

2-2019

Efficacy of Clery Act Timely Warning and Emergency Notification Messages

Travis W. Douglas

Let us know how access to this document benefits you

Follow this and additional works at: https://jdc.jefferson.edu/ascps_fellowship

 Part of the [Higher Education Commons](#), [Law Enforcement and Corrections Commons](#), and the [Legislation Commons](#)

This Article is brought to you for free and open access by the Jefferson Digital Commons. The Jefferson Digital Commons is a service of Thomas Jefferson University's [Center for Teaching and Learning \(CTL\)](#). The Commons is a showcase for Jefferson books and journals, peer-reviewed scholarly publications, unique historical collections from the University archives, and teaching tools. The Jefferson Digital Commons allows researchers and interested readers anywhere in the world to learn about and keep up to date with Jefferson scholarship. This article has been accepted for inclusion in Arlen Specter Center for Public Service Research Fellowship by an authorized administrator of the Jefferson Digital Commons. For more information, please contact: JeffersonDigitalCommons@jefferson.edu.

Efficacy of Clery Act
Timely Warning and Emergency Notification Messages

Travis W. Douglas

Thomas Jefferson University

Author Note

Travis Douglas, School of Continuing and Professional Studies, Thomas Jefferson University.

This research was made possible in part through the Arlen Specter Center for Public Service Research Fellowship at Thomas Jefferson University and the assistance of the Clery Center.

Correspondence concerning this paper should be addressed to Travis Douglas. Email: travis.douglas@jefferson.edu

Copyright © 2019 by Travis Douglas

ABSTRACT

The Clery Act (20 U.S.C. § 1092(f)) was passed following the rape and murder of Jeanne Clery in 1986 at Lehigh University. The intent of the law was to improve campus safety by making information about crime as well as safety and security policies more accessible to students, parents, employees, and others. This study explored the efficacy of the emergency notification and timely warnings provisions of the law. The study found these messages to be useful in promoting campus safety, particularly by informing people about safety issues and impacting people's behavior related to self-protection. However, safety related behavior changes are perceived to be short-term rather than long-term. Problems were also reported in relation to timeliness of messages, message content and the unintended impacts or consequences that messages can have. Unintended impacts or consequences include the potential for messages to lead to perceptions that a campus is an unsafe campus environment when in fact risks are small; to reinforce racial stereotypes; to be perceived as victim blaming, or revealing information that causes victims who report crime to be outed; or trigger psychological complications. The potential for these issues to cause a "chilling effect" or impede law enforcement efforts were also reported.

ACKNOWLEDGMENTS

My sincere thanks to the Clery Center, the Arlen Specter Center for Public Service at Thomas Jefferson University and the Specter family for their support of this research.

Senator Arlen Specter and the Clery Act:

Crime prevention and community safety were important themes throughout the career of Senator Arlen Specter. This is evidenced by his service as an Assistant District Attorney and later District Attorney in Philadelphia, where he gained useful insights for his future work drafting legislation on crime in the United States Senate (Fox News, 2009; Burns, 2005). Senator Specter was an advocate for effective legislation on crime prevention, law enforcement, and criminal justice issues. He was masterful at gaining the support of community leaders and marshaling legislation through the Senate. He often took his advocacy directly to the public via editorials in papers with a broad readership such as the *New York Times*. In 1983, he advocated for the Violent Crime and Drug Enforcement Improvements Act (Specter, 1983). In 1994, the senator addressed the need for reforms of the criminal justice system (Specter, 1994), advocating for drug treatment and rehabilitation programs to promote job skills in order to prevent recidivism, along with life sentences for habitual offenders.

The senator's experience and strong advocacy of crime prevention legislation, and his ties to Pennsylvania and the Philadelphia area made him an excellent sponsor and champion for the Clery Act. The Clery family went to Senator Specter for his support following the death of their daughter at Lehigh University in 1986 (Specter, 1997; U.S. Senate, 2006). Senator Specter introduced the Crime Awareness and Security Act of 1989 (Specter, 1989), which evolved to

become the Student Right to Know and Campus Security Act (Public Law 101-542; Specter, 1990), signed by President Bush in 1990. That law eventually became the Clery Act.

Following the passage of the Clery Act, Senator Specter maintained his interest in the effectiveness of the law and compliance with it. In 2006, the senator chaired an oversight hearing in Philadelphia. In attendance were the presidents of several Philadelphia-area universities as well as representatives of the U.S. Department of Education, U.S. Department of Justice and Security on Campus. In his opening remarks, Specter focused attention on compliance with the legislation, noting concerns that crime data were not being properly reported. This was of critical concern because as the senator said, “This is a very, very important statute, because if you do not know what is happening on the campus, parents cannot make an evaluation as to where they want to send their children to school. And if you don’t report what is happening on the campus, students and parents are not able to protect themselves” (U.S. Senate, 2006).

TABLE OF CONTENTS

ABSTRACT i

ACKNOWLEDGEMENTS ii

TABLE OF CONTENTS iv

BACKGROUND 1

 Origin and Purpose of the Clery Act 5

 Campus Crime Data6

 Perception of Crime on Campus 10

 Consumer Protection Law 12

 Enforcement 13

 Evidence of Problems 12

METHOD 20

 Population and Sample 20

 Research Questions..... 21

 Instrumentation 21

 Procedures..... 22

RESULTS 23

 Demographics 23

 Reasons for Sending Messages 26

 Distribution Methods 27

 Effectiveness of Messages 28

 Assessment Findings 38

LIMITATIONS..... 39

DISCUSSION..... 41

REFERENCES 45

APPENDIX 1: IRB APPROVAL..... 51

APPENDIX 2: QUESTIONNAIRE 52

BACKGROUND

What would you do if you knew you were heading towards danger?... If you were about to be robbed, assaulted, raped, or even murdered? Almost certainly, you would take action to prevent that crime from happening.

That was the sort of question that Connie and Howard Clery considered in proposing legislation to make information about campus crimes accessible to students, parents and the public. In April of 1986, their daughter, Jeanne Clery was raped and murdered in her residence hall room at Lehigh University. Another student entered the building through a series of propped open doors and raped and murdered her (Zdziarski, Dunkel, & Rollo, 2007).

During the investigation and trial, as well as a subsequent civil lawsuit, the Clerys learned a great deal about security on Lehigh's campus and the crimes that occurred there prior to their daughter's enrollment and subsequent death. They were never made aware of those crimes prior to her enrolment there. They believed that they would have made a different choice about where to enroll Jeanne had they been informed about the crime rates at Lehigh (Gross and Fine, 1990).

This tragedy prompted the Clery family to begin their work advocating for safer campuses and public release of information about campus crimes (Zdziarski II, E. L., 2007). Howard Clery said, "When your daughter is slaughtered, you have two choices - curl up and let the world go by or fight back" (as quoted by Nelson, 2008). Using funds from the settlement of a civil lawsuit, the Clerys founded Security on Campus, Inc., which later became the Clery Center. In 1988 they secured passage of the College and University Security Act in Pennsylvania (24 P. S. §§ 2502-1—2502-5).

In 1990, they achieved success at the federal level with the passage of the Student Right to Know and Campus Security Act (Public Law 101-542), which was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in 1998 (Public Law 105-244) (hereafter referred to as the Clery Act). The intent of the law was to improve campus safety by making information about crime as well as campus safety and security policies more accessible to students, parents, employees, and others.

The Clery Act, along with the implementing regulations currently in effect (34 CFR part 668; U.S. Department of Education, 2016), has several requirements with which institutions receiving federal funding must comply. These can be summarized briefly as follows:

1. Collection of statistics regarding specified crimes occurring in covered geographic areas associated with each campus, as well as fire statistics from campus residence halls.
2. Maintenance of a publicly available crime log and fire log.
3. Publication of an Annual Security Report disclosing crime and fire statistics as well as certain safety and security policies.
4. Distribution of timely warnings about specified crimes reported in covered geographic areas associated with each campus when the institution considers them to represent a continuing or ongoing threat to students or employees.
5. Distribution of emergency notifications during significant emergencies or dangerous situations that pose an immediate threat to the health or safety of students or employees.

Research on the effectiveness of the Clery Act has focused primarily on the collection and public availability of crime statistics. This is logical given that the Clerys' underlying premise in promoting the legislation was that the availability of this information might help to shape the decisions of students and parents.

The research reveals that the law has had limited success in achieving that intended outcome. Prospective students rarely read the crime statistics and they do not impact most students' choice of institution. In a survey of parents, 22% recalled receiving these statistics and 15% read them (Janosik, 2004). Only 4% of conduct administrators reported seeing evidence that the crime statistics impacted students' choice of institution (Janosik & Gregory, 2003). When surveyed, 8% of undergraduate students indicated that the crime statistics were influential to them (Janosik & Gehring, 2003).

Administration of the act has become burdensome and costly to institutions. In a study of conduct administrators, 30% indicated that their caseloads had increased since the passage of the act (Gregory & Janosik, 2003). However, conduct administrators did not perceive that the act had reduced crime on campus, with only 2% reporting that it had, while 50% reported it was ineffective or very ineffective (Janosik & Gregory, 2003). In a survey of campus law enforcement, respondents reported very little impact on student behaviors related to their security on campus (Janosik, & Gregory, 2003), and only 10% felt that changes in crime rates could be attributed to the effects of the act (Janosik, & Gregory, 2003).

While the crime statistics do not seem to have the intended beneficial effect, the emergency notification and timely warning provisions of the act seem to have a more

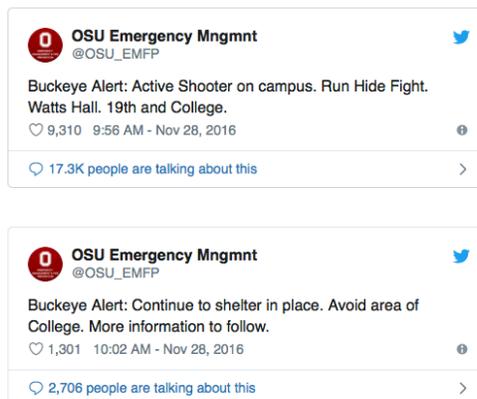
practical use. Two of the most active researchers on Clery Act effects, Dennis Gregory and Steven Janosik have argued persuasively that:

The emphasis on the campus crime reports should be lessened and a focus upon increasing campus safety programs, notification to students about safety hazards, increased “*timely notice*” when a serious crime occurs, and increased cooperation between campus officials, students, the media, and others to change student behaviors must be the new focus. (Gregor & Janosik, 2003)

Instances, when campuses have issued emergency notifications and timely warnings, have significantly shaped how campus communities respond to protect themselves. For example, in 2016, Ohio State University issued an emergency notification when a person pulled a fire alarm, then drove a car into the crowd as people evacuated, exited his vehicle and started stabbing people with a machete (Associated Press, 2016; Hartley-Parkinson, 2016).

In a series of tweets, the campus office of emergency management alerted the campus to the danger. In the early confusion, the incident was believed to be an active shooter as 911 callers reported hearing shots, which were fired by police officers:

Figure 1: OSU Twitter Alerts



SOURCE: Twitter @OSU_EMFP

People on campus quickly saw these messages and took steps to avoid the danger, perhaps saving themselves from being injured or killed. This example is one of many that illustrates the potential of the emergency notification and timely warning provision of the Clery Act to be useful and more effective than crime statistics at directly impacting campus safety.

Figure 2: OSU Students Barricaded in Classroom



SOURCE: Twitter/Harrison Roth @goisles29

Origin and Purpose of the Clery Act

The passage of the Student Right to Know and Campus Security Act (Public Law 101-542) in 1990 was a response to broad concern about crime and the safety of America's college and university campuses as well as a perception that colleges and universities did not make data about crime available. At the time of its passage, only 4% of colleges and universities (350 schools) voluntarily reported crime statistics to the FBI for inclusion in the Uniform Crime Reports (Jouzaitis, 1990). Crime victims and their families often complained about schools' failure or refusal to release information about

campus crime (Griffaton, 1993). At a conference at the University of Pennsylvania in 1988, Howard Clery said that schools were hiding behind a “curtain of silence and hypocrisy. Universities do not hold themselves responsible for crime on campus. Many won't release crime statistics to people who have a right to know. (as quoted by Solomon, 1988).”

