



# 2021 POLICY AGENDA

Since its founding, Clery Center has engaged with policymakers in recognition of the significant impact that could result from legislation: driving systemic change on college campuses. Our direct experience with policy making—from our participation in negotiated rulemaking for the Violence Against Women Act amendments to the Clery Act to our assistance in introducing Report and Educate About Campus Hazing (REACH), has strengthened our expertise in interpreting the Clery Act itself and understanding the potential impact intersecting laws can have on its implementation. Building on this history and experience we share this public policy agenda to inform and guide all our constituents: member institutions, policymakers, students, and parents, about our advocacy priorities over the next two years as we work to advance equity in campus safety legislation in alignment with our organizational mission of working in partnership with colleges and universities to create safer campuses.

## **SEEK DEPENDABLE GUIDANCE FROM ENFORCEMENT AUTHORITIES**

The rescission and replacement of the Handbook for Campus Safety and Security Reporting with the much less robust Clery Act Appendix, which was done in accordance with an Executive Order requiring federal agencies to streamline guidance documents, removed a key resource for Clery Act compliance. The Handbook was developed in response to persistent asks from campus safety administrators for further clarification, guidance, and examples of how to best implement Clery Act requirements. Additionally, it was intended for use by the Department's program reviewers, who are responsible for evaluating an institution's compliance with the requirements. While the Handbook was not a binding document, it served as an accessible, comprehensive resource for the hundreds of front-line administrators often acting as a department of one to ensure their institution's compliance with a law tied to federal funding.

Clery Center will:

- Advocate for improved sub-regulatory guidance on the Clery Act from the Department of Education that remedies prior challenges.
- Educate policymakers about the implications of the Interim Final Rule on Rulemaking and Guidance Procedures which unnecessarily complicates the process by which guidance documents may be issued by enforcement agencies.
- Strategically monitor and respond to proposed legislation and reforms that directly impact implementation of the Clery Act.

## **ENSURE EQUITY FOR ALL SURVIVORS OF DATING AND DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING (DVSAS)**

While serving separate and distinct functions, with Title IX as a civil rights law and the Clery Act as a consumer protection law, these laws share some of the same goals—namely to create equitable and



transparent processes for responding to violence and crime on campus. Unfortunately, the 2020 Title IX regulations prescribe complicated, confrontational disciplinary procedures that do not meet this goal. Through identifying these areas and working with other nonprofit organizations advocating on behalf of survivors, we hope to correct these inequities with regulations that better serve both survivors and respondents.

Clery Center will:

- Illustrate the current misalignment between Title IX regulations and the Clery Act that have created unnecessary conflicts between implementation of the two laws.
- Advocate for new Title IX regulations that align with Clery Act requirements and promote equitable, streamlined processes for systemically addressing dating violence, domestic violence, sexual assault, and stalking within college communities.
- Collaborate with ally organizations seeking to upend the Title IX regulations in favor of rules that more equitably address the needs of survivors and respondents in dating violence, domestic violence, sexual assault, and stalking incidents

## **HEIGHTEN AWARENESS OF PRESSING CAMPUS SAFETY ISSUES AND THEIR IMPACT ON UNDER-RESOURCED COMMUNITIES**

While the Clery Act itself continues to guide both institutions' and our organization's framework for creating safer campuses, many pressing issues fall outside the scope of the current legislation. By leveraging our subject matter expertise and our connections with institutions and partner organizations across the country, we will bring heightened awareness to under-acknowledged campus issues. We will focus on the impact of violence and harm on marginalized and under-resourced campus communities with the continued goal of promoting equitable policies and practices.

Clery Center will:

- Champion the passage of the Report and Educate About Campus Hazing Act in order to standardize requirements at the federal level for hazing prevention and response efforts on campuses nationwide
- Support comprehensive reauthorization of the Higher Education Act that would address campus safety issues such as sexual assault, hate crimes, and drug and alcohol use
- Educate lawmakers on the need for consistency in documenting and collecting information on hate crimes on college campuses by the Department of Education, FBI, and state and local governments