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The Effect of the Clery Act on Campus Judicial Practices

Dennis E. Gregory Steven M. Janosik

This article describes a study seeking to assess perceptions of campus judicial officers/members of the Association for Student Judicial Affairs (ASJA) regarding the effectiveness of the Clery Act (Campus Security Act) on campus judicial practices. In addition it provides information regarding overall effectiveness of Clery as perceived by the respondents. The researchers surveyed 1,143 members of the Association for Student Judicial Affairs (ASJA) whose institutions are covered by the Act. A total of 422 ASJA members returned questionnaires. This provided a response rate of 36.9%. The respondents included 39% Senior Student Affairs Officers who supervise a judicial conduct administrator, 44% who were judicial affairs officers and 17% who indicated that they were either faculty members, graduate students or "other." The overall population of respondents was divided among both public and private institutions. Here, 60% of the respondents were from public institutions and 40% were from private institutions. A large majority (88%) of the respondents worked at four-year institutions with the remainder (12%) working at two-year institutions.

As Congress begins its work on the reauthorization of the Higher Education Amendments in 2003-2004, one of the issues with which it must deal is the continued status of the Student Right to Know and Campus Security Act (Public Law 101-542).

Of particular importance to student affairs and law enforcement personnel on American campuses is Title II of this Act, now titled the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (hereafter Clery Act or Clery) (20 USC 1092 (f)). The law, previously known as the Crime Awareness and Campus Security Act of 1990, deals with requirements that institutions of higher education annually publish statistics regarding criminal activity that occurs on and around their campuses. In addition, the law requires campuses to make students and others aware of crime prevention programs, sexual assault reporting mechanisms, and other safety-related practices. It requires that timely notices be posted on campus when a serious crime occurs, that a campus crime log be maintained, and that victims of some crimes be notified of the results of any campus student conduct actions that may be brought as a result of the incident. In addition to the Clery Act, effective October 28, 2002 colleges and universities are responsible for complying with the

Campus Sex Crimes Prevention Act (Public Law 106-386 § 1601). According to Security On Campus (n.d.), this is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus (Campus Sex Crimes Prevention Act, 2003). Further

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in the Web site description the authors have indicated:

It also amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to require institutions of higher education to issue a statement, in addition to other disclosures required under that Act, advising the campus community where law agency information provided by a State concerning registered sex offenders may be obtained. These changes took effect October 28, 2002 and this notice will be a requirement beginning with the annual security report due October 1, 2003.

Lastly the Act amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; and requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted. (Campus Sex Crimes Prevention Act, 2003)

The Clery Act has been a very controversial piece of legislation and has drawn both significant praise and significant criticism from the higher education community. The act has also drawn a significant amount of comment in both the popular press and professional journals in law and higher education. Gregory and Janosik (2002). provided a cross section of this commentary. In addition, Security On Campus, Inc. keeps track of this commentary and readers who wish an up-to-date review of this material should review their Web site at <http://www.campussafety.org>

Despite a great deal of commentary on the Clery Act, there has been relatively little research on the topic of whether the Act is meeting its purposes. The first research on this topic was carried out in 1997 (Gehring

& Calloway) and was an examination of the impact of the Act on admissions procedures. Subsequent researchers examined changes in student safety-related behaviors (Janosik, 2001; Janosik, in press; Janosik & Gehring, 2003), the impact of Clery on college choice (Parkinson, 2001), and the perceptions of campus law enforcement administrators regarding the effectiveness of the Clery Act (Janosik & Gregory, in press).

In their review of the literature regarding the Clery Act, Gregory and Janosik (2002) identified seven purposes for the Clery Act. Although not laid out specifically in the article these include:

- improving campus crime reporting by forcing colleges and universities to report campus crime data in a more consistent manner,
- allowing prospective students and their parents to make informed decisions about the relative safety of institutions to which they are considering applying for admission,
- improving campus safety programs,
- improving campus police policies and procedures,
- raising student awareness and thus changing their safety related behaviors,
- eliminating the perceived hiding of campus crime by institutional officials, and
- reducing campus crime.

