

The Handbook for Campus Safety and Security Reporting

East Texas
Cosmetology College
3302 College Drive
Lufkin Texas 75901
(936) 632-7501
info@easttxcc.com

History of the Jeanne Clery Act:

Jeanne Clery, a 19-year-old Lehigh University freshman, was assaulted and murdered in her dorm room in April 1986. The Jeanne Clery Act was enacted in the belief that crime awareness can prevent campus victimization. The law requires colleges and universities receiving federal funding to prepare, publish, and distribute, by October 1 of each year, campus security policies and crime statistics.

Introduction of The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092) (the Clery Act, or Clery) is a federal law requiring colleges and universities that are receiving Title IV program funds to disclose campus security information, including crime statistics, and to comply with various requirements related to campus safety.¹ While the Clery Act is focused on disclosures, the law has evolved to include campus requirements that go well beyond such reporting.

It reflects a host of obligations aimed at promoting transparency and institutional investment in safety and well-being. Colleges and universities take their legal compliance obligations seriously, and while it is clear these are an important motivator for institutions, the primary drive toward enhanced campus safety derives from sincere interest in caring for the well-being of the members of their campus communities.

Colleges and universities are committed to safe and healthy environments in which to learn, work, and live. They have come a long way in their campus safety and related compliance efforts, including investing significant resources—funding, personnel, training, legal advice, and infrastructure—in these endeavors. By and large, Clery has helped institutions focus both their actions and their messaging related to the safety of their educational communities.

However, the Clery statute, its implementing regulations, and related sub regulatory guidance are complex—and, in many respects, vague—despite the law's noble intent.² As a result, Clery often has been a source of confusion for many higher education professionals tasked with institutional compliance. Adding to this complexity is the fact that Clery's requirements have continued to change. Indeed, the Clery statute has been amended five times since it was enacted.³ Following the most recent amendments to the Clery Act in 2013, the Department of Education (ED) issued new regulations in 2014, outlining requirements for campuses related to sexual assault, dating violence, domestic violence, and stalking that included, for example, new requirements for education and prevention programming and for campus disciplinary proceedings related to these crimes. Sub regulatory guidance from ED has also continued to evolve.

The Office of Federal Student Aid at ED, which enforces Clery, has published three versions of The Handbook for Campus Safety and Security Reporting, including, most recently, a 265-page edition in 2016. In October 2020, ED rescinded the 2016 edition and replaced it with a 13-page document, shifting away from a more comprehensive interpretation of Clery in favor of brief technical guidance.⁴ Despite that rescission, it is our understanding that ED's investigators continue to be informed by the 2016 edition, even if it is not technically in effect.⁵ A new edition is expected to potentially be released in late 2023 or early 2024. Senior leaders and other campus officials charged with Clery compliance will need to remain vigilant for future changes.

The Clery Act is named in honor of Jeanne Clery, who was a first-year student at Lehigh University in 1986 when she was sexually assaulted and murdered inside her on-campus residence hall room by another student.

See 34 C.F.R. § 668.46. ³ See Higher Education Technical Amendments of 1991, Pub. L. 102-26, § 10 (April 9, 1991); Higher Education Amendments of 1992, Pub. L. 102-325, Title IV, Part G, Title XV, Part D (July 23, 1992); Higher Education Amendments of 1998, Pub. L. No. 105-244, Title IV, § 484B (October 7, 1998); Victims of Trafficking and Violence Prevention Act of 2000, Pub. L. 106-386, Title VI (October 28, 2000);

Higher Education Opportunity Act of 2008, Pub. L. 110-315, §488 (August 14, 2008); Violence Against Women Reauthorization Act of 2013, Pub. L. 113-4, Title III, §§ 303 and 304 (March 7, 2013), incorporating provisions of the Campus Sexual Violence Elimination Act, S. 128/H.R. 812, § 2 (February 25, 2013).

See Office of Postsecondary Education, "Rescission of and Replacement for the 2016 Handbook for Campus Safety and Security Reporting," U.S. Department of Education, originally posted October 9, 2020, and last updated January 19, 2021; and "Clery Act Appendix for FSA Handbook," (Washington, DC: U.S. Department of Education, 2020). See also Jeffrey J. Nolan and Peter McDonough, October 2020 Rescission of 2016 Clery Handbook: What Does It Mean for Colleges and Universities? (Washington, DC: American Council on Education, 2020), an issue brief describing the impact of the rescission on campuses.

See Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting: 2016 Edition (Washington, DC: U.S. Department of Education, 2016). The handbook was first published in 2005, revised in 2011, and last updated in 2016.

CLERY ACT AND CODE OF FEDERAL REGULATIONS Clery Act is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. TITLE 34, VOLUME 3, PAGE 476 CFR # 2 (B) SECTION 4 (I) What is the Clery Act?

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it. Violators can be "fined" up to \$27,500 by the U.S. Department of Education, the agency charged with enforcement of the Act and where complaints of alleged violations should be made or face other enforcement action. The Clery Act, originally enacted by the Congress and signed into law by President George Bush in 1990 as the Crime Awareness and Campus Security Act of 1990, was championed by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. They also founded the non-profit Security of Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

Annual Report Schools must publish an annual report every year by October 1st that contains 3 years' worth of campus crime statistics and certain security policy statements including sexual assault policies which assure basic victims' right, the law enforcement authority of campus police and where students should go to report crimes. The report is to be made available automatically to all current students and employees while prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy. Schools can comply using the Internet so long as the required recipients are notified and provided with the exact Internet address where the report can be found, and paper copies are available upon request. A copy of the statistics must also be provided to the U.S. Department of Education.

