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CLERY ACT SCANDALS AT BIG TEN UNIVERSITIES: OPPORTUNITIES FOR GROWTH
AND INFORMATION-SHARING

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ABSTRACT

This study explores the role of the Clery Act within the landscape of campus safety at institutions of higher education, specifically within the fourteen members of the Big Ten.

The following study will outline the current literature on different levels of safety measures on college campuses, including institutional and individual measures. By examining two significant scandals at Big Ten institutions, this thesis will discuss the effectiveness of the Clery Act in holding colleges and universities accountable for reporting crimes, and its role in inciting cultural change in the aftermath of the scandals. The remainder of this study describes suggestions for further development regarding comprehensive approaches to campus security as well as creating a community of increased transparency and information-sharing regarding safety and security in the Big Ten.

IMPORTANT NOTE

The following research was conducted prior to the COVID-19 global pandemic.

Literature on university safety and security procedures, as well as personal safety measures, does not include measures to limit or prohibit the spread of coronavirus at an institutional level. The following research will address community and student perception of safety as it relates to crime statistics and general campus security, but it will not address perception of safety including but not limited to “superspreader” events, community testing resources, and compliance with CDC guidelines.

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Chapter 1

Introduction

Since the 1980s, campus security in the United States has evolved as institutions of higher education have reacted to incidents of crime and placed an increased focus on institutional security measures. These changes were driven by the public's reactions to violence on campuses, and grew into crucial policy objectives.

Colleges and universities today possess the fundamental responsibility of keeping students safe. Safety statistics are often included in admissions materials as elements that will help students and families feel more comfortable with an unfamiliar college community. As campus security became a larger topic of conversation in the United States, institutions adapted to the shift by increasing their university police presence, installing emergency phone systems, promoting educational campaigns about sexual assault, utilizing security lighting, and more. This revival of the *in loco parentis* doctrine illustrates the obligation of leaders and administrators within higher education to actively inform the students and campus community not only about academics, but also about their own safety and surroundings. Today, the Clery Act is at the forefront of federal legislation to ensure that institutions of higher education engage in transparency regarding their campus crime statistics and also allow for reporting between levels of authority at the institution.

Since the beginning of the Big Ten Conference, the first Division I collegiate athletic conference in the United States, the members evolved into influential research institutions who tout multi-faceted educational experiences for their students and community members. Over the

past ten years, the Big Ten has been plagued by two significant sexual assault scandals which were highlighted by blatant lack of institutional oversight and failure to report criminal acts.

These two criminals, Sandusky at Pennsylvania State University and Nassar at Michigan State University, were influential individuals within strong, popular athletic programs. It is essential to examine the culture of these institutions before, during, and after the scandals to understand how the Clery Act violations were able to take place. The Big Ten must understand the environment that allowed abuse to take place in order to effectively safeguard its community in the future.

While members of the Big Ten Academic Alliance and Institutions of Higher Education (IHEs) overall have made large strides in the area of campus security over the past few decades, there is still a great deal of progress to be achieved. This thesis provides a review of the Clery Act's history, and the impact of two major Clery scandals within the Big Ten, which leads to addressing the following research question:

Research Question: How can Big Ten Universities learn from scandals regarding Clery Act violations in order to uphold transparency regarding campus crime policy and statistics and encourage campus safety?

Chapter 2

History of the Clery Act

Jeanne Clery was a 19-year-old freshman studying communications at Lehigh University, a small private institution in Bethlehem, Pennsylvania. On April 5, 1986, Joseph Henry accessed Clery's dormitory of Stoughton Hall by entering multiple locking doors that had been propped open for visitors. Henry randomly entered the dorm room of Jeanne Clery and proceeded to beat, torture, rape, and strangle her to death (Beyette, 1989). Jeanne Clery's violent murder shocked the community and horrified her parents, Howard and Connie Clery. They believed their daughter died due to the careless and disorganized security on campus, combined with what they described as a rapidly escalating crime rate that was not communicated to the school community. At this time, there were no state or federal standards for campus crime reporting. The Clerys made it their mission to seek change on this front. They lobbied for policy changes on Capitol Hill, and collaborated with other activists to create a nonprofit organization, Security on Campus Inc., to guide institutions of higher education to implement comprehensive safety measures (Clery Center, 2019). Howard and Connie Clery also engaged in the increased conversations about the link between alcohol and drug use and crime on campuses. Though Joseph Henry's defense attorney argued that Henry was drunk and did not mean to kill the young woman, the jury convicted him of second-degree murder, robbery, involuntary deviate sexual intercourse, indecent and aggravated assault, burglary, and theft (AP, 1987). Joseph Henry was sentenced to death in the electric chair after the Pennsylvania Supreme Court ruling. Howard and Connie Clery continued to lobby for change and increased transparency in campus security, insisting that "the best education in the world is useless if a student doesn't survive with a healthy mind and

body” (Clery Center, 2019). The public outcry and increased attention to campus safety after the murder of Jeanne Clery led to significant changes to public policy in the United States.

