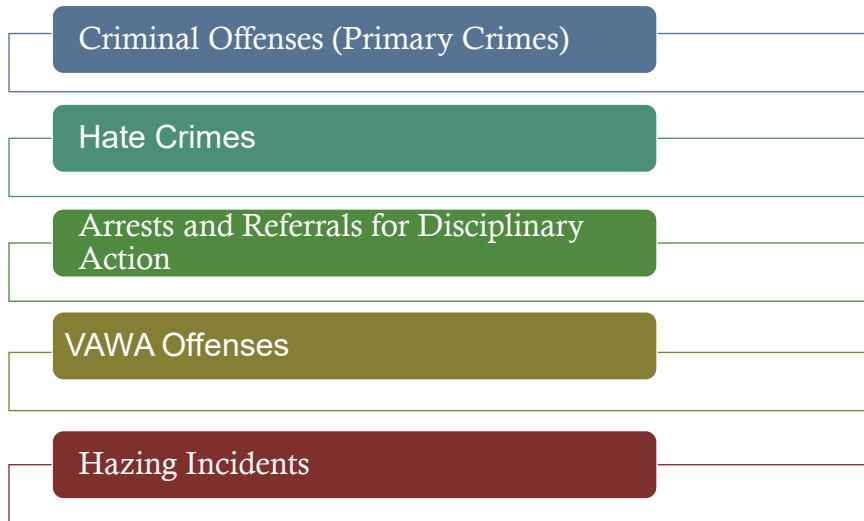
Do not include [in your crime statistics] violations of your institution’s policies that:
resulted in persons being referred for disciplinary action

IF there was no violation of the law” (*emphasis added*, Handbook, 2016, p. 3-42).

DISCLOSING REFERRAL STATISTICS



GENERAL CRIME CATEGORIES



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VAWA OFFENSES



***VAWA* Offenses**—Any incidents of Domestic Violence, Dating Violence and Stalking.

Note that Sexual Assault is also a *VAWA* Offense but is included in the Criminal Offenses category for *Clery Act* reporting purposes.

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DOMESTIC VIOLENCE

■ A felony or misdemeanor crime of violence committed by:

- a) a current or former spouse or intimate partner of the victim,
- b) by a person with whom the victim shares a child in common,
- c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred OR
- e) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

DATING VIOLENCE

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - ii. For the purposes of this definition—
 - A. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B. Dating violence does not include acts covered under the definition of domestic violence.

STALKING

i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

A. Fear for the person's safety or the safety of others; or

B. Suffer substantial emotional distress.

ii. For the purposes of this definition—

A. *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means-- follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.



STALKING

B. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

C. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.



RECORDING REPORTS OF STALKING

- ii. when recording reports of stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a campus security authority.

NOTE: A course of conduct should be counted as a single incident of stalking regardless of the number of stalking-related behaviors or activities reported during the same calendar year.

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RECORDING REPORTS OF STALKING

- ii. An institution must record each report of stalking as occurring at only the first location within the institution's Clery Geography in which:

A.A perpetrator engaged in the stalking course of conduct; **or**

B.A victim first became aware of the stalking.