One of the constituencies within campus administrations that deals most regularly with student behaviors, many of which in addition to violating campus policies and procedures may also violate criminal law, are student judicial officers. In addition to adjudicating these violations, student judicial officers on most campuses interact regularly with a wide variety of students, student affairs professionals in other specialties who

have an awareness of student safety-related behaviors (e.g. women's centers, counseling centers, student activities offices, Greek life offices, etc.), and work with campus police and security officials (Brooks, 1998; Kibler, 1998; Maloney, 1998; Palmer, 1998; Pater-son, 1998; Terrell, 1998). Often these student judicial professionals collect and provide data regarding student drug and alcohol violations not resulting in arrest to police or security officials for inclusion in the Clery crime report. There has, to this point, been no research regarding how student judicial officers perceive the effectiveness of the Clery Act. The purpose of this research was to fill that gap.

The following questions guided this research:

1. Has the Clery Act changed the nature of student judicial practice on Amer-ican college and university campuses?
2. Has the Clery Act changed the rela-tionship between campus law enforce-ment and campus judicial officers?
3. Has the Clery Act been effective in achieving its purposes as identified above?

METHOD

Participants

The researchers surveyed 1,143 members of the Association for Student Judicial Affairs (ASJA) whose institutions are covered by the Act. Members of this organization were chosen because ASJA serves as the primary professional association for student affairs personnel who provide student conduct/judicial affairs services to their respective campuses.

The respondents included 39% senior student affairs officers who supervise a judicial conduct administrator, 44% who

were judicial affairs officers, and 17% who indicated that they were either faculty members, graduate students or "other."

The overall population of respondents was divided among both public and private institutions. Here, 60% of the respondents were from public institutions and 40% were from private institutions. A large majority (88%) of the respondents worked at four-year institutions with the remainder (12%) working at two-year institutions.

Procedures

The researchers sought and received the endorsement of ASJA for this research project.

The researchers developed a 39-question survey instrument that was posted on an interactive Web site designed for such research at the host institution of one of the researchers. A letter written by the re-searchers, which requested participation by ASJA members and noted the support of ASJA for the prospective respondents' participation in this study, was sent via electronic mail from the ASJA central office to all ASJA members in the United States. Respondents were asked to visit the Web site and to complete and submit the question-naire.

After 2 weeks a reminder was again sent via electronic mail to prospective respon-dents and a second follow-up e-mail was sent after an additional 2 weeks. In between the two e-mail follow-ups, one of the researchers wrote to the ASJA listserv and requested participation by ASJA members in the United States. No additional follow-up was made.

Instrument

A researcher-designed questionnaire was used to collect information that addressed the research questions posed earlier in this

article. Thirty-nine items addressed campus judicial practices related to the Act, issues related to the relationship between campus judicial officers and campus law enforcement officers, and the impact of the Act on campuses. Three items sought demographic information about the respondent and the respondent's institution. Although the researchers did not seek to determine the tenure of the respondents at their current institutions or in their current positions, the various positions of the respondents, two-year or four-year status of the institution and the management status (public or private) were ascertained. Many of the questions contained in this questionnaire were adapted from Janosik's (2001) work. The reliability of a similar instrument using a student sample of 3,150 respondents was .76 using the Chronbach's alpha model.

The authors sought to address content validity by asking a panel of six judicial officers, higher education faculty members and other student affairs professionals to review the clarity and content of the questions. Feedback from panel members resulted in several questions being removed or reworded. Items in this questionnaire were also adapted from a study that addressed campus law enforcement personnel (Janosik & Gregory, in press). These questions had also been reviewed as part of the earlier study and increased response options were provided as a result.

Results

A total of 422 ASJA members returned questionnaires. This provided a response rate of 36.9%. The Chronbach's alpha for the 36-item questionnaire was .78. Three items that requested demographic information were eliminated from this analysis.

Response frequencies were tabulated for

the respondent group. Chi-square analyses were conducted for each of the institutional types (public vs. private, two-year vs. four-year). Significant differences between groups are reported in the text.

Research Question 1: Has the Clery Act Changed the Nature of Student Judicial Practice on American College and University Campuses?

Campus judicial/student conduct officers have responsibility for adjudication of a wide variety of policy infractions on their respective campuses. Some of these campus policies apply only to the campus setting (e.g., academic integrity, residence hall policies, student government regulations, club and organization operations) and others deal with behavior that violates institutional policy and may also be perceived as a violation of civil or criminal law. This study sought information regarding the impact of the Clery Act on the volume of judicial cases generally, and the volume of cases generated by changes in the law that required reporting of alcohol, drug, and weapons arrests, and similarly of cases that did not result in arrest but were handled through the campus discipline system.