During debate in the U.S. House of Representatives, Representative Williams of Montana noted that “Articles about increases in crime and racial violence on college campuses have, of course, raised concerns about the safety of students on college campuses. For parents and students, the decision on which college or university to attend has become far more complicated than simply selecting an institution based on academic standards (Congressional Record H.R. 1454 June 5. 1990).” Representative William Goodling of Pennsylvania, home of the Clerys, remarked “Mr. Speaker, over a year and a half ago, I was contacted by Howard and Connie Clery, whose daughter was brutally murdered at a university. Before my conversation with them, I did not generally associate the words "crime" and "campus." I viewed college and university campuses as quiet, idyllic places far removed from many of the horrors facing the rest of society. But this is a false image.” (Congressional Record H.R. 1454 June 5. 1990)

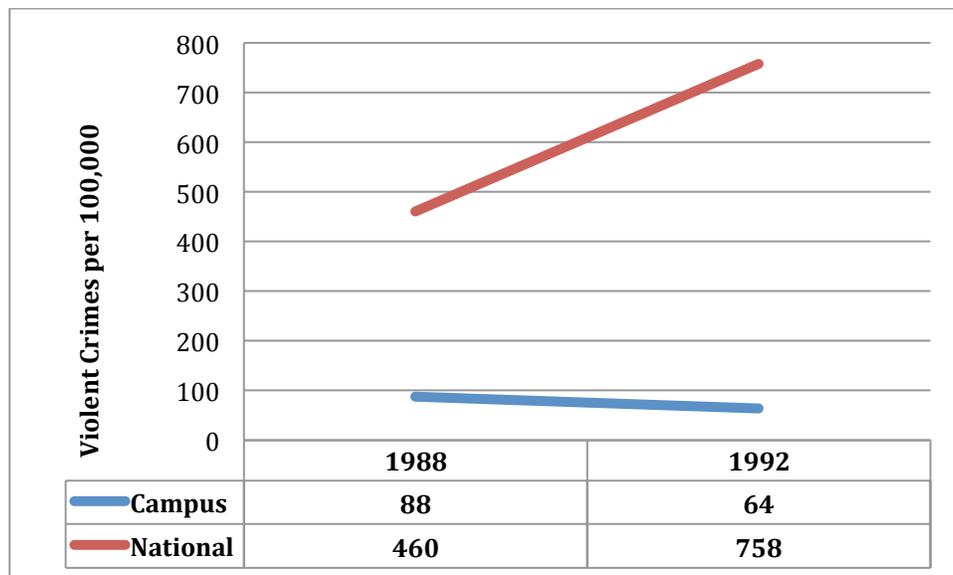
Campus Crime Data

Campus crime has been a significant concern on American college and University campuses for a long time. Student riots were noted at Harvard, Yale, and Princeton in the early 1800s. In the years preceding passage of the Student Right to Know and Campus Security Act several high profile violent crimes occurred. These included the 1986 rape and murder of Jeanne Clery at Lehigh University and the 1987 killing of Katherine

Hawelka at Clarkson University. While high profile incidents such as these would gain media attention, overall statistics about campus crime were generally unavailable because campuses policed themselves and disciplined their own students rather than referring students to the criminal justice system (Griffaton, 1993).

Volkwein et al. (1995) examined data regarding campus crime trends. Their findings showed that the rate of violent crimes (including assault, robbery, murder, and rape) was escalating nationally while decreasing on campuses between 1974 and 1992. Also noteworthy was the finding that rates on campus were significantly lower per capita when compared to the national crime rate.

Figure 3: Campus vs. National Crime



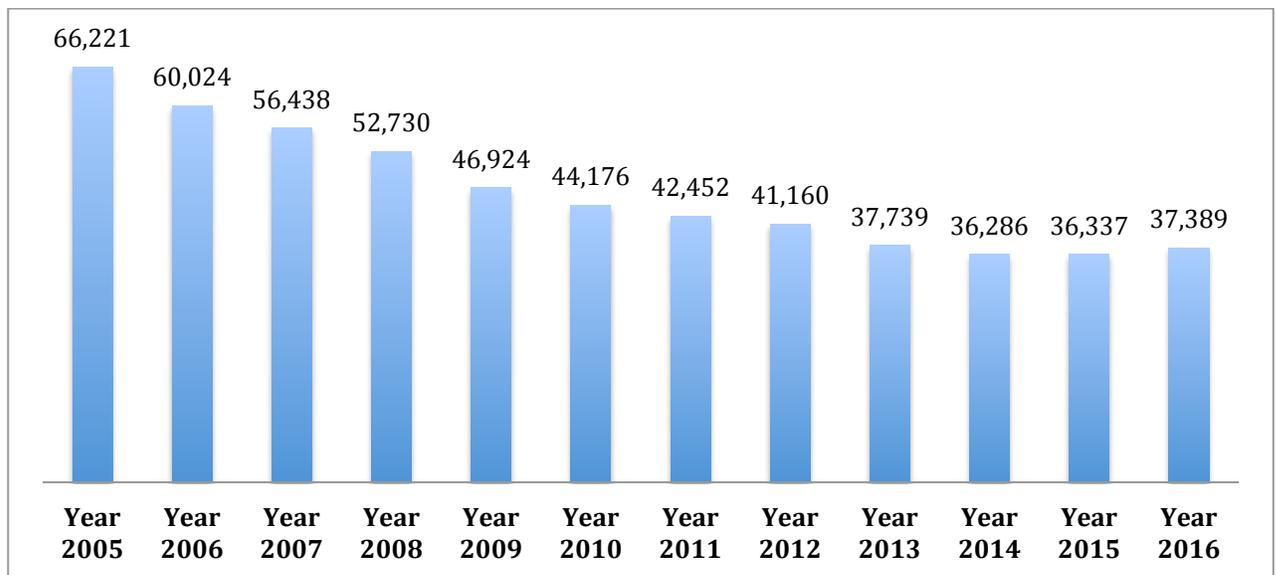
SOURCE: Adapted from Volkwein et al. (1995)

Volkwein et. al (1995) also noted that there was no significant relationship between off-campus and on-campus crime rates. Their conclusion was that campuses are

much safer than the communities where they are located and that the majority of crimes that did occur on campus were not violent, but property related (burglary, motor vehicle theft).

Recent data available because of the reporting requirements of the Clery Act shows a more complex picture of crime on campuses. The overall crime rate between 2005 and 2016 has been in decline, dropping from 66,221 crimes reported in 2005 to 37,389 in 2016 (U.S. Department of Education, 2018).

Figure 4: Clery Data - Reported Criminal Offenses

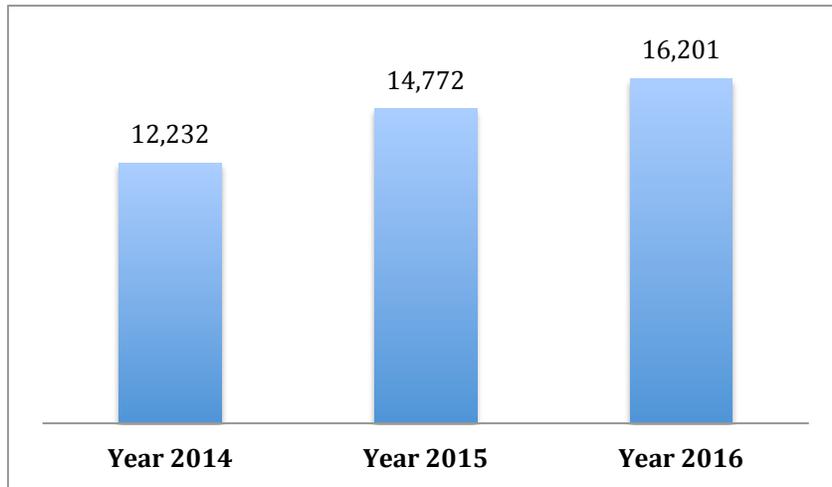


SOURCE: U.S. Department of Education, Office of Postsecondary Education, Campus Safety and Security (CSS) survey.

However, offenses defined under the Violence Against Women Act (rape, fondling, stalking, incest), often referred to as VAWA, which amended the Clery Act, and hate crimes (motivated by the perpetrator's bias against the victim due to their race,

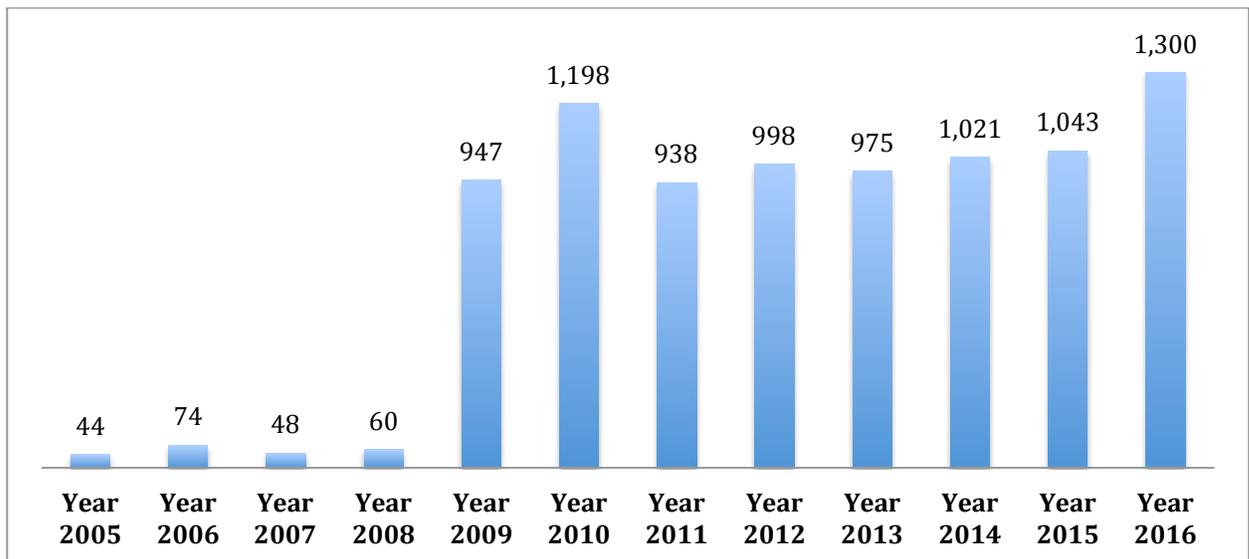
ethnicity, national origin, gender, sexual orientation, religion or disability) have been increasing:

Figure 5: Clery Data – Reported VAWA Offenses



SOURCE: U.S. Department of Education, Office of Postsecondary Education, Campus Safety and Security (CSS) survey.

Figure 6: Clery Data – Reported Hate Crimes



SOURCE: U.S. Department of Education, Office of Postsecondary Education, Campus Safety and Security (CSS) survey.

Perception of Crime on Campus

While the available data about campus crimes indicates that students are not at any greater risk than the general population - in fact, the opposite appears true – there is a sense of fear about campus crime among the general population. Matthews (1993) wrote about the perception that American college campuses had transformed in the 1980s from tranquil enclaves into armed camps - noting ax attacks in libraries, hostage taking, shootings, and murder – and asserting that 1 in 3 students would be the victim of some sort of crime and that estimates of women being raped ranged between 1 in 7 and 1 in 25. Matthews framed the context as one of open residence hall doors, carelessness, and naiveté that made college students easy targets for crime, while institutions focused on producing glossy brochures rather than complying with the provisions of the Clery Act.

Media coverage of campus crime has created a perception that campus crime is usually violent, while the reality has been that violent crime is rare and theft and property crime constitute the majority of campus crime (Fisher, 1995). Upon passage of the Clery Act, higher education professionals worried that the Clery Act would not improve the public's understanding of campus crime issues because data would be taken out of context. Darryl Greer, executive director of the New Jersey State College Governing Boards Association was quoted as saying “My concern is that people will use this information to sensationalize or stereotype institutions. To use this information alone to compare different types of institutions may be misleading and dangerous (Burd, 1992).”

Heath (1984) examined fear associated with news coverage of crime and found that coverage increased fear among the general population as well as college students. The increase in fear was strongly tied to whether the crime was perceived to be random

and whether it was near or far from the reader. Kaminski, et al. (2010) examined the fear of being attacked by a weapon and the impact of the Virginia Tech and Northern Illinois campus shootings using surveys administered prior to and following those incidents. They referenced that in 1990, the year with the highest number of campus shootings prior to their study, the likelihood of being shot was .000002% (38 shootings among 17,487,475 students enrolled nationwide). While this represents a very small chance of actual victimization, their study also showed that media coverage of these incidents, particularly the Virginia Tech incident, increased student fear of being attacked by a weapon by about 9% among students at the University of South Carolina.