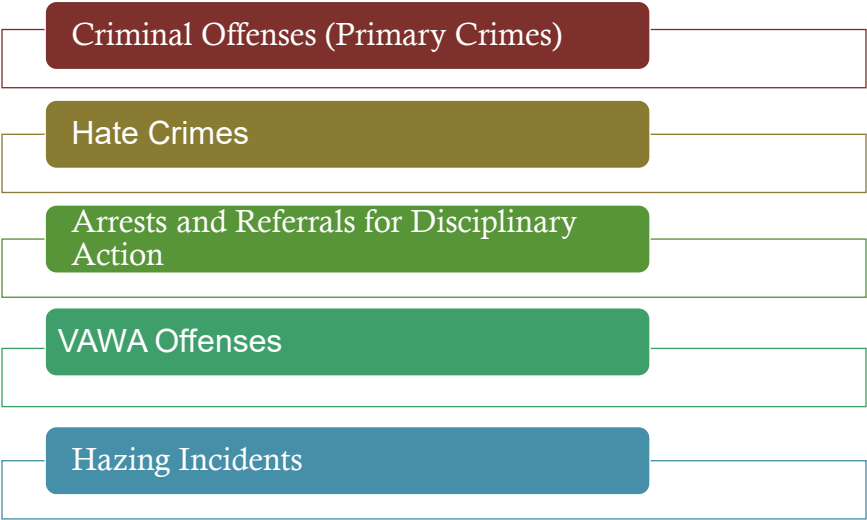
- It is not necessary for all activities in the course of conduct to occur on Clery Act geography in order to count the incident. A Stalking incident in which only one or some of the activities took place on Clery Act geography must be included in the reported statistics.

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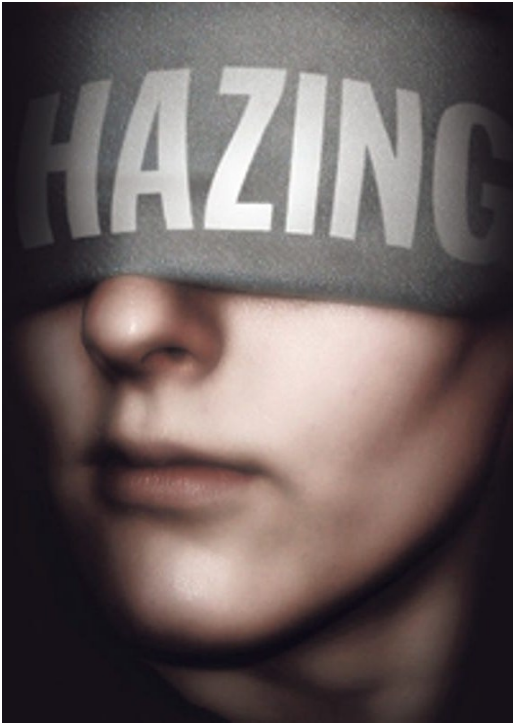
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GENERAL CRIME CATEGORIES



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STOP CAMPUS HAZING ACT

Establishes Hazing as a Clery Crime (standardized definition)	Adds new ASR policy statements
Requires campus-wide evidenced-informed prevention education	Require Campus Hazing Transparency Report

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HAZING

Any intentional, knowing, or reckless act

committed by a person (whether individually or in concert with other persons),

against another person or persons regardless of the willingness of such other person or persons to participate, that —

is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and

causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including —

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PHYSICAL OR PSYCHOLOGICAL INJURY

whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;

causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;

causing coercing, or otherwise inducing another person to perform sexual acts;

any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;

any activity against another person that includes a criminal violation of local, State, Tribal or Federal law; and

any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

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DEFINITION OF STUDENT ORGANIZATION

An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which:

- two or more of the members are students enrolled at the institution of higher education,
- whether or not the organization is established or recognized by the institution.

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DISCLOSING HAZING STATISTICS



Include all allegations of hazing that:

- Meet the definition of Hazing, as defined by the Clery Act
- Are reported to a Campus Security Authority or local law enforcement agency, and
- Reportedly occurred on or within the institution's Clery Geography

Not subject to Hierarchy Rule

Distinct Operation count

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REQUIRED POLICY STATEMENTS

A statement of current **policies** relating to Hazing (as defined by the institution)

Include information within policy statement

How to report incidents

Process used to investigate incidents of Hazing

Information on applicable local, State, and Tribal laws on Hazing

- A statement of policy regarding **prevention and awareness programs** related to Hazing (as defined by the institution) that includes
 - a description of research-informed campus-wide prevention programs for students, staff, and faculty

CAMPUS HAZING TRANSPARENCY REPORT



Unlike statistics, this disclosure applies only to student organizations established or recognized by the institution



Intended to disclose incidents of Hazing for which student organizations have been found responsible for violating the institution's standards of conduct addressing Hazing



Entries concerning findings made to the CHTR must stay in the report (i.e., on the website) for 5 years

Standard Clery Act record retention requirements still apply



REPORTING CRIMES

An institution must include in its crime statistics all Clery Act crimes occurring on or within its Clery geography that are reported to a Campus Security Authority for purposes of Clery Act reporting.

