MAKING CAMPUSES SAFER AND STAYING OUT OF COURT:
LEADERSHIP PRACTICES FACILITATING COMPLIANCE WITH
THE JEANNE CLERY ACT

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LEADERSHIP PRACTICES FACILITATING COMPLIANCE WITH
THE JEANNE CLERY ACT

A Dissertation

by

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FALL 2013

iii
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THE JEANNE CLERY ACT

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Carlos Nevarez, Ph.D.      Date

Doctorate in Educational Leadership
DEDICATION

Jeanne Ann Clery

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As with any substantial undertaking born of incredible grief, sacrifice, commitment and leadership was required to change the way crime on college campuses is disclosed. The Jeanne Clery Act has provided the postsecondary educational system with greater awareness of crime on campus and the need for emergency preparedness to deal with emerging threats. In reality, the Jeanne Clery Act has made campuses safer. For these reasons and many more, I dedicate this dissertation as follows:

For Jeanne Clery, a beautiful, ambitious, young lady who was taken from this life far too early by a senseless act of violence. Jeanne Clery entered her freshman year at Lehigh University dreaming of the day she would graduate. Jeanne demonstrated conscious awareness of the basic need for personal safety when she chose to attend Lehigh University over Tulane because she believed the campus was safe. Jeanne Clery paid the ultimate price because the true status of safety and crime on Lehigh’s campus was concealed by administrators.
For Howard and Connie Clery, Jeanne’s parents, who bravely chose to become leaders despite the incredible grief they must have suffered. The Clerys became advocates for all students attending colleges as they forged a landmark law requiring postsecondary educational institutions to disclose the true status of crime on campus. Since enactment, the Clery Act has taken on a life of its own. The Act has been amended to provide greater clarity to those required to comply with it and has delivered new guidelines and regulations for emerging threats.

For Senator Arlen Specter posthumously, for his courage and leadership to engage higher education and demand that a significant and longstanding paradigm be changed in order to protect college students in the United States.

For all college students, of whatever age or persuasion. May this study prompt some difficult discussions and inquiries into the way compliance is handled at postsecondary institutions.

The most likely conclusion to be reached is that the Clery Act will never be repealed, despite the machinations of those who unwisely would like to do so. Clery is also very likely to be amended, many times in the future. Consequently, postsecondary leaders must frame their approach to compliance with the Clery Act by acknowledging the importance of the Act and their ethical, legal and moral duties to fulfill students’ basic need for personal safety while on campus.
ACKNOWLEDGEMENTS

My journey to complete this dissertation would not have been possible without the love, support and patience of my husband David, and my children, Haley and Dylan. The degree will benefit all of us. I thank you with all of my heart.

I am forever indebted to my esteemed professors in the Ed.D. program for making the pieces of the big picture fit together. I will always remember and appreciate the encouragement of Dr. Carlos Nevarez for recommending I enter the Ed.D. program. I believe I have learned the skills necessary to move forward as a stronger, more proficient and focused leader as a result of my participation in the Ed.D. program.

For my dissertation committee members, Dr. Carlos Nevarez, Dr. Stephen Brock, and Dr. Virginia Dixon, I can hardly say enough. The task at hand seemed an overwhelming one at times. Thank you for understanding the demands made upon me while I finished this dissertation. I am grateful for your wisdom, guidance and commitment of time given to this important topic. To Dr. Dixon, a special thank you for your emotional support, guidance offered on any topic, and the profound wisdom of knowing what to do in a tough situation. Onward, I go.

To the members of Cohort 4, thank you for enlightening me on the inner workings of the K-12 system and the intricacies of higher education. I will always remember the camaraderie and support shared with many Cohort members and will cherish my solid friends and supporters Samia Aguirre and Crystal Martinez-Alire.
Enough cannot be said about the contributions made by the participants in this study. These individuals offered their time, knowledge, and their professional expertise to assist me with my endeavor to fill just a small portion of the gap in the literature concerning the Clery Act.