Baum (2017) examined the role that social networking services (SNS) play in informing students about crime. In a quantitative study, Baum found that 93.09% of students used SNS, 39.1% read about crime that occurred at their own institution (Stockton University) using SNS, and 74.11% read about crime at other institutions using SNS. In follow up qualitative interviews, Baum found results similar to Heath (1984). Subjects commented that when reading about crime via SNS it increased their fear of crime and that closer events were more significant:

Pat- "I feel more inclined to talk about campus safety when it becomes a pressing issue like *when there was the bias crime back in November it was more something I thought of and I kind of felt less comfortable about it* so I wanted to talk about it more because I felt like it needed to be addressed if it was happening. And with schools like shootings, *especially if it was like close by*, I would probably be more inclined to talk about how maybe there is something we need to do in order prevent it." (Baum, 2017, pg. 148)

Nate- "For instance the other day, I am in a fraternity here and the other day *someone posted in our page and was like the headline was like someone drives car through fraternity house and shoots up fraternity house* so when I saw that I

had never thought about that before it had never crossed my mind before and that was an online social media reference article, and now I know the next time I am with brothers or even if we are just getting lunch in the campus center *I am going to be a little on edge just because I have heard that and it's the back of my head now..* (Baum, 2017, pg. 149)

Consumer Protection Law

Historically (prior to the Clery Act and a handful of state laws), the principle of *caveat emptor* (buyer beware) was the principal rule that governed the relationship between students and schools with respect to the school's safety (and suitability generally). Schools had no legal duty to track or to disclose crime-related information to students, parents or the public, and most did not. The common law provided a potential avenue for relief, through tort actions. The common law recognized the potential for tort claims in certain circumstances (Schwartz and Silverman, 2005). These include fraudulent or negligent misrepresentation, concealment, and nondisclosure. Eventually, Congress recognized the inadequacy of the common law as a protection for the interests of the public, which led to the creation of the Federal Trade Commission (FTC) and the development of statutory consumer protection laws such as the Wheeler-Lea Act of 1938 (Public Law 75-447).

The adoption of the Student Right to Know and Campus Security Act (Public Law 101-542) established a duty to disclose crime data and provide warnings to students and their parents. During debate about the adoption of the Student Right to Know and Campus Security Act (Public Law 101-542), Representative William Goodling of Pennsylvania described the act as a consumer rights bill (101 Cong. Rec. 1259, 1990):

Mr. GOODLING. Mr. Speaker, the bill we have before us today, H.R. 1454, the

Student Right to Know and Campus Security Act, is a consumer rights bill for students. It requires schools to provide students with information which will assist them in making decisions concerning college attendance – and it provides students with information they need to protect themselves against becoming crime victims.

The adoption of the law changed the relationship between schools and students from that of *caveat emptor* to one protected by a defined legal duty to disclose and to warn that would be subject to federal enforcement authority.

Enforcement

In the early years after passage of the act, compliance was notably low and little attention was given to enforcement efforts. In 1998, an amendment was passed (105th Cong. Rec. S7784, 1998) renaming the act the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Public Law 105-244) and authorizing the Department of Education to impose civil fines on institutions that failed to comply. However, concern about compliance continued for several years. In remarks in the U.S. Senate, Senator Arlen Specter, the original sponsor of the legislation in the Senate, stated that:

“Regrettably, there is only about one- third compliance with the schools on that act. The beginning of the school year is the time they call the Red Zone, when there are more offenses likely to be committed. For this reason, Security on Campus has designated September 2006 as National Campus Safety Awareness Month to provide an opportunity for colleges and universities to inform students about existing campus crime trends. At a very minimum, the colleges and universities ought to comply with the law on disclosure so that students may know what the risks are (109 Cong. Rec. S37, 2006).”

More recently, a number of high profile cases have led to greater emphasis on federal investigations and enforcement, including increasingly higher fines for violations of the act.

One of the most significant examples was the mass shooting that occurred at Virginia Tech in 2007. Following an investigation of the institution's Clery Act compliance, the Department of Education imposed the maximum allowable fine at the time, \$55,000. The department found that the University sent timely warning messages, but that they were *delayed*. They did not notify students of two murders on campus for hours, and the gunman in that incident went on to commit thirty additional murders and wound seventeen others on campus more than two hours later (CNN, 2011). Had a timely warning been issued – *in a timely manner*- perhaps some of those deaths could have been prevented.

Senator Arlen Specter addressed the relevance of the Clery Act to the Virginia Tech shooting incident when speaking to then Attorney General Alberto Gonzalez during an oversight hearing of the Senate Judiciary Committee (U.S. Senate, 2008):

Senator Specter: "...I would like to turn to the massacre at Virginia Tech on Monday. The Congress has acted on campus safety. In 1990, legislation was enacted known as the Jeanne Clery Act after a young woman was brutally raped and murdered in Lehigh University in Pennsylvania. And that law requires campus authorities to notify in a timely way the campus community on crimes considered to be a threat to other students or employees.

Well, we do not have a crime which was reported as to Cho Seung-Hui, but there were a number of indicators, which I want to explore with you to see what might be done by way of amendments to the Act or other legislation.

... But to the extent that we can find some way to deal with these signals, it would be very useful. The public ought to—we ought to be doing what we can to reassure the public that we will look at the facets of what has happened here.”

In 2016, the Department of Education imposed what is to date the largest ever fine for violations of the Clery Act (U.S. Department of Education, 2016), \$2,397,500. The department cited Penn State for 11 serious violations of the Clery Act related to the handling of sexual abuse of boys by Jerry Sandusky, an assistant football coach, including failure to issue timely warnings when Sandusky's crimes were reported.

The most recent large fine was imposed on the University of Montana in 2018 (Malafrente, 2018). The \$996,614 fine was due to the inclusion of incorrect and misleading data in multiple years of crime statistics published by the University as well as other violations.

Evidence of Problems

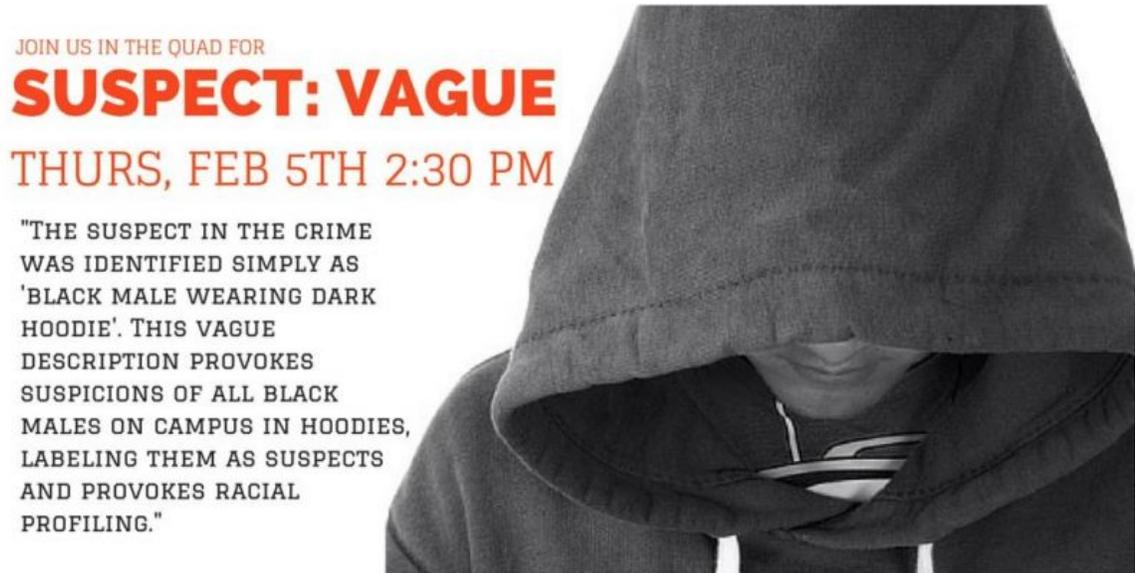
Very little scholarly research has been conducted on the specific effects or implications of Clery Act emergency notification or timely warning messages. Most evidence of problems is found in news coverage about campus timely warnings that led to some form of criticism of college or university decision-making about the messages.

The perception of what is timely has been one source of controversy. At Duke University, Sean Gilbert reported a robbery. The University issued a timely warning some 50 minutes later. In a Facebook post (Moorthy, 2016), Gilbert later commented, "It took DUPD 50 whole minutes to notify campus a man outside our community had held up someone just feet from a residential community and was still somewhere on the loose. Meanwhile, people are walking between apartments and walking alone through the gardens completely unaware of the security threat—when DUPD had the choice to notify us...What good is a campus alert 50 minutes after the fact?"

Victim blaming, outing and exposure to retaliation is another significant concern. In an interview by the Daily Collegian at Penn State (Greiss, 2016), Erin Farley said, “To some people, especially survivors of sexual assaults, the details on the timely warnings can be triggering, upsetting or frustrating,”... “Some people are assaulted in a certain place and if the timely warning reports that place, they may be fearful that the perpetrator may know they reported it.” Police detective Keith Rob also indicated that disclosures can cause harm. Rob said, “I know in the past when fraternities were identified as a location for the sexual assault, the victim was harassed by her friends, by the fraternity, friends of the fraternity — and it cost us,”

At a number of universities, including Louisiana State and Yale, the issue of racial profiling by campus law enforcement has also been raised in connection with timely warnings (Jaschik, 2015). At the University of Minnesota – Twin Cities, students protested the inclusion of race in suspect descriptions included in timely warnings. The concerns stem from the potential for descriptions that reference race to wrongly stereotype people of color.

The Minnesota Daily published an op-ed that “cited a crime report that stated that suspects in a crime were black males between the heights of 5 feet 5 inches and 6 feet 2 inches. ‘This height range alone covers most adult men in the United States. As of 2014, there are approximately 2,400 black students on the Twin Cities campus. If this report were to be acted upon, more than a thousand black male students, faculty and staff could become potential suspects’ (as quoted in Jaschik, 2015).” Their protest effort was promoted using a poster that called attention to the vague nature of suspect descriptions:

Figure 7: Suspect Vague Protest Poster

SOURCE: Inside Higher Ed.

The students' protest efforts led to significant campus debate and a decision by the President to change institutional policy. In announcing the change, University of Minnesota – Twin Cities president Eric Kaler said "We have heard from many in our community that the use of race in suspect descriptions in our crime alerts may unintentionally reinforce racist stereotypes of black men, and other people of color, as criminals and threats. That, in turn, can create an oppressive climate for some members of our community, a climate of suspicion and hostility (Jaschik, 2015)." Similar policy changes have been made at other institutions including Virginia Commonwealth University (Byers, 2017) and the University of Wisconsin, Madison (Richards, 2017).

The potential for chilling effects associated with the timely warning provision of the law has been another cause for criticism. Shortly after the law was passed, Elizabeth Nuss, executive director of the National Association of Student Personnel Administrators was quoted as explaining that "If a student is a victim of a crime and is very upset

emotionally and feels threatened, as a dean I would feel far better if I knew about it, and was able to get some attention to it, even if the student is unwilling to press charges and file a police report. But I won't be able to do anything if this student doesn't come to me. And then, we are worse off (Burd, 1992)."

The likelihood that crime victims, such as victims of sexual assault, might be identified or outed was another significant concern. Harshman, Puro and Wolff (2001) described their concern that the public availability of crime logs and other information collected and released to comply with the Clery Act could allow people to identify victims and alleged perpetrators, which may deter reporting and victims' access to critical support services, as well as prevent appropriate disciplinary actions.

Heck (2016) examined the effects of timely warning messages and found evidence of several problems. Heck states that, "As timely warnings are sent out potentially several times throughout a semester to a college campus with no follow-up of the perpetrator being caught or no indication of authorities finding out more information on the perpetrator's identity, the idea that a person can get away with sexual assault is reinforced again and again. Therefore, timely warnings serve no purpose in deterring this type of crime in the future."

Heck also reports that Clery Act timely warning messages can reinforce rape myths. Heck states that "Because Clery releases are designed to be sent to the entire student population, encoded rape myths have the potential to be spread, further ingrained and reinforced in campus culture." She goes on to explain that, "Even including risk-reduction techniques in Clery releases does more harm than good when it comes to perpetuating a victim-blaming, rape-supportive culture...."

