

# Beyond the Clery Act: Creating a Campus Reporting Culture

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# What we will do today

- Clery review and update
- Current best practices for hearing/investigating sexual misconduct complaints
- Best practices for working with victim advocates
- How does all this aid in creating a campus reporting culture?

# PRESENT STATE OF CLERY

- We've been living with the Clery Act since 1990
- Substantial compliance ought to be the norm, even though it isn't
- Regardless, it's time to ask what's Beyond the Clery Act?
- I think we should view federal law as setting the floor, not the ceiling for our best practices.

# A LOOK AT THE FLOOR

- Still, a quick review of what the floor looks like is needed:
- **The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or 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 CFR 668.46

# 5 Requirements

- An annual security report containing safety and security disclosures
- Maintenance of and access to campus crime logs
- Timely warning requirement
- Campus Sexual Assault Victim's Bill of Rights
- Sex offender information dissemination

# A Few Ideas for Going Beyond...

- In your annual report:
  - F Adopt a confidential reporting policy
  - F Adopt an anonymous reporting policy
  - F Send it to parents
  - F Use it to showcase your proactive policies and practices
  - F Talk more about campus educational efforts to address sexual assault, alcohol issues and drug abuse

# Going Beyond...

- **The statistics:**
  - F Add larceny, expand the definition of arson, add stalking, relationship violence, suicide, DUI and public intoxication
  - F Correct your stats for the absurd hierarchy rule
  - F Add anonymous reports as their own category
  - F State crimes as a rate as well as a raw number
  - F Require data from every employee, student advocacy groups and peer educators
  - F Throw out the definition of "campus security authority"

# Going Beyond...

- Timely warnings:
  - F Warn about every incident of campus violence within 24 hours, without exception
  - F Warn about off-campus incidents impacting on campus community members
  - F Send your reports to local police
  - F Use email
  - F Add text messaged warnings if you have that technology

# Going Beyond...

- Campus crime logs:
  - F Post them online, publicly
  - F Publish them in the campus newspaper
  - F Train your front desk staff not to respond to requests to see the log with suspicion and a barrage of questions – it makes it look like you have something to hide

# Going Beyond...

- **Sex offender data:**

- F Name names and post pictures

- F Don't wait for your state police to send you Wetterling Act registration information, search your state database for your campus area

- F Keep sex offenders out. They're perfect candidates for distance education

- F If you can't keep them out, consider more active warnings as do administrators at Spokane Community College. See:

<http://www.insidehighered.com/news/2006/01/19/offender>

# Victim Bill of Rights

- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be informed of their options to notify law enforcement.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

(<http://www.securityoncampus.org/>)

# Other items to consider

## Complaint accommodations beyond mandates

- Screen/Video conferencing
- Amnesty for alcohol/drug use
- No Contact orders
- Victim advocate at every meeting/hearing
- Victim impact statement
- Victim notification if accused student is suspended and then returns
- Victim appeal
- Victim notification of results of hearing (In writing, verbal?)

# No Contacts

TO: Student 1  
FROM: Judicial Affairs  
RE: Student 2  
DATE:

My office has received a report alleging your involvement in an incident with Student 2.

This means that you are directed to not have any contact with Student 2 neither in person, nor by any other means (e.g. telephone, letters, recordings, e-mail, instant messenger etc.). Furthermore, no individual is to have contact on your behalf in any form. This no contact order remains in effect until such time as it is officially lifted in writing by the University. If there are any violations of this directive, expect that reports will be filed immediately with Student Affairs and University Police.

If you have any questions regarding this communication you may contact my office at (716) 673-3271

cc: University Police  
Residence Life (if applicable)  
Student 2



# Working with Victim Advocate/Counselors

- Competing missions?
  - On the surface, yes
    - An office of student conduct must remain neutral when working with an incident. It cannot presuppose responsibility and/or act on one person's behalf
  - In our hearts, no
    - At our core we seek to help students and keep students safe



# How to Have a Good Relationship

- Start early and be continual
- First be clear about your office's role/mission
  - Make sure that each understands the limitations of the conduct process.
  - Work on projects together
    - Training, campus presentations, etc.
  - Refer students
    - Non-Student aggressors (PNG)
- Need common ground? Do it for the students



# Hearing Panel Education

- Who should do education?
  - Victim advocate
  - Local rape crisis center
  - Judicial officer whom is knowledgeable in area
  - Outside consultants



# Code of Conduct

- Consent Policy:
  - Should be clear and easy to interpret
    - Try not to use legalistic terminology
    - Use as educational tool during orientation, hall programming, etc.
- Recommended Standards:
  - Useful for complainant to understand university's response while deciding to report.



# So What?

- How does any of this help with generating more reports?
  - Reduces anxiety
  - Peels away layers of mistrust
  - Process more succinct and open



# Institutional Support

- What if people at my institution do not want increased reporting?
  - How do I get it?
    - DOJ Violence Against Women Grant
      - <http://www.ovw.usdoj.gov/>
- Ethical reasons
- Moral reasons
- Legal reasons \$\$\$
  - Title IX

# Resources

- CALCASA
  - <http://www.calcasa.org>
- NYSCASA
  - <http://www.nyscasa.org>
- NCHERM
  - <http://www.ncherp.org>

# Literature Review:

Campus Violence Prevention Resource Guides: A Tool for Strengthening Collaboration. CALCASA, Sacramento, CA. 2005.

Sokolow, Brett A., Best Practices for Campus Sexual Misconduct Judicial Procedures. NCHERM, Malvern, PA. 2006.

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Sokolow, Brett A., The Victim's Rights Paradigm for Campus Hearings in the NCHERM Chronicle of Campus Conduct Vol. 1 No. 33. November 4th, 2005.

# Questions? Comments? Concerns?

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