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See No Evil: Are Community Colleges Underreporting or
Nonreporting Sexual Assaults?

Songa Y. Thomas-Montford

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Submitted in partial fulfillment
of the requirements for the degree of
Doctor of Education

in the Department of Education Leadership, Management and Policy

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2020

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COLLEGE OF EDUCATION AND HUMAN SERVICES
SETON HALL UNIVERSITY

APPROVAL FOR SUCCESSFUL DEFENSE

Songa Thomas-Montford has successfully defended and made the required
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Abstract

The Clery Act is a consumer protection law intended to protect students by forcing institutions of higher education to be transparent about campus crime, as the concern is that many colleges and universities are underreporting or nonreporting campus crime statistics. This study included two research questions. The first question, “What are the common themes determined in the audits concerning Clery Act violations for two-year schools?,” was addressed by conducting a deductive content analysis by reviewing each U.S. Department of Education (USDOEd) Clery Act compliance audit in the research sample. The USDOEd, Federal Aid Data Center’s public database, was the source of the compliance audit data. The analysis of two-year colleges with respect to the Clery Center common themes showed that these schools had the same issues as four-year colleges when dealing with campus safety issues regarding the Clery Act. No new themes emerged. This information is pertinent to institutional leaders in noting common compliance issues to develop strategies to be proactive in identifying and correcting problems specific to their institution. The second question, “Is there a difference in the Annual Security Report crime reporting numbers before and after an audit review for two-year schools?,” was addressed by conducting a quantitative data analysis, reviewing the crime statistics before, during, and after each USDOEd Clery Act review for each school in the study sample. The campus crime statistical data was retrieved from the USDOEd, Office of Postsecondary Education’s publicly accessed database. The analysis revealed that while under federal scrutiny, sexual assaults more than doubled, which supports the hypothesis that there is a jump in crime statistics during the audit period. This information is pertinent to institutional leaders to help increase school resources dedicated to Clery Act compliance.

Keywords: Clery Act, Crime at Two-Year Colleges, Campus Safety; Sexual Violence at Two-Year Colleges

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Dedication

To my family and friends who supported me throughout this educational experience to help me achieve this personal milestone, especially my parents, Mr. & Mrs. George L. Thomas (who transitioned during this process) and Marion D. Thomas, who taught me that sacrifice, hard work, and commitment will always lead to success.

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List of Acronyms

ASR – Annual Security Report

CSA – Campus Security Authority

FBI – Federal Bureau of Investigation

HEA – Higher Education Act of 1965

IHEs – Institutions of Higher Education

IPEDS – Integrated Postsecondary Education Data System

NIBRS – Uniform Crime Reporting National Incident-Based Reporting System

OPE – Office of Postsecondary Education

USDOEd – U.S. Department of Education

UCR – Uniform Crime Reporting

VAWA – Violence Against Women Act

Sexual Assault Content Disclaimer

This paper includes a discussion of sexual assault reportings about crime statistics on college campuses. If you or someone you know have experienced a sexual assault, you may find particular contents of this paper potentially disturbing, which can impact your wellbeing.

CHAPTER 1

INTRODUCTION

According to the United States Department of Education (USDOEd), National Center for Education Statistics (2020), college and university campus crime incidents fluctuated between 2001 and 2016. During the period between 2001 and 2006, the reported number of on-campus crimes increased by 7% from 41,600 to 44,500, decreased by 40% between 2006 and 2014 from 44,500 to 26,800, then increased by 6% from 26,800 to 28,400 from 2014 to 2016. This increase from 2014 to 2016 is primarily due to the rise in the number of reported forcible sex offenses. Overall, the reported number of forcible sex offenses on campus increased from 2,200 in 2001 to 8,900 in 2016, a 305% increase. Within one year, the number of reported forcible sex offenses increased 11% from 8,000 to 8,900 between 2015 and 2016. These data are reflective of many colleges and universities. For example, the number of forcible sex offenses on New York University's Washington Square campus increased 24 times over from 2014 to 2016, from 1 forcible sex offense in 2014, to 6 forcible sex offenses in 2015, to 24 forcible sex offenses in 2016 (New York University, 2017, p. 24).

With campus crime on the rise, it is imperative that institutions report accurate crime statistics; however a joint investigation by the Student Press Law Center and The Columbus Dispatch found that crime statistics released by colleges nationwide in 2014 were so misleading that they give students and parents a false sense of security (LoMonte, 2014).

Before reporting campus crime statistics were a law, sexual assaults and rapes were prevalent on college campuses. On April 5, 1986, freshman Jeanne Clery was raped and murdered in her campus dorm room in Stoughton Hall at Lehigh University by another student who attended the same university. After their daughter's murder, Connie and Howard Clery

learned that there had been 38 violent crimes on Lehigh's campus in the three years before her death (Coughlin & Schroeder, 2015). Clery's parents could not have known the danger their daughter was in because standards for campus crime reporting did not exist in 1986 (Clery Center, 2020). What happened to Jeanne Clery was a tragedy, her parents were determined to prevent this from happening again: they decided to press for legislation that would force colleges to report crimes and to be held more accountable for campus safety (Gardner, 2015b). Connie and Howard Clery lobbied for policy changes that would eventually take form as the Clery Act. The Clery Act was first enacted by Congress in 1990 and was amended in 2013 by the Violence Against Women Reauthorization Act (VAWA), which reauthorized and improved lifesaving services for all victims of sexual assault, stalking, dating violence, and domestic violence. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly known as the Clery Act; formerly the Campus Security Act) is a federal law that requires institutions of higher education (colleges and universities) in the United States to disclose campus security information, including crime statistics for the campus and surrounding areas, by submitting an Annual Security Report (ASR) every year on October 1. The ASR must include campus crime statistics for the preceding three calendar years (Clery Center, 2020). Connie and Howard Clery worked with allies and advocates to form a 501(c) non-profit organization that would aid in the prevention of the type of violence that had taken their daughter. The Clery Center is committed to guiding higher educational institutions to implement effective campus security measures (Clery Center, 2020).

In 30 years of existence, the Clery Act has received extensive criticism. According to New (2015), the reporting requirements of the Clery Act have become so burdensome for campus law enforcement officials that some suggest the Clery Act should be repealed. This issue

was highlighted by the keynote address delivered by U.S. Senator Claire McCaskill (D-MO) on June 25, 2015, to the Campus Safety National Forum in Washington, D.C. McCaskill said the Clery Act ““doesn’t accomplish squat”” and ““to be honest with you, I am okay removing the Clery Act completely.”” McCaskill added that the Clery Act is a ““waste of time pushing paper”” and that her ““goal is to remove it, or at a minimum, simplify it”” (New, 2015).

According to Kraemer and Hanford-Ostmann (2018), Ohio Auditor of State Dave Yost says “the Clery Act is a massive, complicated federal law, and our public institutions tell us they often struggle to comply with the mandates.” Yost’s office conducted a 48-question survey to identify the problems that schools are faced with in trying to keep up with Clery compliance. According to the survey, Ohio colleges and universities cited a lack of resources for Clery training as a top limitation for completing the Clery Act ASR. They also cited a lack of time, money, and staff to collect data and prepare the reports. Obtaining crime reports from off-campus or non-university law enforcement agencies was identified as an ongoing issue as well. Many institutions feel that Clery Act compliance is extremely costly and requires more money than it is worth. For example, the University of Connecticut assigns a full-time staff member to Clery compliance and spends \$400,000 a year to pay for the staffing, training, and other expenses required to comply with the Clery Act (Gardner, 2015a).

Many argue that the problem is the Clery Act itself and that the law should do more to clarify its reporting requirements to provide more consistency for all institutions. For example, the Clery Act designates specific geographical reporting to include crimes committed in on-campus buildings and properties and “noncampus property.” Critics cite the Clery Act definition of “noncampus” property as overly broad, and they claim that it is confusing to collect crime statistics (National Association of Independent Colleges and Universities, 2016). With various

educational activities held off-campus locally and abroad, institutions are challenged with maintaining accurate and complete daily crime logs for all Clery Act designated geographical reporting locations.

Extreme care is not always used when gathering Clery data (Lombardi & Jones, 2015). A study conducted in 2002 funded by the U.S. Department of Justice found that “only 36.5% of schools reported crime statistics in a manner that was fully consistent with the Clery Act” (Lombardi & Jones, 2015). During this study, a review of the existence and publication of institutions’ and states’ definitions of sexual assault reported that 77.9% of the schools provided their ASRs as requested, suggesting that a large number of institutions are complying by submitting their ASRs. However, more than 8 in 10 institutions who provided their ASRs, including their crime statistics for the previous three years, were less in compliance with the Clery Act’s requirement that schools divide sexual offenses as either “forcible” or “nonforcible” offenses. Nearly 48.5% of four-year public schools and 43% of four-year private nonprofit schools included sexual assaults as forcible and nonforcible sexual offenses in their crime statistics (Karjane et al., 2002). The Center for Public Integrity examined complaints filed over a 10-year span against institutions mandated by Clery and showed that the most common problem is that institutions are not correctly collecting data, indicating that some only submit crime data obtained from law enforcement officials (Lombardi & Jones, 2015). For example, in 2004, the USDOEd received a complaint alleging that Yale University did just that: collected and reported crime statistics from the police and not from any institution official who had significant responsibility for student and campus activities. The USDOEd’s compliance audit of Yale University noted several Clery violations to include that Yale University failed to compile and disclose its crime statistics wholly and accurately. The study also found that some

institutions submit inaccurate sexual assault statistics inadvertently, in some cases, and intentionally in others (Lombardi & Jones, 2015). Even Jim Moore, the USDOEd official who oversaw the compliance with the federal law requiring that the campus crime statistics be posted by October 1 each year, admitted that the statistics are inaccurate. Moore said that “a vast majority of schools comply with the law, but some purposely underreport crimes to protect their images; others have made honest mistakes in attempting to comply” (LoMonte, 2014).

In 2007, the USDOEd fined LaSalle University \$110,000 for not reporting 28 crimes, including a small number of sexual assaults. The USDOEd’s compliance audit noted that the university settled for \$87,500 without admitting guilt after appealing the initial fine amount (Lombardi & Jones, 2015). Another reported issue in this study, similar to the issue reported in the 2002 study funded by the U.S. Department of Justice, is the misclassification of sexual assaults. Misunderstanding of the definition of forcible rapes versus non-forcible rapes causes institutions to miscategorize sexual offenses.

Compliance with the Clery Act federal requirements is monitored by the USDOEd, Office of Federal Student Aid (FSA) Clery Compliance Team, which enforces the Clery Act by conducting compliance reviews to ensure an institution’s Clery Act compliance. The USDOEd possesses the authority to impose civil penalties and can suspend institutions from participating in federal student financial aid programs. It is in the best interest of the institution to comply with the Clery Act reporting requirements to secure federal student financial aid funding for prospective students and to avoid hefty fines. Oregon State University paid the USDOEd \$220,500 in Clery Act fines. The compliance review determined that Oregon State University provided “extremely inaccurate” crime data by significantly underreporting violations including a sex offense, numerous burglaries, an aggravated assault, liquor law violations, and weapons

violations in 2007 (Layton, 2014). On April 20, 2017, the USDOEd announced that fines for Clery Act violations would increase to \$54,789 per violation, which is more than double the original \$25,000 fine (Carter, 2017b). The USDOEd imposed 40 fines on colleges between 2010 and 2017 for violations of the Clery Act's campus-safety and drug-free campus regulations (Bauman, 2018). The USDOEd has assessed more than \$5 million in fines against colleges to include a significant penalty against Pennsylvania State University in the amount of nearly \$2.4 million as a result of the Jerry Sandusky child-abuse scandal (Bauman, 2018). The median fine assessed during 2010 and 2017 was \$47,250 (Bauman, 2018). Although the USDOEd imposes fines, many colleges do not always ultimately pay the full penalties (Bauman, 2018). For example, Virginia Tech failed to report an active shooter on its campus in 2007 and was fined \$55,000 (USDOEd, 2011). After appealing the fine, Virginia Tech paid \$32,500, which is noted as one of the smallest fines imposed on an institution in the last 15 years for Clery Act violations (Layton, 2014). On average, fines imposed on colleges were reduced by more than 25% through appeals or settlements (Stratford, 2014).

As stated earlier, the USDOEd enforces Clery Act compliance by conducting program reviews. The purpose of Clery Act compliance reviews is to ensure compliance and to measure the safety of students and employees at schools responsible for Clery Act reporting. The reviews are crucial for the USDOEd to evaluate whether or not institutions of higher education (IHEs) are diligent in collecting campus crime statistics to comply with Clery Act policies and procedures. Although many compliance reviews provide findings of noncompliance, not all reviews result in findings of noncompliance, nor do all reviews result in penalties imposed by the USDOEd (Clery Center, 2020). The information obtained from the Clery Act compliance reviews is far more critical than whether or not the evaluation of the IHE results in penalties. For

example, to provide direct, specific information regarding the challenges colleges and universities face in complying with the Clery Act and how those challenges are addressed, during the National Campus Safety Awareness Month in 2017, the Clery Center published a content analysis review of the USDOEd Clery Act program reviews published since 2011. The USDOEd program reviews are reports generated after an audit to evaluate the IHE's compliance with the Clery Act requirements. This analysis included a description of the Clery Act, a summary of the enforcement role the USDOEd plays in Clery Act compliance, the breakdown of required elements of the Clery Act, and the USDOEd's action plan to meet each common compliance challenge (Clery Center, 2020). Some of the common theme challenges noted among IHEs in the Clery Act analysis included the failure to identify Clery geography, failure to maintain a daily crime log, and failure to compile and distribute the ASR with accurate and complete policy statements. This information is vital to the success of an IHE's Clery Act program. Having a list of common themes can assist an institution in being proactive in identifying its own Clery Act reporting problems before submitting its annual report. Executive leadership can also utilize this information as a training tool for the institution's Clery Act team to identify weaknesses within its own Clery Act structure to review, revise, or implement new Clery Act policies and procedures.

Many discussions on campus crime in higher education typically pertain to four-year schools. According to the American Association of Community Colleges (2020), 41% of all undergraduate students in the United States are community college students. With community colleges serving almost half of all the undergraduate students in the United States, the conversation regarding sexual assault prevention and response is not only essential to four-year colleges; this conversation is also critical and relevant to two-year community colleges.

Although much of the emphasis on preventing campus sexual violence is directed at traditional four-year schools, community colleges are not exempt from campus sexual assaults and rape and deserve the same attention as four-year schools.

Campus crime at two-year community colleges is an issue, mainly due to the increase of reported campus crimes, specifically forcible sexual offenses. For example, between 2016 and 2017, rape reports at New York's community college campuses rose by 13% (Axelson, 2019). This report noted several Upstate New York community college campuses that reported the most rapes, including Genesee Community College, which reported two rapes in 2016 and three rapes in 2017; Jamestown Community College, which reported one rape in 2016 and four rapes in 2017; Monroe Community College, which reported five rapes in 2016 and five rapes in 2017; and Onondaga Community College, which reported one rape in 2016 and seven rapes in 2017 (Axelson, 2019).

Although four-year schools are an integral part of the higher education system in the United States, so are community colleges. While there has been a growing national discussion on sexual assaults and rape in IHEs, it appears that these discussions often overlook community colleges. The debate on sexual assault and rape is pertinent to community colleges due to the number of students across the country attending community colleges. As a result of the national dialogue focusing primarily on four-year colleges that receive widespread sexual assault media attention, community colleges continue to be unexplored in their role in sexual assault prevention and response (Association for Student Conduct Administration, 2015). Community colleges have every right to be a part of the sexual assault prevention and response national dialogue and are worthy of this study.