Crimes must be disclosed:

regardless of whether the crimes have been investigated by the police or security, and

regardless of whether a finding of guilt or responsibility has been assigned.

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DEFINITION OF "REPORTED"



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UNFOUNDED CRIMES

Only sworn or commissioned law enforcement personnel may “unfound” a crime report.

A reported crime cannot be designated “unfounded” if no investigation was conducted or the investigation was not completed.

Nor can a crime report be designated unfounded merely because the investigation failed to prove that the crime occurred; this would be an inconclusive or unsubstantiated investigation.

Rules for unfounding crimes are discussed in the 2016 Handbook on pages 3-51 through 3-54.



UNFOUNDED CRIMES

To count a crime as unfounded for *Clery Act* purposes, the reported crime must have been

- a *Clery Act* crime;
- reported to have occurred on *Clery Act* geography;
- thoroughly investigated by sworn or commissioned law enforcement personnel; and
- found through investigation to be false or baseless, meaning that **the crime did not occur and was never attempted.**



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STATISTICS FROM LOCAL POLICE

The local/state police are not mandated by Clery or any other law to provide information to campuses and if they do provide information, they are not required to provide it using UCR definitions.

Make a good faith effort (early in the year) to obtain the statistics by requesting them in writing (and document any follow-up requests).

The institution is permitted to rely on information provided by them by the local/ state PD.

The institution is not responsible if the information is not provided or is inaccurate.

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WHAT IS A TIMELY WARNING?

“All of us want to be alerted promptly to potentially dangerous criminal situations near our homes or workplaces so that we have both the time and the information necessary to take appropriate precautions.

Apply this to your institution, and you have the concept of the ‘timely warning’” (2016 Handbook, p. 6-12).

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WHAT ARE THE REQUIREMENTS?

Assess the:

- ✓ Clery crimes
- ✓ that are reported to a Campus Security Authority or Local Law Enforcement Agency
- ✓ that occurred on or within the institution's Clery Geography.

Put out a timely warning if a reported crime is considered by the institution to represent a serious or continuing threat to students and employees.



TIMELY WARNING DISSEMINATION

A Timely Warning is expected to be distributed quickly, i.e., as soon as pertinent information is available.

It must be distributed community-wide, i.e., reasonable likely to reach the entire campus community.

The goal is to aid in the prevention of similar crimes.



WHAT SHOULD A TW INCLUDE?

First and foremost, include some specific information about the crime that prompted the alert.

Minimally, include:

- the date/time of the incident,
- the location and
- the nature of the crime.

Include information that promotes safety, such as crime prevention and safety tips.

Information that will assist individuals in protecting themselves—what do you want them to do or not to do?

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WHO DECIDES TO ISSUE TW?

Is it an
individual?

Is it a
department or
office?

Is it a
consultation
process?

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THE REQUIREMENT...

The *Clery Act* requires every Title IV institution, without exception, to have and disclose emergency response and evacuation procedures in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

This requirement does not apply to emergency situations in or on Noncampus buildings or property.