First of all, ASJA members were asked whether the volume of student conduct cases had increased since the passage of the Clery Act. To this question, nearly one third of the respondents (30%) reported that their caseloads had increased, and only 4% of the ASJA members who replied, indicated that the caseload had decreased. Almost two thirds (63%) cited no change in their caseload since the passage of the Clery Act.

Since 1998, institutions have had to report as part of their Clery crime report, the number of cases in which students have been brought for disciplinary action for alcohol,

drug, and weapons violations. When asked specifically whether the volume of cases dealing with alcohol had changed since the implementation of the amendment of the Act, 30% of the respondents cited an increase in cases. To the same question, 10% of those responding noted a decrease in cases and a majority (58%) reported no change. When a change was reported, four-year institutions were more likely to report an increase when compared to their community college colleagues ($n = 414, \chi^2 = 14.10, df = 2, p = .001$).

The questionnaire also sought responses from ASJA members regarding changes in the number of drug cases since 1998. To this question, 31% of ASJA members suggested an increase in cases, and 6% reported a decrease. A larger majority of the responses (61%) than to that of the previous question reported no change. Here too, four-year institutions were more likely to report an increase ($n = 412, \chi^2 = 11.52, df = 2, p = .003$).

The final question, regarding changes in

student conduct caseload, sought to gather data regarding the change in the number of weapons violations. With regards to weapons violation cases the respondents reported that there was even less change than with alcohol or drug cases. Here 6% of the ASJA members cited an increase in cases and 3% reported a decrease in cases. Eighty-eight percent of those responding noted no change in the number of weapons cases since 1998. Respondents from public institutions were more likely to report a decrease in weapons violations when compared to respondents from private institutions ($n = 410, \chi^2 = 6.30, df = 2, p = .04$). Data regarding the responses related to research question 1 are located in Table 1.

Research Question 2: Has the Clery Act Changed the Relationship Between Campus Law Enforcement and Campus Judicial Officers?

Campus judicial officers and campus law enforcement officers often deal with the same incidents of student misconduct. Police

TABLE 1.
The Effect of the Clery Act on Campus Judicial Practices

Item	Increased	Decreased	Stayed the Same	No Answer
1. How has the caseload regarding student conduct violations changed since the passage of the Clery Act?	122 (30)	15 (04)	254 (63)	26 (06)
2. How has the number of alcohol cases which are dealt with by your student conduct office changed since they were required to be part of the campus crime report in 1998?	121 (30)	39 (10)	234 (58)	9 (02)
3. How has the number of drug cases which are dealt with by your student conduct office changed since they were required to be part of the campus crime report in 1998?	125 (31)	24 (06)	245 (61)	9 (02)
4. How has the number of weapons cases which are dealt with by your student conduct office changed since they were required to be part of the campus crime report in 1998?	25 (06)	13 (03)	354 (88)	11 (03)

or security officers confront students who are committing acts that may be violations of the law as well as violations of institutional policy. Although it would appear that there is a great deal of common interest between the staffs of these two campus operations, they are often at odds. Police officers often see their role as law enforcement and do not understand how judicial officers can only “slap the wrist” of offenders and assign research assignments, letters of apology, and the like rather than punitive sanctions. Judicial officers on the other hand often see their role as educational and are critical of police officers whom they believe are overly punitive.

Personnel from both operations seek to make the campus safer, but their perspectives and perceived roles may result in disagreements. The amended Clery Act included a category of student conduct violations within the crime statistics. This category of data must be compiled for inclusion in the reports by judicial officers, and created other opportunities for collaboration between judicial and law enforcement personnel. Thus, the researchers sought to determine whether judicial officers perceived that the relationships between themselves and law enforcement personnel had been improved by the Act.

When asked whether the relationship between judicial officers and campus police or security had improved (become closer) as a result of the Clery Act, 50% of the respondents indicated that it had. Although no specific criteria for such improved relationships were defined within the survey questionnaire, the authors anticipated that they might include increased communication, joint training, increased understanding of mutual responsibilities, and other concerns. Because of the variety of campuses

and relationships the researchers left this to the interpretation of the respondents (see limitations). Thirty-two percent indicated that the relationship had not improved, and 17% of the respondents noted that they were unable to make a determination about improved relationships, at least as far as the Clery Act was concerned. ASJA respondents from private institutions were more likely to report this improvement than their public institution counterparts ($n = 422$, $\chi^2 = 6.28$, $df = 2$, $p = .04$).