Community colleges, described by Dr. Jill Biden as one of America's best-kept secrets (Association for Student Conduct Administration, 2015), are open-access colleges that serve a diverse student population of all backgrounds. Community colleges are affordable and offer students a smooth transition from high school directly into the workforce. For example, community colleges provide workforce programs that educate and train students in specific job skills. Automotive technology programs and health science programs, including dental assistant, medical billing and coding, medical assistant, certified nurse aid, and emergency medical technician, are some of the programs that provide students with direct job skills and knowledge. Upon completion of these programs, students utilize their skills to immediately obtain a job and are equipped to become successful and competitive in the workplace. Many students successfully transition from community colleges to four-year traditional colleges after completing two-year associate degree programs. Community colleges have a developmental educational strategy in place to assist students who want to continue in post-secondary schooling; however, they may not possess the necessary skills to compete and attend a four-year college. Community colleges are significant to high school graduates and adult learners who need the affordability and flexibility community colleges offer to enable them to continue to pursue their educational and personal goals and to attain their ultimate expected career goals (American Association of Community Colleges, 2016).

Yung (2015) conducted a study to determine whether colleges and universities were substantially undercounting sexual assaults. Yung examined statistical crime data submitted to the USDOEd by colleges and universities. Yung obtained sexual assault, aggravated assault, robbery, and burglary statistical data and compared it to the USDOEd Clery Act audits during the actual audit and the years before and after the audit. Yung's study found that university

reports of sexual assaults increased by 44% during the audit period, and university reports of sexual assaults dropped after the audit (Yung, 2015). The results of Yung's study are consistent with his hypothesis that IHEs ordinarily underreport sexual assault crime statistics. Yung further noted that schools appear to offer more accurate information on sexual assault only during the audit period. Yung's data indicated that the audits did not have any long-term effects on sexual assault statistics with the crime rates returning to the previous rates after the completion of the review (Yung, 2015). Yung's research was conducted in four-year schools. The present study investigated whether two-year schools demonstrate equal Clery Act reporting inconsistencies in their ASRs with underreporting and or nonreporting sexual assaults as four-year schools.

This research intended to identify the common themes determined in the audits concerning Clery Act violations. This research also uncovered whether two-year school crime statistics changed before or after an audit took place by reviewing the USDOEd Clery Act compliance audits. Knowing the differences in sexual assaults statistics before, during, and after the audit is critical to determining if the IHE is significantly undercounting its sexual assault statistics. If the IHE reports a higher number of sexual assaults during the audit period compared to sexual assaults reported before and after the audit, then this provides a basis for the conclusion that IHEs fail to accurately report sexual assault statistics before and after the audit period.

Problem Statement

The Clery Act was well-intended but is seriously flawed. The Act has been in existence for 30 years, and IHEs are still struggling to complete accurate ASRs. Research has shown that many institutions report crime statistics that are inconsistent with the Clery Act regulations. Clery Act critics cite a variety of reasons why the data are incorrect, including reports of schools underreporting or nonreporting campus crime statistics to make their school appear safer than the

statistics show. Although Clery Act compliance audits are conducted to ensure Clery compliance, the question remains as to whether the reviews are making a difference in the reporting data. The purpose of this study was to identify the common themes among two-year community colleges and to investigate if the crime statistic numbers changed in the ASR before and after an audit.

Research Questions

This study addressed two research questions investigating the common themes in the Clery Act reviews. The questions are as follows:

Research Question 1. What are the common themes determined in the audits concerning Clery Act violations for two-year schools?

Research Question 2. Is there a difference in the ASR crime reporting numbers before and after an audit review for two-year schools?

Significance of Study

The information gleaned from this study will prove to be pertinent to the leaders of IHEs. The results will assist institutional leaders in noting the common compliance issues to develop strategies to be proactive in identifying and correcting problems specific to their institution to produce more accurate and complete ASRs. Accurate and complete ASRs provide students and employees with vital campus security information to empower them to play an active role in their safety and security.

Research Hypotheses

This research had two hypotheses based on the two research methods:

Qualitative: Two-year colleges have similar themes as Clery reports in audits for four-year colleges.

Quantitative: There will be a jump in crime statistics during the audit period.

Definition of Terms

Clery Act – Consumer protection law, established to provide transparency for campus crime statistics and policies.

Clery Act Database – U.S. Department of Education, Federal Student Aid Database of Clery Act compliance reviews.

Clery Compliance Reviews – Compliance reviews conducted by the U.S. Department of Education to evaluate an institution's compliance with the Clery Act requirements.

Clery Center – Nonprofit organization, guiding institutions of higher education to implement adequate campus safety measures.

Organization of the Study

This dissertation is composed of five chapters. Chapter 1 provides the background information to articulate the problem with Clery Act reporting, the purpose of the study, and the research questions. Also, Chapter 1 discusses the significance of the research and the limitations of the study. Chapter 2 includes a review of the relevant literature. The history of the Clery Act, Clery Act requirements, Clery Act compliance reviews, and common Clery Act reporting issues are discussed. This information is necessary to understand the Clery Act and the problems associated with Clery Act reporting issues. Chapter 3 is dedicated to research methodology. The design of the study, data collection, and content analysis methods are discussed. Chapter 4 includes the results and findings of the qualitative analysis and the quantitative analysis described in Chapter 3. Chapter 5 provides the conclusion and summary for the study, and suggestions for future research are discussed.

CHAPTER 2

LITERATURE REVIEW

As previously stated, in the 30 years of its existence, the Clery Act has received extensive criticism. New (2015) has explained that the reporting requirements of the Clery Act have become so burdensome for campus law enforcement officials that some suggest the Clery Act should be repealed. Most notably was U.S. Senator Claire McCaskill (D-MO), who publicly denounced the Clery Act and advised the participants of the Campus Safety National Forum that she intended to either remove the Clery Act or change it.

Connie Clery disagrees with Senator McCaskill's comments regarding the Clery Act. Connie Clery stated that without a doubt, the Clery Act made students safer (Gardner, 2015b). Andrea Goldblum, a former Clery coordinator at Ohio State, said, "the intent behind Clery was good . . . the execution often stinks." Goldblum also stated, "it's actually really hard to comply with Clery" ("Reports on college crime are deceptively inaccurate," 2014). Daniel Carter, a campus security expert, who has been advancing campus safety and victims' rights nationally for years, agrees with Connie Clery. Carter says that although drug abuse and sexual violence remain challenges for colleges, campus safety communications are significantly faster and more transparent, and overall campus public safety is better because of the Clery Act (Carter, 2017a). Why do critics argue that the Clery Act has not worked as intended when there is so much guidance for IHEs to follow? The Clery Act legislation, *The Handbook for Campus Safety and Security Reporting: 2016 Edition* (USDOEd, OPE, 2016), and the Clery Center for Security on Campus have provided IHEs with policy and procedures, guidance, instructions, instructional aids, documentation, and examples on how to comply with the Clery Act. Why is that not enough to produce accurate Clery Act ASRs? With the number of tools provided to IHEs, most,

if not all, IHEs should be capturing campus crime statistics with few mistakes related to Clery Act reporting requirements.

The purpose of this literature review is to explore several components of the Clery Act including but not limited to the history, legislation, reporting requirements, annual security report inaccuracies, compliance, and issues with reporting sexual assaults. This review will help to explain what goes wrong and why so many IHEs have problems with inconsistent and inaccurate reporting of Clery Act crimes. The study will also explore the USDOEd, Federal Student Aid, Clery Act Report database, which may include the complaint, school response, or fine action, if any, that resulted in the compliance program review. This information will explain the process by which the USDOEd conducts its compliance review and identify specific Clery Act violations noted by the USDOEd's report to ascertain similarities or differences in IHE Clery Act reporting.

Before examining some of the Clery Act reporting problems, it is important first to define what the Clery Act is in general and how it has changed over time. The first section of this literature review will focus on the history of the Clery Act, Clery Act requirements, Clery Act compliance checks, and common Clery Act annual report errors.

History of the Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act, 20 U.S.C. 1092) is a federal consumer protection law that requires IHEs in the United States to disclose campus security information, including crime statistics for the campus and surrounding areas (McCallion, 2014). It was first enacted by Congress in 1990 as Title II of the Student Right-to-Know and Campus Security Act (P.L. 101-542) and signed into federal law as an amendment to the Higher Education Act of 1965 (McCallion, 2014). The Clery Act was

instituted to increase transparency between IHEs and their students and employees regarding safety and security on campus (Clery Center, 2020).

The Clery Act requires all IHEs participating in the Higher Education Act (HEA) Title IV federal financial student aid programs to report crime statistics, notify the campus community of threats, and compile and distribute an ASR to prospective students, employees, and the campus community (Clery Center, 2020). According to McCallion (2014) since enacted in 1990, the Clery Act has undergone the following amendments:

- 1991: The requirement for reporting crime statistics changed from the calendar year to the school year, and the first collection of statistics changed from September 1, 1991, to August 1, 1991.
- 1992: IHEs were mandated to develop and implement policies and procedures to protect the rights of sexual assault survivors.
- 1998: Congress renamed the legislation to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, to honor the memory of Jeanne Clery. Also, an amendment increased crime categories to include arson and negligent manslaughter and expanded Clery reporting geographical locations. IHEs were now required to maintain crime logs and to report their statistical crime data to the USDOEd yearly in the ASR to current students and employees and to make this data available upon request to prospective students.
- 2000: IHEs were permitted to disclose information about registered sex offenders without violating privacy laws. IHEs were required to provide information on the location of the state's public sex offender registry.

- 2008: Amendments included requiring IHEs to include regulations related to emergency response and evacuation, instituting an expansion to report bias-related hate crimes in four new categories, and creating policies for missing student reports. Also, amendments were passed to implement fire safety requirements for reporting and disclosure of campus security relationship with local and state law enforcement agencies, as well as to provide victims of violence or non-forcible sex offenses with the right to receive disciplinary proceedings results.
- 2013: Amended as part of the reauthorization of the Violence Against Women Act (VAWA), IHEs must include crimes of domestic violence, dating violence, and stalking in their ASRs. Also, national origin and gender identity were added to the description of hate crimes.

The passing of the Clery Act legislation was a huge accomplishment. However, Jeanne Clery's parents, Connie and Howard Clery, and their supporters did not stop there. More work was needed to change how campus crime was recorded and its records disseminated to stakeholders. As the years passed, the Clery Act amendments continually expanded the scope of the law; developed IHEs' requirements to disclose statistics; and made it incumbent upon IHEs to create policies and procedures regarding the prevention and reporting of sexual assault, dating violence, domestic violence, and stalking (Hanson & Cartwright, 2017).

Clery Act Requirements

The Clery Act has four primary requirements: (a) ASR, (b) Crime Log, (c) Timely Warnings, and (d) Crime Statistics (Webster, 2016). These requirements ensure the safety of the campus community and compliance with the Clery Act policies and procedures. The Clery Act mandates all IHEs to utilize individuals designated as Campus Security Authorities (CSAs) to

report crimes to the campus police or campus security unit. This section will provide in-depth information on campus CSAs and the Clery Act requirements.

Campus Security Authority

According to *The Handbook for Campus Safety and Security Reporting: 2016 Edition* (USDOEd, OPE, 2016, Chapter 4) CSAs are campus individuals or organizations that report crime incidents to the official IHE campus police, campus security unit, or office designated by IHE to receive the Clery Act allegations of crime. An official is someone who has the authority and the duty to act on behalf of the IHE. The definition of CSAs pertains to all IHEs, including two-year and four-year colleges and universities. CSAs are not responsible for investigating crimes or reporting crimes heard through rumors or gossip. Although many campus crimes are reported directly to the campus police or campus security, we know that is not always the case. For example, a victim of sexual assault may report the incident to their residence advisor and not the campus police. Recognizing that all persons may not report crimes directly to the police, the Clery Act requires that all institutions collect information on crimes from a variety of campus individuals and organizations associated with their specific IHE. Four groups of campus individuals and organizations associated with all IHEs are authorized Clery Act CSAs:

1. IHE campus police department or campus security unit. All individuals who work in the campus police department or campus security unit are CSAs.
2. Any individual or group of individuals who are responsible for campus security but who do not make up a campus police department or campus security unit. For example, any individual, including a student, who assists campus police or the campus security unit with acting as a security “agent” by providing security for campus sporting events or large campus parties, is a CSA.

3. Any person or organization designated by the IHE as someone to whom the victim is instructed to report crimes.
4. An official who has significant responsibility for student and campus activities.

Examples include a dean of students who oversees student housing, student center, or student extracurricular activities; director of athletics; faculty advisor to a student group; Title IX coordinator; and student resident advisor.

The definition of CSAs in the Clery Act regulations and handbook is inclusive, resulting in IHEs requiring hundreds, if not thousands of people designated as CSAs in larger institutions; most of these CSAs are faculty and staff members. Although students and employees have many options of people to whom to report a crime, having a large number of CSAs on campus can undermine confidentiality for students and lessen their confidence in the IHE's handling of sensitive matters with the fear that their information may be compromised (National Association of Independent Colleges and Universities, 2016).

It is important to note that only professional mental health and pastoral counselors are exempt from reporting when acting in the capacity of a CSA. The Clery Act does not address the coordination of the crime reporting process or training. However, training of CSAs is recommended, but not required (USDOEd, OPE, 2016, Chapter 4).

CSAs play an integral role in the reporting of campus crime. It is imperative that CSAs accurately document all crimes reported. This information must be correctly relayed to the campus police or campus security unit expeditiously for the IHE to ensure campus safety and to obtain complete and accurate information for the IHE to complete the ASR. For example, if a student is assaulted and immediately reports the incident to a campus CSA, including a detailed physical description of the perpetrator, the CSA is responsible for quickly and accurately

relaying this information to include the perpetrator's physical identifiers, clothing, and location last seen. This information will prompt the campus police or campus security unit to issue a timely warning to ensure the safety of the campus community. Campus police and campus security units rely on the timely and accurate reporting of campus crime incidents to act accordingly and to document this information for the compilation of the campus crime statistics data to complete the ASR. If CSAs provide inaccurate and or incomplete crime statistics to ASR reporting officials, then the school's ASR will also be incorrect and incomplete, which will result in Clery Act noncompliance.

Annual Security Reports

Reporting crime statistics under the Clery Act is not only federal law but fundamental to the accuracy of the IHE's ASR. ASRs are essential to educating prospective students, parents, faculty, and the community regarding crime statistics on their campus.

Each IHE participating in federal financial student aid programs is required to maintain and disclose information about crime occurring on or near its campuses by submitting the ASR every year on October 1. The ASR must include statistics of campus crime for the preceding three calendar years, policy statements regarding various safety and security measures, program descriptions for campus crime prevention, and procedures to be followed in the investigation and prosecution of alleged sex offenses (Kazlauskas, 2018). IHEs are required to distribute the ASR to current and prospective students and employees. The IHE can post the ASR on the IHE's website and must also indicate how one can obtain a paper copy. The ASR is the most critical document to demonstrate compliance with Clery Act requirements (Webster, 2016).

Comprehensive, complete, and accurate Clery Act reporting is essential not only to the institution but also to prospective students, parents, faculty, and the community. Prospective

students and parents want to review correct and detailed Clery Act ASRs to make an informed decision on whether they wish to attend that institution.