The potential for timely warning messages to reinforce and perpetuate racial stereotypes has also been a significant concern (Jaschik, 2015; Byers, 2017; Richards, 2017). Welch (2007) discussed the significance of stereotypes about young Black men in the public perception of crime. Welch states that:

“In American society, a prevalent representation of crime is that it is overwhelmingly committed by young Black men. Subsequently, the familiarity many Americans have with the image of a young Black male as a violent and menacing street thug is fueled and perpetuated by typifications everywhere. In fact, perceptions about the presumed racial identity of criminals may be so ingrained in public consciousness that race does not even need to be specifically mentioned for a connection to be made between the two because it seems that “talking about crime *is* talking about race”(Welch cites Barlow, 1998).”

METHOD

Population and Sample

To investigate the effectiveness of the emergency notification and timely warning provisions of the Clery Act (Public Law 105-244), a 21 item questionnaire was distributed to a randomly selected national sample of 1,000 professionals who work at higher education institutions subject to the requirements of the Clery Act and are charged with compliance responsibilities. These individuals would be regarded as “Campus Security Authorities” as defined by the act.

Compliance with the act is a condition of participation in programs that provide funding under the authority of Title IV (34 CFR part 668) of the Higher Education Act (Public Law 89-329), which includes federal grants, financial aid, and work-study programs. Data from the U.S. Department of Education indicates that there are 6,506 institutions with 11,181 campuses that are subject to the Clery Act (U.S. Department of Education, 2018). There are no comprehensive lists of all Campus Security Authorities working at these institutions, and such a list would be overly burdensome to create. However, the Clery Center member directory provided an accessible population consistent with the sampling frame from which to draw a sample.

Connie and Howard Clery, Jeanne Clery’s parents, originally founded the organization as Security on Campus, Inc. in 1987. It has been in continuous operation since that time and is recognized today as the nation’s leading non-profit organization engaged in training and advocacy work related to compliance with the Clery Act.

Among the individuals included in the Clery Center contact list, there are some who do not fit into the sampling frame. These include members of the media, security

consultants, insurance agency employees, sellers of commercial safety products, women's center directors, and sexual violence advocates. There are also individuals whose status with respect to fit within the sampling frame was not known because their title or institutional affiliations are not indicated in the directory. Because these individuals do not work for institutions covered by the Clery Act and are not directly involved in implementing the emergency notification and timely warning provisions of the Clery Act, or it was not known if they are, they were redacted from the list prior to sampling. The redacted list comprised 21,176 individuals at 5,569 distinct institutions or campuses who fit the sampling frame.

Research Questions

The following research questions guided this study:

1. Are Clery Act emergency notifications and timely warnings an effective tool to increase student and employee safety on campuses?
2. How are Clery Act emergency notifications and timely warnings distributed?
3. What is the relative effectiveness of different methods of distribution of Clery Act emergency notifications and timely warnings?

Instrumentation

A 21-item questionnaire was developed and refined through a series of pilot tests. To establish content validity, the first version of the instrument was shared with a small group of colleagues who are Campus Security Authorities. They were asked to check a web-based version of the questionnaire for any problems with the functionality of items

and to provide feedback about ways to improve the questionnaire. Based on their feedback, minor changes were made. The questionnaire was then distributed via a single email invitation to a list serve of Chief Housing Officers of the Mid Atlantic Association of College and University Housing Officers. A total of 13 individuals responded. After reviewing the data and respondent's recommendations about the questionnaire, additional minor changes were made. The revised questionnaire was then sent via a single email invitation to a sample of 200 randomly selected individuals from the Clery Center list. A total of 13 individuals responded to this distribution. The average amount of time required to complete the questionnaire was 8 minutes, with the range being between 4 and 16 minutes.

The reliability of the quantitative items was checked using a Cronbach's alpha calculation. The reliability coefficient was 0.86. According to Creswell and Creswell (2018), the optimal value range for the Cronbach's alpha falls between 0.7 and 0.9, however, the small sample size is an important limitation of this calculation.

Procedures

The questionnaire was distributed via emails, which provided an anonymous link to the Qualtrics online platform. An initial email invitation was followed by a series of three (3) follow-up reminders intended to improve the response rate utilizing social exchange concepts in a manner suggested by Dillman, Smyth, and Christian (2016). Participation was voluntary and no incentives for participation were offered.

RESULTS

Of the 1,000 individuals who were sent the invitation to participate, it is estimated that 200 did not receive it (emails bounced or messages were returned indicating the individual was no longer working at the institution). This resulted in a population of about 800 who received the invitation and could have responded. A total of 82 individuals responded and completed the questionnaire. This indicates a response rate of 10% and a margin of error of +/- 11% at the .95 confidence level. Reliability was calculated using the Cronbach alpha model and the reliability coefficient was .91, which confirmed the internal consistency of the instrument.

Demographics

The respondents were asked several questions to provide demographic data about their work role and their institution. The majority of respondents worked in either Clery Act Compliance roles (24%) or campus law enforcement/security (21%). The respondents' institution sizes were nearly evenly distributed, with 44% working at institutions of 4,999 students or less, while 56% worked at institutions of 5,000 students or greater.

Figure 8: Respondents' Functional Areas of Work

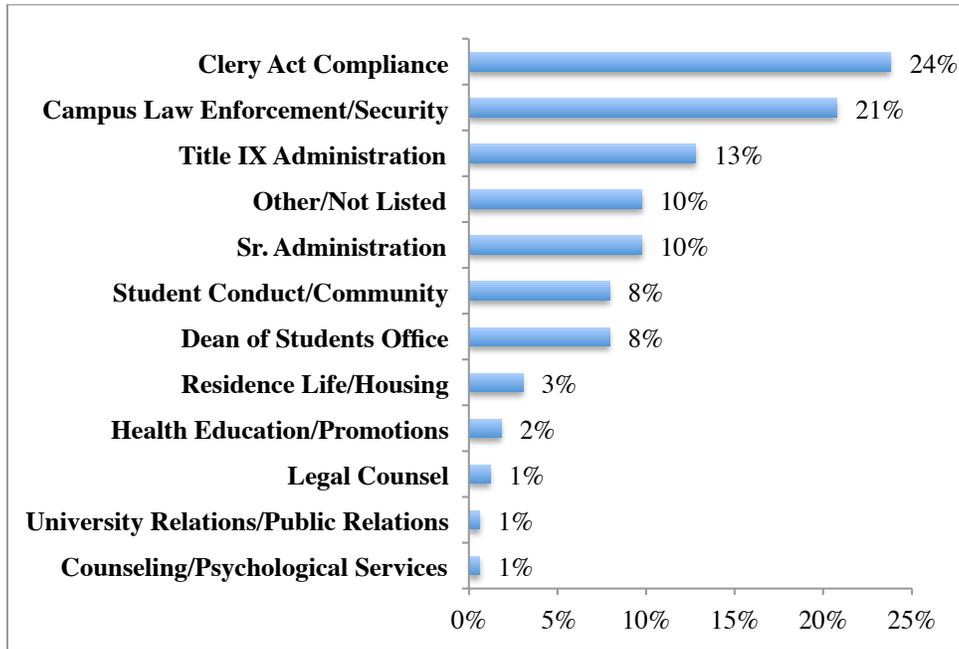
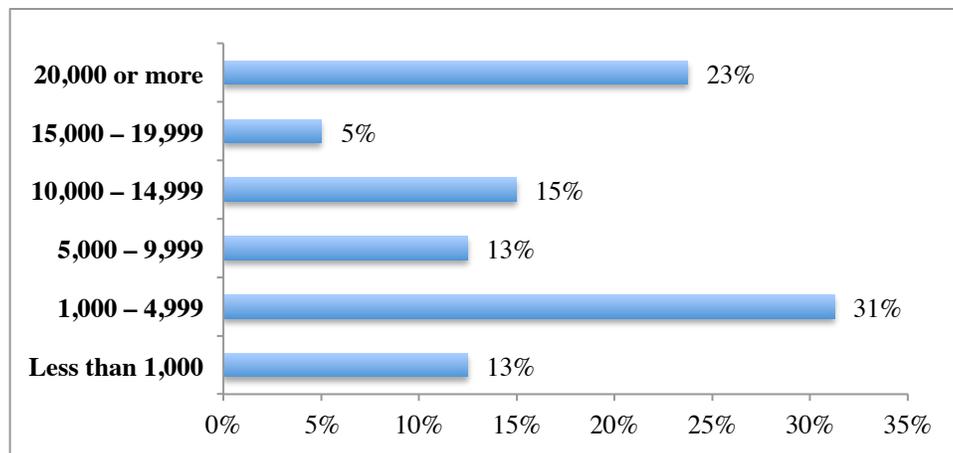


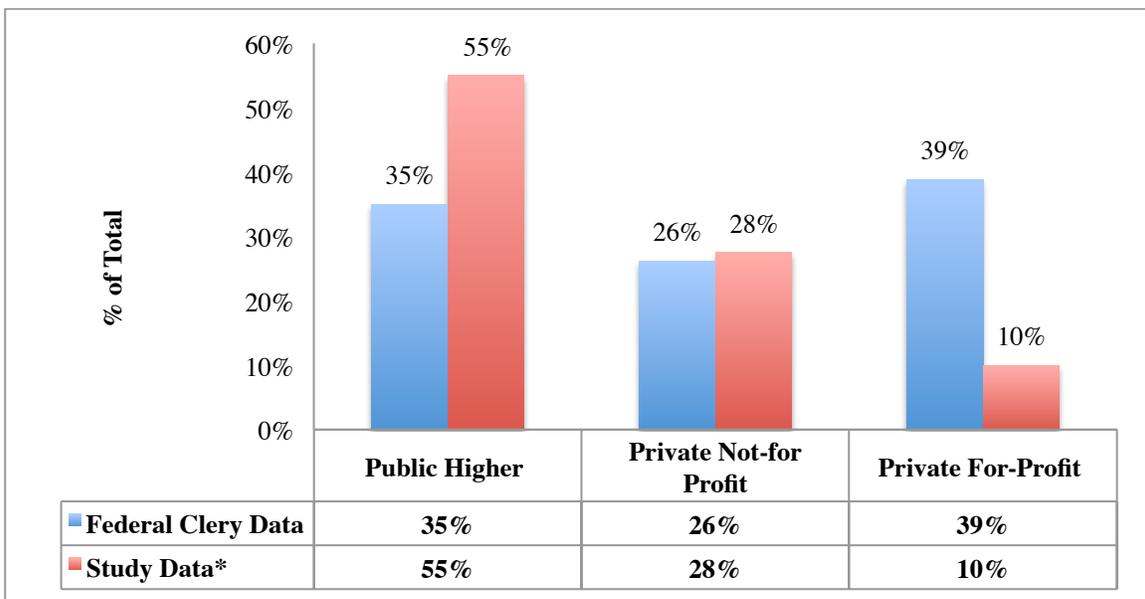
Figure 9: Respondents' Institution Size



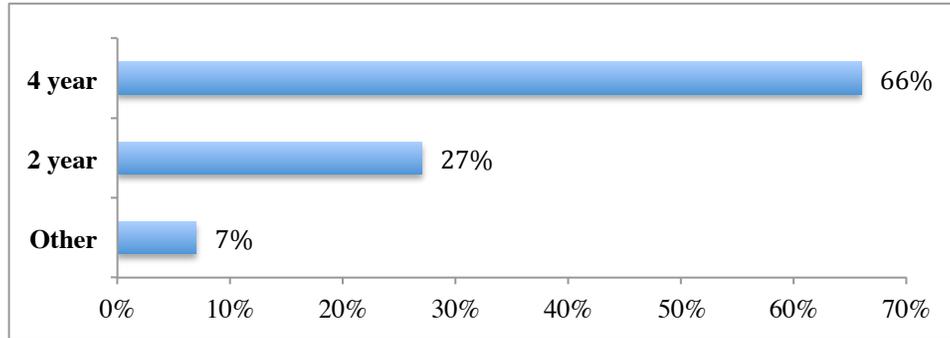
The respondents' institutional sector was checked against the Department of Education data for institutions reporting Clery Act crime statistics to compare the respondent pool to the nation as a whole. Public higher education institutions are over-represented in the data, with 55% of respondents coming from public institutions compared to 35% of institutions nationally falling in that sector. Private for-profit

institutions are under-represented in the data with 10% of respondents coming from private for-profits compared to 39% of institutions nationally falling in that sector. Representation of private not-for-profits is roughly proportional to national data with 28% of respondents working at private-not-for profits compared to 26% of institutions nationally falling in that sector.

