

The Clery Act

Understanding Timely Warnings vs. Emergency Notifications

The Clery Act is designed to create safe college campuses “by ensuring that students, employees, parents, and the broader community are well-informed about important public safety and crime prevention matters.”¹

Timely Warnings and Emergency Notifications are tools that Peru State College can use to keep its campus safe. Whether the College should issue an Emergency Notification or a Timely Warning depends on the circumstances.

Timely Warnings

In order to understand when a Timely Warning is necessary, it is helpful to know the following terms and definitions.

i. Clery Act Crime

A “Clery Act Crime” is a type of crime that the Clery Act requires the College to include in its annual crime statistics.² There are four types of Clery Act Crimes, as shown in the chart below.³

Criminal Offenses	Hate Crimes
<ul style="list-style-type: none"> ▪ Criminal Homicide ▪ Sexual Assault ▪ Robbery ▪ Aggravated Assault ▪ Burglary ▪ Motor Vehicle Theft ▪ Arson 	<p>If motivated by bias:</p> <ul style="list-style-type: none"> ▪ Includes the previously mentioned crimes ▪ Larceny/Theft ▪ Simple Assault ▪ Intimidation ▪ Destruction/Damage/Vandalism of Property
Violence Against Women Act (VAWA) Offenses	Arrests & Referrals for Disciplinary Action
<ul style="list-style-type: none"> ▪ Domestic Violence ▪ Dating Violence ▪ Stalking 	<ul style="list-style-type: none"> ▪ Weapons ▪ Law Violations ▪ Drug Abuse Violations ▪ Liquor Law Violations

¹ *Understanding the Clery Act*, Will DeBevoise, *For the Record*, 104 *U. Chi. L. Rev.* 1047 (1995), available at <https://www.jstor.org/stable/1097000>

² *Testimony before Congress on Security Reporting*, 113 *Cong. Rec.* 20,000 (2017), available at <http://www.cleryact.org/annual-reports/>

³ *Id.*

ii. Clery Act Geography

If a crime occurs within the College’s “Clery Act Geography,” the College will include the incident in its annual crime statistics.⁴

Peru State College’s Clery Act Geography includes the following:

1. The entire Peru State College campus
2. Any public property located within or directly adjacent to the Peru State College campus
3. Non-campus buildings owned or controlled by Peru State College.⁵

The Goal of the Timely Warning

The goal of the Timely Warning is “to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes . . . the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves.”⁶

The Scope of the Timely Warning

Timely Warnings are **specifically** focused on Clery Act crimes that happen on an institution’s Clery Act geography.⁷

When Should the College Provide a Timely Warning?

Prerequisites

The following prerequisites must be met in order for the College to issue a Timely Warning:

1. A Clery Act Crime has been reported to either campus security authorities or local law enforcement.
2. The crime occurred within the College’s Clery Act Geography
3. The crime is a “serious or continuing threat to students and employees.”⁸

Factors to Consider

There are certain **factors** that should be considered when deciding whether there is a threat that necessitates a Timely Warning.⁹ The College should consider (a) the nature of the crime, (b)

⁴Id. ¶¶ 2, 3, 6, 9, 12, 15

⁵Id. ¶ 2, 9, 11

⁶Id. ¶ 6, 9, 12

⁷Id. ¶ 6, 9, 15

⁸Id. ¶ 6, 9, 12, 15

⁹Id.

whether there is “continuing danger to the campus community,” and (c) whether by issuing the Timely Warning the College risks “compromising the efforts of law enforcement.”¹⁰

Once the College obtains the relevant information it should issue a Timely Warning immediately.¹¹

FERPA and Timely Warnings

It is permissible to disclose personally identifiable information in a Timely Warning, if necessary.¹²

Emergency Notifications

Scope of Emergency Notifications

Type of Situation

Emergency Notifications have *broad* applicability and should be used to notify the campus community of “any significant emergency or dangerous situation (may include Clery Act crimes).”¹³

Location

While the Timely Warning is applicable to an institution’s varied Clery Act Geography, the Emergency Notification is more limited, because it only “applies to situations that occur on your campus.”¹⁴

When Should the College Provide an Emergency Notification?

Peru State College should issue an Emergency Notification when there is “an event that is currently occurring on or imminently threatening the campus.”¹⁵

Federal guidance states that the College’s emergency notification procedures should be used in “any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.”¹⁶

Examples of situations that warrant an Emergency Notification are provided in the chart below.¹⁷

Gas Leak	Terrorist Incident	Serious Illness
Civil Unrest	Armed Intruder	Hazardous Waste Spill

Federal guidance mentions that a mere power outage or closure due to snow would not trigger an Emergency Notification, although the College could choose to notify the community anyway.¹⁸

You can learn more about Peru State College’s emergency procedures at <https://www.peru.edu/emergency>

¹³ [https://www.fda.gov/oc/ohrt/ohrt-report-2012-2013.pdf](#)
¹⁴ [https://www.fda.gov/oc/ohrt/ohrt-report-2012-2013.pdf](#)
¹⁵ [https://www.fda.gov/oc/ohrt/ohrt-report-2012-2013.pdf](#)
¹⁶ [https://www.fda.gov/oc/ohrt/ohrt-report-2012-2013.pdf](#)
¹⁷ [https://www.fda.gov/oc/ohrt/ohrt-report-2012-2013.pdf](#)
¹⁸ [https://www.fda.gov/oc/ohrt/ohrt-report-2012-2013.pdf](#)