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EXAMPLES OF SIGNIFICANT EMERGENCIES OR DANGEROUS SITUATIONS

- an active shooter on campus
- hostage/barricade situation
- a riot
- suspicious package with confirmation of a device
- a tornado/earthquake
- a fire/explosion
- suspicious death
- structural damage to a University owned or controlled facility
- Outbreak of meningitis, norovirus, or other serious illness
- biological threat (anthrax, etc.)
- significant flooding
- a gas leak,
- hazardous materials spill, etc.
- other risk factors, including ones that have been present in the environment for an extended period of time such as asbestos or lead paint

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FINAL SUMMARY OF TW VS. EN

	Timely Warning (TW)	Emergency Notification (EN)
Legal Standard:	Potential ongoing or serious threat	Immediate threat to health and safety
Circumstances:	Clery-reportable crimes that have been reported (occurred in past)	Clery-reportable crimes as well as other types of emergencies (happening right now or about to happen)
Audience:	Community-wide	Can send to a segment of the community, if appropriate
When Issued:	As soon as pertinent information is available	Upon confirmation of emergency (when possible)
Follow-Up:	Not Required	Required



REGISTERED SEX OFFENDER POLICY STATEMENT

You must tell the campus community where to find information on registered sex offenders enrolled or employed by your institution.

Harassment of sex offenders is prohibited.



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NOTICE OF AVAILABILITY OF ASR TO CURRENT STUDENTS & EMPLOYEES

Individual, direct notice including:

- A statement of the report's availability
- A brief description of the contents
- Exact electronic address (URL)
 - This means that you must provide a direct link to the annual security report. It is not acceptable simply to give the URL for the institution's website.
- Statement that a paper copy will be provided upon request
- Note: You may not charge fees to individuals for copies of the annual security report, nor can you include the Annual Security Report in any publication for which you charge a fee.

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ASR DISTRIBUTION METHODS PROSPECTIVE STUDENTS & EMPLOYEES

If you don't post your ASR on an Internet site, the notice of availability must include:

A statement of the report's availability

A description of its contents

Opportunity to request a copy (tell them how to request it).

Unlike current students and employees this notice may be provided along with other information.

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ASR DISTRIBUTION METHODS PROSPECTIVE STUDENTS & EMPLOYEES

If you **post** your ASR on an Internet site, the notice must include:

the exact URL for where the report is posted;

a brief description of the report; and

a statement that the institution will provide a paper copy of the report upon request.

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VAWA PROGRAMS AND PROCEDURES



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VAWA OFFENSES: REMINDER!

VAWA offenses include, for purposes of policies, procedures, and programs, any incidents of:

Domestic Violence,
 Dating Violence,
 Sexual Assault, or
 Stalking.

Sexual Assaults are reported in the Criminal Offenses category for *Clery Act* statistical reporting purposes only. For all other *Clery Act* purposes, Sexual Assaults are considered VAWA offenses.

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VAWA REQUIREMENTS

VAWA requires institutions to disclose certain procedures and programs in the ASR

VAWA also requires institutions to implement those procedures and programs

VAWA procedures and programs must contain more proscriptive requirements than many other types of ASR policy statements

We will begin by reviewing some general VAWA ASR Policy Statements.

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VAWA PROGRAMS AND PROCEDURES

- In accordance with 34 CFR§668.46(b)(11), the Annual Security Report must contain:

*A statement of policy regarding the institution's **programs** to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of **procedures** that the institution will follow when one of these crimes is reported.*



VAWA PROGRAMS AND PROCEDURES

The disclosures required by 34 CFR§668.46(b)(11) must include:

A description of the institution's educational programs and campaigns;

The procedures victims should follow if a VAWA offense occurs;

Information regarding how the institution will protect the confidentiality of victims and others;

A statement that the institution will provide students and employees written information regarding campus and community victim services;



VAWA PROGRAMS AND PROCEDURES

A statement that the institution will provide students and employees written information regarding available accommodations and protective measures;

An explanation of the procedures for institutional disciplinary action in cases involving VAWA offenses; and

A statement that the institution will provide victims with a written notice of rights and options

We will review each of these requirements in more detail on the slides that follow.

First, we will review some key definitions of terms related to VAWA education programs

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VAWA PROGRAMS AND PROCEDURES

Programs to prevent dating violence, domestic violence, sexual assault, and stalking means

- I. comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that—
 - A. Are
 - culturally relevant,
 - inclusive of diverse communities and identities,
 - sustainable,
 - responsive to community needs, and
 - informed by research or assessed for value, effectiveness, or outcome; and

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VAWA PROGRAMS AND PROCEDURES

- Consider environmental risk and protective factors as they occur on the
 - individual,
 - relationship,
 - institutional,
 - community, and
 - societal levels.

