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The Clery Act, as Amended by the Stop Campus Hazing Act

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Allegations in fall 2026 of campus sexual assault have renewed debate on the scope of responsibility for postsecondary institutions to maintain and foster an educational environment free of sexual harassment and violence. Federal law requires colleges and universities to implement several institutional policies aimed at ensuring the general safety and security of their students. One key federal statute that applies to postsecondary institutions is the Jeanne Clery Campus Safety Act (Clery Act), codified in Section 485(f) of the Higher Education Act (HEA). The Clery Act applies to all domestic institutions of higher education (IHEs) that participate in HEA Title IV federal student aid programs. The law requires covered IHEs to publish a report, by October 1 of each year, disclosing campus crime statistics and campus security policies. The Department of Education (ED) enforces the Clery Act and has promulgated regulations implementing the statute. ED also enforces Title IX of the Education Amendments of 1972—which bans sex discrimination in federally funded schools—at IHEs that receive funding from the Department; regulations implementing that law impose specific grievance procedures schools must use in response to allegations of sexual harassment and assault. (For more on these obligations, see this CRS Legal Sidebar.)

Campus Crime Statistics

The Clery Act requires covered IHEs to publish an annual security report (ASR) containing campus crime statistics for the preceding three years. Covered IHEs must share the ASRs with current students and employees and, upon request, with any applicants for enrollment or employment. Incidents that a covered IHE must disclose in its ASR include various crimes that are reported to, or brought to the attentions of, campus security authorities or local police agencies, including murder, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, and arson. This includes all allegations of criminal incidents, rather than only crimes for which a finding of guilt has been made.

In addition, ASRs must include alleged criminal offenses reported to campus security or local police if the victim of any of the aforementioned crimes or a broader group of crimes (such as larceny-theft, simple assault, intimidation, destruction of property, or crimes involving bodily injury to a person) was selected based on race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability. The ASR must also include arrests (and referrals for campus disciplinary action) for liquor law violations and drug-related violations, as well as weapons possession. Finally, ASRs must include alleged incidents of domestic violence, dating violence, and stalking reported to campus security authorities or local police. The statistics that must be published under the Clery Act must not identify persons accused of crimes or the victims of crimes.

Covered IHEs may, according to ED's regulations, withhold, or later remove, reported crimes from their statistics in the "rare situation" where a sworn or commissioned law enforcement officer has investigated and formally determined that a crime report was false. IHEs must disclose in their ASR the total number of crime reports that were "unfounded" during each of the previous three years. ASRs must include incidents if they occur within what the regulations refer to as "Clery geography," which means on campus, on public property within or immediately adjacent to the school, or on certain "noncampus buildings or property," including property owned or controlled by an officially recognized student organization, such as officially recognized sorority- or fraternity-owned chapter houses.

The regulations provide that, in compiling the incidents for its crime report, an IHE must make a reasonable effort to collect statistics and is permitted to rely on information supplied by a local or state police agency. If an IHE makes a good-faith effort to do so, it may not be held responsible for the failure of a local police agency to supply the necessary statistics.

If an IHE maintains a police or security department, then that department must keep a daily security log that records all crimes reported within its patrol jurisdiction, as well as within the IHE's Clery geography. That log must be open to public inspection and include the date, time, location, and nature of each crime. IHEs must also issue timely alerts to the campus community of crimes covered by the Clery Act that are reported to campus security or local police and that constitute a threat to students and employees. The alerts must withhold the names of victims as confidential.

Campus Security Policies

An IHE's ASR must describe a number of school policies, including procedures available for students and others to report crimes (and how to do so on a voluntary and confidential basis) and the IHE's policies concerning its response to these reports. The ASR must also include the titles of persons or organizations to whom students and employees should report criminal offenses; policies regarding security and access to campus facilities and residences and security considerations used in facilities maintenance; policies regarding law enforcement authority on campus and agreements with state and local law enforcement agencies; a description of programs geared toward informing employees and students of security procedures and the prevention of crimes; policies regarding the enforcement of underage drinking laws and the possession, use, or sale of illegal drugs; and a statement on where to find information about registered sex offenders. ASRs must also include a statement of policies on immediate emergency response and evacuation procedures.

IHEs must develop and include in their ASR a statement of policy regarding programs to prevent and raise awareness of dating violence, sexual assault, domestic violence, and stalking. This statement shall include the definition of consent and a description of safe options for bystander intervention. Statements must include information regarding procedures victims should follow, including (1) the importance of preserving necessary evidence; (2) to whom an offense should be reported; and (3) a victim's options to notify law enforcement authorities, to be assisted in doing so by campus authorities, and to decline to notify authorities if the victim so chooses. Statements must indicate how the IHE will protect confidentiality, as well as available accommodations and protective measures.