Introduced in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or the Clery Act (Clery Act, 20 U.S.C. 1092), “is a consumer protection law that aims to provide transparency around campus crime policy and statistics” (Clery Center, 2019). The legislation was originally enacted as Title II of the Student Right-to-Know and Campus Security Act of 1990 (P.L. 101-542) as an amendment to the Higher Education Act of 1965. President Clinton signed the second set of amendments to the act into law as part of the Higher Education Amendments of 1998 (H.R.6 - 105th Congress, 1997-1998). The study by Fischer et al. (2002-2003) lists these amendments as follows:

(1) expanded the reporting requirements to include new crime categories (e.g., manslaughter and arson), (2) required geographic breakdowns for reporting crime statistics (e.g., on campus, residential facilities for students on campus, noncampus buildings, and on public property such as streets and sidewalks), (3) mandated that a daily crime log be kept by the campus police or campus security department, (4) made changes in the recordkeeping requirements, such as mandating that the security report be distributed annually by October 1, and (5) expanded the hate crime disclosure requirements. (p. 70)

The Clery Act outlines the responsibilities of universities as well as the acts that their administrations can take in order to encourage a safe campus environment; these responsibilities belong to all colleges and universities participating in federal financial aid programs. Institutions must release a public Annual Campus Security Report on the first day of October; the reports (ASRs) include campus crime statistics from the past three calendar years with corresponding policy statements and other documentation of campus safety efforts. IHEs are required to maintain a publicly-available, daily crime log for a minimum of 60 days (Gregory and Janosik, 2002). Furthermore, colleges and universities must issue timely warnings about any “serious or ongoing threat to students and employees and devise an emergency response, notification, and testing policy when incidents occur on campus” (Clery, 2018).

On March 7, 2013, there were 11 amendments made to the Clery Act when the Violence Against Women Act was reauthorized; the amendments pertained to: (a) dating violence, domestic violence, and stalking, (b) the voluntary reporting of crimes, (c) the use of campus programs to educate students and employees to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, (d) the definition of consent, (e) education programs that provide safe and positive options for bystander intervention, (f) the importance of preserving evidence for proof of domestic violence, dating violence, sexual assault, and stalking, (g) procedures for campus disciplinary action in case of alleged domestic violence, dating violence, sexual assault, or stalking, and (h) the rights of accuser and the accused following the outcome of any disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking (Violence Against Women Reauthorization Act of 2013). These policy changes officially began in 2015, and the

amendments were required to be incorporated into the Annual Security Reports released by institutions of higher education that October of 2015.

In the case of noncompliance, institutions of higher education are investigated by the Department of Education and can be suspended from participating in federal student financial aid programs. Colleges and universities are also subject to a monetary sanction for failure to disclose incidents, or for reporting inaccurate crime statistics (Clery, 2018).

From the non-profit perspective, The Clery Center provides training seminars for those working in higher education. Aspects of the training programs and resources include ways in which to alert one's campus, and how to create and strengthen a compliance committee (Clery Center, 2019). Beyond the Clery Act's required actions such as publishing the annual security report, the non-profit center also aides in continuous planning at institutions of higher education to exceed the requirements and tangibly improve campus safety concerns. Furthermore, the National Association of Clery Compliance Officers and Professionals (NACCOP) is an organization that provides resources and best practices for members who are supporting colleges and universities complying with the Clery Act; the organization also contains resources such as press releases, handbooks, whitepapers, and pending legislative activity for the general public (2013).

A multitude of scholars, public officials, and administrators at institutions of higher education have questioned the effectiveness of the Clery Act in achieving its goals, and also in the requirements it places on IHEs. One of the original goals of the Clery Act was to provide crime information to students and their families as an available factor during the college decision process (Clery Center, 2020). In "How Students Choose a College: Understanding the Role of

Internet Based Resources in the College Choice Process,” researcher Kimberli Burdett describes that the 2006 Perna model possesses the flexibility to address interrelatedness of factors such as demographic changes, unemployment rates, and public policies such as financial programs rather beyond the traditional model (2013). The Perna model shows that college choice decisions are “made in four contextual layers, including the individual’s habitus, school and community context, the higher education context, and a broader social, economic, and policy context” (p. 21). While institutional characteristics are an important consideration for students and parents, campus security and transparency in reporting crime statistics is not one of the factors that students in the United States are most concerned about. This perception that students and parents do not reference or consider Clery Act statistics when choosing a college or university is reinforced by officials working with the Clery Act at institutions of higher education. In interviews with several of these officials working in the state of Colorado, one administrator responded that “her ‘perception is [that Clery information is] probably not used except maybe by a minority that have heard of it and know to look for it. I think a lot of work and man hours [are] put into something that people don’t have an awareness or an understanding of until something happens to them and they go looking for assistance”” (Donovan, 2016). Another administrator described that the expectations of IHEs under Clery are an expectation rather than a sought-out tool: “students and parents are ‘not familiar with the name of what it is, they are familiar with the expectation that they’re going to be made aware of something that’s happening on campus...when you talk to parents and students they expect that there are laws that protect them, that give them access to information and that are going to alert them when there’s a serious incident on campus.”” A particularly frustrated administrator interviewed as a part of this study remarked “that ‘my exercise in life is to produce a report that nobody reads, it’s a sad day for