The Act has created increased opportunities for interaction on most campuses according to the responses. For instance, 63% of the respondents indicated that someone in the judicial affairs office was responsible for preparing the portion of the crime report that dealt with drug, alcohol, and weapons charges that do not result in arrest. Thirty-four percent of the respondents reported that they had no such role, and the remaining 3% were not aware of who prepared this portion of the report. Judicial affairs officers at public institutions were more likely to participate in preparing this part of the report than were their colleagues at private colleges ($n = 419$, $\chi^2 = 6.88$, $df = 2$, $p = .03$).

An additional mechanism that indicates an ongoing relationship between campus judicial/student conduct officers and campus police/security is the level of interaction between the two operations. In many cases campus police are the persons who discover and report student misconduct, much of which may be criminal violations as well as violations of institutional codes of conduct. The questionnaire in this study addressed such cases. When asked whether campus police provided “police” reports for use in student conduct hearings, 90% of the respondents reported in the affirmative. Nine

percent of the ASJA members cited no such reports as being provided and 1% provided no response. When institutional type was examined, judicial officers at private institutions reported that they received these reports more often than their colleagues at public institutions ($n = 414, \chi^2 = 4.98, df = 1, p = .02$).

When asked whether the campus judicial authorities were automatically notified when a student was arrested on campus by either campus or local police, 82% of those surveyed responded in the affirmative. Here 15% of the respondents indicated that they were not automatically notified, and 3% were not sure.

In a related question, ASJA members were asked whether campus police were notified when a student was charged with a campus violation that might also be criminal in nature. Here a slightly smaller percentage (73%) of respondents indicated that such notification occurred. Nineteen percent of the ASJA members who responded noted that that this type of notification did not occur. For this question, a larger percentage of the respondents (7% as opposed to 3% in the previous question) were unsure about such notification. Respondents from private institutions were more likely to contact their campus law enforcement colleagues than were judicial officers at public institutions ($n = 420, \chi^2 = 16.19, df = 2, p = .001$).

Similarly, when asked if local law enforcement authorities were notified when a student was charged with a campus offense that might be criminal as well, just over one third (35%) of the respondents indicated that such notification occurred. A plurality of the respondents (45%) provided a negative response and 20% of the respondents indicated that they were unable to determine whether such notification occurred. Re-

spondents from two-year institutions were more likely to report this type of conduct to local law enforcement ($n = 419, \chi^2 = 20.91, df = 2, p = .001$).

The survey instrument also addressed the existence and formality of agreements between campus and off-campus authorities related to criminal violations that occurred on campus. Specifically, the researchers sought to determine whether either formal or informal agreements existed between campus judicial and police authorities and their local counterparts with regard to which cases and types of crime were to be referred for prosecution. When asked whether there were formal agreements between campus judicial/law enforcement officials and local law enforcement personnel regarding types of cases that would be referred for prosecution, only 6% of the respondents indicated that any formal agreements existed. Seventy-eight percent of those who replied noted no such formal agreements.

Respondents were also asked whether informal agreements about the types of crime that would be dealt with on or off campus existed. Here the responses were almost evenly divided with 40% of those who answered indicating that informal agreements did exist and 41% of the respondents suggesting that no such agreement had been developed. The remaining 19% were unable to determine the existence of such agreements or failed to respond. Data regarding the responses related to Research Question 2 are located in Table 2.

Research Question 3: Has the Clery Act Been Effective in Achieving its Purposes as Identified Above?

In addition to the data cited, the questionnaire in this study sought information from ASJA members regarding their perceptions

TABLE 2.
The Effect of the Clery Act on Campus Judicial Practice

Item	Yes	No	Unable to Determine	No Answer
5. Has the passage of the Clery Act resulted in a closer relationship between the student conduct operation of your institution and that of the campus police/security operation?	203 (50)	129 (32)	68 (17)	3 (01)
6. Does the student conduct office at your institution prepare the portion of the campus crime report dealing with drug, alcohol and firearms violations which occur on your campus and which are dealt with through student conduct hearings rather than arrest?	163 (40)	137 (34)	55 (14)	6 (01)
7. Does the police/security agency on your campus provide "police" reports to the student conduct office on your campus for use in student conduct proceedings?	362 (90)	35 (09)		6 (01)
8. When a student is charged with a crime on your campus-by-campus police/security or other local police authorities, is the student conduct office automatically notified of these charges?	329 (82)	59 (15)	11 (03)	4 (01)
9. When a student is charged with a student conduct offense on campus which may also be deemed a criminal act are campus police/security notified?	296 (73)	75 (19)	29 (07)	3 (01)
10. When a student is charged with a student conduct offense on campus which may also be deemed a criminal act are local law enforcement agencies notified?	140 (35)	181 (45)	76 (19)	6 (01)
11. Does your student conduct office and/or campus police/security agency have a formal agreement with local law enforcement agencies about what cases will be referred for prosecution and which will be dealt with internally?	26 (06)	316 (78)	55 (14)	6 (01)
12. Does your student conduct office and/or campus police/security agency have an informal agreement with local law enforcement agencies about what cases will be referred for prosecution and which will be dealt with internally?	163 (40)	166 (41)	66 (16)	8 (02)