My participants tied together the theories and subject matter studied and learned during three years of classes with practical real life experiences. The qualitative portion of my study provided rich and nuanced data, which I am truly proud to share with all who take the time to read this dissertation. I shall remain in awe of the experience.
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FIELD OF STUDY

Leadership practices influencing and implementing effective compliance with the mandates of the Jeanne Clery Act at California’s Community Colleges.
Traditionally college and university campuses were thought to be insulated from negative consequences of the outside world. The truth could not be further from this viewpoint. The fact is, college campuses are microcosms of larger society (Briggs, 2010; Katel, 2011). Students have fallen victim to violent crimes perpetrated by fellow students and others when they least expected it. The on-campus residence hall murder of one such unsuspecting student was the catalyst for change when the parents of murder victim Jeanne Clery lobbied the federal government to pass the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. §1092 (f) Public Law 105-244) or better known today as the Clery Act. The Clery Act requires all universities and colleges who receive Title IV federal student financial aid assistance to report crime statistics, to disclose campus safety policy statements and to disseminate information to current and prospective students and employees (20 U.S.C. §1092 (f) Public Law 105-244).
Despite enactment of the landmark federal campus crime reporting law 22 years ago, compliance with the mandates of the Jeanne Clery Act remains inconsistent at postsecondary educational institutions. The purpose of this study was threefold: 1) to provide new information regarding factors which impede and or enhance compliance with the Clery Act by California Community Colleges; 2) to identify leadership styles and practices which facilitate compliance with the Clery Act; and 3) to determine whether adequate resources have been devoted to complying with the Clery Act.

This study identifies how the origins of higher education and In Loco Parentis have contributed to a mindset in postsecondary education which favors, in many cases, internal handling of campus crime and related matters rather than the transparency the public and consumers demand. The new era of student-as-consumer has ushered in the necessity that postsecondary institutions provide honest and accurate information in their Annual Security Report (ASR). Recent examples of post-secondary institutional non-compliance with the Clery Act and the costly consequences of such a course of action are identified and analyzed using a systems theory lens combined with a multiple paradigm approach to problem solving. The best components of positivism, social constructionism and postmodernism are combined to offer a new way to analyze the difficult topic of compliance with the Clery Act.

The sequential exploratory mixed-methods approach was purposefully selected for this study because it collects qualitative data in the first phase and confirms or expands upon that data by utilizing quantitative data in the second phase (Creswell,
Accordingly, the first phase of this study collected qualitative data by conducting 11 interviews of participants holding high level leadership positions at selected California community colleges. Qualitative data were analyzed using open-coding to discover emerging themes from participant interviews. The second phase involved the collection of quantitative data by developing a survey on issues related to compliance and institutional leadership. The survey was emailed to targeted participants employed at California community colleges tasked with responsibilities associated with the collection of data for inclusion in their institution’s Annual Security Report (ASR) or preparation of the report itself. The researcher discovered unexpected data during the quantitative portion of the study in that ease of website access to Clery Act information varied widely by community college location with a more profound effect noted at rural and smaller size community colleges. The researcher also experienced an unwillingness to participate in the survey or to provide necessary information by many smaller rural area community colleges. Although the survey results cannot be generalized to the larger population, the data is valuable in that it provides a baseline, which may benefit future research in this area.

This study is important because it contributes to a limited body of scholarly literature regarding compliance with the Clery Act at the community college level by highlighting the following conclusions: 1) leadership, at every level, impacts an institution’s ability to successfully comply with the Clery Act; 2) adequate resource have
not been devoted to compliance with the Clery Act; and 3) compliance with the Clery Act is inconsistent and suffers from a lack of guidance by the Chancellor’s office.

Keywords/phrases: The Clery Act, compliance, Annual Security Report, campus crime, campus safety, risk assessment, risk management, emergency preparedness, leadership theory and practices, systems theory, positivism, social constructivism and postmodernism.
# TABLE OF CONTENTS

Dedication ........................................................................................................................................ v

Acknowledgements .................................................................................................................... vii

Curriculum Vitae ................................................................................................................. ix

List of Tables ......................................................................................................................... xix

List of Figures ......................................................................................................................... xxiv

Chapter

1. INTRODUCTION ............................................................................................................... 1
   The Problem Statement ...................................................................................................... 3
   Purpose of the Study ......................................................................................................... 3
   Research Questions .......................................................................................................... 3
   Significance of the Study .................................................................................................. 5
   Limitations ......................................................................................................................... 8
   Assumptions ....................................................................................................................... 9
   Summary of Research Framework .................................................................................... 9
   The Nature of the Debate Concerning the Clery Act ...................................................... 11
   Targeted Acts of Violence ............................................................................................... 14
   Background of the Clery Act .......................................................................................... 16
   Amendments to the Crime Awareness and Campus Security Act .................................. 18
   Requirements of the Clery Act ......................................................................................... 21
The Clery Act Debate – Lack of Guidelines, an Unfunded Mandate and its Efficacy ......................................................................................................................23

