



at the heart of campus safety

VIEWING THE CLERY ACT THROUGH AN INTERSECTIONAL LENS

The Clery Act, a federal consumer protection law designed to promote transparency and accountability between institutions of higher education and the campus communities they serve, contains elements that, when viewed through the lens of intersectionality, block the accessibility of campus safety services for marginalized individuals and communities. Use this resource as a guide to examine your own institution's practices and to name areas of disconnect as a first step in creating more inclusive resources and options for all campus community members.

Intersectionality:

The complex, cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism, and classism) combine, overlap, or intersect especially in the experiences of marginalized individuals or groups.

“Intersectionality is a lens through which you can see where power comes and collides, where it interlocks and intersects.”

KIMBERLÉ CRENSHAW

esteemed scholar, law professor, and civil rights activist

Clery Act Fact: The Clery Act requires certain roles called campus security authorities (CSAs) to report crimes that are disclosed to them to the institution. The only roles considered exempt from CSA reporting responsibilities, and therefore confidential, are pastoral and professional counselors functioning in that capacity.

Resulting Challenges:

- Many students, particularly within marginalized communities, may not have positive associations with pastoral or professional counseling and may not view them as accessible resources.
- As a result, many that need a place to confidentially process trauma do not have a space to do so on college campuses.



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What Campuses Can Do:

- Hire pastoral and/or professional counselors who represent the identities of the campus community to increase the potential that marginalized community members will seek them out as a resource.
- Strengthen the resources of identity group centers/offices/departments on campus so they can continue to support students in other needed capacities, even if they cannot be a confidential reporting mechanism.
- Educate on the difference between privacy and confidentiality on campus; although other identity group centers/offices/departments are not fully confidential, many can maintain privacy by only sharing the information with those who need to know for reporting and response purposes and not including personal identifiers in publicly available information.

Clery Act Fact: Campus-based victim advocates are considered campus security authorities (CSAs).

Resulting Challenges:

- A role that previously had the potential to serve in a confidential reporting function for survivors of dating violence, domestic violence, sexual assault, and stalking (DVSAS) now does not.
- A role primed for supporting survivors of gender or power-based violence is required to report non-identifying information about incidents disclosed to them.
- Could prevent marginalized individuals from wanting to report or disclose.

What Campuses Can Do:

- Train victim advocates in Clery Act responsibilities so they can transparently describe to their clients their reporting responsibilities and any risks so clients or potential clients can make an informed decision regarding reporting to an advocate or what information to share.
- Foster relationship development between campus advocates and Clery administrators to encourage the co-creation of policies and procedures for documenting reports, determining the need for timely warnings, and crafting timely warning language.
- Strengthen relationships with community-based organizations to supplement campus services with other confidential support services or identity-specific support services for survivors of DVSAS.

Clery Act Fact: Institutions issue timely warnings for Clery Act crimes that represent a serious or ongoing threat to the campus community. While not required, timely warnings often contain suspect descriptions.

Resulting Challenges:

- Anecdotally, suspect descriptions seem to be included more often when the suspect is a man of color.
- As a result, men of color might be unduly scrutinized for crimes they did not commit.

What Campuses Can Do:

- Develop standard criteria for when a suspect description is deemed necessary for inclusion in a timely warning and a standard for how that description will be written or utilized.
- Provide education to the campus community about implicit bias.

Clery Act Fact: Written information must be provided to survivors of dating violence, domestic violence, sexual assault, and stalking; however, is not required to be provided in a language or format accessible to any person.



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Resulting Challenges:

- While information may be correctly documented, if not able to be read or understood, it does not serve the intended purpose of informing victims of their rights and options.
- Additionally, even if the information is provided in an accessible way, there is no guarantee that the services highlighted are also inclusive of and accessible to all identities and abilities.

What Campuses Can Do:

- Develop written information for survivors of DVSA in accessible formats, languages, and imagery representative of the entire campus community.
- Indicate within the description of each service provider in the written notification whether or not their services are multi-lingual or designed intentionally for a specific community or identity group.
- Ensure that campus and community-based service providers provide services that are inclusive and accessible for all communities.

Clery Act Fact: Institutions must document any Clery crimes that meet the definition of a hate crime.

Resulting Challenges:

- Clery Act guidelines refer to the FBI's guide for classifying hate crimes in general which do not take into account the campus context.
- Many incidents might contain hate violence or be considered a bias-related incident that violates institutional policy but do not meet the definition of a hate crime under the Clery Act.
- Campus community members misinterpret Clery hate crime statistics as the only representation of hate incidents that occur on campus.

What Campuses Can Do:

- Intentionally educate the campus community about the similarities and distinctions between hate crime statistics under the Clery Act and bias-related incidents that violate institutional policy.
- Even though not required, track and publicly share rates of reported bias-related incidents.
- Commit to dismantling hate and oppression by responding to and preventing hate incidents as an institution and not rely on one department, office, or role to lead that action.