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VAWA PROGRAMS AND PROCEDURES

Primary prevention programs means programming, initiatives, and strategies

- informed by research or assessed for value, effectiveness, or outcome
- that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur
- through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

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VAWA PROGRAMS AND PROCEDURES

Awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.



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VAWA PROGRAMS AND PROCEDURES

Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are

sustained over time and

focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking,

- using a range of strategies
- with audiences throughout the institution and
- including information described in paragraph (j)(1)(i)(A) through (F) of this section.

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VAWA PROGRAMS AND PROCEDURES

- i. A description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking.

The regulations require that the description of educational programs and campaigns include information from 34 CFR§668.46(j)(1)(i), which are enumerated on the slides that follow

Remember, the policy statements included in your ASR must address these topics, as much the actual training your institution provides to students and employees.



REQUIRED PROGRAM CONTENT 34 CFR§668.46(J)(1)(I)

A description of the institution's primary prevention and awareness programs for all incoming students and new employees, which must include—

- A. A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking (as those terms are defined by the Clery Act);
- B. The definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction;

REQUIRED PROGRAM CONTENT 34CFR§668.46(J)(1)(I)

- C. The definition of “consent,” in reference to sexual activity, in the applicable jurisdiction;
- If your local jurisdiction does not define consent, state that there is no definition of consent in your local jurisdiction.



REQUIRED PROGRAM CONTENT 2016 HANDBOOK

“If your institution has an institutional definition of consent, you should also state your institution’s definition of consent and the purposes for which that definition is used” (2016 Handbook, p. 8-6).



REQUIRED PROGRAM CONTENT 34 CFR§668.46(J)(1)(I)

D. A description of safe and positive options for bystander intervention;

- **Bystander intervention** means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

- Bystander intervention includes:

recognizing situations of potential harm,
understanding institutional structures and cultural conditions that facilitate violence,
overcoming barriers to intervening,
identifying safe and effective intervention options, and
taking action to intervene.

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REQUIRED PROGRAM CONTENT 34 CFR§668.46(J)(1)(I)

E. Information on risk reduction; and

- **Risk reduction** means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Information about risk reduction must not be presented in a manner that encourages victim blaming.

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REQUIRED PROGRAM CONTENT 34 CFR§668.46(J)(1)(I)

F. The information described in paragraphs (b)(11) and (k)(2) of this section;

- (b)(11) is the statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking and of procedures that the institution will follow when one of these crimes is reported.
- (k)(2) pertains to the procedural requirements for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking)



REQUIRED PROGRAM CONTENT 34 CFR§668.46(J)(1)(II)

A description of the institution's ongoing prevention and awareness campaigns for students and employees, including information described in paragraph (j)(1)(i)(A) through (F) of this section.

Paragraph (j)(1)(i)(A) through (F) details the required components of the institution's primary prevention and awareness programs for all incoming students and new employees (and is included on the previous 5 slides)

This same information must be covered in the institution's ongoing prevention and awareness campaigns.



AVAILABILITY OF PROGRAMS (HANDBOOK)

Programs to prevent dating violence, domestic violence, sexual assault and stalking must be directed at all incoming students and new employees.

The statute and regulations do not require that all students and employees take or attend the training, but we encourage institutions to mandate training to increase its effectiveness.

You are required to make a good faith effort to reach all incoming students and new employees with this training. This means providing all incoming students and new employees with active notification of the training's availability, and providing the training in a format and timeframe that encourages and allows for maximum participation.

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VAWA PROGRAMS AND PROCEDURES

- ii. Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about –
 - A. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or is occurring or may be helpful in obtaining a protection order;
 - B. How and to whom the alleged offense should be reported;
 - This refers to any person or organization that can assist the victim, such as a rape crisis counselor. You must include specific contact information for these resources or other information about how victims can report the alleged offense.