Summary of Theoretical Framework ......................................................................................................................25

Overview of the Three Paradigms ......................................................................................................................27

The Multiple Paradigm Approach for This Study ..........................................................................................30

Definition of Terms ........................................................................................................................................33

Conclusion and Summary ..............................................................................................................................42

Remainder of the Study ....................................................................................................................................50

2. REVIEW OF RELATED LITERATURE ...........................................................................................................51

Section One - Student Consumer Due Diligence ........................................................................................52

Data Contained in the Annual Security Report ..........................................................................................54

Poor Implementation and Complaints Regarding the Clery Act ................................................................60

The Intent of the Clery Act ...............................................................................................................................62

Section Two - Legal Considerations – Breach of Contract and Tort Law ....................................................63

The Federal Student Aid Review Process .....................................................................................................65

Section Three - Historical Background of Higher Education ......................................................................69

The First College: Harvard College ................................................................................................................70

Origin of In Loco Parentis ..............................................................................................................................71

Federal Intervention into Higher Education ....................................................................................................73

The Servicemen’s Readjustment Act ................................................................................................................73

The Higher Education Act of 1965 ....................................................................................................................74
The Rise of Student Consumerism and the Decline of In Loco Parentis............75
The End of Diminished Public Scrutiny .............................................................77
The Role of the Media ........................................................................................78
The Duty Era.......................................................................................................78

Section Four - Existing Literature Regarding the Clery Act.............................86
Existing Research on the Clery Act - Janosik, Gehring, and Gregory ...............87
Views of Campus Law Enforcement Officers on the Clery Act .......................92
Parents’ Views on the Clery Act.........................................................................98
The Effect of the Clery Act on Judicial Practices.............................................102
Relationship of This Study to Past Research ..................................................106

Section Five - Theoretical Framework – Systems Theory...............................107

Section Six – Examples of the Consequences of Non-Compliance...............117
Virginia Tech Massacre....................................................................................117
Eastern Michigan University ............................................................................119
Pennsylvania State University/Sandusky Scandal...........................................120
Freh, Sporkin, & Sullivan.................................................................................121

Section Seven – History of Community Colleges ...........................................124
The Status of Compliance with the Clery Act by California Community Colleges..................................................................................................................126

Section Eight – Leadership and Leadership Theories ......................................128
3. METHODOLOGY ...................................................................................................131
   Research Design .......................................................................................................132
   Role of the Researcher .............................................................................................134
   Setting and Sample ...................................................................................................135
   Instrumentation and Materials ..................................................................................137
   Qualitative Data Analysis .........................................................................................142
   Quantitative Data and Analysis ................................................................................143
   Measures Taken for Ethical Protection of Participants and Participant Rights ......146
   Conclusion ................................................................................................................147

4. ANALYSIS OF THE DATA ...................................................................................148
   The Sequential Exploratory Approach .....................................................................148
   Qualitative Data Summary .......................................................................................150
   Qualitative Data Analysis .........................................................................................151
   Quantitative Data Summary .....................................................................................209
   Theoretical Framework ............................................................................................239

