



TIP #1

The ASR is your institution's most visible proof of compliance with the Clery Act. It is not the campus police/public safety annual report. Consider removing "Police or Security Department" from the cover of your ASR. Clearly convey that the whole campus embraces the Clery Act.

TIP #2

The Clery Act is about accurate & useful campus safety information. Policies in the ASR help people know more about the institution's safety & security. It should be ACCESSIBLE & easy to read. A Table of Contents facilitates access to this important information in the ASR.

TIP #3

Let's talk policies (Chap 7). Use language that everyone can understand; your statements should accurately reflect CURRENT procedures; pay attention to the discrete elements of each policy; your ASR is NOT in compliance if you're missing a policy or are missing required elements.

TIP #4

Speaking of policies...one of the first policy mandates require you to tell your community how to report crime OR OTHER EMERGENCIES. Don't forget about this often overlooked part of the ASR requirements.

TIP #5

Often confused, Timely Warnings & Emergency Notifications are different. TWs must describe the crime & give prevention tips. You should document your determination of whether you need a TW or not for EVERY Clery Act crime. For our mobile-compatible TW determination form, contact us.

TIP #6

Using supplemental security? You are required to address authority and jurisdiction for ALL security staff, i.e. event staff, local police, contract guards, etc. You also need to describe any MOUs or MOAs for CRIMINAL INVESTIGATIONS. See 668.46(b)(4)

TIP #7

Does your POLICY encourage "accurate & prompt reporting of all crimes when the victim elects to or is UNABLE TO"? Many institutions miss the "UNABLE TO" element! Remember to meet the specific requirements of each Clery Act regulation. Check <http://ow.ly/OYki50vsjKo>

TIP #8

You are required to DESCRIBE security awareness programs focused on crime prevention, & security of self & others. This description must include the TYPE and FREQUENCY of these programs. Remember – include ALL programs not just the campus safety department's. See 668.46(b)(6)-(7)

TIP #9

ED has ramped up enforcement of the DFSCA! The requirements in 668.46(b)(8)-(10) are only a fraction of the DFSCA's requirements. In every ED review of 2017, ED found DFSCA lacking. Your ASR can cross-reference the program descriptions under (10) but you STILL need a solid DFSCA.

TIP #10

The Clery Act includes incest and statutory rape in "sexual assault." Do your required prevention programs and advice about preserving evidence address these two crimes or do you only address fondling and rape? [See 668.46(b)(11)(ii)]

TIP #11

You must provide VAWA crime victims with a WRITTEN notice of their Clery Act rights including several very specific services, (i.e. visa assistance), and accommodations, (i.e. changes in working situations). Ensure your ASR has each specific element. [See 66.46(b)(11)(iv)-(vii)]

TIP #12

An ASR must use current crime labels. VAWA updated the types of crimes, including hate crime bias categories. Most campuses can easily disclose hate crimes in narrative rather than tabular format. Remember hate crimes require crime type, category of bias, and location.

TIP #13

Only a sworn LEO can “unfound” a crime, AFTER investigation concludes the report is false or baseless. A victim’s reluctance to participate does not “unfound” a crime; neither does a Title IX, student conduct, or HR investigation. Be alert to “red flags” (See Handbook p. 4-13)

TIP #14

Stalking requires more than one event that leads to... fear for safety of self or others, OR, substantial emotional distress by a REASONABLE PERSON. Count it once in EACH calendar year it happens. You only need one event to happen in your Clery Act geography.

TIP #15

Never count an unfounded crime in your stats. The Clery Act requires the ASR to have the total number of unfounded crimes. Margolis Healy believes you should identify them by crime category, ideally with a column in your crime disclosure table, providing the most transparent info.

TIP #16

Clery Act hate crimes = any of the Act’s 3 types of crimes, i.e. Primary Crimes / Weapons, Drugs, & Liquor Violations / 4 specific hate crimes (theft, assault, intimidation, & vandalism). Investigate these THOROUGHLY. Even a weapons violation may be a hate crime (Handbook ch. 3)

TIP #17

If all 3 happen in the same incident, is it a liquor, drug, or weapon law violation? You get to decide. (Handbook p. 3-44). The Department of Education allows discretion in counting. We recommend you have a policy that guides the discretion and you follow that policy.

TIP #18

The Hierarchy Rule (Handbook p. 3-24 & 3-25) requires that within a single incident, you cannot count certain Clery Act crimes. IMPORTANTLY, the Hierarchy Rule exempts some crimes like arson, VAWA crimes, and HATE Crimes.

TIP #19

While you’re not required to publish a Clery map in your ASR, an accurate/updated map facilitates understanding of Clery crime locations. Updating the map is a collaborative effort between campus safety, facilities, real estate, etc. See NYU’s Clery map: ow.ly/OQKr50vMv20

TIP #20

You must make a “reasonable, good-faith effort” to get Clery crime data from your local LE partners with jurisdiction over your campuses’ Clery geography. Request annually (consider more frequently) & develop cooperative relationships with these important partners. (4-12 to 4-18)

TIP #21

Ch. 2 of the Handbook describes “Separate Campuses.” Definitions of a campus are specific to the Clery Act & differ from other Title IV regulations that define campuses. You need to work with the Registrar to identify each teaching location & assess it for Clery Act geography.