Students want to participate in an institution where they can learn and safely roam around campus with little or no fear of being victimized. In a 2015 survey conducted by Noodle asking parents to rate the most important factors when deciding on a college, 74% of college parents listed a safe environment as an essential factor when looking at colleges (Kassa, 2017). These results are consistent with a survey of the millennial generation published by the College Board and Art & Science Group, which indicated that students and parents are concerned about campus safety. The survey reported that 72% of students indicated that while considering and choosing a college, campus safety was critical to them, and 86% said that campus safety was imperative to their parents (Kassa, 2017). Although research shows that parents and students view campus safety as necessary, there is no evidence that parents and students are using the Clery Act to decide which college they will attend, nor are there any reports that the Clery Act has had an impact on crime reduction (Kirkman, 2018). Early studies indicated that less than 27% of students and parents know of the Clery Act, and less than 25% of students admit to reading campus crime reports (Kirkman, 2018). Mike Gillilan, Director of Student Rights and Community Standards for Ball State University, who prepares and submits the campus crime statistics to the USDOEd, indicated that he spends a lot of time and effort creating the report to make sure it is timely and accurate. Gillilan further stated that the number of reports accessed around the campus is severely low. The number of people requesting the report at Ball State University ranges in the mid-teens annually while enrollment is more than 22,000 (Kirkman, 2018).

Crime Logs

IHEs' campus police departments or campus security departments are required to maintain a public crime log documenting all crimes reported to them or crimes that they have been made aware of (Clery Center, 2020). Crime logs must include the most recent 60 days' worth of information. All entries must include the nature, date, time, and general location of the crime. The crime log must also contain the disposition of the complaint, if known. Recorded information from 60 days ago or longer must be made available within two business days. Under the Clery Act, the retention period for all crime logs is seven years, three years following the publication of the last security report (Clery Center, 2020).

Timely Warnings and Emergency Notifications

As previously mentioned, in 2008, the Clery Act was amended to include emergency response and notification policies. Annual campus emergency drills scheduled during regular business hours are also required (McCallion, 2014). Timely warnings can be triggered when an incident has already occurred, but that incident continues to pose a threat. The incident can take place anywhere within the IHE's Clery geographic area. The timely warning is sent to the entire campus community once the IHE receives enough information to describe the threat adequately. Emergency notifications can be triggered by significant emergency or dangerous events that pose an immediate threat to the health and safety of students and employees. Emergency notifications are for on-campus situations only. The communication can be sent as soon as the emergency is confirmed. Also, the communication can be directed to the specific threat area on campus. The handbook indicates that the warning should be issued as soon as "pertinent information is available," regardless of whether the police have received all of the facts (USDOEd, OPE, 2016, p. 6-12). According to Alison Kiss, executive director of the Clery Center for Security on

Campus, the discretion for all IHEs was built into law by design, saying police must evaluate each incident to ascertain whether the alert will identify the victim or impede the investigation (Moorthy, 2016). Examples include one case where the timely warning tipped off a potential perpetrator that an investigation was underway in a sexual assault incident on campus, resulting in a strained relationship between the IHE and the local law enforcement officials. Another case involved an IHE which sent a timely warning after the death of a student in an off-campus homicide. The timely warning, which included the name of the deceased, was released before the family of the deceased was notified (National Association of Independent Colleges and Universities, 2016). Releasing timely warnings too soon or too late can hurt students, employees, and the campus community.

Crime Statistics

According to The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092 (f)), IHEs are required to report on the following crimes defined by the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Handbook:

1. Murder (including nonnegligent and negligent manslaughter)
2. Sex offenses (forcible/nonforcible, domestic violence, dating violence, and stalking)
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson

9. Arrests of persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession

10. Hate crimes

The purpose of the Clery Act is to mandate that colleges be transparent with the reporting of campus crime statistics, but research confirms that campus crime statistics are incorrect. As previously stated, crime statistics released by colleges nationwide in 2014 were so misleading that they gave students and parents a false sense of security. Inaccurate crime statistics for both four-year and two-year colleges are alarming and do not allow the Clery Act to serve as intended. The State of New York, Office of the State Comptroller audited five community colleges from January 1 through December 31, 2013, to determine if the schools accurately reported and published campus crime statistics according to the Clery Act. The audit concluded that each of the five community colleges did not accurately report crimes in its ASR and to the USDOEd; each of the five community colleges failed to publish an ASR with accurate and complete policy statements; and two of the community colleges published ASRs with crime statistics that did not match the crime statistics reported to the USDOEd (Office of the New York State Comptroller, 2015). The inaccurate information provided in the Clery Act reports denies current and prospective students and employees the necessary information to make an informed decision about attending the college or working at the college.

Clery Act Accuracy Checks

Compliance with the Clery Act federal requirements is monitored by the USDOEd, which possesses the authority to impose civil penalties and can suspend institutions from participating in federal student financial aid programs. As previously stated, sanctions for Clery Act violations increased to \$54,789 per violation (Carter, 2017b). Multiple institutions have been

fined as a result of being found in noncompliance with the Clery Act. The most substantial penalty to date was assessed to Michigan State University, with a record fine of \$4.5 million for failure to comply with the Clery Act in the Larry Nassar case. Nassar was accused of sexually assaulting hundreds of women and young girls on campus while working as a team doctor at Michigan State University (Bauer-Wolf, 2019). Until Michigan State University's penalty, Pennsylvania State University held the record fine of almost \$2.4 million for the administration's failure to report sex offenses on campus perpetrated by Pennsylvania State University official Jerry Sandusky (Carter, 2017b). Sandusky, convicted on 45 counts of sexual abuse of young boys from 1994 to 2009, served as an assistant coach for Pennsylvania State University (Sallee, 2019). The USDOEd fined the University of Montana almost \$1 million for inaccurate and misleading crime statistics, specifically for failing to report at least seven forcible sexual offenses from 2012 to 2015. After the University of Montana appealed, the USDOEd reduced the fine to \$395,000 (Szpaller, 2019). Other Clery Act fines assessed against institutions for campus security reasons include but are not limited to Sterling College for \$165,000 in 2015; the University of North Dakota for \$115,000 in 2013; Oregon State University for \$220,500 in 2014; and Central Connecticut State University for \$32,500 in 2017 (Bauman, 2018).

The USDOEd, Federal Student Aid Office is responsible for conducting reviews of IHEs to evaluate an institution's compliance with Clery Act requirements. A Clery Act review may be initiated based on receipt of a complaint of possible noncompliance, significant event occurring on campus that raises concerns for Clery Act violations, the IHE's independent audit's identification of serious noncompliance, or in coordination with or following the FBI's Criminal Justice Information Service Audit Unit (Margolis Healy, n.d.). This information is critical to remember for this study, which will include an in-depth review of the Clery Act program

compliance audits to identify the Clery Act compliance challenges commonly faced by two-year community colleges.

The Federal Student Aid, Clery Compliance Team currently conducts two types of analyses to determine if an IHE complies with the Clery Act: (a) general program review of IHE's activities in the federal student aid programs or (b) on-site or off-site review strictly focused on campus security. The second type of these reviews may include comparing campus crime logs and comparing the IHE's ASR reported data to the data reported to the local police agencies. Typically, if a general program review reveals substantial Clery Act findings, then a more focused campus security review is conducted (Studentaid.gov, n.d.a).

After the completion of the review, the USDOEd provides a Program Review Report to the IHE outlining specific concerns of noncompliance. The IHE is allowed to respond to all issues noted in the report. The USDOEd will review the response and issue a Final Program Review Determination Letter. Based on the findings, the USDOEd will determine whether a fine is warranted; if so, the amount of the penalty assessed is determined (USDOEd, n.d.a). The USDOEd currently maintains Clery Act compliance reviews to include issues noted; the IHE's response to the matters recorded; and final determinations to include penalties assessed, if any, on their public website. This provides a good source of information for prospective students and employees to learn more about the IHEs they are considering for school and employment.

There does not appear to be a designated time frame as to how long the audits should take; however, the USDOEd has been criticized in the past for prolonged investigations that have dragged on for a decade or more (Bauman, 2018).

Common Clery Reporting Issues

According to Hanson and Cartwright (2017), common compliance mistakes among colleges and universities when completing the ASR are:

1. Failing to include gender identity and national origin, as defined by the VAWA.

Statistics about VAWA-defined hate crimes should also be included in the ASR along with sexual assault, domestic violence, dating violence, and stalking.

2. Making general statements about how the disciplinary process worked in cases of VAWA crimes. Guidelines require institutions to list each disciplinary proceeding used to resolve a complaint in cases involving such crimes.

3. Not reporting all of the possible sanctions following a disciplinary proceeding.

4. Reporting thefts as burglaries. Burglary requires unlawful entry within a structure.

For example, a backpack in a student lounge would not count as burglary.

5. Misreporting drug offenses. Possession of a small amount of marijuana in states that have decriminalized it should not be counted as an offense. Misuse of a legally obtained prescription drug should not be counted.

6. Including incidences in the “referral for disciplinary action” statistics that were violations of institutional policy but not violations of the law.

7. Using the ASR in place of a statement of victims’ rights and options.

8. Placing the university’s Title IX sexual misconduct into the ASR.

Hanson and Cartwright (2017) noted that these common compliance mistakes are a sampling of Clery Act areas addressed in the *Handbook for Campus Safety and Security Reporting: 2016 Edition* (USDOEd, OPE, 2016). Although this information is essential to identify challenges associated with completing ASRs, the data reported by Hanson and

Cartwright did not provide any additional information regarding the collection of data. Although Hanson and Cartwright referred to universities, it is not clear whether these common compliance mistakes pertain to two-year colleges, which proves the need to accurately identify Clery Act common theme challenges specifically affecting two-year colleges.

Sexual Assault Underreporting Problems

According to Lombardi and Jones (2015), data suggest that many campuses have a higher rate of sexual offenses on campus than what is reflected in the institution's official Clery Act ASR. The American Association of University Women (AAUW) analyzed the Clery data for 2015 and found that 89% of college campuses reported zero incidences of rape in 2015 (Becker, 2017). The AAUW found that 91% of college campuses reported zero rapes in 2014 (Becker, 2015). This section will focus on sexual assaults due to the high percentage of institutions not reporting any rape incidents at all, which one can conclude may be a severe problem with Clery data collection.

The Dispatch and the Student Press Law Center analyzed Clery Act crime statistics for 12 years for almost 1,800 schools with on-campus housing and noted the following results:

- Nearly 3% reported never having any violent crimes on campus: no homicides, no robberies, no serious physical assaults, and no sexual assaults.
- Almost 16% reported never having a physical altercation that could have resulted in severe harm.
- Almost one-fifth reported never having a sexual assault, although an Urbana University student reported to police in 2012 that she was gang-raped in a dorm room. ("Reports on college crime are deceptively inaccurate," 2014)

This review also found that although the Clery Act was enacted in 1990 to alert students to dangers on campus, it often failed at its core mission. For example, on paper, Elizabeth City State seemed like a safe campus, since its ASRs for 11 years did not show that any student had been sexually assaulted. According to the joint investigation, in 2013, a dorm security guard at Elizabeth City State College pushed his way into the dorm room of a female student and fondled her for the fourth time. The student had repeatedly reported the incidents to campus police with no action taken. After the fourth incident, the female student reported the incident to the local police department. Soon after, police discovered as many as 17 sexual-assault victims whose cases were never reported on the school's ASR, and the USDOEd did not know about these crimes. Also, police found 127 cases of crime on campus that had not been adequately investigated by the college, including eight rapes. As a result of the investigation, the molester was convicted of breaking and entering and sexual assault; the college chancellor resigned; and the campus police chief resigned, although he did not admit any guilt in failing to properly investigate crimes on campus ("Reports on college crime are deceptively inaccurate," 2014). The joint report indicated that what happened at Elizabeth City State College is one of many examples of the issues with the Clery Act, a "complicated law fraught with loopholes that can allow colleges to make their campuses and neighborhoods look safer than they really are" ("Reports on college crime are deceptively inaccurate," 2014).

In 2009, the Center for Public Integrity (2010) surveyed a sample of 260 on-campus and off-campus crisis clinics and programs that serve students, faculty, and staff at four-year public universities across the United States. Out of the 260 crisis clinics, 152 facilities responded to the survey, for a 58% response rate. The team of reporters for the Center for Public Integrity then conducted multiple interviews to include interviews of current and former college students who

say they were raped or sexually assaulted by other students or professors, students accused of sexual assault, student affairs administrators, lawyers, victim advocates, and judicial hearing officers (Lombardi & Jones, 2015). The survey included a question asking the clinics to identify the number of student sexual assault cases they serviced in the previous year. The Center for Public Integrity compared the survey data with the institutions' last five-year average of official Clery university crime data submitted to the USDOEd. The survey indicated that the clinic numbers were considerably higher, which suggests that there is a systematic problem with Clery data collection. Clery incidents reported by crisis service programs are theoretically supposed to be included in the ASR. However, confusion still exists over who specifically must report sexual offenses, causing the Clery ASR numbers to be incorrect.

Mary Friedrichs of the Office of Victim Assistance at the University of Colorado at Boulder said, "Clery, in our minds, doesn't do what it was intended to do" (Lombardi & Jones, 2015). During one year, 42 sexual assaults documented at the University of Colorado at Boulder did not appear in the institution's ASR data because certified counselors with confidentiality exemptions do not have to report them to the campus police (Lombardi & Jones, 2015).

Within the higher education community, such discrepancies are not unusual. The Center for Public Integrity conducted a nine-month investigation and found that the Clery Act has limitations and loopholes that cause systematic problems and prevent higher educational institutions from accurately documenting the total number of sexual assaults. Some of the discrepancies may include confusion over the definitions of sexual offenses, the Clery law reporting requirements, and the reporting exemptions for counselors who may be covered by confidentiality (Lombardi & Jones, 2015).

In his 2015 study, Yung tested whether there is substantial undercounting of sexual assaults in IHEs. Yung used two significant sources of data, which included Clery Act crime statistics submitted to the USDOEd by IHEs and USDOEd Clery audits of IHEs. Yung's study included four-year schools with on-campus housing and at least 10,000 students. Yung compared sexual assault data submitted by IHEs to the USDOEd while undergoing a Clery Act compliance review with crime statistics provided before and after such audits. Yung also studied crime data for aggravated assault, robbery, and burglary during the USDOEd audit and before and after the review.

The study found that during the audit period, IHEs reported an increase of 44%, and after the audit, IHEs reported a drop in the number of sexual assaults. Yung's (2015) study showed that it is a common practice of IHEs to underreport incidents of sexual assault. The study indicated that the sexual assault rates dropped after the audit. The reported number of sexual assaults appeared to increase only during the time that the IHE was under review. Additionally, this study concluded that the examinations did not have a long-term effect on sexual assault data. Yung's research suggested that four-year schools underreport incidents of sexual assault. Yung specifically limited his study to four-year schools; therefore, we do not know if the same results apply to two-year schools.

Unintentional vs. Intentional Underreporting

Research tells us that across the United States, many IHEs are underreporting or nonreporting rapes and sexual assaults. Some IHEs are making honest mistakes, while others are intentionally misrepresenting their rape and sexual assault crime statistics to make their campus appear safer than it is. There are two possible motivations for colleges and universities to underreport or non-report campus crime, including sexual assaults. The first is organizational

issues, and the second is malicious intent. These motivations are echoed by Sen. Kirsten Gillibrand (D-NY), who said that there are two explanations why schools would have no reports of rape: “Either they don’t have an adequate reporting system or they know about the rapes and are putting them under the rug” (Anderson, 2016). Problems such as lack of resources, training, and finances are issues institutions cite as reasons for Clery Act noncompliance. For example, while being audited by the USDOEd for Clery Act compliance, Texas State University admitted that they misreported campus crime numbers, causing prospective students and employees to have inaccurate information as they strive to make reasonable decisions about whether or not to attend or work at the school. A former Texas State University police chief suggested that the school administration was not supportive of an updated system to record Clery data and statistics. The school admitted that the referenced system did not produce accurate statistics but cited budgetary concerns in response to the reason for not updating to a new system and not providing more training. Also, school administrators indicated that the campus police department was understaffed and that the lack of personnel posed severe problems with one employee handing all of the reporting requirements, along with other duties (Najmabadi, 2019).