America. Ultimately, I would like longer-term to find a way to get this information into their hands and make it where it's digestible by a 17 to 20-year-old student, or a busy parent”

(Donovan, 2016). Based on these studies, perspective students and families in the United States are largely unaware of the Clery Act and its goals, and do not consider it in their college decision-making process.

In the article titled “Making Campuses Safer for Students: The Clery Act as a Symbolic Legal Reform,” the authors illustrate that the Clery Act likely failed to meet its substantive goal of providing the campus community with valid and reliable information about the safety of the Institution of Higher Education. The researchers bring a crucial element into question – the tangible impact of the statistics provided by IHEs in the Annual Security Reports. Campus crime statistics are more so an indication of the level of police activity versus the amount of actual criminal activity, as only a fraction of crimes committed are reported (Gramlich, 2019). Sexual assault is a historically underreported violent crime, and continues to be, despite the increased attention to issues such as rape and domestic violence on campus after the Violence Against Women Reauthorization Act of 2013. According to RAINN (Rape, Abuse, & Incest National Network) and the Bureau of Justice Statistics, about 3 out of 4 sexual assaults go unreported, and only 20% of female college students report (2017).

Even if the Clery Act's Annual Security Reports were being actively used by students and their families to compare potential college campuses, the idea of correct and complete campus crime statistics is problematic. Researchers Fisher et al. (2003-2003) note, “A key assumption to the validity and reliability of campus crime statistics is that crimes reported to these officials are an accurate measure of the true levels of crimes that actually occur. This is a

troublesome assumption.” A higher number of incidents of one type of crime could indicate a greater amount of actual crimes committed; however, it could also reflect an institution of higher education that is more dedicated to accurately collecting and recording data. Furthermore, students often do not report on-campus crimes to campus police or security or to other campus officials who are covered by the Clery Act. These considerations point to an overreliance on the numbers themselves in the Annual Security Reports, numbers that are inaccurate, and not on what campuses are doing to foster a safer environment.

While the above research and testimonials indicate that the Clery Act may not be fulfilling one of its main goals, to provide statistics in a consolidated document that parents and students can use to decide on a campus environment, that does not necessarily remove value from the federal policy. Researchers published in the *Stetson Law Review* acknowledge that laws serve two functions, symbolic and substantive; they “argue that although some substantive changes may have been achieved, the Clery Act mainly has been a symbolic legal intervention of questionable value to the 14.55 million college and university students and their parents. Moreover, though the Act’s specified goals seemed reasonable and attainable, they actually have presented a daunting challenge that is unlikely to be addressed successfully by IHEs” (2002-2003). The Clery Act is still valuable to citizens of the United States because it encourages openness and possesses goals with substantive value. The presence of this federal policy is a symbolic and significant step toward transparency between institutions and community member regarding the extent of crime and institutional response, and toward safer educational spaces that uphold communication and public input.

Chapter 3

Safety Measures and the Perception of Safety on College Campuses

The federal government, governments local to college campuses, and university administrations have taken active policy measures and other institutional security measures in the effort to create safer and more well-informed communities.

A number of government task forces and initiatives regarding campus safety were created in the aftermath of the Virginia Tech and Northern Illinois University shootings in the years 2007 and 2008, respectively (Schafer, 2016). Colleges and universities adopted more comprehensive policy measures and programs including but not limited to: timely notifications and emergency preparedness procedures, reporting of sexual assaults and hate crimes, and domestic violence and harassment procedures. In 2013, the United States Department of Justice and the Bureau of Justice Assistance established the National Center for Campus Public Safety with a \$2.3 million bipartisan grant. The idea for this institution arose from The National Summit on Campus Public Safety held in 2004, which included collaboration on over twenty major campus safety issues. The creation of the National Center for Campus Public Safety began to address the systemic gap that “there was not a centralized location for the myriad campus public safety resources and initiatives being undertaken nationwide, or for the fulfillment of critical information needs” (Bureau of Justice Assistance).

One of the institutional responsibilities under the Clery Act is the use of a timely notification system to alert communities to active threats. It is essential that the timely notification systems of universities function properly in order to foster a culture of awareness regarding incidents in the area. If individuals have a heightened perception of the state of safety and security around them, they will be more likely to take personal preparedness measures and

make informed decisions. Without properly functioning programs, community members do not have the expectation that criminal acts will be identified, eliminated, and communicated to those affected; this erodes public trust in educational institutions as well as in policing bodies. When timely warnings, emergency notifications, and messages regarding safety are a part of everyday campus life, community members, university representatives, and policing bodies seem more accountable to each other and contribute to crime prevention procedures functioning properly.