5. CONCLUSIONS AND RECOMMENDATIONS ...................................................240
   Summary of Qualitative Findings Addressing Research Question One ..................244
   Summary of Qualitative Findings Addressing Research Question Two ..............246
   Summary of Qualitative Findings Addressing Research Question Three .............247
   Summary and Discussion of Findings for Quantitative Portion .........................266
   Interpretation of Findings .........................................................................................268
LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. High Profile Violent Crimes Occurring On U.S. Colleges Campuses</td>
<td>14</td>
</tr>
<tr>
<td>2. Student Enrollment by Age Group</td>
<td>47</td>
</tr>
<tr>
<td>3. Crime Statistics Reported in Compliance with the Clery Act by Type of Crime and Year: 2005-08</td>
<td>48</td>
</tr>
<tr>
<td>4. Targeted Attacks at IHEs by Decade, 1900-2008</td>
<td>49</td>
</tr>
<tr>
<td>6. Annual Security Report – Criminal Offenses On-Campus Housing/Residence Halls</td>
<td>58</td>
</tr>
<tr>
<td>7. Annual Security Report – Criminal Offenses – Non-Campus</td>
<td>59</td>
</tr>
<tr>
<td>8. Annual Security Report - Criminal Offenses-Public Property</td>
<td>60</td>
</tr>
<tr>
<td>9. Composition of Qualitative Participants</td>
<td>136</td>
</tr>
<tr>
<td>10. Composition of Survey by Question Type</td>
<td>144</td>
</tr>
<tr>
<td>11. Survey Question Correlation With Research Questions</td>
<td>145</td>
</tr>
<tr>
<td>12. Declining Participant Twelve Data</td>
<td>151</td>
</tr>
<tr>
<td>13. Summary of Retired Chancellor A – Leadership</td>
<td>152</td>
</tr>
<tr>
<td>14. Retired Chancellor B – Leadership</td>
<td>153</td>
</tr>
<tr>
<td>15. Summary of President 1 – Leadership</td>
<td>155</td>
</tr>
<tr>
<td>16. Summary of President 2 – Leadership</td>
<td>158</td>
</tr>
<tr>
<td>17. Summary of President 3 – Leadership</td>
<td>160</td>
</tr>
</tbody>
</table>
18. Summary of President 4 – Leadership .................................................................161
19. Summary of Chief of Police – Leadership ..........................................................162
20. Summary of Director of Campus Safety – Leadership .......................................164
21. Summary of Director of Campus Safety/Parking/Residence Halls – Leadershi
   p .........................................................................................................................165
22. Summary of Risk Manager – Leadership .........................................................167
24. Summary of Retired Chancellor A – Resources ..............................................170
25. Summary of Retired Chancellor B – Resources ...............................................171
26. Summary of President 1 – Resources ...............................................................173
27. Summary of President 2 – Resources ...............................................................175
28. Summary of President 3 – Resources ...............................................................176
29. Summary of President 4 – Resources ...............................................................177
30. Summary of Chief of Police – Resources .........................................................179
31. Summary of Director of Campus Safety – Resources ......................................180
32. Summary of Director of Campus Safety/Parking/Residence Halls – Resources
   .........................................................................................................................182
33. Summary of Risk Manager – Resources ..........................................................184
34. Summary of Director of Emergency Preparedness – Resources ....................185
35. Summary of Retired Chancellor A – Compliance ...........................................186
36. Summary of Retired Chancellor B – Compliance ............................................187
# LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>The three paradigms</td>
<td>33</td>
</tr>
<tr>
<td>2.</td>
<td>The Tarasoff Assessment</td>
<td>81</td>
</tr>
<tr>
<td>3.</td>
<td>Maslow’s Hierarchy of Needs</td>
<td>107</td>
</tr>
<tr>
<td>4.</td>
<td>Systems Theory and the Clery Mandates</td>
<td>115</td>
</tr>
<tr>
<td>5.</td>
<td>Power – Authority – Leadership and the Clery Mandates = Outputs</td>
<td>116</td>
</tr>
<tr>
<td>6.</td>
<td>Systems Theory</td>
<td>117</td>
</tr>
<tr>
<td>7.</td>
<td>Creswell’s steps for qualitative analysis</td>
<td>143</td>
</tr>
<tr>
<td>8.</td>
<td>Graphic of survey question seven responses</td>
<td>211</td>
</tr>
<tr>
<td>9.</td>
<td>Graphic of responses to survey question twenty</td>
<td>214</td>
</tr>
<tr>
<td>10.</td>
<td>Graphic of responses to question fifteen</td>
<td>217</td>
</tr>
<tr>
<td>11.</td>
<td>Graphic of responses to question eighteen</td>
<td>218</td>
</tr>
<tr>
<td>12.</td>
<td>Graphic of responses to question nineteen</td>
<td>220</td>
</tr>
<tr>
<td>13.</td>
<td>Graphic responses to question twenty-two</td>
<td>221</td>
</tr>
<tr>
<td>14.</td>
<td>Graphic responses to question twenty-six</td>
<td>224</td>
</tr>
<tr>
<td>15.</td>
<td>Graphic of responses to survey question ten</td>
<td>232</td>
</tr>
<tr>
<td>16.</td>
<td>Graphic of responses to survey question eleven</td>
<td>234</td>
</tr>
<tr>
<td>17.</td>
<td>Graphic of responses to survey question twenty-seven</td>
<td>238</td>
</tr>
<tr>
<td>18.</td>
<td>Compliance process protocol</td>
<td>277</td>
</tr>
</tbody>
</table>