Universities consistently underreport sexual assaults on campus (Yung, 2014). New York, California, and Texas state auditors who review the crime data for public colleges in their states exposed widespread misreporting, which included both overreporting and underreporting (“Reports on college crime are deceptively inaccurate,” 2014). Although colleges and universities consistently report zero rapes, two things are certain. Rapes on college campuses happen, and universities lie about it (Stern, 2015). Mark Goodman, former director of the Student Press Law Center, found the zero sexual assault numbers hard to believe. Goodman, like other critics, reported that he imagines that institutions are intentionally misinterpreting their

Clery Act reporting responsibilities to protect their reputation as having a safe campus (Lombardi & Jones, 2015). The microscopic number of reported sexual assaults is a red flag for watchdog organizations. Margaret Jakobson stated that Clery reporting problems can be found at any school that reports zero sexual assaults (Lombardi & Jones, 2015). Colleges and universities may intentionally underreport sexual assault crime statistics for personal professional reasons. Low sexual assault numbers can have a positive impact on employees responsible for preparing and submitting crime statistics, resulting in job promotions. Institution administrators could possibly advance their careers by preventing the occurrence of a significant public disgrace and by avoiding tarnishing the school's reputation (Yung, 2015). If institutions are perceived to have an issue with a higher reported number of sexual assaults or other crimes, it can lead to decreased student enrollment, resulting in a loss of financial revenue for the school (Yung, 2015).

Regardless of the intent, there are Clery Act limitations and loopholes that can lead to discrepancies in reported sexual assault crime statistics. One of the gaps in the Clery Act reporting may explain the possibility of IHEs unintentionally underreporting the Clery Act crimes. For example, one of the most significant loopholes in the Clery Act policy is the reporting exemption for pastoral and professional counselors. Pastoral and professional counselors in an active role providing counseling at the institution are exempt from disclosing reported offenses (USDOEd, OPE, 2016 p. 4-7). The problem is that some IHEs may be "stretching" the counselor privilege by designating school counseling centers to serve as campus security authorities for the Clery Act to intentionally underreport crimes, keeping campus crime statistics low (Lombardi & Jones, 2015). Additional limitations to the Clery Act may include confusion over the definitions of sexual offenses and the Clery law reporting requirements, as in the case with Eastern Michigan University, who paid the USDOEd fines for a variety of Clery

Act violations, including miscoding forcible rapes as non-forcible in 2008 (Lombardi & Jones, 2015).

The USDOEd reported that nearly half of the 25 complaint investigations conducted over the last decade determined that institutions either omitted sexual offenses or neglected to report them at all. The most common problem was that schools were not collecting the data correctly. According to Lombardi and Jones (2015), some institutions submit inaccurate sexual assault statistics accidentally, and some institutions intentionally provide wrong sexual assault statistics. In 2006, 3,068 two-year and four-year colleges and universities, which represented 77% of IHEs, reported zero sexual offenses. Another 501 institutions reported one or two rapes (Lombardi & Jones, 2015).

Research thus far has shown multiple deficiencies in Clery Act reporting that result in Clery Act noncompliance. Clery Act compliance reviews conducted by the USDOEd noted some of the issues as failure to document crimes properly, failure to include reported crime statistics from local law enforcement and all campus CSAs, issues with correctly identifying school Clery Act geographical area to obtain crime data to include in ASR accurately, and underreporting and nonreporting campus crimes. Perhaps the most egregious act of Clery Act noncompliance noted by critics is the underreporting and or nonreporting of rape and sexual assault on campus. Some schools disputed this information, saying that most rapes and sexual assaults are reported to professional counselors and pastoral counselors who are exempted from including this information in the ASR. Whatever the reason, the zero reports and reports of low numbers of rapes and sexual assaults on college campuses that include residential houses and have a large number of students are hard to believe.

Unique Challenges Two-Year Colleges Face

As previously stated, research on the application of the Clery Act typically speaks to traditional four-year schools. However, it is imperative to examine the application of this legislation on two-year college campuses. Community colleges are vital to higher education systems. They strengthen communities within the United States by providing lifelong learning, cultural resources, and access to education (Association for Student Conduct Administration, 2015). According to the American Association of Community Colleges (2020), in the fall of 2018, a total of 11.8 million students enrolled in the country's 1,050 community colleges, which awarded 579,822 certificates and 852,504 associate degrees between 2017 and 2018. The population of students at community colleges can be more diverse than at four-year colleges. Many students include first-generation students, single parents, and full-time working adults returning to school to further their education, as shown in Table 1.

Depending on the type of degree the student would like to pursue, community colleges may be a great choice. In general, community colleges offer associate degrees, certificates, and vocational programs, while four-year colleges offer a bachelor's degree. Community colleges are less costly to attend than four-year colleges. Many students choose to start at a two-year college because the tuition and fees are more affordable than at four-year colleges. The average annual tuition and fees for community colleges in 2019–2020 was \$3,730 compared to \$10,440 for four-year colleges (American Association of Community Colleges, 2020).

Table 1*Community College Demographics 2015–2016*

Demographic Category	Percentage
First generation	29%
Single parents	15%
Non-U.S. citizens	9%
Veterans	5%
Students with disabilities	20%
Students with prior bachelor's degrees	8%

Adapted from *2020 fact sheet*, by American Association of Community Colleges, 2020, https://www.aacc.nche.edu/wp-content/uploads/2020/03/AACC_Fast_Facts_2020_Final.pdf.

Community colleges share the same goal as four-year schools: commitment to providing a safe environment to educate their students. Although four-year and two-year colleges have many similarities, the roles and functions of the community college offer several unique challenges that can cause an increase in campus crime, including sexual violence. Several factors distinguish community colleges from traditional four-year schools, including resources, infrastructure, and demographics that create unique challenges to addressing sexual violence (The National Center for Campus Public Safety & American Association of Women in Community Colleges, 2016). According to the USDOEd, IHEs that offered programs shorter than four years reported 503 cases of forcible and non-forcible sexual offenses in 2010. By 2014, the stated number of cases was 731, a 45% increase (The National Center for Campus Public Safety & American Association of Women in Community Colleges, 2016).

In 2016, the National Center for Campus Public Safety (NCCPS) partnered with the American Association for Women in Community Colleges (AAWCC) to identify critical issues concerning the prevention of and response to sexual violence for community colleges. This group included 18 safety leaders from 14 community colleges across the nation. The group identified several areas that have an impact on sexual violence at community colleges: nonstandard physical security; cumbersome compliance; cultural barriers; and lack of resources, education, and support services (National Center for Campus Public Safety & American Association of Women in Community Colleges, 2016). For example, community colleges offer cultural events, public job fairs, recreational activities, and programs for adults and children, all open to the public. The open-door access to community colleges to learn a trade, prepare for a four-year college, and enrich culture by taking classes of interest can make it cumbersome for community colleges to manage critical sexual assaults (Association for Student Conduct Administration, 2015). Nonstandard physical security challenges, such as a lack of updated technology including digitally controlled doors to control access in and out of campus buildings, building alarms, and security cameras, make it difficult for the college to ensure the safety of students, faculty, and the surrounding community (The National Center for Campus Public Safety & American Association of Women in Community Colleges, 2016).

This review identifies that there is a consistent pattern of Clery Act reporting issues amongst many IHEs, including community colleges with Clery Act reporting responsibilities. Clery Act compliance reviews confirmed that many IHEs have the same Clery Act inaccuracies. The Clery Act was well-intended, but it is seriously flawed in its execution. The fact that many IHEs are still struggling to complete accurate ASRs after 30 years of the Clery Act's existence is not only mystifying but alarming and very difficult to comprehend. Prospective students and

other stakeholders “have the right to know” campus crime statistics with the expectation that the data are correct.

Conclusion

Additional research is needed to help explore the areas in which two-year schools struggle to comply with Clery Act reporting requirements and to determine whether the problem of underreporting or nonreporting sexual assault in four-year schools exists in two-year schools. This study sought to fill this gap by conducting a qualitative content analysis review of the compliance reviews and, through a quantitative analysis, comparing the crime data submitted by IHEs before, during, and after the said audit. Chapter 3 will explain the study’s methodology for achieving this goal.

CHAPTER 3

METHODOLOGY

Purpose

The purpose of this study was to identify the common themes among two-year community colleges concerning Clery Act violations. This research also uncovered whether two-year school crime statistics changed before, during, or after an audit took place by reviewing the USDOEd Clery Act compliance audits.

My study investigated two research questions regarding the difficulties two-year community colleges are having in accurately completing the ASR and whether there is a difference in the ASR crime reporting numbers before and after an audit review. The first research question: “What are the common themes determined in the audits concerning Clery Act violations?,” was addressed by conducting a deductive content analysis by reviewing each USDOEd Clery Act compliance audit in my sample to identify the common challenges each school was facing to complete an accurate and complete ASR. The second research question: “Is there a difference in the ASR crime reporting numbers before and after an audit review?,” was addressed by conducting a quantitative data analysis by reviewing the crime statistics before, during and after each USDOEd Clery Act Program Review for each school in the study sample.

I identified two studies directly related to my research questions. The Clery Center conducted a content analysis study of the USDOEd Clery Act Program Reviews to identify common compliance challenges faced by IHEs to complete an accurate ASR (National Campus Safety Awareness Month, Clery Center, 2017). The Clery Center study was pertinent to my first research question because my study investigated common compliance themes for two-year community schools. Yung (2015) conducted a study to determine if universities were

underreporting sexual assaults. Yung's research question was very similar to my second research question. Yung compared sexual assault crime statistics submitted by IHEs under the Clery Act compliance reviews to sexual assault crime statistics before and after the audit, and I did the same for two-year community schools.

The framework for my research is very similar to those of the Clery Center study and Yung's study. Although the Clery Center study and the Yung study are critical Clery Act studies and provide insight on why I chose my particular methodology in proceeding with my research, my research is just as important because it fills a gap in both the Clery Center study and the Yung study: explicitly addressing two-year schools. This study included two methods, and I will discuss each method separately. First, I will explain the deductive qualitative content analysis, and then I will explain the quantitative data analysis. This chapter will also include the study population, data sources, collection methods, data analysis, hypotheses, and limitations for both the deductive content analysis and the quantitative data analysis method.

Research Question 1: Content Analysis

Research Question 1: What are the common themes determined in the audits concerning Clery Act violations for two-year schools?

In 2017, during the National Campus Safety Awareness Month, the Clery Center published the USDOEd Clery Act Program Reviews: Common Themes. This information originated through a content analysis of program reviews published since 2011 (National Campus Safety Awareness Month, Clery Center, 2017). The Clery Center report is a particular report outlining the background of the Clery Act, who is required to adhere to the Clery Act, and who enforces Clery Act compliance; the reasons why a Clery Act program review is initiated; and who is responsible for conducting the program reviews. The report identified the two types

of program reviews conducted by the USDOEd’s Federal Student Aid Office, consisting of a review of the school’s activities related to Federal Student Aid programs and program reviews specially focused on campus security. After conducting a review of all of the IHE audits published in the USDOEd Federal Student Aid database, the Clery Center report addressed the universal themes relative to the identified campus security concerns. This report further identified possible consequences of review findings that may include suspension or termination of schools from eligibility from federal student financial aid programs and possible fines, violations, or limitations. It is important to note that this report indicates that not all program reviews result in findings of noncompliance or fines (National Campus Safety Awareness Month, Clery Center, 2017).

The Clery Center study content analysis highlights common patterns of noncompliance by IHEs. It also offers specific areas of action IHEs can consider while increasing the value of their campus security program. This document serves as a tool for IHEs to be proactive by using the Clery Center common themes to learn and identify their internal deficiencies to address any problems before a program review or before any questions create a safety issue for their students, employees, or campus community (National Campus Safety Awareness Month, Clery Center, 2017).

This report did not list any IHEs by type of school, nor did they list any school by name. As stated earlier, all schools audited since 2011 were included in the Clery Center common themes report. The report is explicitly divided into the Clery Act problem topics, noting examples of specific findings relative to each item. The report further documents the Clery Act requirements, and the USDOEd’s recommended action steps for each instance of the particular conclusions (National Campus Safety Awareness Month, Clery Center, 2017).

The Clery Center listed the following Clery Act challenges as common themes based on their content analysis:

1. Collection and Sharing of Clery Act Crime Statistics
2. Identifying Clery Geography
3. Compilation and Distribution of The Annual Security Report with Accurate and Complete Policy Statements.
4. Maintaining a Daily Crime Log
5. Drug-Free Schools and Communities Act Requirements Implementation
6. Compilation of an Accurate and Complete Annual Fire Safety Report and Fire Log.

(National Campus Safety Awareness Month, Clery Center, 2017)

For example, Maintaining a Daily Crime Log is listed as a Clery Act challenge. The background information indicates that all IHEs that have a campus police or security department must maintain a daily crime log with specific crime information occurring within their Clery geography jurisdiction. Failure to maintain an accurate and complete daily crime log is noted as an example of a particular finding. This Clery Act requirement applies only to institutions that maintain campus police or campus security departments. The USDOEd Recommended Action for the IHE is that it first determine whether the school has a campus police or security department. IHE-contracted private security companies or security services agreements with the municipal, county, or state law enforcement agencies credit an IHE for having a campus police or security department. Each specific finding has multiple Clery Act requirements (National Campus Safety Awareness Month, Clery Center, 2017).

The framework of this study was similar to the Clery Center content analysis method. However, this study concentrated on common themes relative to two-year IHEs. I conducted a

deductive content analysis for two-year IHE reviews conducted since 2006, to look for the same common issues in my data, as reported in the Clery Center study. This information was compared to determine if two-year IHEs are struggling with the same Clery Act challenges as four-year IHEs.

Before conducting the data analysis, I solicited a fellow doctoral program student to work with me to review and analyze one of the 20 USDOEd compliance review reports to determine if the content analysis measures I had proposed were sufficient to obtain pertinent information to complete the study or if the content analysis measures should be changed. Individually, each of us reviewed one report and each question. As a result of the review, several of the initial content analysis measure questions were altered or deleted to reflect a more comprehensive response. For example, under the common theme “collection and sharing of Clery Act crime statistics,” the question read, “Does the report suggest that the school failed to properly classify and disclose crime statistics?” After the initial review, it was determined that a school could disclose the crime statistics but fail to properly classify the statistics. As a result, the question was changed to, “Does the report suggest that the school failed to properly classify or disclose crime statistics?” After additional changes to the questions were adjusted, I moved forward with the adjusted questions to complete the data analysis.

To analyze the Clery Act reviews, I used content analytic indicators consisting of a list of questions. The coding method comprised of a list of questions than could be answered with “yes” or “no.” As I reviewed the Clery Act compliance reports, I asked myself the following questions in Figure 1 to determine common themes. Once I learned the common issues in my review, I compared them to the Clery Center, USDOEd Clery Act Program Reviews, Common (National

Campus Safety Awareness Month, Clery Center, 2017) document to discover resemblances or differences between the two studies.