In addition to government policies and institutional measures, college students in the United States engage in a variety of precautions and active safety measures in order to be aware of their surroundings and have an increased sense of individual security. Aimee Lee Ball with The New York Times describes the ways in which safety concerns can dictate the everyday lives of students. Students at Ohio State University describe the ways in which their social groups organize to protect each other, from walking home from the library together late at night, checking in via text, carrying mace, and more. These actions show that while there are a great deal of measures in place through universities, from blue light systems to smart cameras, students still feel largely responsible for their own safety and well-being. Furthermore, university programs such as Safe Walk services and shuttles between residence halls and other destinations may be more effective in policy than in practice; Ohio State students reported that the shuttles have a long wait time and are not always convenient or available.

In the article titled “College Student Perceptions of Campus Safety Initiatives,” the authors explore whether community members are receptive to institutional security measures based on relevant variables such as “prior victimization, perceived capacity, fear of crime, and perceived risk.” Even while colleges and universities develop different types of security measures to attempt to create a greater perception of safety on campus, community trust in the

institution and general trust in the presence of police affects the effectiveness of voluntary services such as Safe Walk programs (Schafer, 2016). The effectiveness of the physical security presence on a college campus can be substantially affected by the students' perception of policing forces. If students associate policing forces with fear of retribution over a connotation with safety, they will be less likely to contact or cooperate with police. This phenomenon could impact the acceptance of new security policies; if the public opinion is that policies are too invasive, then institutional measures could lead to a lower perception of safety in the community. An individual's perception of safety is inherently linked to their personal identity, upbringing, culture, ethnicity, race, gender, and sexual orientation. The diversity of a college campus and community, and the bias present in that community, affects each individual's relationship with the ideas of safety and justice (Acosta). For measures of policy and formal social control to be efficient, they must be paired with a certain level of trust in public institutions as well as individual measures and a sense of awareness regarding one's personal safety.

Chapter 4

The Clery Act Within the Big Ten

First established in 1895 to regulate intercollegiate athletics, the current Big Ten Conference is comprised of major research universities featuring large student enrollment and financial endowments. The member institutions collaborate and share data on a multitude of initiatives, including issues of campus security. The following institutions are classified as Big Ten Academic Alliance Member Universities: University of Illinois, Indiana University, University of Iowa, University of Maryland, University of Michigan, Michigan State University, University of Minnesota, University of Nebraska-Lincoln, Northwestern University, Ohio State University, Pennsylvania State University, Purdue University, Rutgers University, and University of Wisconsin-Madison (Big Ten Academic Alliance, 2018). Northwestern University is the only private institution within the group of member institutions. The Committee on Institutional Cooperation was initially created as the academic counterpart to the athletic league, and was renamed The Big Ten Academic Alliance in 2016 (Big Ten Academic Alliance, 2017). In promotional materials about its programs and impact, the Big Ten highlights that “For more than half a century, these world-class institutions have advanced their academic missions, generated unique opportunities for students and faculty, and served the common good by sharing expertise, leveraging campus resources, and collaborating on innovative programs” (Big Ten Academic Alliance). Students benefit from the collaboration between member universities of the Big Ten by having access to additional research opportunities, greater resources due to library collaboration, specialized study abroad and graduate programs, fellowships, and more. The Big Ten possesses a shared fiberoptic network (OmniPoP) to aid with their goal of increased information-sharing; the institutions’ collective infrastructure allows for all members to have

greater influence, throughout eleven states as well as globally (Big Ten Academic Alliance, 2019).

Security Initiatives of the Big Ten Academic Alliance (BTAA)

The BTAA has united to focus on cybersecurity, examining considerations for community members, the protection of student and faculty data, and more. Five member universities went beyond information-sharing to create OmniSOC, a security operations center housed at Indiana University. The other four founding members, Purdue University, Northwestern University, the University of Nebraska, and Rutgers University, agreed to share details about emerging incidents as they occur, rather than solidifying a narrative before communicating with their competitors in higher education. The automation of the OmniSOC allows them to address threats and breaches quickly, when combined with human assessment. These institutions within the Big Ten agreed to share mitigation strategies, but Brad Wheeler, IU's vice president for information technology and chief information officer, acknowledges that not all universities in the agreement can respond in the same manner due to their size and resources (Reschke, 2018). However, Indiana's size and resources can benefit all OmniSOC members, who fund the initiative through member subscriptions of \$200,000 a year.

While this initiative is more focused on Information Security than campus security (acknowledging that there can be overlap), the OmniSOC is an example of the financial and strategic capability of the Big Ten Academic Alliance in the field of security. Other relevant research collaborations to the topic of security in the Big Ten include lab safety, studies on high risk drinking, and IT Security. Regarding campus safety, Big Ten institutions are also connected

by the Big Ten University Police Agencies, which includes the campus law enforcement agencies of each respective member university.