Figure 10: Respondent’s Institution Sector



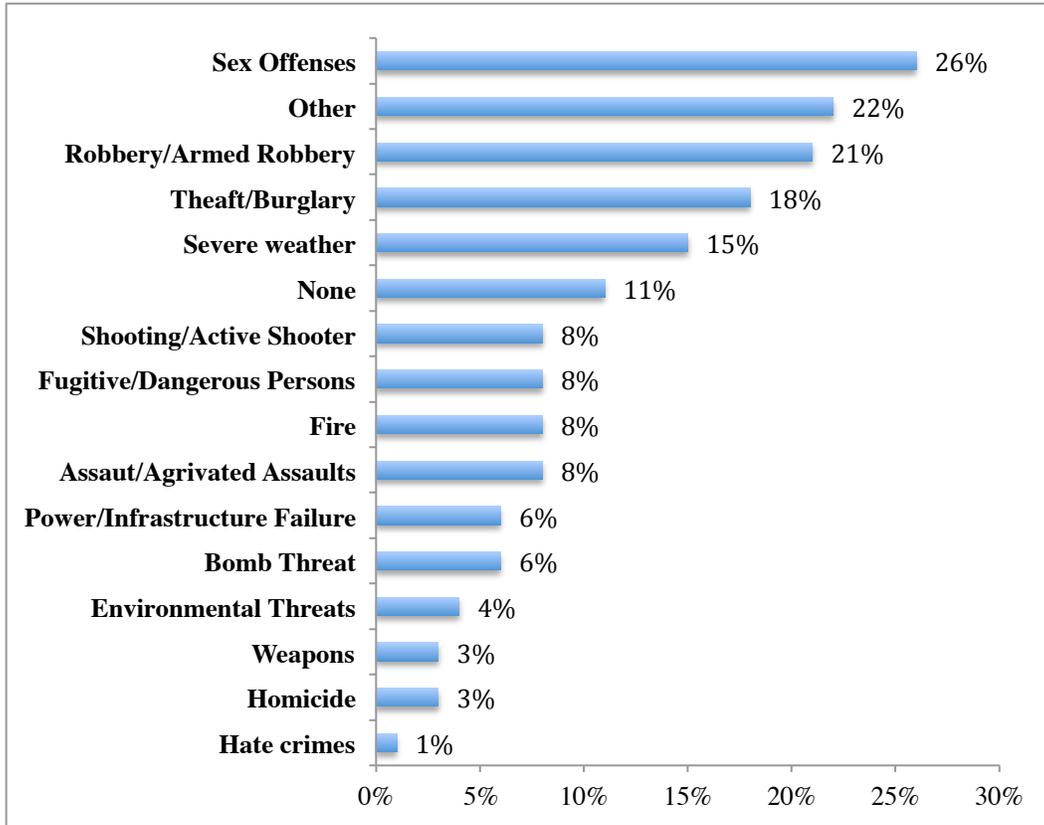
Respondents were also asked to report their intuitional type, and 66% reported working at 4-year institutions, 27% at 2-year institutions and 7% at other types of institutions.

Figure 11: Respondents' Institution type

Reasons for Sending Messages

Respondents were asked to describe the situations that have required their institutions to issue Clery Act timely warning and emergency notification messages. This was an open/free response item. Text responses were analyzed and coded to determine the types of reasons for messages and their relative weight. The most common reasons for sending messages were incidents involving sex offenses (26%). A wide variety of unique incident types were also described and were coded as “other,” which was the second most common reason for sending messages (22%). Robbery or armed robbery (21%) and theft or burglary-related incidents (18%) were the third and fourth most common reasons followed by severe weather (15%). These leading causes would fall within the timely warning category. Among causes that would fall specifically in the emergency notification category, fire was the most common reason (8%) followed by loss of power or infrastructure failures (such as burst pipes)(6%), and severe weather events (4%).

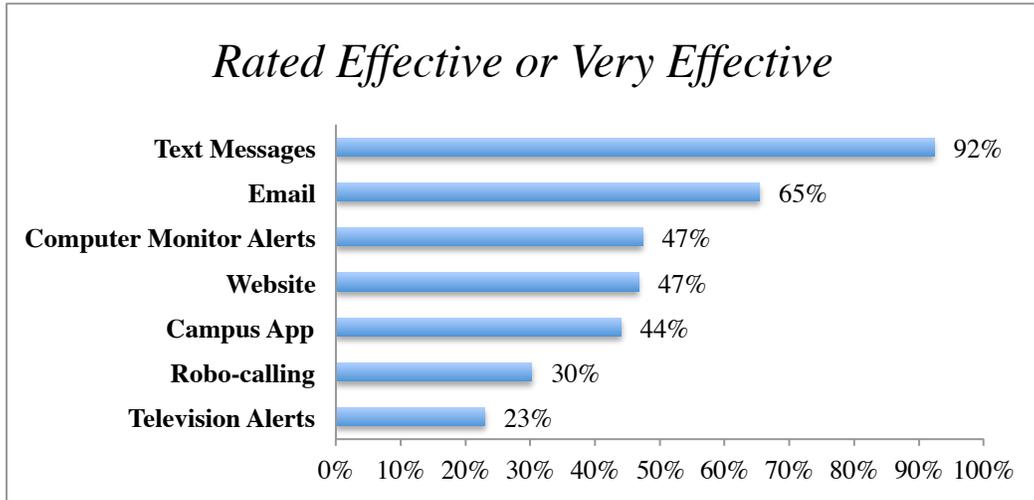
Figure 12: Reasons for Clery Messages



Distribution Methods

Respondents were asked to evaluate the effectiveness of several methods for distributing Clery Act timely warning and emergency notification messages. By far the most effective method was reported to be text messages, with 92% of respondents believing they were effective or very effective. Email was the second most favored method with 65% believing it was effective or very effective.

Figure 13: Effectiveness of Methods of Distribution



Effectiveness of Messages

Several items asked respondents to evaluate the effectiveness of Clery Act timely warning and emergency notification messages. Respondents overwhelmingly indicated that they felt Clery Act messages help to inform people about safety issues (86% yes). Crosstabs of this item were completed to check whether responses varied based on institution type, size or sector. No significant difference was found among these comparison groups.

Table 1: Informing People About Safety Issues

| Item | Yes <i>n (%)</i> | No <i>n (%)</i> | Don't Know <i>n (%)</i> | Chi-square | df | p |
|-------------|----------------------------|---------------------------|-----------------------------------|-------------------|-----------|----------|
|-------------|----------------------------|---------------------------|-----------------------------------|-------------------|-----------|----------|

2). Do you believe that Clery Act Emergency Notifications and Timely Warning messages issued at your institution help to inform people about safety issues?

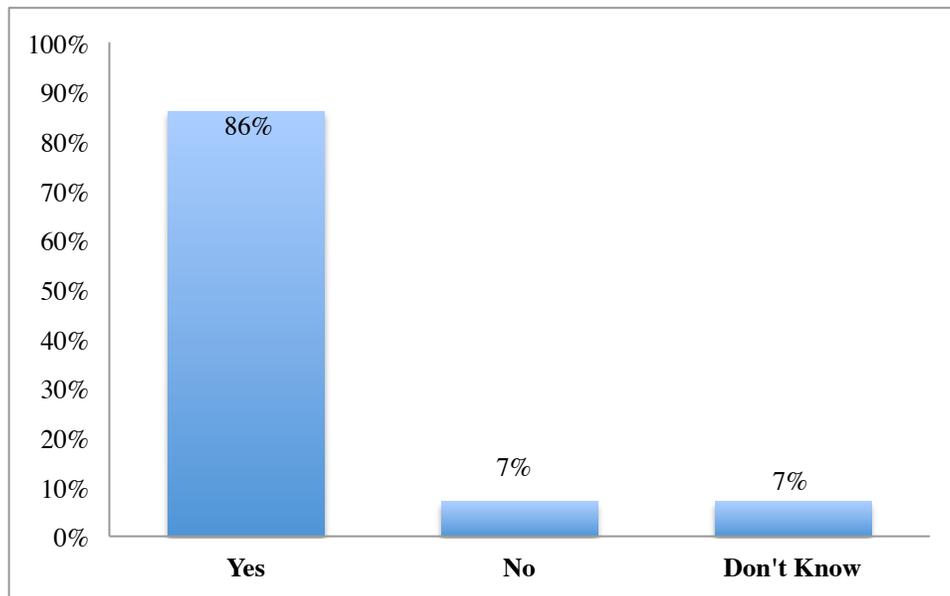
Institution Sector

| | | | | | | |
|-------------------------|----------|---------|---------|-------|---|------|
| Public | 39 (89%) | 3 (7%) | 2 (5%) | 11.11 | 8 | 0.20 |
| Private Not-for Profit | 19 (86%) | 1 (5%) | 2 (9%) | | | |
| Private For-Profit | 7 (88%) | 1 (13%) | 0 (0%) | | | |
| Vocational or Technical | 2 (67%) | 0 (0%) | 1 (33%) | | | |
| Other/Not Listed | 1 (33%) | 1 (33%) | 1 (33%) | | | |

Table 1 (continued): Informing People About Safety Issues

| Item | Yes <i>n (%)</i> | No <i>n (%)</i> | Don't Know <i>n (%)</i> | Chi-square | df | p |
|-------------------------|----------------------------|---------------------------|-----------------------------------|-------------------|-----------|----------|
| <i>Institution Size</i> | | | | | | |
| Less than 5,000 | 9 (90%) | 1 (10%) | 0 (0%) | 1.70 | 2 | 0.43 |
| 5,000 or more | 23 (92%) | 1 (4%) | 1 (4%) | | | |
| <i>Institution Type</i> | | | | | | |
| 4 year | 44 (83%) | 5 (9%) | 4 (8%) | 4.10 | 4 | 0.39 |
| 2 year | 21 (95%) | 0 (0%) | 1 (5%) | | | |
| Other | 4 (67%) | 1 (17%) | 1 (17%) | | | |

Figure 14: Informing People About Safety Issues



Respondents were asked whether they believe that timely warning messages influence people to make short-term or long-term changes to the ways they protect themselves. Respondents felt that the messages do influence short-term behavior changes

(65% yes vs. 29% no). However, they did not believe that they influence long-term changes as strongly (20% yes vs. 49% no).

Crosstabs of this item were completed to check whether responses varied based on institution type, size or sector. A significant difference was found when comparing respondents based on institution type. Those working at 2-year institutions were more likely to believe that the messages influenced long-term changes in safety-related behavior (p-value .02). The same comparison for short-term changes did not result in the same degree of significance (p-value .08), however, on that item as well, individuals at 2-year institutions had a stronger belief that the messages influenced behavior changes.