Figure 1

Content Analysis Measure for Clery Act Common Themes

Collection and Sharing of Clery Act Crime Statistics
<ol style="list-style-type: none"> 1. Does the report suggest that the school failed to properly classify and disclose crime statistics? 2. Does the report suggest that the school's crime statistics published in the ASR were different from the crime statistics reported to the Department of Education's Campus Crime Statistics Database? 3. Does the report suggest that the school improperly formatted and disclosed crime statistics? 4. Does the report suggest that the school failed to establish an acceptable system for collecting crime statistics from all required sources and misclassification of crimes?
Identifying Clery Geography
<ol style="list-style-type: none"> 1. Does the report suggest that the school failed to properly define the Campus and report crime statistics? 2. Does the report suggest that the school failed to obtain crime statistics for additional Clery locations?
Compilation and Distribution of the Annual Security Report with Accurate and Complete Policy Statements
<ol style="list-style-type: none"> 1. Does the report suggest that the school failed to publish and distribute the ASR? 2. Does the report suggest that the school failed to meet crime awareness requirements? 3. Does the report suggest that the school lacked adequate policy statements? 4. Does the report suggest that the school did not prepare the ASR and distribute it as a single comprehensive document?
Maintaining a Daily Crime Log
<ol style="list-style-type: none"> 1. Does the report suggest that the school failed to maintain an accurate and complete daily crime log?
Drug-Free Schools and Communities Act Requirements Implementation
<ol style="list-style-type: none"> 1. Does the report suggest that the school did not meet the requirements for the Drug and Alcohol Abuse Prevention Program? 2. Does the report suggest that the school did not have a sufficient drug and alcohol prevention policy?
Compilation of an Accurate and Complete Annual Fire Safety Report and Fire Log
<ol style="list-style-type: none"> 1. Does the report suggest that the school failed to publish and distribute the Annual Fire Safety Report? 2. Does the report suggest that the school failed to comply with the fire safety policies and fire statistics requirements? 3. Does the report suggest that the school failed to maintain a fire log?

Throughout my review, I took note of any emergent themes that did not appear as listed above to include any new issues in my analysis.

According to the USDOEd *Federal Student Aid Program Review Guide for Institutions* (Federal Student Aid Programs, 2017), there are several documents included in the program review to document the audit review process; however, I focused on the following documents for my study:

1. The Program Review Report: The Program Review Report is the initial report outlining the findings based on the program review. The report documents the statutes and regulations applicable to the study and identified required actions and time frames for the school to respond to the findings. The Program Review Report typically includes standard sections: Report Cover Page, Table of Contents, Institutional Information, Scope of Review and Disclaimer, Findings, Recommendations, and Appendices, and Enclosures. The Report Cover Page identifies the school and the team that conducts the program review. The Table of Contents includes the page numbers of sections and individual findings within the Program Review Report. The Institutional Information section provides information about the school to include information such as the school's name; address; type (public, private nonprofit, proprietary); current student enrollment; and the percent of students receiving Title IV. The Scope of Review and Disclaimer section includes the focus of the review, the dates reflecting when the school's records were reviewed, the number and type of documents reviewed, the award years examined, and how the sample was selected. This section also includes a disclaimer advising that the review is not all-inclusive due to the possible absence of documents within the school

records. In the Findings section, all findings noted in the investigation are documented. The report documents how the school violated regulatory requirements, the effect of the violations, and the actions the school needs to make to comply. Each finding is individually numbered and titled to correspond with the abuse noted. Also, the statutory/regulatory citation and either a direct quote or brief description of the requirement are pointed out for each finding. This section includes a noncompliance section for the results, which outlines a detailed description of the problem identified to include the identity of all specific occurrences. All program review recommendations are noted in this section and can include actions the school should take that are not specific to resolving a particular finding. The appendices and enclosures can consist of any information as necessary, such as the analysis supporting one or more outcomes.

2. Final Program Review Determination Letter: The Final Program Review

Determination Letter advises the school of the final determination for each finding listed in the Program Review Report. This letter also includes liabilities, if any, calculated based on the findings in the program review. If penalties are assessed, the amount and the payment instructions are enclosed. The letter also informs the institution that they have a right to appeal any amount of the liabilities identified. If penalties are assessed, the school will have 30–90 days after receiving the USDOEd’s receipt of a complete and final response to the Program Review Report to remit their payment. If there is no further action required because the school has submitted all of the required documentation to resolve all of the findings and all liabilities were either paid or eliminated, then the USDOEd will issue a Final Program Determination Letter

stating that the program review is closed. If action by the school is still required, the USDOEd will issue a letter indicating that the program review will be closed after receiving the documentation verifying that the required action has been completed. The cover letter used to send the school the Final Program Review Determination Letter includes the purpose of the letter, which is to identify liabilities indicated in the findings from the Program Review Report; provides the school with instructions on how to submit payment for liabilities assessed; and notifies the school of its right to appeal.

The Final Program Review Report usually consists of the following sections: Cover Page, Table of Contents, Institutional Information, Scope of Review, Findings and Final Determinations (Resolved Findings, Resolved Findings with Comments, and Findings with Final Determinations), Summary of Liabilities, Payment Instructions and Appendices, and Enclosures. The Final Program Review Report is similar to the Program Review Report; however, I want to point out some differences between the two reports. The Scope of Review provides the focus of the program review and how the liabilities were determined. It also indicates that the study was not all-inclusive. The Findings and Determinations section lists the results in three categories: Resolved Findings, Resolved Findings with Comments, and Findings with Final Determinations. The Resolved Findings are findings that the school has taken corrective action to resolve, and the USDOEd has decided that no further action is required. These findings are considered closed. The Resolved Findings with Comments are findings that the school has resolved, and no further action is required; however, the USDOEd provided additional information and recommendations. Findings with Final Determinations are findings that have been assessed liabilities or require action by the school. The Summary of Liabilities section includes an

overview of liabilities owed to the USDOEd, and the Payment Instructions section provides payment instructions and the terms related to the payments.

Although the Clery Act Compliance Reviews may include additional information and documentation, the Program Review and the Final Program Review Determination Letter were the most vital documents for me to review for this study. I used codes to identify pertinent information in each report to compile the Clery Act common compliance issues in two-year schools to complete this study.

Population and Sample

The sample in this study consisted of the following 20 two-year IHEs audited by the USDOEd during the study period: Century College, Coffeyville Community College, College of the Redwoods, Delgado Community College, Graham Hospital School of Nursing, Indian Hills Community College, Jefferson College, Joliet Junior College, Massachusetts Bay Community College, Midlands Technical College, Montgomery College, Northern Wyoming Community College District, Northwest Vista College, Ohlone College, Palo Alto College, Pennsylvania Highlands Community College, Salina Area Technical College, San Antonio College, St. Philip's College, and Wichita State University-Campus of Applied Sciences and Technology. The institution sector of the sample consists of 19 public schools and one private not-for-profit school. Six of the 20 schools have on-campus housing, while 14 do not. The location of the sample schools varies; however, the location site of all schools is within the United States, as shown in Table 2.

Table 2*Study Sample Location by Region*

Region	Two-Year Colleges and Location
Region 1: Northeast	Massachusetts Bay Community College – Wellesley Hills, MA Pennsylvania Highlands Community College – Johnstown, PA
Region 2: Midwest	Century College – White Bear Lake, MN Coffeyville Community College – Coffeyville, KS Graham Hospital School of Nursing – Canton, IL Indian Hills Community College – Ottumwa, IA Jefferson College – Hillsboro, MO Joliet Junior College – Joliet, IL Salina Area Technical College – Salina, KS Wichita State University-Campus of Applied Sciences and Technology – Wichita, KS
Region 3: South	Delgado Community College – New Orleans, LA Midlands Technical College – West Columbia, SC Montgomery College – Rockville, MD Northwest Vista College – San Antonio, TX Palo Alto College – San Antonio, TX San Antonio College – San Antonio, TX St. Philip’s College – San Antonio, TX
Region 4: West	College of the Redwoods – Eureka, CA Northern Wyoming Community College District – Sheridan, WY Ohlone College – Fremont, CA

The population of students in the sample schools ranges from 39 to 21,720. The Graham Hospital School of Nursing, located in Canton, IL, has 39 students with eight full-time faculty and one part-time instructor (Institute of Education Sciences, National Center for Education Statistics, 2018a). The school with the highest enrollment is Montgomery College located in Rockville, MD, without campus housing, which serves 21,720 students with 477 full-time faculty and 1,122 part-time instructors (Institute of Education Sciences, National Center for Education Statistics, 2018b). Several of the schools have the same or similar unique learning

opportunities for students. For example, San Antonio College, located in San Antonio, TX, is a sizeable two-year school without campus housing that has a student population of 17,573 with 288 full-time faculty and 448 part-time instructors (Institute of Education Sciences, National Center for Education Statistics, 2018d). San Antonio offers ROTC, teacher certification, distance education, study abroad, and weekend/evening college. Student services programs include remedial services, academic/career counseling services, employment services for students, placement services for completers, and on-campus daycare for the children of students (Institute of Education Sciences, National Center for Education Statistics, 2018d). The student learning opportunities for San Antonio College are the same as for Montgomery College; however, Pennsylvania Highlands Community College, located in Johnstown, PA, has fewer special learning opportunities for students. Pennsylvania Highlands Community College offers distance education and weekend/evening college. Student services include remedial services, academic/career counseling services, employment services for students, and placement services for completers. Pennsylvania Highlands Community College has a small campus setting without campus housing. Its student population is 2,658, and it has 28 full-time faculty and 82 part-time instructors (Institute of Education Sciences, National Center for Education Statistics, 2018c). No schools in the study have a religious affiliation.

Data Source and Coding

The audit data for this study consisted of several documents reflective of multiple stages within the audit review for each school. This information located within the Federal Student Aid database is accessible to the public and provided the information to complete this study. The Federal Aid Data Center is a public data center that maintains information relative to the Federal Financial Assistance programs and contains four categories: Student Aid Data, School Data,

Federal Family Education Loan Program Lender and Agency Reports, and Business Information Resources. Clery Act Reports located within the School Compliance Tools and reports section include information about schools that participate in Title IV programs. This dataset was used to review the Clery Act audits for all 20 two-year colleges in this sample to conduct a content analysis. The USDOEd Federal Student Aid online repository contains the Clery Act reports, which can be searched by the year of the audit or by the school name (Studentaid.gov, n.d.b).

Some of the documents included in the Program Reviews are the program review report, the school's response to the program review report, a final program review determination, the fine letter, and the final resolution. All of these documents, however, may not be applicable to each school.

After identifying the reviews, codes were used to determine the report start date and end date, which were the actual start date and end date noted on the report. The start date is the date that the investigation was initiated in person or when the complaint was filed, if applicable.

These dates are important because they indicate the day the school became aware that an audit would be conducted and that there were possible Clery Act violations investigated. The end date of each inspection corresponded to the time when the fine letter was issued. If no fine letter was issued, then the date of the last document in the review served as the end date (Yung, 2015).

Once coding was completed, the analysis of the collected data was conducted to identify patterns and draw conclusions based on research questions.

Limitations

Deductive content analysis is time consuming and tedious work, which can lead to increased errors without a review from others. For this reason, much deductive content analysis is conducted in groups with each individual separately reviewing the materials, then comparing

the findings as a group. This dissertation was undertaken solely by me, and I did not have the benefit of others reviewing the documents to correct any possible errors I may have inadvertently made. To eliminate potential errors, I thoroughly reviewed the compliance audits for each institution, explicitly focusing on the final program review determination letter. I reviewed all data multiple times to ensure that the information was correct to the best of my ability.

Research Question 2: Quantitative Data Analysis

Research Question 2: Is there a difference in the ASR crime reporting numbers before and after an audit review for two-year schools?

Population and Sample

The sample in this study was retrieved from the USDOEd Office of Postsecondary Education (OPE). The Campus Safety and Security Data Analysis Cutting Tool designed for the public to quickly customize campus crime and fire data reports is a public online repository. These data were drawn from the OPE, Campus Safety and Security Statistics website where all postsecondary institutions that receive Title IV funding submit their school crime statistics annually using a web-based data collection portal (USDOEd, OPE, n.d.).

The Campus Safety and Security Data Analysis Cutting Tool offers the following options to customize reports:

1. **Get Data for One School:** This option allows the researcher to search for general information and the past three years of safety and security-related statistical data for the entire school or by campus.
2. **Compare Data for Multiple Schools:** This option allows the researcher to select up to four schools to compare data for the most recent year, with an opportunity to view the number per 1,000 students.

3. Download Custom Data: This option allows the researcher to select data related to safety and security for one or more years to include customized data for a group of schools.
4. Generate Trend Data: This option allows the researcher to select a subject area and a question of interest, and see the answer for a chosen year, as well as create tables and graphs that show the trend over time. Also, users can customize their results by multiple school characteristics to include four-year, two-year, state, public, or private.
5. Download Data: This option allows the researcher to download the complete data file for all institutions from a single data collection. Records will include all data submitted by all institutions in the selected survey year. (USDOEd, OPE, n.d.).

Sexual assault is currently defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI Uniform Crime Reporting program. In 2013, the FBI Uniform Crime Reporting Program started collecting rape data through the National Incident-Based Reporting System (NIBRS), Summary Reporting System, using an updated definition of sexual assault (U.S. Department of Justice—Federal Bureau of Investigation, 2016). The NIBRS is used by law enforcement agencies within the United States to collect and report crime data. The FBI Uniform Crime Reporting program defines rape as “the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim” (U.S. Department of Justice—Federal Bureau of Investigation, 2016). The new definition of sexual assault was an update to the historical interpretation of forcible rape, which referred to a female forced into rape against her will by a man who penetrated the woman’s vagina (U.S. Department of Justice—Federal Bureau of Investigation, 2016). The updated and current definition of sexual assault is broader to

recognize men as rape victims, sexual assaults with the use of objects, sodomy, and offenses of rape. The “forcibly or against the victim’s will” language was changed to “without the consent of the victim” (U.S. Department of Justice—Federal Bureau of Investigation, 2016). As a result of the more inclusive and broader rape definition, the FBI anticipated a potential increase in the reported number of rapes after January 2013 when the use of the revised definition was initiated (U.S. Department of Justice—Federal Bureau of Investigation, 2016).

The sexual assault definition date and content change are critical to my study because my sample crime data includes years before and after the sexual assault definition change. The updated definition of sexual assault combines rape and fondling and is categorized as forcible sexual assault, and incest and statutory rape were combined and are categorized as non-forcible sexual assault.

The reader is hereby cautioned not to be alarmed when reviewing my results to see a drastic increase in the number of rapes reported after January 2013. The spike in the reported rapes after January 2013 may not be due to more rapes; instead, rapes are now more accurately reported due to the broader definition. I addressed this issue by collecting the data for the total number of forcible sexual assaults by totaling the number of rapes and fondling. I also totaled the number of non-forcible sexual assaults by combining the number of reports of incest and statutory rape.

Any incidents of domestic violence, sexual assault, dating violence, and stalking fall under the VAWA. Although sexual assault is also a VAWA offense, for Clery Act reporting purposes, it is included in the criminal offenses category (USDOEd, OPE, 2016 p. 3-2). As a result, the statistical data for this study consisted of the final data submitted by two-year IHEs for

the selected years between 2001 and 2018—precisely, crime statistical data for forcible and non-forcible sexual assault reported on campus and public property.

According to *The Handbook for Campus Safety and Security Reporting: 2016 Edition* (USDOEd, OPE, 2016), the following definitions are Clery Act specific. Under the Clery Act, sexual assault (sex offense) is any sexual act against another person without the consent of the victim, including if the victim is incapable of giving consent. Sexual Assaults must be included in the school reported crime statistics; however, sexual assault attempts and the following four sex offenses are the only sexual assaults that are required for Clery Act reporting statistics, which are included in my study data.

- Rape – The penetration of the vagina or anus, with any body part or object or oral penetration of a sex organ of another person without the consent of the victim. This definition applies to both men and women who are raped.
- Fondling – When another person touches the private body parts of another person for sexual gratification without their consent.
- Incest – Sexual intercourse between people who are related to each other, and it would be unlawful to marry.
- Statutory Rape – Sexual intercourse with one person who is under the statutory age of consent. (pp. 3-6, 7)

Clery Act geography has several categories. The categories are relevant because schools are only required to report crime statistics within their Clery Act geographical area. The explanations for these geographic categories are Clery Act specific and are the same for every IHE regardless of the size or type of school (USDOEd, OPE, 2016 p. 2-1):

- On-Campus – Building or properties owned or controlled by the school that are reasonably adjacent and/or adjoining to one another and directly support or relate to the school’s educational purposes.
- On-Campus Student Housing Facilities – Student housing facilities owned or controlled by the school or located on property that is owned or controlled by the school or is reasonably adjacent and/or adjoining that makes up the campus.
- Public Property – Public property within the college campus, such as a public road, and public property that outlines the borders of the school and is accessible from the campus.
- Noncampus Buildings or Property – Any building or property owned by school student organizations; and off-campus buildings and properties controlled by the school and used directly to support the school’s educational purposes.