Though the BTAA possesses billions of dollars in research expenditures, and aims to showcase the expansiveness of their resources, their online presence places very little emphasis on campus security. There are no search results for the Clery Act on their website, and they do not release collective public statements regarding their actions to foster a safe campus environment for the benefit of the public and their respective community members. The Big Ten touts their impressive research capabilities, but this level of collaboration and diligence is not reflected in the protection of students under collective policy initiatives. The BTAA has a responsibility to communicate the importance and impact of policies like the Clery Act to students, faculty, staff, employees, and families. Beyond compliance, how are the member institutions actively working to make their campuses safer environments that uphold communication between different levels of power and authority in the community?

In order to examine security measures and the Clery Act on this scale within higher education in the United States, it is essential to heavily consider two of the most significant Clery Act scandals of all time – both taking place within the Big Ten.

Michigan State University: The Nassar Scandal

On January 30, 2019, the United States Department of Education released a 46-page report on Michigan State University, citing that the institution violated the Clery Act for years and displayed a “lack of institutional control.”

The Department of Education listed four primary findings in the report: Failure to Properly Classify Reported Incidents and Disclose Crime Statistics, Failure to Issue Timely Warnings in Accordance with Federal Regulations, Failure to Identify and Notify Campus Security Authorities and to Establish an Adequate System for Collecting Crimes Statistics from all Required Sources, and a Lack of Administrative Capability. The investigation of Michigan State University, along with a thorough article in the Indianapolis Star, revealed that “a Michigan sports medicine doctor, Lawrence G. Nassar (Nassar), had been committing sexual crimes against his patients, under the guise of medical treatment, and how USA Gymnastics (USAG) failed to report to law enforcement multiple sexual abuse allegations against Nassar and its medical staff.” (Department of Education). The University was notified of a review conducted by the Clery Act Compliance Division (CACD) in February 2018 in the aftermath of media reports and personal accounts alleging hundreds of sex crimes – at least 368 gymnasts attesting to sexual abuse by Nassar over a span of 20 years. The CACD examined Michigan State University’s policies, practices, procedures, and programs related to the Clery Act, while also investigating University agreements, publications, disciplinary files, and various local police reports. Furthermore, the review board held over one hundred interviews of current and former University officials with ties to Clery Act compliance. These personal accounts regarding MSU’s safety and crime procedures were compared with the campus crime statistics provided by the University to the U.S. Department of Education’s Campus Safety and Security Data Analysis Cutting Tool, as well as the statistics that the University publicized to employees and students in Annual Security Reports (ASRs) between 2014 and 2017.

Michigan State University violated the Clery Act for years, displaying inconsistent or nonexistent reporting processes. Federal legislation requires universities to report crime statistics

and incidents to the public annually, and to their students and community members through timely warnings. When Michigan State failed to include sex crimes committed by Nassar when the incidents were reported, and failed to include them in annual reporting or normal incident reporting processes, they blatantly violated the Clery Act and further contributed to an unsafe environment.

Michigan State has since responded to the Campus Crime Review Report, and taken some action to document the incidents that took place over the past 20 years. The Department of Education acknowledges this, but notes that “those remedial efforts do not change the fact that the failure to disclose these and other incidents, in the years that they were originally reported is a violation of the Clery Act” (Department of Education). In the University’s initial response to the preliminary Clery Audit report, they list the following proactive improvements to their compliance efforts: “Enhanced Clery Act training to ensure Campus Security Authorities are accurately identified and properly trained,” “joined the Big Ten Clery Coordinators group to share best practices with other university practitioners,” “Strengthened and expanded the Clery Compliance Committee, the Clery Compliance Steering Committee and the Title IX Coordinated Response Team to enhance coordination and response to reports of crime across the university and to improve policies and procedures” (Guerrant).

This statement cites Michigan State joining the Big Ten Clery Coordinators group as one of the ways that the university is expanding its knowledge on the Clery Act and heightening the sense of accountability by further partnering with the Big Ten. However, there is no other public record or description of recent activity regarding the Big Ten Clery Coordinators group, even under the resources of the Big Ten Academic Alliance.

While dozens of officials from MSU, U.S.A. Gymnastics, the U.S. Olympic Committee, were fired or charged as the Nassar scandal was revealed to be extensive, Michigan State University has done very little to help create an environment of transparency beyond trying to repair their public image. President Lou Anna K. Simon of Michigan State resigned the day that Nassar was sentenced, and was later charged with lying to police about a Title IX complaint filed in 2014 regarding Nassar's actions. Her replacement, interim university president John Engler, commented that some of Nassar's victims appeared to be enjoying "the spotlight," and said that he would resign. William D. Strampel, former dean of the osteopathic medical school at MSU, was accused of sexual misconduct and of facilitating Nassar's abuse; he was found guilty of neglect of duty and misconduct in office before being acquitted on the more serious criminal sexual conduct charge. Athletic director Mark Hollis also resigned in the aftermath of the Nassar sentence, but claimed he was not trying to avoid anything and should not be implicated. Former university gymnastics coach Kathie Klages denied learning of Nassar's sexual abuse before 2016, and was charged with two counts of lying to the authorities about her knowledge of the sexual abuse of young women over an extended period of time (Hauser and Zraick, 2018).

