



Protecting Brand Reputation Through Proactive Campus Safety:

Executive Leadership's
Role in Clery Act
Compliance

Executive Summary

*Effective campus safety is paramount for higher education institutions, directly impacting their reputation, enrollment, and financial stability. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) serves as an early warning system and an upstream risk management tool. However, many institutions historically approach Clery Act compliance reactively, focusing merely on meeting regulatory requirements after an incident occurs. **At its core, the Clery Act is a consumer protection law.***

Our white paper champions a critical shift from this reactive stance to a proactive, integrated approach where Clery Act compliance is strategically embedded within enterprise risk management (ERM) frameworks and viewed as a core indicator of an institution's overall administrative capability.

Drawing on insights from U.S. Department of Education findings and expert discussions with Kathy Hargis, Associate Vice President, Risk Management at Lipscomb University, and past president of University Risk Management Association (URMIA); Gabe Gates, Associate Vice President for Clery Compliance and Youth Protection for University of Southern California and Critical Arc Senior Executive Consultant's Jonathan Kassa and Jim Moore discuss how institutions can move from reactive to proactive risk management. We outline how senior executive campus leadership can proactively enhance campus safety by:

- Elevating Clery Act discussions using executive-based language.
- Integrating compliance functions directly into daily operations.
- Fostering campus-wide collaboration and transparency.
- Systematically assessing and improving program health using objective standards.

By embracing these strategies, institutions will meet federal mandates but also cultivate a comprehensive environment of safety and well-being, building trust with stakeholders and effectively navigating complex institutional risks while helping to raise protective factors.

1. Introduction: The Evolving Landscape of Campus Safety and the Clery Act

Campus safety is a complex and ever-present concern for higher education. The Clery Act, rooted in a history of expansion driven by new problems and challenges, provides a roadmap for improved campus safety and crime prevention. It mandates that institutions receiving federal student aid disclose campus crime statistics and security information. However, compliance failures often lead to serious repercussions from the U.S. Department of Education (ED), particularly findings related to "Impaired Administrative Capability."



"Impaired Administrative Capability" is identified as a critical, overarching finding by ED (Number four on their top 10 list of common failures), often signaling a "low or lack of confidence in leadership." This is not merely an isolated compliance issue, it reflects a deeper systemic problem where institutions fail to identify or take remedial action for repeat violations, typically across numerous compliance areas. Administrative capability, therefore, extends beyond any single regulatory requirement; it signifies an institution's cumulative ability and willingness to properly administer Title IV programs and foster an overarching "environment of compliance".

The challenge for senior leadership lies in shifting from a reactive posture, where "meaningful conversations occur after a report...or after there's something that happens," to a proactive one, which, though seemingly simple, requires intentional effort and sustained strategic implementation.



2. Strategies for Proactive Integration and Leadership Engagement

To transition from reactive to proactive campus safety, senior executive leadership must champion a comprehensive approach that integrates Clery Act compliance into the institution's broader risk management and the presidential cabinet's oversight strategy.

2.1 Elevate the Conversation with Senior Leadership

One of the critical challenges is engaging senior leadership beyond the technical details of Clery Act compliance, typically an over-emphasis on fines and data, to highlight broader implications.

- **Shift Language:** Frame discussions in the language of institution-wide enterprise risk management (ERM) that senior leadership readily understands. Instead of focusing on "Clery nuances," discuss campus safety within the context of overall institutional risk.
- **Prioritize Critical Risks:** Utilize ERM frameworks to help upper administration identify and prioritize critical and time-sensitive risks from the multitude of challenges facing the institution, such as funding cuts or enrollment concerns. This approach will aid in effectively allocating diminishing resources, ensuring that Clery Act-related risks receive appropriate attention and investment within the overall institutional risk matrix.
- **Leverage Crises as Opportunities:** While the goal is proactivity, inevitable "crises" are opportunities for action and meaningful conversations, reinforcing the need for proactive measures rather than simply reacting to negative findings as lagging indicators.





2.2 Integrate Compliance into Operations

The highest level of administrative capability involves embedding compliance functions directly into daily operations, transforming them from separate audits into an integral part of the institution's fabric.

- **Embed Functions Holistically:** Rather than treating compliance as a standalone function, integrate it into existing workflows and processes. This fosters a holistic safety environment. When possible, develop sustainability and consistency by implementing customized technology solutions tailored to your institutional needs and resources.
- **Daily Crime Log as a Proactive Tool:** Transform the typically perfunctory daily crime log into a vital tool for engaging senior leadership and fostering daily awareness. Institutions can send the Daily Crime Log to senior leadership each morning with highlighted cases and narratives, outlining involved campus partners (e.g., Title IX, Student Life). This practice:
 - Keeps the Clery Act's mandates front-of-mind daily for leaders.
 - Demonstrates coordination among campus partners.
 - Helps reconcile reporting discrepancies and informs training needs.
 - Builds confidence in public safety departments.
- **Annual Security Report (ASR) Presentations:** When preparing the ASR, use presentations to senior leadership not just for crime data summaries, but to discuss the maturity of the Clery program and objectively identify areas for improvement due to the institution-wide span-of-control that the Clery Act requires across every department.
- **Establish an Executive Oversight Group:** Create a dedicated, smaller group of VPs or senior VPs, such as a "Clery Act Executive Oversight Group," that meets quarterly to receive updates on the Clery program and resolve issues. This provides a structured forum for leadership engagement and strengthens high-level cross functional oversight.