Although there are four Clery Act Geography categories, my study included only the On-Campus and Public Property geography locations. Most of the IHEs in my research do not include on-campus student housing facilities or noncampus buildings or properties; as a result, I will not cover these geographical areas in my data.

Specifically, this study focused on forcible and non-forcible sexual assault, reported in campus crime statistics for the selected sample, which is similar to the study conducted by Yung in 2015. Yung reviewed crime statistics for sexual assault data for periods before and after the USDOEd Clery Act reviews to determine if IHEs are underreporting sexual assault on their school ASRs. Like Yung’s study, this study will look for the same information relative to two-year schools.

Data Source and Coding

The audit data for this study consisted of statistical crime data submitted annually via a web-based data collection by IHEs to the USDOEd OPE. This online repository is accessible to the public and provided the information to complete this study. I utilized the Download Custom Data option to retrieve campus crime statistics for forcible and non-forcible sexual assaults.

According to *The Handbook for Campus Safety and Security Reporting: 2016 Edition*

(USDOEd, OPE, 2016), the Clery Act requires all institutions to include four general categories of crime statistics:

- Criminal Offenses – Criminal Offenses include Criminal Homicide, Murder, Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, Rape, Fondling, Incest, and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- Hate Crimes – Hate Crimes include any of the Clery Act Criminal Offenses, Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property motivated by bias.
- VAWA Offenses – VAWA Offenses include Domestic Violence, Dating Violence, and Stalking.
- Arrests and Referrals for Disciplinary Action – Arrests and Referrals for Disciplinary Action for Carrying and Possessing Weapons, Law Violations, Drug Abuse Violations, and Liquor Law Violations. (p. 3-2)

To demonstrate the coding process, I will use forcible sexual assault crime statistics as an example. Code 1 was used to code the number of forcible sexual assaults before their school audit, Code 2 was used to code the number of forcible sexual assaults during the audit, and Code

3 was used to code the number of forcible sexual assaults after the audit. The number of forcible sexual assaults in each code was calculated to determine the total number of forcible sexual assaults within the years before, the years during, and the years after the audit. Once the numbers were totaled, I calculated the total average number of forced sexual assaults during the period before, during, and after the audit. The coding process example is the same process that I used for all of my crime statistics.

Determining the number of sexual assaults before, during, and after a Clery Act compliance review is essential to determine if something is changing with the statistics when the school is under scrutiny. For example, if the school reports a higher number of sexual assaults during the time of the audit, and their reported number of sexual assaults decreases after the review, or goes back to the same numbers reported before the inspection, then the results would be consistent with the hypothesis that there will be a jump in the reporting of crime statistics during the audit period. Yung's study concluded that university reports of sexual assault increased by approximately 44% during the audit period and that after the audit period, reported sexual assault rates dropped. The summary for each section will be accurate and precise, using the exact statistics published by IHEs to avoid summarizing unnecessary information. The reviews will include illustrations and graphs of conclusions drawn to show the essential information in visual form.

Limitations

This study only included the two-year IHEs that were audited by the USDOEd Office of Student Financial Aid. Although there are 1,050 two-year community colleges (American Association of Community Colleges, 2020), the number of schools in my study was 20. This low number represents the number of two-year schools that received a Clery Act compliance review

within my study time frame. Due to the small study sample, it was difficult to generalize the results, which were not representative of all IHEs that have been inspected for Clery Act violations. This study was also limited to possible inaccurate data. If the schools submitted incorrect data, then the data for the study were also incorrect. Another limitation that could have affected the results was that the audit may not have identified all of the deficiencies because the USDOEd may not have had all of the reports and documentations to review. For example, if an IHE is under review, and the school did not submit all of the campus security reports, then the results of the audit will be negatively impacted. The sample of two-year schools is systematically different from four-year schools. Most two-year schools have no campus residence halls, and many have a lower number of students compared to four-year schools. My study is significant to determine if these variables make a difference in the way two-year schools operate.

CHAPTER 4

DATA ANALYSIS

Purpose

The purpose of this study was to identify the common theme challenges among two-year community colleges concerning Clery Act violations. The research also uncovered whether two-year school crime statistics changed before, during, or after an audit. Chapter 4 will focus on the data analysis of the two research questions. I will begin with the first research question, “What are the common themes determined in the audits concerning Clery Act violations?,” which was addressed by conducting a deductive content analysis by reviewing each USDOEd Clery Act compliance audit in the research sample to identify the common challenges each school is facing in completing an accurate and complete ASR. I will then discuss the second research question, “Is there a difference in the ASR crime reporting numbers before and after an audit review?,” which was addressed by conducting a quantitative data analysis by reviewing the crime statistics before, during, and after each USDOEd Clery Act review for each school in the study sample.

Deductive Content Analysis

The results of the deductive content analysis follow. The information gathered from the investigation primarily aligned with the content analysis of the USDOEd Clery Act Program Reviews: Common Themes study conducted by the Clery Center (National Campus Safety Awareness Month, Clery Center, 2017). Overall, the analysis of two-year colleges generally seems to have the same results as four-year colleges when dealing with campus safety issues regarding the Clery Act. The entire sample of 20 two-year colleges was found to have violated at least one or more of the six common theme challenges identified in the Clery Center study. The Clery Center study did not indicate the frequency of the common themes, and as a result, I was

not able to determine if two-year common themes appeared at the same rate as the four-year Clery Center study themes.

The USDOEd program reviews offer direct insight into what specific challenges all schools are facing to comply with the Clery Act. The results, identified in Table 3, provide the particular violations by two-year schools.

Table 3*Results of Content Analysis Measure for Clery Act Common Themes*

Content Analysis Measure for Clery Act Common Themes	Number of Violations
Compilation and Distribution of the Annual Security Report with Accurate and Complete Policy Statements	16
Does the report suggest that the school lacked adequate policy statements?	15
Does the report suggest that the school did not prepare the Annual Security Report as a single comprehensive document?	14
Does the report suggest that the school failed to publish or distribute the Annual Security Report?	10
Drug-Free Schools and Communities Act Requirements Implementation	14
Does the report suggest that the school did not meet the requirements for the Drug and Alcohol Abuse Prevention Program?	14
Does the report suggest that the school did not have a sufficient drug and alcohol prevention policy?	14
Collection and Sharing of Clery Act Crime Statistics	12
Does the report suggest that the school failed to properly classify or disclose crime statistics?	12
Does the report suggest that the school improperly formatted and disclosed crime statistics?	12
Does the report suggest that the school's crime statistics published in the Annual Security Report were different from the crime statistics reported to the Department of Education's Campus Crime Statistics Database?	6
Does the report suggest that the school failed to establish an acceptable system for collecting crime statistics from all required sources and misclassification of crimes?	3
Identifying Clery Geography	7
Does the report suggest that the school failed to properly define the Campus and report crime statistics?	7
Does the report suggest that the school failed to obtain crime statistics for additional Clery locations?	7
Compilation of an Accurate and Complete Annual Fire Safety Report and Fire Log	5
Does the report suggest that the school failed to publish and distribute the Annual Fire Safety Report?	5
Does the report suggest that the school failed to comply with the fire safety policies and fire statistics requirements?	5
Does the report suggest that the school failed to maintain a fire log?	1
Maintaining a Daily Crime Log	2
Does the report suggest that the school failed to maintain an accurate and complete daily crime log?	2

Compilation and Distribution of the Annual Security Report With Accurate and Complete Policy Statements

By far, the most commonly cited common theme violation was the Compilation and Distribution of the Annual Security Report with Accurate and Complete Policy Statements. In total, 16 out of 20 schools improperly and/or incorrectly compiled and distributed an accurate and complete ASR. Within this section, 15 out of 20 schools lacked adequate policy statements; 14 out of 20 schools did not prepare the ASR as a single comprehensive document, and 10 out of 20 schools failed to publish or distribute the ASR. For example, College of the Redwoods violated several areas within this theme. According to Clery Act reviewers,

College of the Redwoods violated multiple provisions of the Clery Act. Specifically, the institution failed to publish and distribute an accurate and complete 2013 ASR in the manner required by federal regulations. Also, College of the Redwoods failed to actively distribute an ASR as a comprehensive document to all current students and employees. (USDOEd, Federal Student Aid, San Francisco/Seattle School Participation Division, 2016)

Similarly, the review team for Montgomery College cited multiple violations within this theme. According to the USDOEd (USDOEd, Federal Student Aid, Clery Act Compliance Team, 2015b), the USDOEd determined that Montgomery College “violated the Clery Act and its own inadequate policy.” Specifically, “Montgomery College failed to follow its policy for issuing a timely warning in response to the October 9, 2010, sexual assault offense that occurred on the Takoma Park campus.” Montgomery College’s timely warning policy in its 2009 ASR states, “Safety and Security Office has a self-imposed policy to distribute alerts within 24 hours of receiving a report of a crime against a person on campus.” It was noted that “the sexual assault,

which occurred at 1:30 p.m. on October 9, 2010, and reported to the safety and Security Office the same day, was not reported to the campus community for two days.” Additional violations included failure to distribute the ASR within regulatory timeframes, specifically, “Montgomery College did not distribute its 2010 ASR by October 1, 2010 and that the 2010 ASR was not reasonably accessible to currently enrolled students and employees” (USDOEd, Federal Student Aid, Clery Act Compliance Team, 2015b). Reviewers further noted that “Montgomery College’s 2010 ASR did not include a list of the titles of each campus security authority or the organizations to whom a criminal offense should be reported” (USDOEd, Federal Student Aid, Clery Act Compliance Team, 2015b).

Schools in the sample study appeared to have the most issues within this theme. Only four out of the sample of 20 schools did not have violations noted within this theme. Problems included schools lacking adequate policy statements, not preparing the ASR as a single comprehensive document by not including all policy statements within the ASR, and failing to publish or distribute the ASR. Data showed that many schools do not have required policies in place and or do not adequately explain their existing policy statements within their ASR. Many schools have difficulties publishing the ASR, as evidenced by the College of Redwoods, which did not prepare and publish an ASR for 2013.

Drug-Free School and Communities Act Requirements Implementation

The second most violated common theme was the Drug-Free School and Communities Act Requirements Implementation, with 14 out of 20 schools cited. Within this section, 14 out of 20 schools did not meet the requirements for the Drug and Alcohol Abuse Prevention Program, and 14 out of 20 schools did not have a sufficient drug and alcohol prevention policy. All IHEs receiving federal funding are required to provide an annual Drug Abuse and Alcohol Prevention

Program disclosure to all current students and employees that includes educational, disciplinary, health, and legal consequences of illegal drug use and alcohol abuse. Also, the annual disclosure must consist of information concerning available counseling, treatment, and rehabilitation programs. To test the effectiveness of the drug and alcohol program, schools must conduct a biennial review (Clery Center, 2020)

For example, the reviewers noted that “Ohlone College’s Drug and Alcohol Policy failed to meet the statute by not providing the required policies in their statement,” which is a direct violation of the Clery Act (USDOEd, Federal Student Aid, Clery Act Compliance Team, 2015c). Specifically, their report noted:

1. No evidence of annual distribution to each employee or student.
2. No statements on applicable legal sanctions in its policy.
3. No statements on health risks.
4. No statement of any drug or alcohol counseling, treatment, or rehabilitation programs.
5. No clear statement that the College will impose disciplinary sanctions.
6. No Biennial reviews of a Drug and Alcohol Abuse Program were conducted as stated in the College’s letter dated May 17, 2011.

Findings related to this theme include whether schools have met the requirements for the drug and alcohol abuse prevention program and whether they have a sufficient drug and alcohol prevention policy to assist students and employees in drug and alcohol prevention. Each of the 14 schools in the study sample that violated this theme were cited for these exact reasons. None of the 14 schools met the requirements for the Drug and Alcohol Abuse Prevention Program, nor did any of them have a sufficient drug and alcohol prevention policy.

Collection and Sharing of the Clery Act Crime Statistics

A little more than half of the schools reported were found to be in violation in the area of Collection and Sharing of Clery Act Crime Statistics, with 12 out of 20 schools cited with this theme. Within this section, 12 out of 20 schools failed to properly classify or disclose crime statistics; 12 out of 20 schools improperly formatted and disclosed crime statistics; six out of 20 schools published different crime statistics in their ASR than were reported to the USDOEd's Campus Crime Statistics Database; and three out of 20 schools failed to establish an acceptable system for collecting crime statistics from all required sources and misclassified crimes. For example, the review team for Coffeyville Community College found that the school

failed to submit accurate and complete crime statistics to the Department's online campus crime statistics database. Specifically, the review team found that the crime statistics that the College submitted to the Department, and those in its own Audit Trails, did not match the corresponding ASRs that were produced during the review period. (USDOEd, Federal Student Aid Clery Act Compliance Division, 2017).

Under the Clery Act law, IHEs must accurately compile, publish, and distribute crime statistics in their ASRs and submit their crime statistics to the USDOEd to be included in the online campus crime statistics database maintained by the OPE: "An institution must report the same crime data to the USDOEd as it reports in the ASR, and the institution must be able to support the numbers in its ASR with those in its own Audit Trail" (USDOEd, Federal Student Aid Clery Act Compliance Division, 2017). In the Case of Coffeyville Community College,

the College also failed to include accurate, complete, and properly-formatted crime statistics in the ASRs produced in 2009 to 2014. Specifically, Coffeyville did not: 1) report hate crimes by offense classification and category of bias; 2) organize and disclose

statistics for criminal offenses, arrests, and disciplinary referrals by geographical location; or 3) contact local law enforcement agencies to request crime statistics.

(USDOEd, Federal Student Aid Clery Act Compliance Division, 2017)

Similarly, reviewers found that Delgado Community College (DCC)’s “statistics for incidents of crime reported as published in the 2012 ASR did not match those submitted to the Secretary for inclusion in the USDOEd’s online campus crime statistics database. For example, DCC disclosed no aggravated assaults for calendar year 2011; however, DCC reported that four such offenses occurred on-campus to the Department’s database” (USDOEd, Federal Student Aid, Dallas School Participation Division, 2015).

Findings in this theme relate to multiple issues relating to collecting and sharing crime statistics as required by the Clery Act. All 12 schools cited in this theme failed to correctly classify or disclose crime statistics and improperly formatted and published crime statistics, proving that many schools have problems in this area. Also, six out of the 12 sample schools published different crime statistics in their ASR than they reported to the USDOEd’s Campus Crime Statistics Database, as evidenced in the data collected for Delgado Community College. Some schools failed to establish an acceptable system for collecting crime statistics from all required sources and misclassified crimes, which may be the reason why there were many violations in this theme.