Blythe Tyler, the CEO of CARE House of Oakland County, a nonprofit advocacy organization that protects children through the prevention, intervention, and treatment of child abuse and neglect, spoke to *Detroit Free Press* about the dynamics that made Nassar's abuse possible. Tyler says that 'perpetrators "infiltrate themselves into the community. And so they're often like Larry Nassar was --- very personable, very well respected. Someone that you think of as a friend, as a neighbor, as a fellow churchgoer, as someone that you can trust. We know at CARE House that 90% of perpetrators are someone that a child and their family know and trust"' (Shamus, 2020).

Rachael Denhollander became an advocate for children who have suffered abuse after she was abused by Nassar and exposed him as a serial predator. She has commented on the collective manipulation that abusers exploit, and how Michigan State has handled the fallout poorly. Denhollander emphasized that her difficulty in speaking out was more closely related to finding the right opportunity and platform to be heard, rather than in needing to find the courage. MSU was faced with a record of incidents that were concealed for decades; however, they did not act to fulfill their moral, ethical, and institutional responsibility to conduct an independent investigation (Shamus, 2020). By refusing to reach beyond policy to take accountability and ensure that criminal acts like these will not be tolerated moving forward in the campus community, MSU is not displaying willingness to change the culture that Nassar exploited.

The Clery Act imposed an additional level of punishment and the demand for accountability to the institution of Michigan State University. However, the IHE's response primarily involved resolving the findings by the Department of Education. Michigan State's insufficient communication to their community members and unwillingness to pursue cultural change illustrates the need for greater change in the Big Ten than can be achieved with the Clery Act alone.

Pennsylvania State University: The Sandusky Scandal

On June 22, 2012, former Penn State Football defensive coordinator Gerald Arthur "Jerry" Sandusky was convicted of rape and sexual abuse over a period of 15 years, and was sentenced to 30 to 60 years in prison. Sandusky's conviction followed a two-year grand jury investigation in which he was found guilty of 45 out of 48 counts (Chappell). When the scandal

broke, Pennsylvania State University fired football coach Joe Paterno and the institution's president, Graham Spanier; other officials including athletic director Tim Curley and vice president Gary Schultz stepped down after being suspected of failing to report the abuse of children. After multiple high-level officials within the institution were suspected or publicly accused of covering up incidents of sexual assault, the situation shifted from criminal acts and abuse of power from an individual to insidious systemic behavior and lack of responsibility from the educational institution. The widespread nature of this scandal, while tied to Sandusky's name and actions, prompted a more comprehensive critique of Penn State as well as the general role that colleges and universities must be held accountable.

In the aftermath of the Sandusky Scandal, on November 3, 2016, the United States Department of Education imposed a penalty of nearly 2.4 million dollars on Pennsylvania State University for their failure to comply with the Clery Act, covering up "11 serious findings of Clery Act noncompliance related to the University's handling of Sandusky's crimes and the university's longstanding failure to comply with federal requirements on campus safety and substance abuse" (U.S. Department of Education). This decision by the Department of Education marked the largest penalty ever assessed for Clery violations at the time it was made in 2016. The Office of Federal Student Aid under the Department of Education conducted a campus crime

program review investigation which resulted in the following 11 findings:

Findings:

- Finding #1: Clery Act violations related to the Sandusky matter (proposed fine: \$27,500).
- Finding #2: Lack of administrative capability as a result of the University's substantial failures to comply with the Clery Act and the Drug-Free Schools and Communities Act throughout the review period, including insufficient training, support, and resources to ensure compliance (proposed fine: \$27,500).
- Finding #3: Omitted and/or inadequate annual security report and annual fire safety report policy statements (proposed fine: \$37,500).
- Finding #4: Failure to issue timely warnings in accordance with federal regulations.
- Finding #5: Failure to properly classify reported incidents and disclose crime statistics from 2008-2011 (proposed fine: \$2,167,500).
- Finding #6: Failure to establish an adequate system for collecting crime statistics from all required sources (proposed fine: \$27,500).
- Finding #7: Failure to maintain an accurate and complete daily crime log.
- Finding #8: Reporting discrepancies in crime statistics published in the annual security report and those reported to the department's campus crime statistics database (proposed fine: \$27,500).
- Finding #9: Failure to publish and distribute an annual security report in accordance with federal regulations (proposed fine: \$27,500).
- Finding #10: Failure to notify prospective students and employees of the availability of the annual security report and annual fire safety report (proposed fine: \$27,500).
- Finding #11: Failure to comply with the Drug-Free Schools and Communities Act (proposed fine: \$27,500).