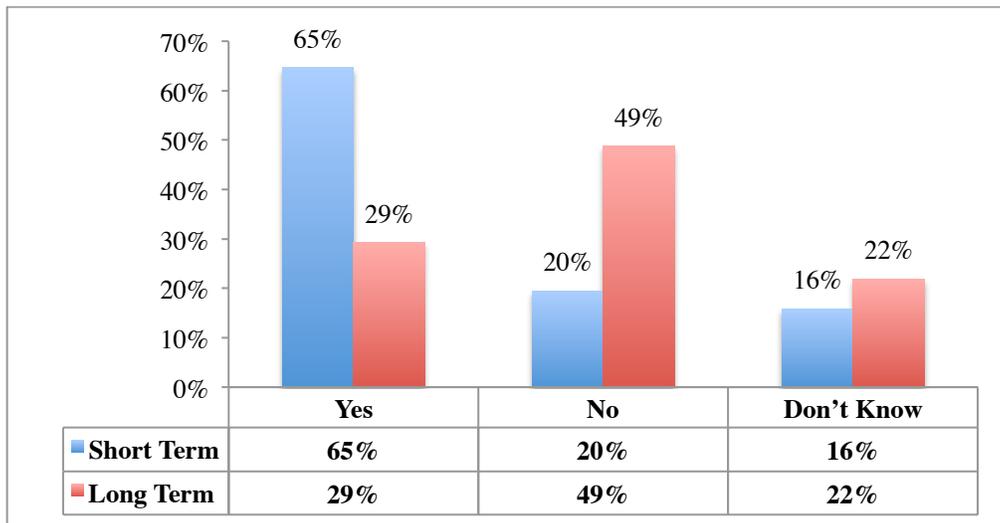
Table 2: Belief in Short-term Behavior Influence

| Item | Yes n (%) | No n (%) | Don't Know n (%) | Chi- square | df | p |
|---|----------------------|---------------------|---------------------------------|------------------------|-----------|----------|
| 3). Do you believe that Clery Act Emergency Notifications and Timely Warning messages issued at your institution influence people to make immediate (short-term) changes to the ways that they protect themselves? | | | | | | |
| <i>Institution Sector</i> | | | | 13.11 | 8 | 0.11 |
| Public | 30 (61%) | 6 (38%) | 7 (54%) | | | |
| Private Not-for Profit | 14 (27%) | 6 (38%) | 2 (15%) | | | |
| Private For-Profit | 4 (8%) | 2 (13%) | 0 (0%) | | | |
| Vocational or Technical | 1 (2%) | 2 (13%) | 0 (0%) | | | |
| Other/Not Listed | 1 (2%) | 0 (0%) | 2 (15%) | | | |
| <i>Institution Size</i> | | | | 2.74 | 2 | 0.25 |
| Less than 5,000 | 23 (44%) | 9 (56%) | 3 (25%) | | | |
| 5,0000 or more | 29 (56%) | 7 (44%) | 9 (75%) | | | |
| <i>Institution Type</i> | | | | 8.48 | 4 | 0.08 |
| 4 year | 32 (60%) | 12 (23%) | 9 (17%) | | | |
| 2 year | 17 (77%) | 4 (18%) | 1 (5%) | | | |
| Other | 3(50%) | 0 (0%) | 3 (50%) | | | |

Table 3: Belief in Long-term Behavior Influence

| Item | Yes <i>n (%)</i> | No <i>n (%)</i> | Don't Know <i>n (%)</i> | Chi-square | df | p |
|---------------------------|---------------------|--------------------|----------------------------|------------|----|------|
| <i>Institution Sector</i> | | | | 6.68 | 8 | 0.57 |
| Public | 14 (32%) | 21 (48%) | 9 (20%) | | | |
| Private Not-for Profit | 5 (23%) | 13 (59%) | 4 (18%) | | | |
| Private For-Profit | 3 (38%) | 3 (38%) | 2 (25%) | | | |
| Vocational or Technical | 1 (33%) | 2 (67%) | 0 (0%) | | | |
| Other/Not Listed | 1 (33%) | 0 (0%) | 2 (67%) | | | |
| <i>Institution Size</i> | | | | 1.69 | 2 | 0.43 |
| Less than 5,000 | 13 (37%) | 15 (43%) | 7 (20%) | | | |
| 5,0000 or more | 11 (24%) | 25 (56%) | 9 (20%) | | | |
| <i>Institution Type</i> | | | | 11.60 | 4 | 0.02 |
| 4 year | 14 (26%) | 31 (59%) | 8 (15%) | | | |
| 2 year | 8 (36%) | 9 (41%) | 5 (23%) | | | |
| Other | 2 (33%) | 0 (0%) | 4 (67%) | | | |

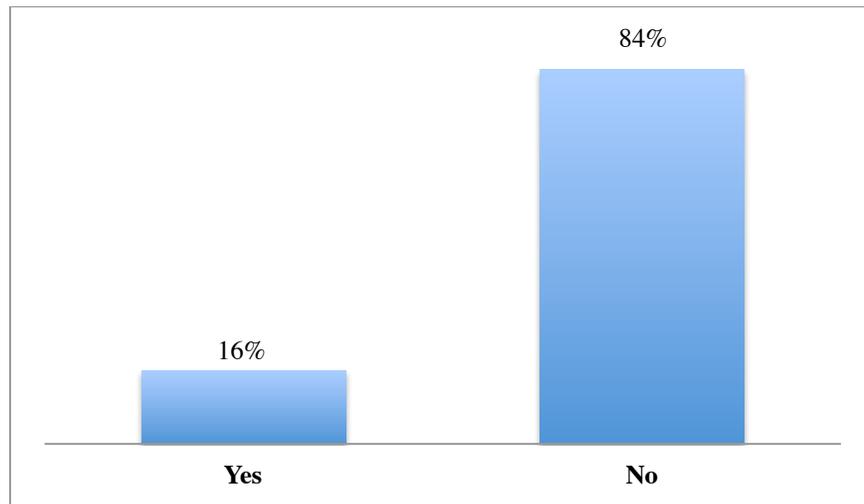
Figure 15: Influence on Safety Behavior



Respondents were asked whether they believed there were every situations when Clery Act emergency notification and timely warning messages were not issued at their institutions when they should be. Overall, 84% said no while 16% said yes. Crosstabs of this item were completed to check whether responses varied based on institution type, size or sector. A significant difference was found when comparing respondents based on institution sector (p-value .01) and type (p-value .03). Individuals at vocational or technical institutions, other/not-listed (sector) institutions and other (type) institutions were significantly more likely to indicate they felt there were situations when messages were not issued when they should be.

Table 4: Situations When Warnings are Not Issued

| Item | Yes <i>n (%)</i> | No <i>n (%)</i> | Chi- square | df | p |
|--|---------------------|--------------------|----------------|----|------|
| 14). Do you believe there are ever situations when Clery Act Emergency Notifications and Timely Warning messages are NOT issued at your institution when they should be? | | | | | |
| <i>Institution Sector</i> | | | 14.06 | 4 | 0.01 |
| Public | 6 (14%) | 37 (86%) | | | |
| Private Not-for Profit | 1 (5%) | 20 (95%) | | | |
| Private For-Profit | 1 (13%) | 7 (89%) | | | |
| Vocational or Technical | 2 (67%) | 1 (33%) | | | |
| Other/Not Listed | 2 (67%) | 1 (33%) | | | |
| <i>Institution Size</i> | | | 1.99 | 1 | 0.16 |
| Less than 5,000 | 3 (9%) | 31 (91%) | | | |
| 5,0000 or more | 9 (20%) | 35 (80%) | | | |
| <i>Institution Type</i> | | | 7.36 | 2 | 0.03 |
| 4 year | 7 (13%) | 45 (87%) | | | |
| 2 year | 3 (14%) | 19 (86%) | | | |
| Other | 3 (60%) | 2 (40%) | | | |

Figure 16: Situations When Warnings are Not Issued

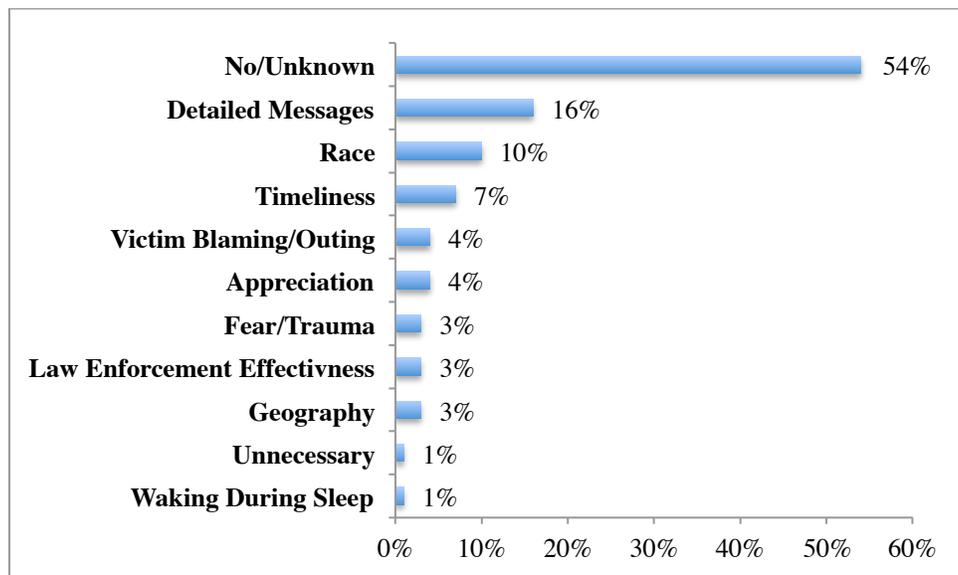
Respondents were asked whether they had ever received negative feedback about the content of Clery Act messages issued at their institution. This was an open/free response item. Text responses were analyzed and coded to determine the types of feedback received and the relative weight of that feedback. Most respondents (54%) indicated they had received no feedback or they did not know if their institution had received any such feedback. Of those who had received feedback, the most common issue was the lack of specific details in messages (16%). Issues concerning the inclusion of race in suspect descriptions was an important concern (10%). Timeliness of messages (7%), victim blaming or outing (4%), causing fear or trauma (3%), impacting law enforcement effectiveness (3%), and confusion about geographic locations (3%) were the other most significant types of negative feedback. Respondents also reported receiving positive messages of appreciation for sending messages (4%).

Specific comments regarding the feedback concerning race and victim impacts provided important insight into the nature of these concerns and support for the media

reports described in the literature review indicating that Clery Act messages can have unintended harmful effects. For example:

- “including the race of the suspect in the alert”
- “Stereotypes of offender descriptions and victim blaming language.”
- “...someone believed our description of a burglary suspect was racially inappropriate (we mentioned the suspect's ethnicity).”
- “Several of the sexual assault victims feel they are being ‘outed’ and it had caused them to delay reporting, or they have declined to report.”
- “message wasn't clear as to what, if anything, to do; message appeared to blame the victim”

Figure 17: Negative Feedback about Messages

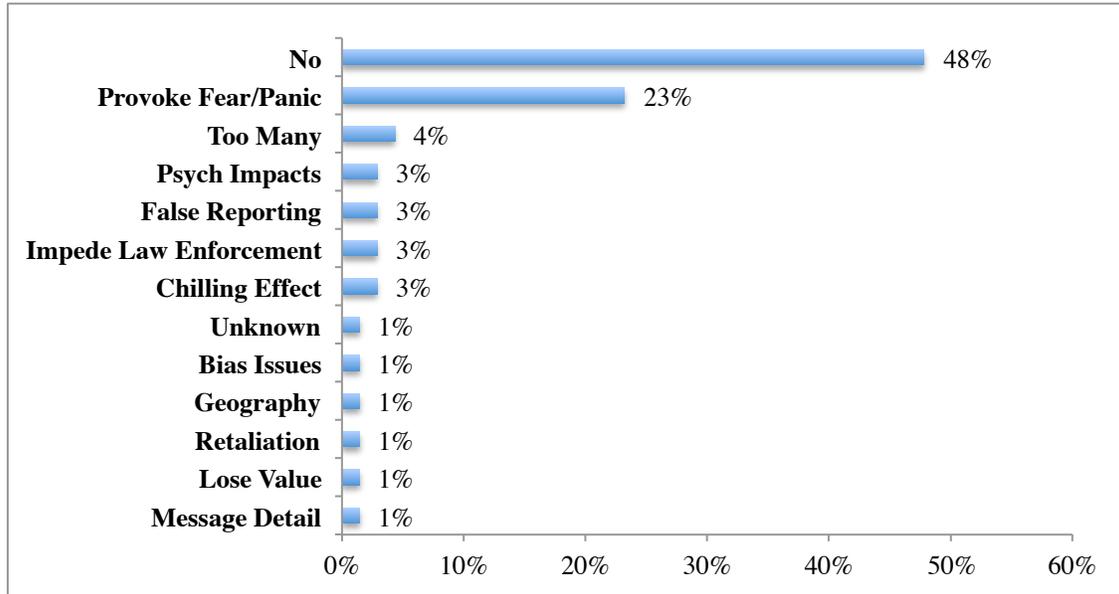


Respondents were asked whether they had ever been concerned that Clery Act messages issued at their institution could have unintended impacts or consequences. This was an open/free response item. Text responses were analyzed and coded to determine

the types of concerns reported and the relative weight of those concerns. The majority indicated they did not have any such concerns. Of those who did report concerns, the greatest number were concerned that messages would provoke unnecessary fear or panic (23%). Others were concerned that there were too many messages (4%), which would have a chilling effect on crime reporting (3%). Others indicated concerns that messages would impede law enforcement efforts (3%), were based on false reports (3%) or that they might cause psychological impacts (3%).

Examples of comments regarding unintended impacts or consequences include:

- “As in all institutions, students, faculty of staff may have psychological complications which may be triggered by a notice.”
- “I worry that too many warnings will be like crying wolf and eventually no one will care when they really need to.”
- “Yes - potentially causing chilling effects for other victims of crime; possibly deterring victims from reporting; causing the campus community to think the worst of a situation...”
- “...I imagine there's a potential for people to get fatigued by a lot of unnecessary alerts such that in the event of a real emergency that poses a threat to their own safety, they may not react appropriately.”
- “When we know that the event (i.e., a false report) is not real but we have to put out a notification anyway. We fear that it will create unnecessary alarm on the campus.”
- “Yes, in the past, the local police have been concerned about time warning hampering investigations.”