Identifying Clery Geography

The fourth most violated common theme was Identifying Clery Geography, with seven out of 20 schools cited. Within this theme, seven out of 20 schools failed to properly define the campus and report crime statistics, and seven out of 20 schools failed to obtain crime statistics for additional Clery locations. Delgado Community College failed to disclose crime statistics by

geographical location for their 2012 ASR, which is a direct violation of the Clery Act. For example, the reviews noted that Delgado Community College’s “statistics for incidents of crimes reported were not organized by the required geographical categories of”:

- “on-campus”
- “student residential facilities (as a subset of the on-campus category)”
- “Non-campus buildings and property”
- “Public property (immediately adjacent to and accessible from the campus)” (USDOEd, Federal Student Aid, Dallas School Participation Division, 2015)

Similarly, Salina Area Technical College (SATC) “failed to include all required categories of crime broken down by geographical location in the 2010 ASR.” Specifically, reviewers noted that

SATC maintains a memo of understanding with Kansas State University-Salina to provide housing for students. In total, approximately 20 students utilize this service yearly. In visiting with institution officials, program reviewers determined SATC staff did not consult with Kansas State University-Salina to obtain any statistics concerning potential Clery-reportable incidents which may have involved their students. (USDOEd, Federal Student Aid, School Participation Division—Kansas City, 2013)

The reviewers further noted that “SATC was required to attempt to collect statistics from the local police and or Kansas State University-Salina staff and report these statistics as part of SATC’s ASR” (USDOEd, Federal Student Aid, School Participation Division—Kansas City, 2013).

To adhere to the Clery Act guidelines regarding specific geographical locations that schools must include for reporting crime statistics, schools must understand their particular Clery

locations, such as buildings and properties owned or controlled by the school. If the school is unclear about their specific Clery locations, then their collection of crime statistics will not be accurate. All of the seven sample schools cited in this theme failed to accurately define the campus and report crime statistics. Further, they failed to obtain crime statistics for additional Clery locations, which is a direct violation of the Clery Act.

Compilation of an Accurate and Complete Annual Fire Safety Report and Fire Log

Before providing the findings of the Annual Fire Safety Report and Fire Log theme, I want to note that this theme pertains only to schools that have on-campus student housing. Although my study sample consisted of 20 schools, only six out of the 20 sample schools have on-campus housing. As such, the analysis for this theme include Coffeyville Community College, College of the Redwoods, Graham Hospital School of Nursing, Indian Hills Community College, Jefferson College, and Northern Wyoming Community College District, which are the six schools identified in the study sample that have on-campus student housing. When determining violations for this theme, the findings applied to the cited six schools only.

The Compilation of an Accurate and Complete Annual Fire Safety Report and Fire Log is next to the least cited theme, with five out of six schools cited; however, it is noted that almost all of the schools to which this violation applies have violated this theme. Within this theme, five out of five schools failed to publish and distribute the Annual Fire Safety Report, and five out of five schools failed to comply with the fire safety policies and fire statistics requirements, which is the most significant issue with this theme, correctly publishing the fire and safety report. Only one out of five schools was cited for failing to maintain a fire log. Northern Wyoming Community College District (NWCC)

failed to compile and distribute a Fire Safety Report which is required by the above regulation (34 C.F.R. 668.41 (e)(1)-(6)) when the College provides or arranges for student housing. Although some very minimal fire safety information was located in the institution's ASR, Department officials found that NWCCD had, in fact, failed to publish an adequate AFSR as a comprehensive document. The Department's review indicates that compliance failure has persisted since the fire safety requirements were added to the Clery Act in 2010. As a result of this systemic failure, the Department finds that NWCCD has failed to ever meet the AFSR active distribution and notification requirements. (USDOEd, Federal Student Aid, School Participation Division—Chicago/Denver, 2014)

Only one of the six schools in the sample with on-campus housing, Jefferson College, was not cited for any fire safety violations.

Nearly all of the schools in the study sample relative to this theme failed to publish and distribute the Annual Fire Safety Report and failed to comply with the fire safety policies and fire statistics requirements, which is a direct violation of the Clery Act. Most schools have the most issues related to publishing and disseminating the annual fire safety report. One school, Coffeyville College, “failed to maintain an accurate and complete fire log in accordance with the Department's regulations for the years under review (2009-2015)” (USDOEd, Federal Student Aid Clery Act Compliance Division, 2017).

Maintaining a Daily Crime Log

Maintaining a Daily Crime Log was the least violated theme, with two out of 20 schools cited. Two out of 20 schools failed to maintain an accurate and complete daily crime log. For example, Coffeyville Community College “failed to maintain accurate and complete crime logs

in accordance with the Department’s regulations for the years 2009 through 2015” (USDOEd, Federal Student Aid Clery Act Compliance Division, 2017). Similarly, reviewers determined that “Montgomery College failed to maintain a crime log at its Takoma Park, Rockville, or Germantown campuses. The campuses maintain an Incident Report Log, which contained some, but not all of the information required by the regulations” (USDOEd, Clery Act Compliance Team, 2015b).

Although this theme is the least cited theme amongst all the themes, maintaining a daily crime log is required for IHEs with campus police or security departments. Violations in this theme include IHEs not keeping a daily crime log or crime log elements, as evidenced by the two schools which were found to have violated this theme.

Summary of Qualitative Content Analysis

The data analysis for two-year IHEs yielded similar results to the Clery Center content analysis study. Every two-year school in the study was cited for at least one or more of the common themes noted in the Clery Center study. In addition, every two-year school was cited for at least one or more of the specific findings noted in the Clery Center study. Coffeyville Community College was cited for every common theme and every specific Clery Act finding. Century College, Joliet College, Pennsylvania Highlands Community College, and Wichita State University Applied Sciences Tech violated only one common theme each.

The most frequently violated theme of all was the Compilation and Distribution of the Annual Security Report with Accurate and Complete Policy Statement, and many schools appeared to have the most issues with inadequate policy statements. The Clery Act requires schools to produce ASRs that include various statements of policy, procedures, and information regarding crime prevention and student safety. The specifics of these reports include but are not

limited to clear statement of policy addressing school disciplinary actions for dating violence, domestic violence stalking and sexual assault, list of campus security authorities, fire safety education, and training programs.

Quantitative Data Analysis

The sample in this study consisted of statistical data drawn from the USDOEd, OPE's Campus Safety and Security Statistics website where all post-secondary institutions receiving Title IV funding submit their campus crime statistics annually using a web-based data collection portal. This study sample included campus crime statistics for 20 two-year community colleges that received Clery Act compliance reviews drawn from the USDOEd's Federal Student Aid, Clery Act Reports database. Specifically, crime statistics obtained included forcible and non-forcible sexual assaults for on-campus and public property for the years 2001–2018.

Although the study sample consisted of 20 two-year schools, many of the schools have multiple campuses. As previously stated, the Clery Act requires IHEs to report crime statistics for all Clery geographical locations. As a result, the study included additional campuses identified in the statistical crime data submitted to the USDOEd. The number of campuses for each school ranged from one to six, as referenced in Table 4. In total, 51 locations accounted for the crime statistics for the study sample and their additional campuses. The data analysis included forcible and non-forcible crime data for on-campus and public property for all of the 51 locations.

Table 4*Study Sample School and Campuses*

School	Campus(es)
Century College	Main Campus
Coffeyville Community College	Main Campus, Coffeyville Community College Technical Campus, Columbus Technical Campus
College of the Redwoods	College of the Redwoods, Klamath-Trinity Instructional Site, Del Norte
Delgado Community College	Main Campus, West Bank, Charity School of Nursing, Fireschool, East Jefferson, Sidney Collier
Graham Hospital School of Nursing	Graham Hospital School of Nursing
Indian Hills Community College	Ottumwa Campus, Centerville Campus, Keokuk County Career Academy
Jefferson College	Hillsboro Campus, Jefferson College Arnold, Jefferson College Imperial
Joliet Junior College	Main Campus, North Campus, City Center Campus, Morris Campus, Weitendorf Agriculture Facility, Frankfort Educational Center
Massachusetts Bay Community College	Main Campus, Framingham, Technology Center
Midlands Technical College	Main Campus
Montgomery College	Montgomery College Main Campus, Montgomery College Takoma Park/Silver Spring, Montgomery College Germantown
Northern Wyoming Community College District	Sheridan College, Gillette
Northwest Vista College	Northwest Vista College
Ohlone College	Ohlone Community College District, Newark Campus
Palo Alto College	Palo Alto College
Pennsylvania Highlands Community College	Main Campus Richland, Ebensburg Education Center, Somerset Education Center, Huntingdon Education Center, Blair Education Center
Salina Area Technical College	Main Campus
San Antonio College	San Antonio College
St. Philip's College	St Philip's
Wichita State University-Campus of Applied Sciences and Technology	Main Campus, Southside Campus, City Center, West Campus, Old Town Campus

The duration of the compliance reviews can vary from audit to audit and can span over several years, as evidenced by the study sample. The length of the Clery Act compliance reviews for the study sample ranged from one year to five years, with several findings resulting in fines. For example, the compliance reviews for six out of 20 two-year schools lasted for five years; compliance reviews for eight schools lasted for four years; compliance reviews for one school lasted for two years, and compliance reviews for five schools lasted for one year.

To achieve the goal of the quantitative data analysis, determining if the crime statistic numbers for two-year schools changed before, during, and after an audit, the study compared forcible and non-forcible sexual assault data for on-campus and public property data for years before, during, and after the USDOEd audit reviews. By comparing the average number of sexual assaults before, during, and after the audit, I determined if the numbers changed. The assumption is that if schools report higher numbers of sexual assault during audit times, then that could support the conclusion that universities are undercounting the number of sexual assaults during other periods outside of the audit periods.

The results of the quantitative data analysis in Table 5 provide the Average On-Campus and Public Property crime statistics for forcible and non-forcible sexual assault. We see in Table 5 that before the audits, forcible and non-forcible sexual assaults were relatively low across the board for both on-campus and public property, with on-campus forcible sexual assaults being the highest, with an average of 1.3 forcible sexual assaults every 10 years. During the audits, the most significant change in crime statistics was the increased number of on-campus forcible sexual assaults, which jumped to 2.9 forcible sexual assaults every 10 years. It is noted that during the audits, the average number of on-campus forcible sexual assaults every 10 years doubled from before the audits.

The average number of sexual assaults for the remaining study crime statistics remained extremely low, barely fluctuating before, during, and after the audits, with sexual assault numbers reported at zero or barely above during the audit period.

Table 5

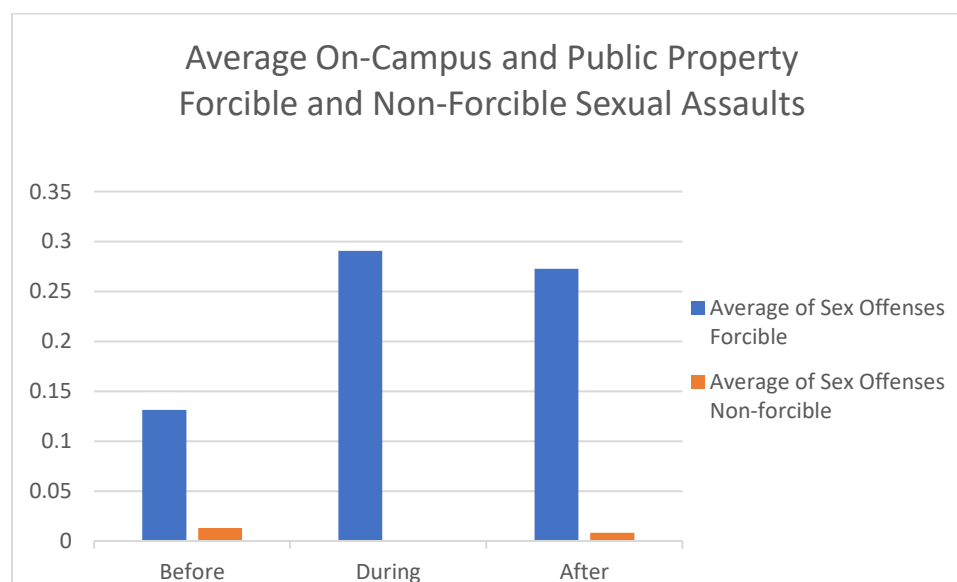
Average Yearly On-Campus and Public Property Forcible and Non-Forcible Sexual Assault

Time, Relative to Audit	On-Campus Forcible Sexual Assault	On-Campus Non-Forcible Sexual Assault	Public Property Forcible Sexual Assault	Public Property Non-Forcible Sexual Assault
Before	0.13	0.01	0.04	0.01
During	0.29	0.00	0.01	0.00
After	0.27	0.01	0.00	0.00

After the audits, on-campus forcible sexual assaults slightly decreased to 2.7 forcible sexual assaults every 10 years. On-campus non-forcible sexual assaults increased slightly and both public property forcible and non-forcible sexual assaults remained at zero.

Figure 2

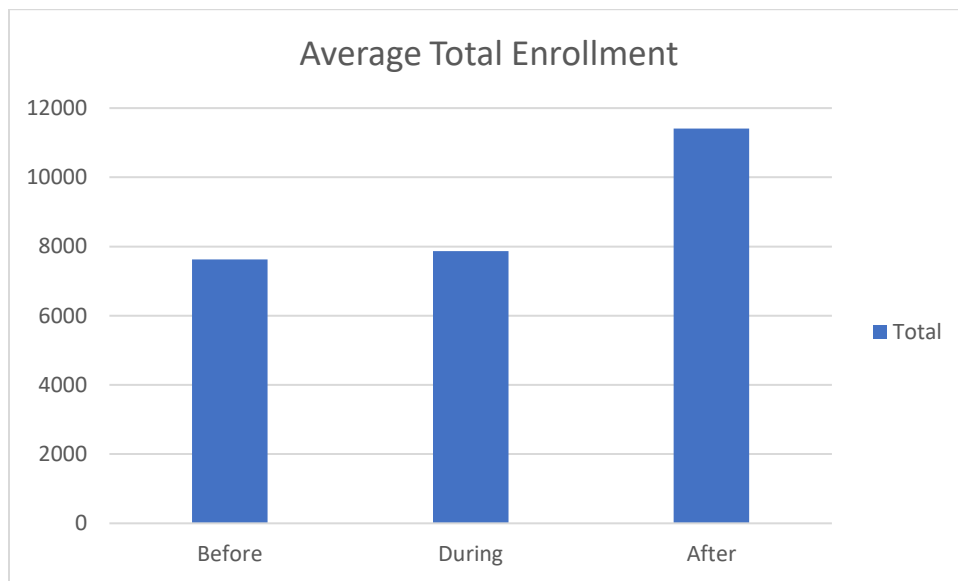
Average On-Campus and Public Property Forcible and Non-Forcible Sexual Assaults



One important consideration about the crime rate is that it sometimes increases when the population increase. We know that IHE enrollment fluctuates from year to year, and as a result, enrollment can be an alternative explanation for the increase in on-campus forcible sexual assaults. To investigate this possibility, enrollment data for the study sample consisting of the 20 two-year community colleges were obtained for years 2001 through 2018. The enrollment data originated from the USDOEd, Integrated Postsecondary Education Data System (IPEDS). IPEDS data are submitted to the National Center for Education Statistics via an online repository that is publicly accessible. Specifically, IPEDS, Use the Data, was accessed to customize a summary table for the study sample of the 20 two-year community colleges for student enrollment. To customize the report, each school in the study sample was included in the Select Institutions section by its Unit ID# to select the entire group of schools. After selecting the whole group of schools, Select Templates was selected, followed by Enrollments. Within Enrollments, Total Enrollment, Selected Years was selected to create the enrollment summary table. After the enrollment summary table was created, Modify Years was chosen to select the years 2001 through 2018 to obtain the specific enrollment years relative to the study sample. The results of the average total enrollment can be found in Figure 2: Average Total Enrollment for Sample Study. As you can see from Figure 3, the most significant jump in enrollment was after the audits. Before and during the audits, enrollment was relatively the same, with a very slight increase during the audit. Overall, the data did not find that there was a jump in enrollment at the same time as the jump in on-campus forcible sexual assaults, and as such, there is no evidence that the increase in reported assaults can be attributed to enrollment.

