### BO20. The Clery Act and Campus Safety and Security:  What’s New (Q&A)

**Question:**

How will the implementation of a Prison Education Programs impact Clery geography? Will schools be required to include the prison since it will be listed as a location on the EAPP?

**Response:**

[SME] Moore: Thank you for your question.  As with most issues related to campus safety, the answer is “it depends.”  In most cases, Prisoner Education Programs will have no effect on an institution’s Clery Geography (CG).  An institution’s CG campus boundaries are determined by the buildings and properties that the school owns or controls for educational purposes.  We have found very few cases where a correctional institution has entered into a written agreement that permits an outside entity, such as a school, to control any space in a facility.  We say “it depends” because ina few exceptional cases, schools have been permitted to rent rooms in a facility for administrative offices or classroom space.  Determinations of this type are based on the language in written agreements for the control of physical space.  A school’s CG is not automatically expanded solely by entering into an agreement to offer educational programming.  This means that a school’s CG is not affected by the mere process of sending an instructor to a facility to teach a course.  We hope you find this answer and the ones that follow to be helpful. If you need more information, please reach out via e-mail at FSATC\_CleryResourceCenter@ed.gov. We also encourage you to join us for the Clery Ask-A-Fed event on Friday, December 2nd.

**Question:**

Slide 29- can you provide the link to the resource on Partner Connect?

**Response:**

[SME] Moore: Thanks for pointing out that this important resource is no longer posted on our website. You can access important information about the sexual violence prevention and response provisions of the Clery Act that were included in the Violence Against Women Reauthorization Act of 2013 (VAWA) here - https://www.federalregister.gov/documents/2014/10/20/2014-24284/violence-against-women-act.

**Question:**

When will the recent changes to the Clery act be effective?

**Response:**

[SME] Moore: Thank you for raising this topic because there is some confusion about changes to the law in the school community. As we mentioned in the session, Congress is considering several changes to campus safety laws in several areas including hazing prevention and student wellness. However, the most recent regulatory changes to the Clery Act went into effect on July 1, 2015. Additional campus safety provisions were included in VAWA 2022, but those rules primarily require the Department to take specific actions, such as establishing task forces and workgroups to address campus safety issues. Per VAWA 2022, institutions will be required to conduct climate surveys to assess certain issues related to sexual violence on campus. The first such survey is currently slated to take place in fall 2024. More information will be forthcoming as we get closer to the start of the inaugural survey.

**Question:**

Where can schools find training and tools to train key staff and faculty on our campuses?

**Response:**

[SME] Moore: We appreciate your interest because training is an important part of developing and implementing an effective Clery compliance program. We encourage school officials to re-examine their campus safety and general Title IV policies and procedures on a regular basis to ensure that they continue to reflect current institutional practices and are compliant with Federal law. The Department offers several training resources to help. You can access training materials at http://www2.ed.gov/admins/lead/safety/campus.html and https://fsatraining.ed.gov/. You can also learn more about FSA’s virtual training resources here - https://fsaconferences.ed.gov/conferences/library/2020/2020FSAConfSessionBO1.pdf. The Department also supports live training events on campus safety and Clery Act compliance throughout the year.

**Question:**

Question regarding the Clery geography example of the ABC beauty school. Do the yellow lines around the parking lot, indicate that the parking lot as a whole is part of the Clery geography?

**Response:**

[SME] Moore: Thank you for another really good question about Clery Geography (CG). An institution’s CG campus boundaries are based on the buildings and properties that the school owns or controls for educational purposes. Generally speaking, the campus CG for a school located in a plaza setting would only include the buildings and other spaces, such as parking areas, that it controls by leasehold. In this example, the school’s lease includes parking spaces for students and employees. As such, the parking lot is part of this school’s campus. If specific parking spaces were designated for the exclusive use of students and staff, then only those spots would be included as part of the school’s campus. The yellow lines show the public property boundaries that, in essence, begin where the campus boundary ends. Please feel free to contact us to discuss other factors that may affect your school’s CG boundaries.

**Question:**

If the college offers a classroom in an indoor mall, we do not own the mall we lease a suite in the building to teach. Does the entire mall fall under clery or just the area we lease.

**Response:**

[SME] Moore: Excellent question! In a mall setting, a school’s campus is generally limited to the buildings and properties that it controls by leasehold for educational purposes. Depending on the terms of the lease, the institution may also have to include certain parking areas used by students and employees. If specific parking spaces were designated for the exclusive use of students and staff, only those spots would be included as part of the school’s CG. Finally, the institution must account for the entryway(s) that students and employees are instructed to use to access or exit the classroom space. Please feel free to contact us to discuss other factors that may affect your school’s CG boundaries.

**Question:**

In slide 18, are the parking lots Clery Geography?

**Response:**

[SME] Moore: Thank you for your question. Please see our answer to Question #5 above.

**Question:**

Does the CLERY Act apply to foreign schools / puts any reporting obligations on foreign schools?

**Response:**

[SME] Moore: Thank you for asking this question because the rule can be a little confusing. The Clery Act only applies to domestic institutions that actually receive Title IV funds and own or control real property. As such, foreign institutions that participate in the Title IV programs are not required to comply with the Clery Act, but foreign locations of domestic schools are required to comply.