Crime Statistics Each school must disclose crime statistics for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities" such as student judicial affairs directors. Professional mental health and religious counselors are exempt from reporting obligations but may refer patients to a confidential reporting system which the school has to indicate whether it has.

Crimes are reported in the following 7 major categories, with several sub-categories: 1. Criminal Homicide broken down by a.) Murder and Non-negligent Manslaughter and b.) Negligent Manslaughter. 2. Sex Offenses broken down by a.) Forcible Sex Offenses (includes rape) and b.) Non-forcible Sex Offenses; 3. Robbery 4. Aggravated Assault; 5. Burglary; 6. Motor Vehicle Theft; and 7. Arson. Schools are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: 1. Liquor Law Violations; 2. Drug Law Violations; and 3. Illegal Weapons Possession.

If both an arrest and referral are made only the arrest is counted. The statistics are also broken down geographically into "on campus," "Residential facilities for students on campus," "non-campus buildings, or "on

public property" such as streets and sidewalks. Schools can use a map to denote these areas. The report must also indicate if any of the reported incidents, or any other crime involving bodily injury, was a "hate crime." Access to Timely Information Schools is also required to provide "timely warnings" and a separate more extensive public crime log. It is these requirements which are most likely to affect the day-to-day lives of students. The timely warning requirement is somewhat subjective and is only triggered when the school considers a crime to pose an ongoing "threat to students and employees: while the log records all incidents reported to the campus police or security department. Timely warnings cover a broader source of reports (campus police or security, other campus officials, and off-campus law enforcement) than the crime log but are linked to those crime categories required in the annual report.

The crime log includes only incidents reported to the campus police or security department but covers all crimes not just those required in the annual report, meaning crimes like theft are included in the log. State crime definitions may be used. Schools that maintain a police or security department are required to disclose in the public crime log "any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department." The log is required to include the "nature, date, time, and general location of each crime" as well as its disposition if known. Incidents are to be included within two business days, but certain limited information may be withheld to protect victim confidentiality, ensure the integrity of ongoing investigations, or to keep a suspect from fleeing. Only the most limited information necessary may be withheld and even then, it must be released "once the adverse effect...is no longer likely to occur." The log must be publicly available during normal business hours. This means that in addition to students and employees the public such as parents or members of the local press may access it. Logs remain open for 60 days and subsequently must be available within 2 business days of a request. All criminal offenses such as murder, rape, assault, robbery and auto theft are reported to the Cerro Coso Safety Manager and joint investigative efforts with investigators from the College and the Police Department may be deployed to solve these serious felony crimes.

The prosecution of all criminal offenses, both felony and misdemeanor, is conducted at the Superior Court of Kern County. Federal Bureau of Investigation Uniform Crime Reporting and National Incident Based Reporting System Crime Definitions Excerpted from the Implementing regulations of the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (Originally the Campus Security Act) originally published in the Federal Register on April 29, 1994 (Vol. 59, No. 82) and November 1, 1999 (Vol. 64, No. 210). The following definitions are to be used for reporting the crimes listed in 34 CFR sec. 668.46 (previously 668.47) in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program.

The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violation, drug abuse violations and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook.

Crime Definitions from the Uniform Crime Reporting Handbook Arson Any willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Criminal Homicide-Manslaughter by Negligence The killing of another person through gross negligence. Criminal Homicide-Murder and Non-negligent Manslaughter The willful (non-negligent) killing of one human being by another.

Robbery The taking or attempting to take anything of value from care, custody, or control of a person or persons by force or threat of force or violence and /or by putting the victim in fear. Aggravated Assault An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied using a weapon or by means likely to produce death or great bodily harm. (it is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary The unlawful entry of a structure to commit a felony or a theft.

For reporting purposes this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned. Motor Vehicle Theft The theft or attempted theft of a motor vehicle. Classify as a motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned including joyriding.) Weapon Law Violations The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Abuse Violations Violation of State and local laws relating to the unlawful possession, sale, use growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations The violations of law or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor, maintaining lawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.) Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.

Sex Offenses-Forcible Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. a) Forcible Rape-The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or permanent mental or physical incapacity (or because of his/her youth). b) Forcible Sodomy-Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. c) Sexual Assault With An Object-The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and /or against the at person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. d) Forcible Fondling-The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and /or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. Sex Offenses-Non-forcible Unlawful, non-forcible sexual intercourse. 1. Incest-non-forcible sexual intercourse between people who are related to each other within the degrees wherein marriage is prohibited by law. Statutory Rape-Non-forcible sexual intercourse with a person who is under the statutory age of consent.

You can open the Hyper link to review the information

CleryAppendixFinal.pdf (ed.gov)

East Texas Cosmetology College will follow the rules and comply with the laws to ensure that all students and staff are in a safe environment.

You may fill out a complaint form in the main office, if you have any questions reach out to your instructors and staff. East Texas Cosmetology College will provide you with all the information we have via the campus security and crime statistics.

Our priority is you, your safety and your education. We hope you will have a wonderful experience with our college.