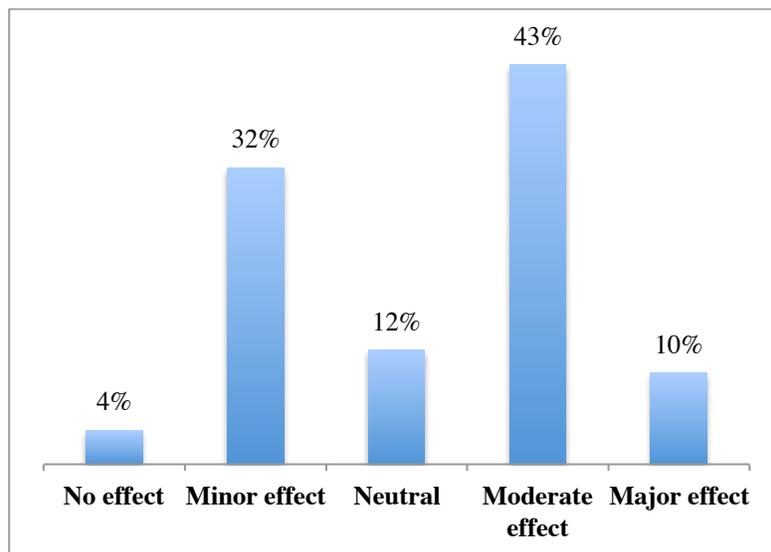
Figure 18: Unintended Consequences or Harms

Respondents were asked their overall perception of the effect of Clery Act timely warning and emergency notification messages on improving campus safety. Respondents fell mostly into two groupings with forty three percent (43%) believing that they have a moderate impact (43%) while thirty-two percent (32%) believed they have a minor effect. Ten percent (10%) believe they have a major effect and four percent (4%) believe they have no effect. Twelve percent (12%) were neutral. Crosstabs of this item were completed to check whether responses to this item varied based on institution type, size or sector. No significant difference was found among these comparison groups.

Table 5: Overall Effect of Messages

| Item | No/ Minor Effect <i>n (%)</i> | Neutral <i>n (%)</i> | Moderate/ Major Effect <i>n (%)</i> | Chi- square | df | p |
|--|-------------------------------------|-------------------------|--|----------------|----|------|
| 5). Overall, what effect do you believe that Clery Act Emergency Notifications and Timely Warning messages issued at your institution have on improving campus safety? | | | | | | |
| <i>Institution Type</i> | | | | 7.21 | 8 | 0.51 |
| Public | 15 (34) | 5 (11) | 24 (55) | | | |
| Private Not-for Profit | 8 (36) | 3 (14) | 11 (50) | | | |
| Private For-Profit | 2 (25) | 1 (13) | 5 (63) | | | |
| Vocational or Technical | 3 (100) | 0 (0) | 0 (0) | | | |
| Other/Not Listed | 1 (33) | 1 (33) | 1 (33) | | | |
| <i>Institution Size</i> | | | | 0.10 | 2 | 0.95 |
| Less than 5,000 | 12 (34) | 5 (11) | 19 (54) | | | |
| 5,000 or more | 16 (36) | 6 (13) | 23 (51) | | | |
| <i>Institution Type</i> | | | | 0.78 | 4 | 0.94 |
| 4 year | 20 (38%) | 7 (13%) | 26 (49%) | | | |
| 2 year | 7 (32%) | 2 (9%) | 13 (59%) | | | |
| Other | 2 (33%) | 1 (17%) | 3 (50%) | | | |

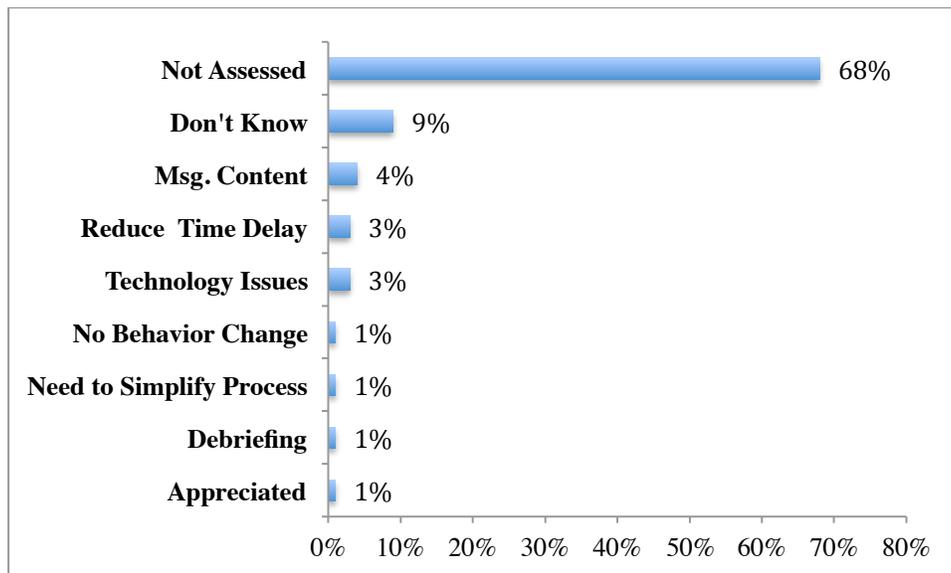
Figure 19: Overall Effect of Messages



Assessment Findings

Respondents were asked whether their institutions had ever assessed the perceptions of Clery Act timely warning or emergency notification messages and if so, what they had learned from those assessment efforts. This was an open/free response item. Text responses were analyzed and coded to determine the types of assessment findings reported. Overwhelmingly (68%), respondents indicated they had not conducted any assessment or they did not know if their institution had conducted any assessment (9%). Of those who reported that they had conducted some form of assessment, the most notable findings were the need to improve message content (4%), reducing time delays (3%), and addressing technology issues (3%).

Figure 20: Assessment Findings



LIMITATIONS

The response rate in this study was low (10%). Because of this, findings cannot be measured with the level of confidence that would be desirable (the margin of error was +/- 11% at the .95% confidence level). A random sample was used, which should be reflective of the national population. However, public institutions were over-represented in the data while for-profit institutions are underrepresented. It is possible that for-profit institutions are under-represented in the Clery directory compared to the nation, or that self-selection bias limited their participation. Whatever the cause for their low response rate, for-profit institutions comprise an important sector of higher education nationally and it would be useful to explore the experiences and work of that sub-group of institutions more thoroughly in the future. Repeating the study with a larger sample to improve the overall margin of error would also improve the quality of the data and the findings.

Another potentially important limitation arises from the work roles of those who responded. The largest groups of respondents were individuals who work directly in Clery Act compliance roles (most likely those who work as dedicated compliance coordinators to compile crime statistics and prepare their institution's annual security reports) or in roles within the law enforcement or security departments at their respective institutions. In many cases, those in Clery Compliance roles come from backgrounds in law enforcement and they work within the same public safety department as those who work in law enforcement or security roles. This could contribute to a limitation in the breadth of perspectives sampled in this study.

Very few respondents worked in roles in other areas, particularly counseling centers or in health promotions roles. It is likely professionals in these helping professions have different perspectives that are shaped by contacts with students that are very different from the experiences of those in law enforcement, security, or Clery act compliance.

DISCUSSION

Several important findings emerge from this study of the efficacy of Clery Act timely warning and emergency notification messages. These data confirm that Clery Act messages are effective in accomplishing their central purposes – to inform people about safety issues and influence peoples’ safety related behavior.

Because of the methods of distribution used, Clery Act timely warning and emergency notification messages have broad reach and the messages themselves are immediately actionable in nature. Based on the results of earlier studies in comparison to the findings of this study, it seems likely that the timely warning and emergency notification messages reach and influence more members of campus communities across the nation than the statistical data included in annual security reports. This finding is a strong indicator that these messages are an important component of the law and are centrally important to fulfilling the intentions that the Celery’s had for the legislation that they worked so hard for.

One of the persistent concerns related to the Clery Act has been that institutions seek to hide information about crime. This is based on a belief that they are motivated to conceal this information to protect their reputations. That concern has been expressed in media reports and discussions in oversight hearings, such as those led by Senator Specter.

This study indicated that most respondents felt that Clery Act messages are issued when they should be. However, the results also showed that 16% of respondents felt that there were situations when warnings were not issued at their institution when they should be. The statistical analysis found that respondents at for-profit institutions were significantly more likely to express this concern. Further study of this finding would be

necessary, but it may be an indicator that for-profit institutions need to dedicate more resources to training and that more work needs to be done to enforce these provisions of the Clery Act at for-profit intuitions to assure compliance.

It is also important to recognize that these data supported media reports that Clery Act timely warning messages can have undesirable effects, such as stereotyping based race, victim blaming, outing victims who report crime, chilling effects and provoking fear or panic that may lead to inaccurate perceptions that a campus is dangerous. The data show that these concerns are not merely anecdotal cases. These issues are occurring on a national scale. Nearly every respondent indicated some type of concern that can be traced to reactions to or perceptions of the content of the messages sent out.

The Handbook for Campus Safety and Security Reporting (U.S. Department of Education, 2016) provides guidance to campus administrators about all aspects of compliance with the Clery Act. However, there is very minimal guidance regarding the content that should be included in emergency notification or timely warning messages. Below is the entire passage on required timely warning content (pgs. 6-14-6 – 6-15):

The Department's Clery Act regulations do not specify what information has to be included in a timely warning. However, because the intent of the warning is to enable members of the campus community to protect themselves, the warning should include all information that would promote safety and that would aid in the prevention of similar crimes. Issuing a warning that cautions the campus community to be careful or to avoid certain practices or places is not sufficient. You must include pertinent information about the crime that triggered the warning. Your institution's policy regarding timely warnings should specify what types of information will be included.

This lack of guidance has left institutions essentially on their own to determine what “*pertinent information*” to include and how to craft a message that will “*promote safety*” and “*aid in prevention of similar crimes.*” In some cases, institutions have been accused of getting it wrong and indeed causing unintended harms in the process.

Given the findings of this study, it seems clear that more attention should be given to the construction of message content. Institutions have a desire to do this work well and do not want to fix problems only after they make a mistake. But they currently lack the necessary guidance and training. One respondent summarized the need for better guidance very directly:

Like all things Clery Act, more specific guidance in the Handbook regarding how these need to be framed and issued would help. Institutions learn how better to do it when the Clery auditors come in and then it's too late.

The field would benefit a great deal from better guidance in future versions of the Department of Education handbook. Guidance should include particular recommendations about handling sensitive matters, such as incidents that involve victims of sexual violence as well as the inclusion of race in suspect descriptions. Professional organizations and consultants who work in this field could assist this effort by developing recommendations and models for best practice around these issues. These could then be included in future training programs to improve the skills of those who are responsible for developing these messages.

Finally, the finding that almost no institutions engaged in any significant or formal assessment of their timely warning and emergency notification messages is

problematic. Assessment efforts are an important aspect of improving our practice in higher education, and work related to campus safety and compliance with the Clery Act should be no exception. If institutions engage in assessment efforts, they may find ways to improve their practice themselves apart from any guidance or training that may eventually become available from the Department of Education, consultants, or professional organizations.

REFERENCES

- 101st Cong. Rec. 1259, (1990) (remarks of Representative William Goodling).
- 105th Cong. Rec. S7784 (1998).
- 109th Cong. Rec. S37, (2006) (remarks of Senator Arlen Specter).
- Associated Press (2016, November). 'Run, hide, fight': Ohio State attack advice is new mantra on campuses. *NBC News*. Retrieved from <https://www.nbcnews.com/news/us-news/run-hide-fight-ohio-state-attack-advice-new-mantra-campus-n689341>
- Barlow, M. H. (1998). Race and the problem of crime in *Time* and *Newsweek* cover stories, 1946 to 1995. *Social Justice*, 25, 149-183.
- Baum, H. (2017) *Exploring student use of social networking services (SNS), surrounding moral development, gender campus crime, safety, & the Clery Act: A mixed methods study*. (Doctoral dissertation). ProQuest. (10623060).
- Burd, S. (1992, July 22). U.S. proposes regulations on disclosure of graduation rates and campus crime data. *The Chronicle of Higher Education*. 38(46).
- Byers, C. (2017, June 17). VCU removes suspect descriptions from email crime alerts. *Campus Safety*. Retrieved from https://www.campussafetymagazine.com/news/vcu_removes_suspect_descriptions_from_email_crime_alerts/
- CNN (2011, March 30). Virginia Tech fined \$55,000 in 2007 shooting rampage. CNN Retrieved from: <http://www.cnn.com/2011/CRIME/03/29/virginia.tech.fine/index.htmls>

College and University Security Information Act of 1988, 24 Pa. Consol. Stat. § 2502:1-5 (1991).