xxiv
Chapter 1

INTRODUCTION

The first responsibility of a leader is to figure out what is going on….That is never easy to do because situations are rarely black or white, they are a pale shade of gray….they are seldom neatly packaged. (Admiral Carlisle Trost, Chief of U.S. Naval Operations as cited in Bolman & Deal, 2008, pg. 178)

When the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. §1092 (f) Public Law 105-244) was enacted more than 22 years ago, for the first time in United States history, institutions of higher education were required to collect and annually disseminate campus crime statistics and campus security policies to students, faculty and staff (Fisher, 2003; Kaplin & Lee, 1995). Prior to enactment of the Clery Act in 1990, institutions of higher education (IHEs) were not required to report, or to disclose to anyone, violent or any other crimes that occurred on their campuses (Clery, 2001a, 2001b; Fisher, Harteman, Cullen, & Turner, 2002; Frankhouser, 1997). The Nation’s need to understand crime as it occurs at colleges, and universities was officially placed into law by the United States Congress with the passage of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Noonan & Vavra, 2007). The legislative intent of the Clery Act was clearly focused on increasing the level of transparency about crimes occurring on colleges campuses, thus enabling students and parents to make informed decisions about which college to attend (Adolf, 2012; U.S. Department of Education, 2005).

The Clery Act derived from the rape and murder of 19-year-old Jeanne Clery, a freshman college student at Lehigh University in Pennsylvania on April 5, 1986. Jeanne
Clery decided to attend Lehigh University over Tulane University because she had read of several incidents of violence on Tulane’s campus. In reality, several incidents of violent crime had occurred on Lehigh’s campus but were not disclosed to the public (Clery, 2001a, 2001b). At its most basic level, the Clery Act requires IHEs to publicize campus crime statistics and information on campus safety procedures. The Clery Act gives students and their families information Jeanne Clery didn’t have access to when she entered an idyllic campus with a rigorous academic reputation (McDermott, 2012).

The Clery family, crime victim advocates and legislators drafted the Clery Act with the purpose of creating a mandate to force IHEs to disclose the true status of crimes occurring on their campuses. Initially, the Clery Act only required reporting of crimes on campus. In response to requests for clarification and in response to new incidents of violence on college campuses, the Clery Act has been amended to require a crime log, safety policies, timely warning of emergencies, a fire and arson log and expanded reporting requirements (Sloan, Fisher, & Cullen, 1990; U.S. Department of Education [DOE], 2005). The most recent amendments to the Clery Act (Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) occurred January 3, 2013, when President Obama signed the Violence Against Women Reauthorization Act of 2013 (Senate Bill 47, Section 304, 2013). This amendment added new requirements for the Clery Act, which include additional reporting requirements for domestic and dating violence, sexual assault, stalking and the procedures an IHE shall follow upon receiving a report of such crimes on their campuses.
The evolving nature both of the Clery Act’s purpose and the mandates required by it prompted this researcher to study the subject. The California community college system was chosen as the focus of the study because of the unique importance of the system. The immense size of the student population served, and the necessity that California’s community college system becomes a model of promising practices in compliance with the Clery Act for our state was a paramount consideration.

The Problem Statement

Despite enactment of the landmark federal campus crime reporting law over 22 years ago, compliance with the mandates of the Jeanne Clery Act remains inconsistent at postsecondary educational institutions.

Purpose of the Study

The purpose of this study is to provide new information and data regarding factors which impede or enhance compliance with the Clery Act by California Community Colleges and to specifically to identify the leadership style(s) and practices which facilitate compliance with the Clery Act. The recommendations of the researcher include a set of best practices for compliance with the Clery Act for postsecondary institutions.

Research Questions

The primary research questions are:

1. What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?
2. Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?

3. Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?

