

# Your Rights Under the Clery Act

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Q&A



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# What is the Clery Act?

The Jeanne Clery Disclosure of Campus Crime Statistics and Campus Security Policy Act (“the Clery Act”) is a federal law signed in 1990, and amended by the Violence Against Women Act in 2014, that provides students who have experienced a crime with rights separate and apart from Title IX. This means that no matter how Title IX regulations may change over time, there is still another law that protects college student-survivors of sexual assault, domestic and dating violence, and stalking.

A “complainant” is the term Title IX uses for the person who files a complaint letting the school know that they experienced sexual harassment. We use “complainant” and “survivor” interchangeably in our materials. A “respondent” is the term Title IX uses for the person who the complaint is against. “Parties” refers to both the complainant and the respondent.

## What are a school’s education, prevention, and training obligations under the Clery Act?

Students and employees must receive education on the awareness and prevention of sexual assault, dating violence, domestic violence, and stalking. This education must include information about bystander intervention, risk reduction, and warning signs of these types of crimes. This education is required both to new students and employees, and on an ongoing basis.

School officials involved in the disciplinary process must be trained annually on sexual assault, dating violence, domestic violence, and stalking, as well as on how to conduct investigations and hearings that protect survivor safety and promote accountability.

# What rights does a student-survivor have under the Clery Act?

- o Student-survivors have the right to information about: (1) reporting the crime both on campus and to local police; (2) the option to get help from campus authorities in reporting to local police; and (3) **the right to decline to report to local police.**
- o Student-survivors should be given written information about local options for **orders of protection (similar to restraining orders).**
- o Student-survivors should be informed of available **on and off-campus mental health, counseling, legal, and advocacy resources.**
- o Student-survivors must be provided written information about their school's grievance procedures.
- o Student-survivors must be given information about options for "accommodations" (called "supportive measures" under the new Title IX regulations), including options for changing classes, housing, transportation, and work situations. **These options must be available regardless of whether the survivor chooses to report to law enforcement or file any university complaint.**
- o **Students have the right to an advisor of their choice,** including a lawyer, who can be present with the survivor during the disciplinary process and provide support and guidance to the survivor. Schools can make limits on how advisors participate but they must be applied to both parties equally.



## What does the Clery Act say about grievance procedures?

- o A school's grievance procedure must be prompt, fair and impartial. School officials involved in the disciplinary process must be trained on sexual assault, intimate partner violence, and stalking and on how to conduct investigations and hearings.
- o The same rights must be given to both parties.
- o The complainant and respondent should be notified of the outcome of a grievance process at the same time.

NVRDC provides free lawyers who act as attorney-advisors to survivors in Title IX cases at DC colleges and universities. **If you are the complainant in a Title IX case and you would like to speak to an NVRDC lawyer who could potentially serve as your advisor, please contact 202-742-1727 or email [info@nvrdc.org](mailto:info@nvrdc.org).**



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