Creswell, J. W., & Creswell, J. D. (2018). *Research design: Qualitative, quantitative, and mixed methods approaches*. Sage publications.

Gregory, D. E., & Janosik, S. M. (2003). The effect of the Clery Act on campus judicial practices. *Journal of College Student Development*, 44(6), 763-778.

Greiss, L. (2016, Sept. 19). Timely but not always warnings: How timely warnings create awareness but also frustrations over sexual assault in Penn State community. *The Daily Collegian*. Retrieved from http://www.collegian.psu.edu/features/article_6b78e200-7e14-11e6-805a-13958cac2635.html

Griffaton, M. C. (1993). Forewarned is forearmed: The Crime Awareness and Campus Security Act of 1990 and the future of institutional liability for student victimization. *Case Western Reserve Law Review*. 43(2).

Gross, K., & Fine, A. (1990, February 19). After their daughter is murdered, her grieving parents mount a crusade for campus safety. *People*, 33(7). Retrieved from <https://people.com/archive/after-their-daughter-is-murdered-at-college-her-grieving-parents-mount-a-crusade-for-campus-safety-vol-33-no-7/>

Harshman, E., Puro, S., & Wolff, L. A. (2001). The Clery Act: Freedom of Information at what Cost to students?. *About Campus*, 6(3), 13-18.

Hartley-Parkinson, R. (2016, November). Man pulled alarm and drove car into students as they evacuated before attacking with machete. *Metro*. Retrieved from

<http://metro.co.uk/2016/11/28/active-shooter-on-university-campus-as-students-are-told-run-hide-fight-6288144/>

- Heath, L. (1984). Impact of newspaper crime reports on fear of crime. *Journal of Personality and Social Psychology*, 74(2) 263-276.
- Heck, L. (2016). 'It shouldn't have to be this way:' A focus groups analysis of rape myths in Clery Act timely warnings. (Master's thesis). University of Missouri-Columbia. Columbia, MO.
- Higher Education Act. Public Law 89-329.
- Janosik, S. M. (2004). Parents' views on the Clery Act and campus safety. *Journal of College Student Development*, 45(1), 43-56.
- Janosik, S. M., & Gehring, D. D. (2003). The impact of the Clery Campus Crime Disclosure Act on student behavior. *Journal of College Student Development*, 44(1), 81-91.
- Janosik, S. M., & Gregory, D. E. (2003). The Clery Act and its influence on campus law enforcement practices. *Naspa Journal*, 41(1), 182-199.
- Jaschik, S. (2015, February 26). Race and crime alerts. *Inside HigherEd*. Retrieved from <https://www.insidehighered.com/news/2015/02/26/should-colleges-crime-alerts-include-reference-race-suspects>
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Public Law 105-244.
- Jouzaitis, C. (1990, December 2). Crime statistics at colleges still leave questions. *Chicago Tribune*. Retrieved from <https://www.chicagotribune.com/news/ct-xpm-1990-12-02-9004090741-story.html>

Kaminski, R. J., Koons-Witt, B. A., Stewart Thompson, N., and Weiss, D. (2010). The impacts of the Virginia Tech and Northern Illinois University shootings on fear of crime on campus. *Journal of Criminal Justice*. 38(1), 88-98.

Malafrente, K. (2018). *University of Montana fined close to \$1 million for Clery Act violations*. Campus Safety. Retrieved from <https://www.campussafetymagazine.com/clery/university-of-montana-fined-close-to-1m-for-clery-act-violations/>

Matthews, A. (1993, November 7). The campus crime wave. *The New York Times*. Retrieved from <https://www.nytimes.com/1993/03/07/magazine/the-campus-crime-wave.html>

Nelson, V. (2008, January 13). Howard Clery Jr., 77; lobbied for increased campus security. *Boston Globe*. Retrieved from http://archive.boston.com/bostonglobe/obituaries/articles/2008/01/13/howard_clery_jr_77_lobbied_for_increased_campus_security/

Solomon, W. E. (1988, November 6). Pennsylvania to make schools disclose their crime figures. *The New York Times*. Retrieved from <https://www.nytimes.com/1988/11/06/us/pennsylvania-to-make-schools-disclose-their-crime-figures.html>

Specter, A. (1989). Sen. Specter introduces legislation to require colleges to report all campus crime to the FBI and to student and college employees. Arlen Specter Senatorial Papers, Group 6. Public Relations and Media Files, 1972-2010, TJU.2010.01.06, Thomas Jefferson University (managed by the University of Pittsburgh Library System).

Specter, A. (1990). President sign student right to know act of 1990; Sen. Specter's bill requiring colleges to report campus crime becomes law. Arlen Specter Senatorial Papers, Group 6. Public Relations and Media Files, 1972-2010, TJU.2010.01.06, Thomas Jefferson University (managed by the University of Pittsburgh Library System).

Specter, A (1998). Letter to Mr. and Mrs. Howard Clery. Arlen Specter Senatorial Papers, Group 5. Constituent Services Files, 1976-2007, TJU.2010.01.05, Thomas Jefferson University (managed by the University of Pittsburgh Library System).

The Higher Educational Amendments Act of 1989, Pub. L. No. 105-244, § 1001 (1990).
The Student Right-to-Know and Campus Security Act of 1990, Pub. L. No. 101-542, § 201 (1991).

Tyler-Richards, C. (2017, March 2). Crime warning emails perpetuate racism and negative stereotypes. Daily Cardinal. Retrieved from <http://www.dailycardinal.com/article/2017/03/crime-warning-perpetuates-racism>

U.S. Department of Education (2016). *U.S. Department of Education levies historic fine against Penn State over handling of sexual misconduct incidents.*

U.S. Department of Education, Office of Postsecondary Education. (2016). *The Handbook for Campus Safety and Security Reporting (2016 Edition)*. Washington, D.C. Retrieved from <https://www2.ed.gov/admins/lead/safety/handbook.pdf>

Violence Against Women Act; Final Rule (34 CFR part 668).

Volkwein, J. F., Szelest, B. P., & Lizotte, A. J. (1995). The relationship of campus crime to campus and student characteristics. *Research in Higher Education*, 36(6), 647-670.

Welch, K. (2007). Black criminal stereotypes and racial profiling. *Journal of Contemporary Criminal Justice*, 23(3), 276-288.

Wheeler-Lea Act of 1938, Public Law 75-447 (1938).

Zdziarski, E. L., Dunkel, N. W., & Rollo, J. M. (2007). *Campus crisis management: A comprehensive guide to planning, prevention, response, and recovery*. John Wiley & Sons.

APPENDIX 1: IRB APPROVAL LETTER



East Falls Campus
Institutional Review Board
4201 Henry Avenue
Philadelphia, PA 19144
Email: irb@philau

25 January 2018

TO: Trevor Douglas
FROM: Prof. R.M. Shain
RE: PU18 -4

Dear Mr. Douglas

In accordance with the University's Institutional Review Board (IRB) policies and 45 CFR 46, the Federal Policy for the Protection of Human Subjects, I am pleased to inform you that the Philadelphia University IRB has approved your research protocol through its expedited review process.

Project Title: The Effectiveness of Clery Act Emergency Notifications and Timely Warnings

In accordance with federal law, this approval is effective for one calendar year from the date of this letter. If your research extends beyond that date, you must notify the IRB. Please reference the IRB application number noted above in any future communications regarding this research.

Good luck with your research. Sincerely,

R.M. Shain, Ph.D.
Chair/Administrator East Falls Campus IRB

APPENDIX 2: QUESTIONNAIRE

The Effectiveness of Clery Act Emergency Notifications and Timely Warnings

1/15/19, 11:05 PM

1). What functional area(s) do you work in at your institution? Please check all that apply.

| |
|---------------------------------------|
| Campus Law Enforcement/Security |
| Clery Act Compliance |
| Title IX Administration |
| Residence Life/Housing |
| Dean of Students Office |
| Student Conduct/Community Standards |
| Health Education/Promotions |
| Counseling/Psychological Services |
| University Relations/Public Relations |
| Legal Counsel |

Sr. Administration

Other/Not Listed

2). Do you believe that Clery Act Emergency Notifications and Timely Warning messages issued at your institution help to inform people about safety issues?

Yes

No

Don't Know

3). Do you believe that Clery Act Emergency Notifications and Timely Warning messages issued at your institution influence people to make immediate (short-term) changes to the ways that they protect themselves?

Yes

No

Don't Know

4). Do you believe that Clery Act Emergency Notifications and Timely Warning messages issued at

your institution influence people to make lasting (long-term) changes to the ways that they protect themselves?

| |
|------------|
| Yes |
| No |
| Don't Know |

5). Overall, what effect do you believe that Clery Act Emergency Notifications and Timely Warning messages issued at your institution have on improving campus safety?

| |
|-----------------|
| No effect |
| Minor effect |
| Neutral |
| Moderate effect |
| Major effect |

6). What types of situations have required your institution to issue Clery Act Emergency Notifications and Timely Warning messages?

7). How does your institution determine the need to issue Clery Act Emergency Notifications and Timely Warning messages?

8). At your institution, how frequently are the following functional area(s) involved in developing the content of Clery Act Emergency Notifications and Timely Warning messages?

| | Never | Rarely | Often | Very Often |
|-------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Campus Law Enforcement/Security | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Clery Act Compliance | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Title IX Administration | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Residence Life/Housing | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Dean of Students Office | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Student Conduct/Community Standards | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Health Education/Promotions | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Counseling/Psychological Services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | |
|---------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| University Relations/Public Relations | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Legal Counsel | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Sr. Administration | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other/Not Listed | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

9). How effective do you believe the following methods of distribution of Clery Act Emergency Notifications and Timely Warning messages are?

| | Very Ineffective | Somewhat Ineffective | Neutral | Somewhat effective | Very Effective |
|-------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Email | <input type="radio"/> |
| Text Messages | <input type="radio"/> |
| Robo-calling | <input type="radio"/> |
| Television Alerts | <input type="radio"/> |
| Computer Monitor Alerts | <input type="radio"/> |
| Website | <input type="radio"/> |
| Campus App | <input type="radio"/> |

10). Has your institution ever assessed the perceptions of Clery Act Emergency Notifications and Timely Warning messages issued at your institution? If yes, what did you learn from that assessment?

11). Have you ever received negative feedback about the content of Clery Act Emergency Notifications and Timely Warning messages at your institution? If so, what was that feedback?

12). Have you ever been concerned that Clery Act Emergency Notifications and Timely Warning messages at your institution could have unintended impacts or consequences? If so, please describe here?

13). Have you taken steps to improve the quality of content in Clery Act Emergency Notifications and Timely Warning messages at your institution based on feedback? If so, how?

14). Do you believe there are ever situations when Clery Act Emergency Notifications and Timely Warning messages are NOT issued at your institution when they should be?

15). Which of the following best describes the type of institution where you currently work?

| |
|---|
| Public Higher Education Institution |
| Private Not-for Profit Higher Education Institution |
| Private For-Profit Higher Education Institution |
| Vocational or Technical School |
| Other/Not Listed |

16). Which of the following best describes the type of institution where you currently work?

| |
|--------|
| 4 year |
| 2 year |
| Other |

17). What is the approximate total enrollment of your institution?

| |
|-----------------|
| Less than 1,000 |
| 1,000 – 4,999 |

5,000 – 9,999

10,000 – 14,999

15,000 – 19,999

20,000 or more

18). Which of the following types of environments best describes the primary campus of your institution?

Urban

Suburban

Rural

Online

19). Which of the following types of students comprise a significant number of students enrolled at your institution? Please check all that apply.

Traditional age students (17 to 23 years)

Non-traditional/reentry students (24+ years)

20). Where do the majority of students at your institution live?

On campus housing

Off campus, in surrounding neighborhoods

Students commute from areas not near the campus

21). Is there anything else that you would like to share about the subject of Clery Act Emergency Notifications and Timely Warning messages that you believe is relevant to this research?



Powered by Qualtrics