Figure 1: Office of Federal Student Aid Findings of Clery Act Noncompliance at Penn State

Penn State went on to respond to each of the above findings and the Department sustained them.

The reputation of Penn State as a significant research institution, combined with the popularity of the athletic program and Joe Paterno, made the Sandusky scandal a significant and enduring national news story. In addition to the Clery findings, private entities and a plethora of reporters sought to uncover additional details about the depth of the corruption at PSU. The university faced further criticism when it initially announced that its internal investigation would be conducted by Kenneth Frazier, CEO of Merck & Co., Inc., and Ronald Tomalis, the state secretary of education – both university trustees (ESPN – Associated Press). The Penn State

faculty senate was similarly outraged and called for an independent investigation. Penn State hired Louis Freeh, former director of the FBI, to lead a team of federal prosecutors and conduct an internal investigation into the extent of the abuse of power and the lack of oversight at the university. In 2012, Louis Freeh and his law firm, Freeh Sporkin & Sullivan, LLP, released a report titled “Report of the Special Investigative Counsel Regarding the Actions of the Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky” (National Sexual Violence Resource Center). Freeh’s findings were extremely critical and scathing of the leadership of the university. The report read, “the most saddening finding...is the total and consistent disregard by the most senior leaders at Penn State for the safety and welfare of Sandusky’s child victims,” and noted that it was “reasonable” that accusations were covered up out of fear of negative public relations and due to the “culture of reverence for the football program” (Freeh Sporkin & Sullivan, LLP, 2012). The lack of reporting at PSU exposes the difference between the official hierarchy of authority at the IHE versus the hierarchy in practice, in which Joe Paterno had the most influence and power at the university due to his decades of experience and popularity as head football coach, as well as his role as the “archetypal father of the university” (Alderfer, 2016).

The Clery Act met this overwhelming institutional oversight and network of concealment with a significant monetary punishment to the university and the need to resolve the findings. The publicity and national backlash surrounding the Clery findings were more closely related to defending the school’s legacy than accepting the violations, criminal behavior, and toxic culture that had occurred. The Clery Act exposed part of the problem, but the extent of the abuse of power in place demanded more serious environmental changes that reached beyond the policy’s objectives.

In the industrial and organizational psychology article “Not Just Football: An Intergroup Perspective on the Sandusky Scandal at Penn State,” author Clayton P. Alderfer examines the ways in which an exclusively individual focus on the crimes committed fails to address the dysfunctional systemic behavior at play. The author acknowledges that “After reviewing the events of the case, the Freeh Report recommended that all personnel—including the university police, who apparently did not know the law either—receive training about the Clery Act provisions” (2013). There must be proper faculty, staff, and community training in order for the Clery Act to function effectively at a basic level.

The depth of corruption exposed by the Department of Education, the Freeh report, and additional reporting of the Sandusky Scandal presents a picture of abuse of authority, institutional complacency regarding the Clery Act, and shows that cultural reform surrounding campus safety reporting and transparency is essential within the Big Ten.

Chapter 5

Suggestions for Improvement and Opportunities for Growth

The Nassar Scandal at Michigan State University and the Sandusky Scandal at Pennsylvania State University are both cases of horrifying abusers that were permitted to maintain influence and continue their criminal acts due to the corruption throughout university administration and the complacency in the culture. The Big Ten must make significant progress in its compliance with the Clery Act and its embodiment of the values and symbolic goals behind the policy. Furthermore, as this study has addressed some of the shortcomings associated with IHEs complying with the Clery Act alone, the Big Ten Academic Alliance must incorporate other campus safety initiatives and seek communication and transparency overall to create a safer environment.

Expansion of the Big Ten Clery Coordinators

As previously mentioned, the Michigan State University message addressing its actions after the Nassar Scandal and Department of Education findings cited joining the Big Ten Clery Coordinators group as a sign of progress. There is no other public record of the activities of this group. Documentation of this group's activities, including meetings, policy initiatives, and campaigns, should be available to the general public and to community members of the Big Ten on the BTAA website. These resources should also be available under Clery compliance and related materials on respective member universities' websites. This group should include at least one Clery Coordinator from each member university; Clery compliance and campus safety

should be this individual's sole responsibility, rather than placing an existing safety official in charge of Clery compliance.

This study has also discussed that prospective students of Big Ten Universities are extremely unlikely to be aware of the Annual Security Reports under the Clery Act, or to reference the reports as part of their college decision process. While the Annual Security Reports should continue to be available in their current form, the Big Ten Clery Coordinators could also work to develop consolidated security reports that are more approachable and easily available to prospective students, current students, and interested community members.