2.3 Foster Collaboration and Transparency

Effective Clery Act compliance requires boundary spanning and building bridges across departments to foster a shared responsibility for campus safety.

- **Increase Campus-wide Collaboration:** Intentionally increase collaboration and reduce silo mentality in "decentralized" Institutions of Higher Education that typically exists across campus departments, recognizing that most risks are interconnected and affect multiple areas. This includes connecting with departments like Title IX, student life, and even hospital administrators who may not fully understand the "why" behind Clery.
- **Connect Clery to Broader Institutional Goals:** Tie Clery Act compliance and overall campus security efforts to other critical institutional priorities, such as enrollment and financials, even key performance indicators that support vision, mission and values attainment. Transparency in Clery compliance can build trust with prospective students and the wider community, positively impacting enrollment, engagement and reputation.
- **Communicate Your Story:** Actively communicate the efforts of your department and the institution through newsletters or public relations to gain buy-in from across the campus community by reinforcing the holistic, proactive, and empowering aspects of the act that any campus community would value, mandated or not.



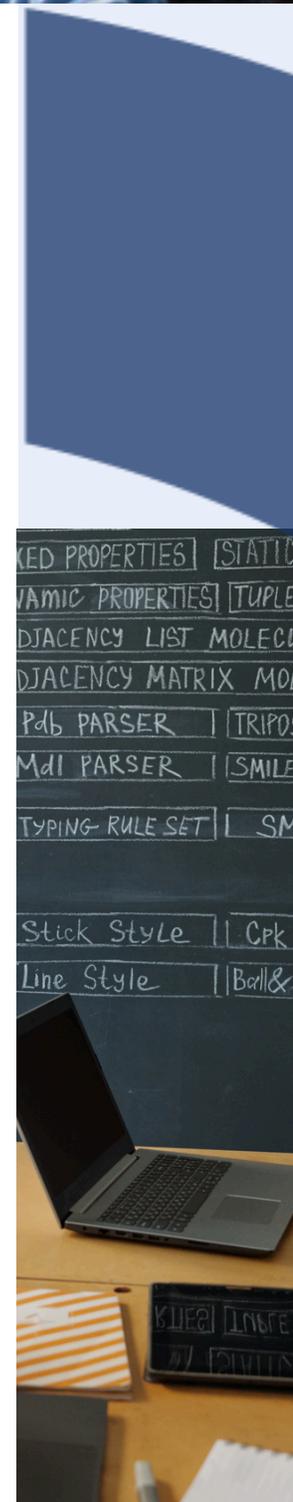
2.4 Systematically Assess and Improve Program Health

A robust CleryAct program requires continuous assessment, evolution and improvement to provide objective, actionable data to leadership.

- **Evaluate Relationships:** Assess the health of your Clery Act program by understanding the relationship and information-sharing cadence with key personnel across the university, such as the Title IX coordinator, athletics director, and residence life.
- **Use Compliance Program Standards:** Evaluate your Clery Act program based on the seven elements of an effective compliance program as published by the U.S. Department of Health and Human Services Office of the Inspector General Guidance. This framework provides objective data to leadership on program strengths and areas for improvement, helping to depersonalize the assessment as an independent, objective common ground. These elements include:
 - a. Standards of conduct/policies and procedures.
 - b. Compliance officer and committee.
 - c. Communication and education.
 - d. Internal monitoring and auditing.
 - e. Reporting and investigation.
 - f. Enforcement and discipline.
 - g. Response and prevention.
- **Focus on the "Why":** When discussing Clery Act requirements, always start with the "why" by focusing on making the campus safer and protecting people, rather than just reciting regulations, stats and punitive ED findings. As Mr. Moore noted, "about 90% of compliance happens when you are simply "doing the right things".
- **Problem Solvers:** When identifying issues or deficiencies, leadership should encourage bringing solutions and options to the table rather than just highlighting problems.
- **Prepare for Public Scrutiny:** Institutions should ensure that their Clery Act programs, particularly public-facing parts, would "stand-up to the rigor" of a major incident featured on national news and social media. This simple, yet forward-thinking, approach is a core aspect of stress-testing administrative capability.

2.5 Staying Informed about External Changes

While Clery Act definitions do not immediately change until the Department of Education updates them, institutions should remain aware of shifts in external reporting standards. For example, the FBI's updated NIBRS (National Incident-Based Reporting System) user manual replaces "fondling" with "criminal sexual contact," removing the limitation to "private body part." Monitoring such changes is crucial for future calibration with overall institutional compliance. It is important to wait for ED guidance and regulations regarding any such changes applying.