ASRs must have a statement of policy that addresses the disciplinary procedures used to address incidents of alleged dating violence, domestic violence, stalking, and sexual assault. This statement includes the evidentiary standard used during any disciplinary hearing; possible sanctions or protective measures that may be imposed following a determination that the conduct occurred; that the "accuser and the accused" have the same opportunity to have others present during a disciplinary proceeding; that both accuser and accused will receive notice of the outcome of a proceeding and appeal procedures; and that such proceedings shall be fair, prompt, and impartial and be conducted by officials who have received training on the safety of alleged victims during the investigation and hearing process. Proceedings must be conducted in a way that provides equal access to the accuser and accused of any information used during a disciplinary meeting or hearing.

Stop Campus Hazing Act

The Stop Campus Hazing Act was enacted in 2024 and requires IHEs to include reports of hazing incidents in their annual ASRs. *Hazing* is defined as an intentional, knowing, or reckless act committed against people, regardless of their willingness to participate, that is (a) committed in the course of initiation into, or continued membership with, a student organization; and (b) creates or causes risk, "above the reasonable risk encountered in the course of participation in the [IHE] or the organization," of psychological or physical injury. In contrast to the reporting requirements for other incidents in a school's ASR, for hazing incidents, a *student organization* is defined more broadly as an organization at an IHE in which two or more members are enrolled students, regardless of whether the institution recognizes the organization. The act also requires IHEs to include in their ASRs a statement of policies related to hazing, including how to report incidents, the procedures used to investigate incidents, and prevention and awareness programs.

In addition to the requirements for ASRs, the act also requires institutions to develop a Campus Hazing Transparency Report (CHTR). The CHTR must summarize findings regarding a student organization found to be in violation of an IHE's standard of conduct regarding hazing. The term "student organization" is limited in the CHTR to those recognized or established by the institution.

The CHTR must be updated at least twice a year and include incidents where "a finding of responsibility is issued relating to a hazing violation" (but updates are not required absent any finding of a violation). CHTRs must provide the name of the student organization, a general description of the hazing violation, any sanctions imposed, and the date of the incident. In accordance with the requirements of the Family Educational Rights and Privacy Act, CHTRs shall not include personally identifiable information on students. Unlike ASRs, a finding of a hazing violation must be included regardless of whether the incident occurred on or off campus.

Enforcement and Technical Assistance

ED's Office of Federal Student Aid (FSA) enforces the Clery Act and conducts reviews to evaluate compliance with the statute. ED selects IHEs for review by considering factors such as prior violations, complaints, and media reports. In cases of noncompliance, ED has the authority to impose sanctions on IHEs for failing to adhere to Clery Act mandates. Sanctions may include fines, limitations on federal financial aid, or even suspension or termination of an IHE's eligibility to participate in federal student aid programs. ED may also enter into voluntary resolution agreements with IHEs found to be in violation, outlining corrective actions to address deficiencies and prevent future noncompliance.

According to ED's 2026-2027 Student Aid Handbook, the current maximum fine per violation of the Clery Act is $71,545. The amount is typically adjusted annually for inflation under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. IHEs can accrue multiple maximum fines based on the number of confirmed violations, which has led to multimillion-dollar settlements.

ED also provides technical assistance and guidance to IHEs to facilitate compliance with Clery Act requirements, including training sessions, webinars, and resources to aid in understanding and implementing the law's provisions. ED maintains the Campus Safety and Security Data Analysis Cutting Tool, an online resource that assists IHEs and the public in analyzing institutional data. The tool provides rapid customized reports for public inquiries relating to campus crime data.

Proposals to Amend the Clery Act

Members of Congress have introduced bills to address IHEs' responsibilities in cases of sexual harassment and assault. In the 119th Congress, the Campus Accountability and Safety Act, for example, would expand reporting requirements for IHEs to include information about the resolution of certain Title IX complaints and require IHEs to designate a sexual and interpersonal violence specialist to receive student complaints. Bills were also introduced in prior Congresses. The Clery Compliance Officer Designation Act would require IHEs to designate an officer to oversee compliance with the Clery Act. More broadly, the Ensuring Fairness for Students Act would amend Title IX to require specific grievance procedures in cases of sexual harassment.

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