

Alert

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The Importance of Rectifying Gaps in Clery Act Annual Security Reports (ASR)

Under the Clery Act, colleges and universities must publish and distribute an Annual Security Report (ASR) in which they document specific consumer awareness information related to the institution's safety and security programs and crime statistics for the previous three years, among many other things. The deadline for publishing this year's ASR is **October 1, 2023**.

While preparing the ASR can be a burdensome task, and often heaps even more work on the plates of already-overworked staff, penalties for not publishing and distributing the ASR by the deadline, or for publishing an incomplete ASR, can be significant.

Even if an ASR includes all the required policy statements and procedures, insufficient, missing, or incorrect Clery Act crime data can result in noncompliance. Therefore, pre-submission assessments of an ASR often surface deficiencies that an institution can easily correct before the publishing deadline.

The following are areas of an ASR that represent challenges for some institutions:

- **Emergency Response and Evacuation Polices & Procedures.** Deficiencies are especially common with respect to outlining who on campus is responsible for confirming a significant emergency or dangerous situation exists, determining the appropriate segment to receive that notification, determining the content of the notification, and ultimately initiating the notification system.
- **Prevention programs for dating violence, domestic violence, sexual assault, and stalking.** In particular, ASRs often fail to provide adequate descriptions of the institution's ongoing prevention and awareness campaigns for students and employees.
- **Policy Statement on requirement to provide written notice of rights and options to victims who report dating violence, domestic violence, sexual assault, and/or stalking.** ASRs are often deficient in lumping together an institution's policies and procedures without breaking out their compliance with the specific and discrete areas prescribed in the regulations, including existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and/or other services available for victims, **both** within the institution and in the community.
- **Crime statistics in the ASR.** Because different people may have responsibility for collecting, classifying, and counting Clery Act crime statistics for the ASR and the submission of these statistics to the U.S. Department of Education, we often see discrepancies between the two data sets. It is imperative that they are aligned.
- **Title IX Notice of Non-Discrimination.** While not specifically required by the Clery Act itself, the Department of Education requires an institution to publish its notice of nondiscrimination prominently on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to persons entitled to notice (such as current and prospective students, faculty, and staff). The ASR is such a document.

It is not too late to assess the completeness and accuracy of your ASR and meet the statutory deadline for publishing and distributing the report.



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