of the effectiveness of the Clery Act in meeting the avowed purposes of the Act. First of all, the study instrument sought to gather data regarding the awareness of the Act by ASJA members. Here almost all of the respondents (99%) indicated that they were aware of the Act. Ninety-six percent of respondents at two-year institutions

reported being aware of the Act, however, and this difference was significant when compared to the awareness of their colleagues at senior institutions ($n = 422$, $\chi^2 = 5.62$, $df = 1$, $p = .02$).

Ninety-nine percent indicated that their campus produced an annual report of campus crime. Although virtually all judicial officers

appeared to be aware of the Act, they reported that a much smaller number of the students on their campus had a similar awareness. Here, a small majority (51%) indicated that they believed that their students were aware of the Clery Act crime reports. A very small percentage (7%) suggested that their students were not aware of the crime reports and 42% of the ASJA members responding reported that they were unable to determine whether their students were aware of the reports.

When asked whether the respondents had seen any evidence that students' choice of attendance was affected by the Clery Act crime reports, 4% reported that they had seen such evidence, whereas almost two thirds (65%) indicated that they had seen no such evidence. The remainder (31%) indicated that they were unable to determine whether their students made decisions based upon this report.

The remainder of the questions in this study questionnaire dealt with the effectiveness of various aspects of the Clery Act and its implementation. These questions asked of judicial officers in this study, with regard to this issue, are the same questions asked of campus police officials in an earlier study by the authors (Janosik & Gregory, *in press*).

When asked to comment on how effective the Clery Act was at reducing crime on their campus, using their personal perceptions of the changes that had occurred, only 2% reported that it was either very effective or effective, whereas 50% indicated that it was either ineffective or very ineffective, and 48% were unable to tell how effective the law was at reducing crime. The respondents were also asked whether the Act had improved campus crime reporting procedures. To this question, 48% of the ASJA members posited that the Act had been effective or

very effective in improving campus crime reporting procedures. Twenty-one percent indicated that the law was either ineffective or very ineffective, and 29% reported that the impact was unknown.

The authors also sought information on the number of crimes reported and the number of campus safety programs offered on campus. The respondents reported that 18% believed that the law was either effective or very effective in increasing the number of crimes reported. Thirty-two percent (32%) believed the law to be either ineffective or very ineffective in this task, and the remainder (50%) either did not know or provided no answer. When asked whether the Clery Act had been effective in increasing the number of campus safety programs, 23% reported that it was effective or very effective whereas 42% said that it was ineffective or very ineffective. The remaining respondents (35%) either provided no answer or indicated that they were unable to tell of the law's effectiveness in this task.

The next set of questions was intended to elicit responses regarding the change in crime on campus and in the surrounding community since the passage of the Clery Act. They were to determine whether the respondents believed that any change that may have occurred could be credited to the Clery Act or any of its required procedures. When asked about changes in crime on campus, 24% of the respondents indicated that crime had increased, whereas 7% reported that crime had decreased. The large majority of responses (66%), or almost two thirds of the responses, indicated that no change had occurred. Similar percentages (24% increase, 6% decrease, and 63% no change) of the ASJA members responding cited similar situations off campus.

When asked about the relative safety of their students on and off campus, the respondents largely reported that their students were safe both on and off campus. Ninety-seven percent of the ASJA members indicated that their students were either safe or very safe on campus, and 88% of the respondents indicated that students were safe or very safe off campus. Here, 2% indicated that their students were unsafe or very unsafe on campus, and 10% cited their students as being either unsafe or very unsafe off campus.

The researchers sought data regarding the ASJA members' perceptions of the impact of campus crime reports, as well as campus safety programs and other information, on changing student safety behaviors. Six percent of the ASJA respondents reported that students had changed the ways that they protect their personal property as a result of the crime reports required by the Clery Act. Fifty percent of the respondents indicated that student property protection behavior had not changed as a result of the crime reports and 42% cited an inability to determine behavioral change, and the remainder did not respond.