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VAWA PROGRAMS AND PROCEDURES

- C. Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to –
- 1) Notify proper law enforcement authorities, including on-campus and local police;
 - 2) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - 3) Decline to notify such authorities; and
- You must provide appropriate and specific contact information for the authorities, for example, your campus police or a local law enforcement agency. Your statement must explain what is involved in making a police report.

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VAWA PROGRAMS AND PROCEDURES

- D. Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution.
- You must let students know what legal options are available to them and under what circumstances.
 - You must tell students how to request information about the available options and provide specific contact information. You must also provide instructions for how to file a request for each of the options.
 - You must also provide clear information about what the victim should do to enforce an order of protection.
 - If your institution does not issue orders of protection, state that the institution does not issue orders of protection.

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VAWA PROGRAMS AND PROCEDURES

ii. Procedures Your Institution Will Follow In the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking

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VAWA PROGRAMS AND PROCEDURES

iii. Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will—

- A. Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and
 - Disclose your procedures for ensuring that the victim's personally identifying information will not be included in any publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and the daily crime log.

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VAWA PROGRAMS AND PROCEDURES

Personally identifiable information means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including:

- A. a first and last name;
- B. a home or other physical address;
- C. contact information (including a postal, e-mail, or Internet protocol address, or telephone or facsimile number);
- D. a social security number, driver license number, passport number, or student identification number; and
- E. any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.



VAWA PROGRAMS AND PROCEDURES

- B. Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures;
 - Your policy should state who is responsible for determining what information about a victim should be disclosed and to whom this information will be disclosed.
 - Your policy should also state how this decision will be made.
 - Institutions may disclose only information that is necessary to provide the accommodations or protective measures in a timely manner.



VAWA PROGRAMS AND PROCEDURES

- iv. A statement that the institution will provide written notification to students and employees about existing resources available for victims within the institution and the larger community:
- counseling,
 - health,
 - mental health,
 - victim advocacy,
 - legal assistance,
 - visa and immigration assistance,
 - student financial aid, and
 - other services available for victims, both within the institution and in the community;

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VAWA PROGRAMS AND PROCEDURES

- v. A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to
- academic,
 - living,
 - transportation, and
 - working situations
 - or protective measures.

The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;

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VAWA PROGRAMS AND PROCEDURES

ED Clarification in Federal Register

In complying with this requirement, we expect institutions to include the name and contact information for the individual or office that would be responsible for handling these requests so that victims have easy access to this information to provide an accommodation or protective measure.

We note that institutions must provide [this information] regardless of whether the student has requested or received help from others or whether the student provides detailed information about the crime.

Institutions are not required to list all examples of acceptable accommodations or protective measures in the annual security report.



VAWA PROGRAMS AND PROCEDURES

ED Clarification in Federal Register

Additionally, we note that responding to these sorts of allegations, whether in the criminal justice system or in an institution's disciplinary procedures will likely be very stressful for the accused as well as the accuser.

Therefore, institutions should consider providing the accused with information about existing counseling, health, mental health, legal assistance, and financial aid services both within the institution and in the community.

Although we encourage institutions to provide written notification of this sort to an accused student or employee, the statute does not refer to or support requiring it.



VAWA PROGRAMS AND PROCEDURES (WRITTEN EXPLANATION OF RIGHTS AND OPTIONS)

vii. A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in paragraphs (b)(11)(ii) through (vi) of this section.

- Procedures victims should follow
- Information regarding confidentiality of victims & others
- Campus and community victim services
- Information regarding accommodations & protective measures
- Procedures for institutional disciplinary action

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VAWA PROGRAMS AND PROCEDURES

ED Clarification in Federal Register

We believe that Congress intended for institutions to provide a specific document to individuals who report that they were victims of dating violence, domestic violence, sexual assault, or stalking with information that they would specifically want or need to know.