Figure 3

Average Total Enrollment for Sample Study



The data analysis for the study sample consisting of 20 two-year community colleges yielded similar results to Yung's study (2015), with one notable exception. Both Yung's study and my study showed increased sexual assaults during the audit period; however, the size of the increase in my study was much more significant than the rise in sexual assaults in Yung's study. In the study sample, we see the most significant increase occurred in on-campus forcible sexual assaults during the audits. Before the reviews, the on-campus forcible sexual assaults were at 13% and jumped to 29%, which is more than a 100% increase while the schools were under scrutiny, which led to a 16% increase in crime reporting. The on-campus forcible sexual assaults slightly decreased after the audits, showing that the numbers dropped from 29% to 27% with an overall decrease of 2%. Yung's research showed a 44% increase in sexual assaults during the audit period and a reduction in the number of sexual assaults after the audit period, dropping to the same level as before the audit time frame. The fact that on-campus forcible sexual assaults increased during the audits supports Yung's hypothesis that if schools report higher rates of

sexual assault during audits, then this may suggest that schools are underreporting sexual crimes during other periods.

My study did not uncover similar evidence of underreporting for on-campus non-forcible sexual assaults and public property forcible and non-forcible sexual assaults. Statistics for these crimes were consistently low before, during, and after the audits, barely fluctuating or remaining at zero.

Many factors can influence crime statistics. Specifically, enrollment can typically increase crime. Enrollment data were obtained for the study sample to determine if a possible increase in enrollment affected the increase in on-campus forcible sexual assaults. The data analysis revealed that before and during the audits, the average enrollment numbers were relatively the same; however, we see that the enrollment numbers increased after the audits. As a result, there is no evidence to say that the increase in reported sexual assaults can be attributed to enrollment. The quantitative data analysis proved that on-campus forcible sexual assault crime numbers changed during times of scrutiny; however, the analysis does not tell us why.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

This study contributes to the existing literature on the issues many IHEs are having concerning Clery Act compliance. As previously mentioned, in 2014, the Columbus Dispatch and the Student Press Law Center released a joint investigation that indicated that the crime statistics released by colleges nationwide in 2014 were so misleading that they give students and parents a false sense of security (LoMonte, 2014). Jim Moore, the USDOEd official who oversaw Clery Act compliance requiring IHEs to post their campus crime statistics by October 1 each year, admitted that the statistics are inaccurate (LoMonte, 2014). Moore further stated that “a vast majority of schools comply with the law, but some purposely underreport crimes to protect their images; others have made honest mistakes in attempting to comply” (LoMonte, 2014). As stated earlier, Clery Act critics cite a variety of reasons why the crime data are incorrect, including schools underreporting and/or nonreporting campus crime statistics to make their schools appear safer than the crime statistics show. Research tells us that all across the United States, many IHEs are underreporting and nonreporting rapes and sexual assaults. A review of the existing literature found that some institutions submit inaccurate sexual assault statistics inadvertently and, in some cases, intentionally (Lombardi & Jones, 2015). Research data also suggest that many campuses have more sexual offenses that occur on campus than reflected in the institution’s official Clery Act ASR (Lombardi & Jones 2015). As previously stated in research, the USDOEd compliance reviews are crucial for the USDOEd to evaluate whether or not IHEs are diligent in collecting campus crime statistics to comply with the Clery Act policies and procedures (Clery Center, 2020).

A review of the literature identified two studies directly related to my research. The first study, the Clery Center, USDOEd Clery Act Program Reviews: Common Themes study (National Campus Safety Awareness Month, Clery Center, 2017), identified common theme challenges faced by IHEs to complete an accurate and complete Clery Act ASR. The second study, *Concealing Campus Sexual Assault: An Empirical Examination* by Corey Rayburn Yung (2015), tested whether or not there is substantial undercounting of sexual assaults by universities. Although existing research provided information on four-year colleges regarding Clery Act compliance and whether there is a change in sexual assault crime statistics before, during, and after an audit, there was limited information in this area for two-year colleges. The purpose of my study was to determine the common themes among two-year colleges concerning Clery Act violations and to learn whether two-year schools sexual assault crime statistics changed before, during, and after an audit. The results of this study are essential to educating two-year college institutional leaders on vital Clery Act compliance information to mitigate potential Clery Act reporting problems in their school.

Included in my study were both qualitative and quantitative methods, which provided the data to obtain the answers to the study research questions. The first research question, “What are the common themes determined in the audits concerning Clery Act violations?,” was addressed by conducting a deductive content analysis by reviewing the USDOEd’s Clery Act compliance audit for each school in the study sample, which I coded to identify the common challenges faced by two-year colleges in completing accurate and complete Clery Act ASRs during the study period. The second research question, “Is there a difference in the sexual assault reporting numbers before, during and after an audit review?,” was addressed by conducting a quantitative

data analysis by examining the sexual assault crime statistics before, during, and after each USDOEd Program Review for each school in the study sample.

This chapter includes significant findings related to the common theme challenges two-year schools are experiencing completing accurate and complete ASRs and whether there is a difference in the ASR sexual assault crime reporting numbers before, during, and after an audit review. This chapter concludes with a discussion of the limitations of the study and suggestions for future research.

Summary of the Findings

The research findings were consistent with two studies whose research questions were similar to this study's research questions. The results gathered from the deductive content analysis primarily aligned with the content analysis of the USDOEd, Clery Act Program Reviews: Common Themes study conducted by the Clery Center (National Campus Safety Awareness Month, Clery Center, 2017). The Clery Center reviewed the Clery Act compliance audits conducted by the USDOEd published since 2011 and identified six common themes, including Compilation and Distribution of the ASR with Accurate and Complete Policy Statements, Drug-Free Schools and Communities Act Requirements Implementation, Collection and Sharing of Clery Act Crime Statistics, Identifying Clery Geography, Compilation of an Accurate and Complete Annual Fire Safety Report and Fire Log, and Maintaining a Daily Crime Log. Within each theme, the Clery Center identified examples of specific findings. Table 3, Results of Content Analysis Measure for Clery Act Common Themes (National Campus Safety Awareness Month, Clery Center, 2017), shows the results of the deductive content analysis for this study, indicating the particular number of violations committed for each theme and the specific offenses within each theme.

Overall, this analysis shows that two-year colleges proved to face similar issues to four-year colleges when dealing with campus safety issues regarding the Clery Act. The entire sample of 20 two-year colleges violated one or more of the six common theme challenges and at least one or more of the specific findings identified in the Clery Center study (National Campus Safety Awareness Month, Clery Center, 2017). This study produced the same themes as the Clery Center study. No new or additional common theme Clery Act challenges emerged from the research. The most significant violations in this study were in the theme of Compilation and Distribution of the ASR Report with Accurate and Complete Policy Statements, with 16 out of 20 schools cited. This study shows several schools cited for failing to properly format and disclose crime statistics, which supports Moore's statement admitting that school crime statistics are inaccurate. This study could not determine if two-year schools violated the Clery Act compliance issues at the same rate as four-year schools because the Clery Center study did not indicate the frequency of the common themes. Given the extensive research regarding the struggles institutions have with the Clery Act law, there were no surprises with the results of this study. The results of this study yielded the exact results I had anticipated. It identified the common themes among two-year colleges and uncovered that two-year colleges have the same common theme difficulties completing the ASR as four-year colleges, which was the aim of the study. This study also shows that no new themes emerged with two-year colleges.

The results gathered from the quantitative data analysis are similar to the research presented in the literature review and in the Yung (2015) study, with a noteworthy difference. The sexual assaults in my study increased by more than 100% during the audit period, which was much more significant than the increase in sexual assaults during the audit period in Yung's study. Yung's study showed that during the audit period, IHEs reported an increase of 44%, and

after the audit, they reported a drop in the number of sexual assaults (Yung, 2015). The research data in this study revealed that the most significant change occurred with on-campus forcible sexual assault crime statistics reported during the audit review period, which increased to .29, averaging almost three sexual assaults over 10 years, up from .13 before the audits, averaging more than one sexual assault over 10 years. On-campus forced sexual assaults slightly decreased after the audits to .27, remaining almost three sexual assaults over 10 years. The increase in the number of on-campus forcible sexual assaults more than doubled during the audit time frame, as demonstrated in Figure 2. A slight decline is also visible after the audits. The data support the possibility that colleges and universities underreport incidents of sexual assaults.

Public property on campus includes but is not limited to campus sidewalks, streets, and parking lots. The data tell us that on-campus and public property forcible and non-forcible sexual assaults were relatively low before, during, and after the audits, but did have a slight change throughout. We would like to think that every campus fosters an environment where they encourage all students and employees to feel comfortable reporting campus crimes, but we know that is not always the case. As a result, there is no surprise that very few crimes on on-campus public property in this area go unreported. It is common for many people, particularly victims, for various reasons not to report crimes. It is for this reason that there was no surprise in the data analysis regarding the low number of crimes for on-campus and public property forcible and non-forcible sexual assaults.

Although this study supports Yung's (2015) research and critics indicating that many colleges are underreporting or non-reporting sexual assaults by revealing an increase in on-campus forcible sexual assaults during the audits, we cannot say definitively that the two-year study sample of schools is underreporting or non-reporting forcible sexual assaults. The research

does not tell us why the change occurred; we can only say that the change exists. As previously stated, multiple variables can have an impact on the fluctuation of campus crime. Enrollment data obtained for the study sample showed that enrollment was relatively the same before and during the audits and did not increase until after the audits, which indicated that there was no evidence that enrollment contributed to the increase in on-campus forcible sexual assaults.

Implementation of Proposed Solutions

It is the responsibility of the college to ensure the safety of its students and employees. The results of this study are pertinent to two-year institutional leaders who would greatly benefit from considering these results as they strive to meeting this goal.

As this study clearly shows, practitioners need to focus on compiling and distributing an ASR with accurate and complete policy statements, which was the most frequently violated common theme. Failure to compose and distribute the ASR with accurate and complete policy statements to potential students, students, potential employees, and employees does not promote campus safety. For example, not submitting an ASR including a sufficient drug and alcohol prevention policy outlining a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees could potentially put their safety, security, and health at risk. Clery Act geography is confusing to many institutions. Practitioners should pay particular attention to defining the campus and the surrounding areas accurately, including all locations utilized by the institution, to ensure that crime statistics are collected and included from all Clery geographical areas. For example, if the institution basketball team goes to another state or overseas to play a basketball game, then that location must be added to the school's Clery geography list, and all crime statistics, if any, must be collected from that location and included in the ASR. Practitioners should also focus on

maintaining an accurate and complete daily crime log. Crime logs are evidence that a crime incident report was received. Accurate and complete information obtained from the crime log is vital to providing timely warnings to alert the campus community with pertinent information, providing a detailed description of the situation and possible suspect.

Practitioners must create a campus atmosphere where students and employees are encouraged to feel comfortable reporting sexual assaults to designated campus CSAs. Practitioners must coordinate with all CSAs, campus police, and local police regularly to collect campus crime statistics to include in the ASR. More importantly, practitioners must complete their job functions with the utmost integrity, collecting and documenting all crime statistics without any prejudice or any personal ulterior motives. To effectively comply with Clery policies and procedures, institution executives must provide resources such as finances, appropriate personnel, and training dedicated to Clery Act compliance.

Understanding the common themes faced by two-year colleges can help institutional leaders to improve the accuracy of their school's ASR to enhance the overall effectiveness of their Clery Act program. This valuable information gives the school an opportunity to be proactive in addressing any potential issues before they become problems that can increase their risk of USDOEd fines associated with Clery Act noncompliance. Institutional leaders can use the results from this study to organize Clery Act working groups internally as well as externally. For example, in response to the November 2010 Clery audit review with multiple noncompliance issues, Massachusetts Bay Community College created and hired a Deputy Director of Public Safety for Emergency Planning and formed a Clery and Public Safety Committee (CAPS). CAPS responsibilities included implementing policies and procedures to assure continuous Clery compliance and preparing and distributing the ASR. CAPS developed numerous internal campus

safety and crime prevention policies and procedures and in-house training addressing Clery Act compliance-related topics (USDOEd, Federal Student Aid, Clery Act Compliance Team, 2015a). External working groups can lead to a potential partnership between two-year and four-year college institutional leaders, allowing them opportunities to collectively work together to better solve campus security problems for all.

School Clery Act working groups can work externally to establish liaisons with local police departments, local crisis centers, and community leaders to foster a protective campus environment for students, employees, and the surrounding community. The surrounding community may be included in each school's Clery geography, which must be accounted for within the school's ASR.

Limitations

The findings of my study are limited to the results of the data only. I can only report the data; I cannot interpret the data. The study is based on a sample, and therefore does not reflect all two-year IHEs audited during the study period. Due to the small sample, it is difficult to generalize the results to the nation's community colleges. An additional limitation may be that IHEs did not submit all of the reports and documents to the audit team, which would negatively affect the results. Due to the changing of the sexual assault definition in 2013, rapes under the legacy definition were classified as a single offense. Since 2013, rapes and fondling incidents were added together and are now categorized as "forcible sex offenses," and were counted as such in the data analysis.

Implications for Further Research

Although this study directly answered the study questions, there are many questions still unanswered regarding two-year colleges and Clery Act compliance. Conducting additional

research can be useful to examine the reasons why many two-year colleges are experiencing issues with preparing and submitting accurate and complete Clery Act ASRs. Specifically, further analysis can include identifying Clery Act reporting infrastructure for two-year schools. Identifying the type of Clery Act infrastructure in two-year colleges can provide more comprehensive insight into the roles and responsibilities each person plays in compiling and submitting the ASR. Reporting Clery Act infrastructure information can be crucial in assisting two-year colleges to improve their reporting process, which can have a positive impact on completing accurate and complete ASRs. A future study examining this area can be conducted using the quantitative method by mailing a questionnaire to two-year colleges, asking them to outline their Clery Act reporting infrastructure.

Exploring the perspectives of two-year college personnel and individuals directly responsible for compiling and completing the ASR to gain a comprehensive understanding of the challenges they are facing to comply with the Clery Act compliance would be of great benefit. This study could be explored by using the qualitative method by conducting interviews of everyone in the two-year colleges who has direct responsibility for Clery Act compliance in the school.

Lastly, research tells us that two-year schools have fewer resources, which may impact their ability to provide Clery Act compliance training and funds to hire the number of employees necessary to address Clery Act compliance and campus security concerns (National Center for Campus Public Safety & American Association of Women in Community Colleges, 2016). This issue could be investigated using both quantitative and qualitative research with mixed methods conducting surveys, questionnaires, and interviews.

Conclusion

In conclusion, this study was designed to determine whether two-year community colleges struggled with same issues as four-year colleges when completing the Clery Act ASR. Also, this study investigated whether sexual assault crime statistics changed before, during, and after an audit. The results of this study proved the hypotheses and aligned with the Clery Center study (National Campus Safety Awareness Month, Clery Center, 2017), the Yung (2015) study, and research regarding campus security and compliance. Conclusions drawn from the data revealed that two-year colleges are struggling with similar issues to four-year colleges; two-year colleges and four-year colleges have the same Clery Act common theme challenges indicated in the Clery Center study. The identification of two-year specific common themes concerning campus security will help two-year institutional leaders develop strategies to be proactive in identifying and correcting problems specific to their institution. Additional results of this study showed a change in crime statistics before, during, and after an audit. Specifically, on-campus forcible sexual assaults increased during the audit period and only slightly decreased after the audit. Although we saw an increase, there is no evidence to suggest that the study sample of schools underreported or nonreported sexual assaults. We do not know what factors, if any, played a role in the increase, but we do know that enrollment did not. As previously stated, the fact that after 30 years of the Clery Act's existence, IHEs are still struggling to complete accurate ASRs is very concerning. Although this research helped to close the gap on issues two-year colleges are facing when dealing with Clery Act compliance, additional research is needed to provide valuable information to institutional leaders of two-year colleges to produce more complete and accurate ASRs.

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