Similar percentages of respondents noted changes in student behaviors regarding personal protection as a result of the crime reports. Thus, 7% said student behavior had changed, 47% said that student behavior had not changed, and 44% were unable to determine whether a behavioral change had occurred.

When asked about the prospective change in the way in which students moved around campus resulting from Clery Act crime reports, a similar balance of responses was posted. Five percent of the ASJA members indicated that student behavior had changed whereas 54% reported no change,

and 39% cited an inability to determine behavioral change.

The questionnaire also sought responses regarding student behavioral change resulting from campus safety programs and other information distributed to students. For these questions regarding changes in the way students protect personal property, protect themselves and move around campus, larger percentages reported behavioral change than did so for the crime reports.

Thirty percent of the respondents cited change in behavior regarding protection of personal property, whereas 29% indicated no change. Here 39% were unable to perceive any change.

Similarly, 29% of the ASJA respondents cited change in self-protection behavior resulting from safety programs and other information, while 33% indicated no change in behavior, and 36% were unable to determine whether such change had taken place.

Finally, when asked whether behavior had changed with regard to movement around campus, just over a quarter (26%) of the respondents suggested that behavioral change had occurred, whereas 36% cited no change. Thirty-seven percent of those responding were unable to determine whether change had occurred.

The last two questions were whether ASJA members believed that campus officials were hiding crime. Those that believed that crime was being hidden were then asked to indicate who they believed were responsible for such behavior. Ninety-six percent of the respondents indicated that they did not believe that officials were hiding crime. Three percent reported that officials on their campus were hiding crime, and the remainder did not respond. Of the small percentage of respondents who believed that crime was being hidden, the largest number

($n = 5$) blamed chief student affairs officers, 3 reported police chiefs and an equal number ($n = 2$) cited admissions officers, deans of students, judicial officers, presidents, lower level police officials, and unnamed others. One respondent indicated responsibility to public affairs officials. Data regarding the responses related to Research Question 3 are located in Table 3.

DISCUSSION

Positive Results From the Clery Act

The results from this study indicate that some good things are happening as a result of the Clery Act. An awareness of the Act among campus officials is virtually universal, and a relatively large number of judicial officers are working with campus law enforcement officials to prepare the crime report. Awareness and participation rates were slightly lower for respondents at community colleges. This response pattern is worth noting. Anecdotal information and comments from judicial officers lead the authors to believe that this occurs for several reasons. First, community colleges generally have lower occurrences of campus crime because of the nature of their students and the lack of residential facilities. Second, those staff members at community colleges tend to have judicial affairs as one of many responsibilities due to the low volume of cases. Thus, they have less time to learn about the specific requirements of this law. Finally, because many community colleges have few if any sworn police officers, and these persons have few opportunities to interact with staff that deals with judicial affairs, such participation seems unnecessary to them.

A majority of the judicial officers believe that students are aware of the Act and the

crime reports that it generates. A large plurality of the judicial officers in the study indicated that relations between themselves and campus police had improved as a result of the Act. Although not necessarily directly related to the Act, this close relationship appears to manifest itself in several ways. As noted above, almost two thirds of the ASJA members prepare the portion of the crime report dealing with alcohol, drug, and weapons violations for which arrests do not occur.

Communication is also occurring frequently between judicial officers and campus police. Over 80% of the judicial officers reported that they are notified automatically when a student is charged with a crime. Thus, these alleged offenses, which are usually perceived to be violations of campus policies as well as crimes, may be dealt with on campus as a rule violation, as well as through criminal prosecution. Police reports are also provided for use during judicial hearings on 90% of the campuses represented by this sample. This would seem to indicate that at least the beginning stages of a situation that holds students responsible to a higher standard of behavior is occurring. Similarly, more than three quarters of the judicial officers indicated that campus police were informed when students were charged with a policy violation that may also be a criminal act. This, likewise, appears to indicate that students will likely be charged criminally if police and/or prosecutors believe that the offense is serious enough to be prosecuted and if enough evidence exists to justify such charges. Respondents from private institutions, in particular, note positive changes in their working relationship with campus law enforcement. The authors believe this to be the case because many of the private institutions are small and residential and the