Clery Act Informational Campaign

Beyond Campus Security Authorities (CSAs) and the crimes they are obligated to report under the Clery Act, all community members of the Big Ten should receive informational materials on the Clery Act's purpose, how it is relevant to members of the educational community, and the statistics and other information that is available to them under the policy. This informational campaign could be separate from or combined with the expanded initiatives of the Big Ten Clery Coordinators. Several member universities have information about the Clery Act available under Security on their websites. However, it is still essential to raise awareness among students, faculty, and staff. Campus security officials and university officials with "significant responsibility for student campus activities" are officially responsible to report allegations of Clery crimes that they receive to the official or office designated by the institution to collect crime report information. Beyond those officials, all community members should be aware of Clery reportable crimes, understand which individuals are Campus Security Authorities, and the responsibilities of CSAs. For example, CSAs are not responsible for

investigating or reporting incidents that they learn about in an indirect manner, and they are also not responsible for convincing a victim to contact law enforcement if they do not choose to do so (Purdue University Vice President for Ethics and Compliance, 2019). By understanding more about Clery and CSAs, individuals who witness Clery crimes or are victims of Clery crimes may be more likely to come forward to CSAs. A comprehensive informational campaign would be another step forward in actively moving toward a transparent and communicative culture in the Big Ten.

Technological Advancements

Under the Clery Act, institutions within the Big Ten currently send out Timely Notifications that community members can receive via text or email regarding active threats in the area or other pertinent safety updates. The BTAA could supplement this existing function with other technological advancements. Several universities in the United States have created partnerships with, or purchased the services of, various mobile safety applications. Examples of applications include LifeLine Response (now Kinetic Global), Circle of 6, and the Guardian. These applications would also expand upon the personal safety measures mentioned in this study, such as students utilizing location sharing services with a group of close friends.

The Big Ten could further expand their crime reporting system by more widely utilizing visual analytics and threat mapping. The threat mapping could also exist in a mobile platform for community use, and it could be created within the research resources of the Big Ten rather than having to rely on the security infrastructure of a private company, and the risks that accompany that option. ArcGIS, a graphic information system (GIS), allows the user to work with maps and geographic information to visualize layers information in a range of applications; it is entirely

cloud-based, and the software connects people, locations, and data in an interactive manner (ESRI). By using this software, Big Ten member institutions could map the different types of Clery crimes in separate data layers that can be viewed individually, or simultaneously with the use of different symbols. The map could encompass the campus area, or institutions could partner with local police in the area surrounding campus to also include areas in which students socialize and live off-campus. If an IHE chose, they could also test the accuracy of crowdsourcing and collect data points of crimes and dangerous activity from community members (GIS for Public Safety: Public Safety Mapping Software). For a more multipurpose approach, community members could report hazards that are not categorized as criminal activity or Clery crimes, including but not limited to: road construction, natural hazards, and vehicle accidents. Data visualizations may help community members to better understand the activity taking place in their area. It could also potentially allow university security and local police to locate hotspots of criminal activity and threats on campus, and therefore monitor those areas more closely. OmniSOC and its subscribing institutions within the Big Ten could help to guide a project in this area, as it is an example of a highly successful security initiative within the Academic Alliance that has the technological infrastructure to test a new software application. Furthermore, the possibility of utilizing visual analytics and threat mapping would complement the symbolic goals of the Clery Act, as IHEs would be encouraging various types of incident reporting, and investigating a user-friendly way to portray active and relevant crime statistics.

Chapter 6

Conclusion

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act was enacted in the aftermath of a shocking criminal event, and exposed the need and public desire for heightened awareness of campus security at Institutions of Higher Education (IHEs) in the United States. While the policy is inherently flawed due to the discrepancy between criminal activity and reported incidents, and also due to an overreliance on statistics rather than on efforts to protect the community, the Clery Act remains valuable to the field of higher education. The policy upholds the symbolic goals of effective communication and transparency between educational institutions and community members, and holds colleges and universities accountable. The two largest violations of the Clery Act in recent history, the Nassar Scandal and the Sandusky Scandal, illustrate the lack of transparency and tolerance toward abuse that has been permitted in the Big Ten conference in the past. While these scandals are now inherently linked to the legacy and the culture of Michigan State University and Pennsylvania State University, the institutional response and cultural aftermath of these events have exposed the dire need for increased accountability within the Big Ten Academic Alliance. The member institutions must go beyond meeting the expectations of federal law under the Clery Act and support supplementary measures to create safer campus environments. Opportunities for growth include but are not limited to: expanding and promoting the Big Ten Clery Coordinators group, further educating the community about the goals and requirements of the Clery Act, utilizing technology such as visual analytics and threat mapping, and upholding data-sharing and communication between institutions. While these are very few examples of initiatives that the Big Ten can pursue, they could provide a step in the right direction. It is essential for the Big Ten

Academic Alliance to admit their past mistakes and examine the culture in which those mistakes were tolerated in order to move forward and create new initiatives in the pursuit of a safer campus community for all.

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