This targeted information would be more helpful and supportive for victims than directing them to the longer, broader annual security report.

The different types of information the statute requires institutions to provide strikes an appropriate balance between ensuring that victims have relevant information when they are most likely to need it and ensuring that the campus community has general access to information.

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VAWA PROGRAMS AND PROCEDURES

- vi. An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required by paragraph (k) of this section; and

We will address the specific requirements of paragraph (k) on the slides that follow

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VAWA PROCEDURES FOR INSTITUTIONAL DISCIPLINARY ACTION



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VAWA DISCIPLINARY PROCEDURES

In accordance with 34 CFR§668.46(k), the Annual Security Report must contain:

A clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in paragraph (a) of this section, and that—

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VAWA DISCIPLINARY PROCEDURES

Describes each type of disciplinary proceeding used by the institution;

- the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding;
- how to file a disciplinary complaint; and
- how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;

Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;

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VAWA DISCIPLINARY PROCEDURES

- iii. Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and
 - An institution may have different potential sanctions for different crimes. For example, the possible sanctions for an allegation of stalking may be very different from the possible sanctions for an allegation of sexual assault.
 - Be specific. For example, if suspension is a possible sanction, describe the type and length of the suspension, and any requirements that must be met for reinstatement.

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VAWA DISCIPLINARY PROCEDURES

- iv. Describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - These may include, but are not limited to
 - orders of protection, including no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court, or by the institution;
 - transportation assistance or security escorts;
 - modifications to academic requirements or class schedules; and/or
 - changes in living or working situations.

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VAWA DISCIPLINARY PROCEDURES

- In accordance with 34 CFR§668.46(k), the Annual Security Report must contain:

A clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in paragraph (a) of this section, and that...(2) provides that the proceedings will

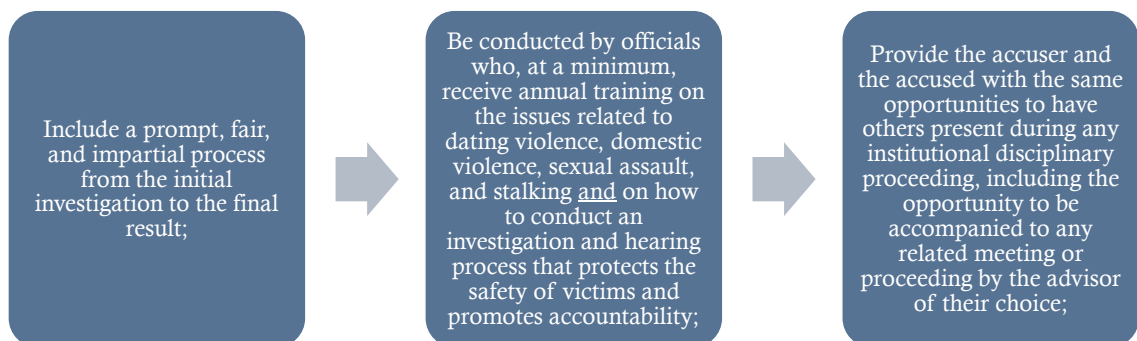
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VAWA DISCIPLINARY PROCEDURES



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VAWA DISCIPLINARY PROCEDURES

- iv. Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and
- **Advisor** means any individual who provides the accuser or accused support, guidance, or advice.

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VAWA DISCIPLINARY PROCEDURES

- iv. Require simultaneous notification, in writing, to both the accuser and the accused, of—
 - A. The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - B. The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;
 - C. Any change to the result; and
 - D. When such results become final.

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VAWA DISCIPLINARY PROCEDURES

- *A prompt, fair, and impartial proceeding* includes a proceeding that is—
 - A. Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;

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VAWA DISCIPLINARY PROCEDURES

Conducted in a manner that—

- Is consistent with the institution's policies and transparent to the accuser and accused;
- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and

Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

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VAWA DISCIPLINARY PROCEDURES

- ***Proceeding*** means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings.
 - Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

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VAWA DISCIPLINARY PROCEDURES

- ***Result*** means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution.
- The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C.1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA).
- The result must also include the rationale for the result and the sanctions.