TABLE 3.
The Effect of the Clery Act on Campus Judicial Practices

Item	Yes	No	Unable to Determine	No Answer
13. Are you aware of the "Crime Awareness and Campus Security Act of 1990" (20 U.S.C. 1092 (f)) (The Clery Act)?	397 (99)	4 (01)		2 (00)
14. Does your institution prepare an annual report of campus crime?	397 (99)	3 (01)		3 (01)
15. Are students on your campus aware of the Clery Act crime reports?	206 (51)	26 (06)	171 (42)	0 (00)
16. Have you seen any evidence that students' decisions to attend your institution have been affected by the campus crime reports for your campus?	16 (04)	261 (65)	125 (31)	1 (00)

Item	Very Effective	Effective	Ineffective	Very Ineffective	Unknown	No Answer
17. How effective is the Clery Act in reducing crime on your campus?	0 (00)	7 (02)	123 (31)	76 (19)	192 (48)	5 (01)
18. Has the Clery Act been effective in improving the quality of campus crime reporting procedures on your campus?	10 (02)	187 (46)	65 (16)	22 (05)	118 (29)	1 (00)
19. Has the Clery Act been effective in increasing the number of crimes reported on your campus?	2 (00)	74 (18)	93 (23)	35 (09)	197 (49)	2 (00)
20. Has the Clery Act been effective in increasing the number of campus safety programs offered during the academic year?	2 (00)	91 (23)	136 (34)	34 (08)	139 (34)	1 (00)

Item	Increased	Decreased	Stayed the Same	No Answer
21. How has crime on your campus changed since the passage of the Clery Act in 1990?	95 (24)	27 (07)	267 (66)	14 (03)
22. How has crime in the community in which your campus is located changed since the passage of the Clery Act in 1990?	97 (24)	25 (06)	254 (63)	27 (07)

table continues

TABLE 3. *continued*
 The Effect of the Clery Act on Campus Judicial Practices

Item	Yes	No	Unable to Determine	No Answer
23. Based upon information provided in your campus crime reports, have students changed their behavior with respect to how they protect their personal property (e.g., car, bike, computer, stereo, books, etc.)?	26 (06)	201 (50)	170 (42)	6 (01)
24. Based upon information provided in your campus crime reports, have students changed their behavior with respect to how they protect themselves from harm?	29 (07)	191 (47)	179 (44)	4 (01)
25. Based upon information provided in your campus crime reports, have students changed how they move around on campus?	21 (05)	219 (54)	159 (39)	4 (01)
26. Based upon the campus safety programs and other information that are delivered by your police/security department and other campus agencies, have students changed their behavior with respect to how they protect themselves from harm?	120 (30)	117 (29)	159 (39)	7 (02)
27. Based upon the campus safety programs and other information that are delivered by your police/security department and other campus agencies, have students changed their behavior with respect to how they protect their personal property (e.g., car, bike, computer, stereo, books, etc.)?	117 (29)	134 (33)	146 (36)	6 (01)
28. Based upon the campus safety programs and other information that are delivered by your police/security department and other campus agencies, have students changed how they move around on campus?	106 (26)	144 (36)	148 (37)	5 (01)

Item	Very Safe	Safe	Unsafe	Very Unsafe	No Answer
29. In your opinion, how safe are students on your campus?	165 (41)	224 (56)	8 (02)	2 (00)	4 (01)
30. In your opinion, how safe are students off campus?	42 (10)	313 (78)	39 (10)	1 (00)	8 (02)

staffs that deal with judicial affairs and campus policing are often intimately associated. Also, for these same reasons, as well as the impact that the arrest and suspension of each student has on the enrollment and

finances of such institutions, there is great interaction before the necessity of arrest occurs. This helps to prevent situations and allows informal adjudication of cases.

Another positive sign related to the

Clery Act is that a relatively large plurality of those responding, and who could make a determination, believed that safety programs and other notices to students were having an effect on students' behaviors with regard to protecting their property, protecting themselves, and in changing the way that they move around campus. Although a majority of the ASJA members do not see such positive change, it is encouraging that this portion of the requirement of the Act is having an impact on many campuses.

Failures of the Clery Act

Although there have been some positive outcomes from the Clery Act, there appear even more situations in which the Act has failed to achieve its avowed purposes. According to respondents in this study, there do not appear to be many situations in which there is evidence that students have made decisions to attend a particular institution based upon the crime reports from that institution. For instance, it is the perception of only 4% of the respondents that there is *any* evidence that students have made college choices as a result of the crime statistics though they were not asked specifically what evidence they had. Sixty-five percent of the respondents specifically reported that they perceived there to be no evidence of such choice.