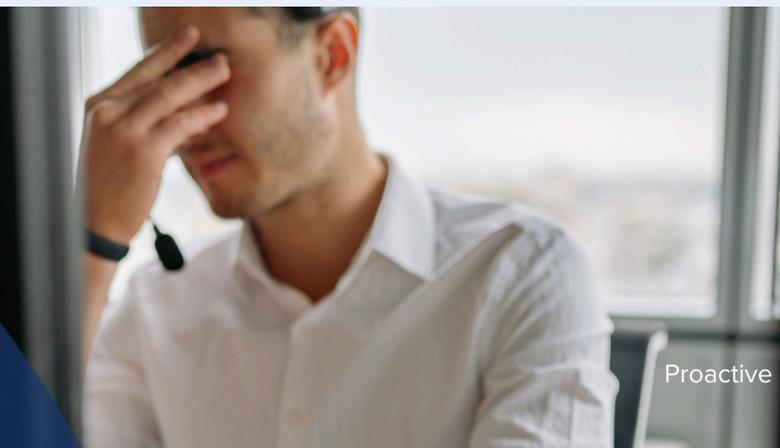
3. Key ED Findings: Common Administrative Capability Failures



Starting with the first mention in 2004's report for Salem International University, ED's [Final Program Review Determinations](#) have consistently identified recurring administrative capability failures related to Clery Act compliance. Awareness of these common pitfalls can guide proactive daily efforts while informing effective executive level oversight. The "Top 10 U.S. Department of Education Findings and Common Administrative Capability Failures" include:

- 1. Failure to Produce an Accurate and Complete Annual Security Report (ASR):** missing or incomplete information disclosures regarding campus safety, crime prevention, and consumer protection policies.
- 2. Failure to Actively Distribute the ASR in accordance with federal regulations:** effective distribution involves multiple methods and the ability to prove compliance.
- 3. Failure to Compile, Classify, and Disclose Accurate and Complete Crime Statistics:** A majority of these violations are often attributed to discrepancies between the government's CSSDACT (Crime Statistics Survey Data Collection Tool) and the AS(FS)R data when none should exist – a clear indicator of wider potential compliance issues for further expiration by ED.
- 4. Impaired Administrative Capability:** This is a serious cumulative finding, specifically highlighting repeat violations and failure to take remedial action.
- 5. Failure to Produce or Maintain an Accurate and Complete Daily Crime Log:** A key operational deficiency; similar to poor bookkeeping in accounting, the genuine "balance" of reported incidents is unknown due to inaccurate record keeping.
- 6. Failure to Issue Timely Warnings, Emergency Notifications or Comply with Emergency Evacuation and Response Requirements:** a serious lack of information for community stakeholders' situational awareness regarding public and personal safety.
- 7. Failure to Comply with the Section 304 Requirements of the Violence Against Women Act (VAWA):** specific policies, processes, resources and requirements.
- 8. Failure to Identify and Classify Clery Geography in accordance with federal regulations:** an ever-evolving risk that needs constant compliance vigilance.
- 9. Failure to Comply with Record Retention Requirements/Produce Accurate and Complete Records to the Secretary:** counter to the guarantees made by the president's execution of the Title IV Program Participation Agreement.
- 10. Failure to Comply with the Drug-Free Schools and Communities Act:** a regular oversight blind spot to develop, track, administer and communicate such information.

Campus Security Authorities (CSAs), as a decision of ED, are not explicitly on this specific top 10 list. However, an institution's failure to identify and inform CSAs will increase failures to report, likely contributing to violations across multiple categories on the list, affecting the accuracy and completeness of crime statistics and the issuance of timely warnings.



Conclusion

Fundamentally, Clery Act compliance is a direct indicator of an institution's administrative capability and its commitment to fostering a safe and secure campus environment. By adopting a proactive, holistic, and collaborative approach, senior executive campus leaders can move beyond mere regulatory adherence and checklist management to strategically integrate Clery Act compliance with broader risk management efforts.

The goal is to shift the focus from "paper" compliance to genuinely making people safer on campus. This not only ensures federal compliance, it also elevates the conversation around campus safety, builds essential trust with students, parents, and the wider community, as well as strengthening the institution's resilience against the complex landscape of overall risks.

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“CriticalArc has been an invaluable partner in transforming campus safety and crisis management at WesternU. Their consulting expertise, from security assessments to crisis response frameworks, has elevated our ability to protect and support our university community. I deeply appreciate their commitment, innovation, and the proactive solutions they bring to the table—working with them has been a game-changer, and they have been and continue to be a trusted partner year after year.”



– Dr. Denise Cornish,
Senior Vice President & Chief Operating Officer



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CriticalArc partners with U.S. colleges and universities to reduce institutional risk, strengthen governance, and demonstrate defensible compliance with the Jeanne Clery Act, Stop Campus Hazing, Violence Against Women Acts, plus related federal and state mandates.



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