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VAWA DISCLOSURE REQUIREMENTS

VAWA requires institutions to disclose statements of policy in the ASR regarding:

educational programs the institution provides to students and employees to prevent VAWA offenses;

procedures victims should follow if a VAWA offense has occurred;

the *procedures the institution will follow* when a VAWA offense has been reported; and

disciplinary procedures that will be followed when a student or employee is accused of a VAWA offense.



VAWA IMPLEMENTATION REQUIREMENTS

VAWA also requires institutions to implement:

educational programs and campaigns that meet certain requirements;

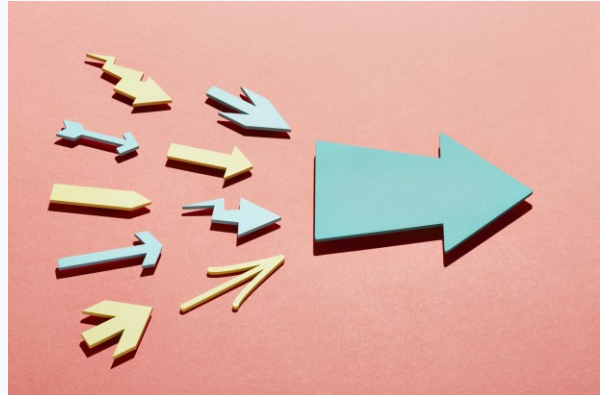
institutional procedures and practices in response to a report of a VAWA offense, including those related to:

- confidentiality,
- supportive services,
- accommodations, and
- protective measures;

VAWA IMPLEMENTATION REQUIREMENTS

a written notice of rights and options, which must be provided to students or employees reporting a VAWA offense, and

disciplinary procedures that must be followed when a student or employee is accused of a VAWA offense.



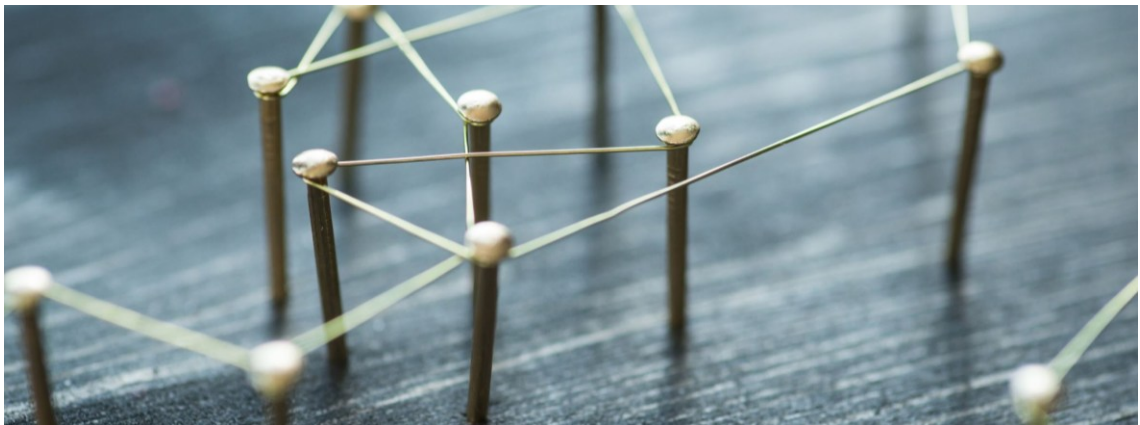
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HOW DO THE CLERY ACT REQUIREMENTS IMPACT YOUR TITLE IX AND NON-TITLE IX POLICIES AND PROCEDURES?



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FERPA

- Compliance with all information in the *Procedures for institutional disciplinary action* section does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).

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PROHIBITION ON RETALIATION

- An institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this section.



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