In addition, these data reflect the results discovered by Gehring and Calloway (1997), Janosik (2001), Janosik (in press), and Parkinson (2001), which indicate little evidence that students or parents are selecting colleges based upon these statistics. Also, the most recent almanac of statistics gleaned from college freshmen at four-year colleges in Fall 2002 by the *Chronicle of Higher Education* (2003) indicates that overall only 8.8% of the students surveyed (4.8% of men,

12.0% of women) believed that the reputation for campus safety was important in selecting their college attended. This consideration ranked 11th of 18 prospective reasons listed by respondents (p. 17).

It is the perception of a plurality of these respondents that the Clery Act has not been effective in reducing crime on their campuses. In fact, only 2% of the respondents felt that there had been a positive correlation between the Clery Act and a reduction in crime. A plurality of the respondents (42%) also believed that the Act had not been effective in increasing campus safety programs.

Pluralities of the respondents did not believe that the crime reports had been effective in changing students' behaviors regarding protection of their personal property as well as in protecting themselves. A larger percentage that made up a majority of the ASJA members indicated that the Act had been ineffective in changing the ways in which students moved around the campus. Less than 10% of the survey respondents believed that any of the behavioral changes noted above had occurred on their campus as a result of the crime reports.

Although a majority of the respondents believed either that campus safety programs and other material were not effective in changing behavior or that they were unable to determine if behavioral change had occurred, almost one third of the respondents did believe that the programs, notices, and other activities had made an impact on all three types of behavior. Thus, there is some encouragement even from these otherwise negative statistics.

Hiding Crime on Campus

Finally, here as in the study of campus law enforcement professionals (Janosik & Gregory, in press), a large majority of the

ASJA members did not believe that campus officials were hiding crime on their campus. Over 95% of the ASJA members and 90% of the campus police agreed that this was not occurring on their campus. Of the few judicial officers that thought crime was being hidden they believed, as did police, that the chief student affairs officer was the one most likely to hide crime.

LIMITATIONS OF THE STUDY AND RECOMMENDATIONS FOR FUTURE RESEARCH

Limitations

Unfortunately, one possible limitation of the study regards the respondents who completed the survey instrument. Though the researchers asked that each ASJA member complete the survey only once, they cannot assure that this occurred. Because this was a web based survey instrument, it is possible that some persons completed the study more than once or passed on the URL to persons who were not members of ASJA. Although the authors have no evidence to indicate that this took place, this should be expressed as a possible limitation. In addition, in a short, close-ended-type questionnaire, cause and effect for some of the findings could not be determined. This dynamic does merit further study.

Recommendations for Future Research

The researchers believe that there is a wide array of topics on the subject of campus crime and campus safety that merit additional research. Among these are:

- A national survey of higher education institutions to determine the efficacy of crime statistics used by parents and/or students in making selection decisions for

college attendance.

- A study of other campus administrative and faculty constituencies to determine their perceptions of the effectiveness of the Clery Act on their campuses.
- Studies to determine whether the Clery Act is more or less effective on campuses of various sizes, student populations, and campus location orientations (rural, urban, suburban).

CONCLUSION

The Clery Act was passed with very important intentions. It was born out of a desire by the parents of a murdered child to provide an opportunity for other parents and students to access and learn about information that had not been available to them, and thus keep the students safe. As the law has evolved, it has taken on a much broader view. As the authors note early in this article, there are now seven goals that the law is intended to achieve. It has partially accomplished several of these goals, including improving campus crime reporting (though critics would say that it now goes too far and has lost its focus), raised awareness about campus crime, and has (if our respondents are to be believed) increased awareness of campus officials that hiding campus crime is counterproductive and thus should be eliminated.

This said, the law also has failed in reaching most of its intended goals. Students and parents do not appear to be using it to make admissions decisions, student behavioral change does not appear to be occurring (at least not as a result of the crime reports), and the law has not affected campus crime.

The authors believe that the Clery Act is a law that must be maintained and strengthened, but also believe that a change of focus should occur. The emphasis on the

campus crime reports should be lessened and a focus upon increasing campus safety programs, notification to students about safety hazards, increased “timely notice” when a serious crime occurs, and increased cooperation between campus officials, students, the media, and others to change student behaviors must be the new focus. Funding from the federal government to

support such efforts and to reward high-quality safety programs should be sought. As the reauthorization of the Higher Education Act occurs, these changes could be implemented, and thus improve the Act.

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