Sandusky/Penn State Scandal -- PSU May Have Violated U.S. Department Of Education Campus Crime Safety & Awareness Law,The Jeanne Clery Act

Author : michaelbloomer

Penn State University, its navy blue colors splashed with grey, will come under ever increasing scrutiny from a source outside the state authorities. Well outside. In the last few days, as many have wondered when the federal shoe would drop on PSU, a law administered by the U.S. Department of Education (DOE) has come to the forefront, the so-called Clery Act. Enacted under George H.W. Bush's signature in 1990, the **Crime Awareness and Campus Security Act** requires universities and colleges receiving federal funds to compile campus crime data, to report its data annually to the DOE, and to have in place a clear and timely procedure on-campus for reporting crimes, including sexual offenses. At first blush, it appears that PSU may well have some very difficult questions to answer . . .

> The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it. Violators can be assessed up to $27,500 by the U.S. Department of Education, the agency charged with enforcement of the Act and where complaints of alleged violations should be made, or face other enforcement action.
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> > *Clery Act Basics, provided by* Security on Campus, Inc., *co-founded in 1987 by Connie & Howard Clery, following the murder of their daughter Jeanne at Lehigh University.*

Penn State's administration has been under examination lately for its possible role, however involuntary, over multiple years in the continuation of Jerry Sandusky's alleged sexual abuse of children. Pennsylvania laws mandating reporting of suspected child abuse are, of course, in play. However, many do not know that a federal law overseen by the Department of Education also arguably applies to PSU's actions or non-actions. The law, the Clery Act (short title), requires Title IV institutions (*i.e.*, those, like Penn State, that participate in federal student aid programs) to collect and report instances of alleged crime to campus security officials, and to report the data to DOE annually (there are many other requirements as well - see Handbook

below).

PSU may have failed in these duties. Many have called for an investigation of PSU's compliance with the law. There are reports that DOE is investigating the matter, at least, for the present, informally.

Below I have set out the portion of PSU's official DOE data report regarding sexual offenses within its campus environment (as defined in the law and handbook of compliance, below). PSU\ reported 22 instances of forcible sex offenses for the three year period 2008-2010. There are no other details available at the DOE site other than the number of incidents. Some of Sandusky's alleged crimes both fit the DOE definition of "forcible," and cover this time period.