Research question 1 is both quantitative and qualitative in nature with a full compliance protocol for the Clery Act mandates as the dependent variable. Participant interviews will discern the approach taken to achieving compliance. The survey queried individuals, who are so to speak “on the line” and actually prepare the Annual Security Report for their perspective on their institution’s compliance protocol.

Research question 2 is both qualitative and quantitative in nature. The survey instrument queried “on the line” respondents to indicate what type and level of resources are currently devoted to the Clery Act, whether they believe additional resources are necessary and what type of new resources should be added?

Research question 3 is also both qualitative and quantitative in nature. The question is qualitative in that actual community college leaders are asked to define what type of leadership practices they use and what type of leadership enhances or impedes compliance with the Clery Act.

The question is quantitative in that survey respondents are asked several questions regarding leadership practices at their individual college relating to compliance with the Clery Act.
Significance of the Study

A significant gap in scholarly literature exists with regard to whether community colleges consistently comply with the mandates of the Clery Act. An additional gap exists as to how the perceptions and lived experiences of top-level community college leadership have impeded or enhanced implementation of the Clery Act. This study addresses the gaps by gathering and analyzing perspectives of community college personnel and key leadership positions using both quantitative and qualitative methods. The gathering of multiple level perspectives provides varied insights and data. The researcher analyzed the data collected and offers leadership perspectives and approaches to problem solve and create a set of recommendations designed to unify compliance protocol.

One important reason for this study is the fact a majority of research on the Clery Act has been conducted, almost exclusively, by Dr. Steven M. Janosik, Associate Professor of Educational Leadership and Policy Studies at Virginia Tech and two close associates, Dr. Donald Gehring and Dr. Dennis Gregory. Beginning in fall 2001, Janosik and Dr. Donald Gehring, Professor Emeritus of higher education at Bowling Green University, studied the impact of the Clery Act on student behavior (Janosik & Gehring, 2001). In the summer of 2002, Janosik and Gregory, assistant professor in educational leadership at Old Dominion University, studied the views of campus law enforcement professionals on the Clery Act (Janosik & Gregory, 2002). In 2002, Janosik conducted research on parental views of the Clery Act and campus safety (Janosik, 2002). In the fall of 2003, Janosik and Gregory researched the influence of the Clery Act on campus
law enforcement practices also produced a research paper on the effect of the Clery Act on campus judicial practices. The most recent research produced by Janosik and Gregory discusses the Clery Act, campus safety, and perceptions of senior student affairs officers (Janosik & Gregory, 2009). The critical commentary advanced by Janosik, Gregory and Gehring regarding the Clery Act has never been fully addressed in the post Virginia Tech massacre era.

Ultimately, the results of this study inform future educational leadership practice by indicating that leadership, at every level in a postsecondary institution, must be proactive in approach to compliance by devoting the necessary resources to fulfilling the mandates of the Clery Act. The recommendations contained in Chapter 5 add new knowledge to educational leadership in how to promote organizational change leading to greater levels of compliance with the Clery Act.

**Significance related to the California Community College System**

The California Community Colleges is the largest system of higher education in the nation, serving 2.4 million students who attend 112 colleges. California community colleges provide students with the knowledge and background necessary to compete in today’s economy. Although the California Community College system is the largest it receives the lowest funding level for a postsecondary educational system in California (Shulock & Moore, 2007). As such, the California Community College system struggles to fulfill many missions with limited resources. As the roles, functions and number of students served increase, the California Community College system is challenged to
adequately provide a safe environment and fully comply with the mandates of the Clery Act.

Today, the purpose of the community college in California has expanded drastically from its beginning and has evolved into a previously unseen dynamic. Initially, community colleges in California were designed under the California Master Plan (1960) as an educational institution allowing access to any California resident with a high school diploma at a reasonable cost. In 2012, community colleges are charged with many missions some of which are providing two-year degrees, transfer to a four year college, vocational training, and job skills training. Even though 6.5 million undergraduates nationally attend community colleges they receive less funding, less media attention, and fewer philanthropic gifts than four-year institutions (Esch, 2009; Shulock & Moore, 2007).

The purpose of the community college system was grounded in the ideas of access, equity and affordability (California Master Plan, 1960), and as a pathway for those who graduate to transfer to a four-year institution after completing an associate’s degree. The importance of the successful functioning of the community college portion of what has been referred to as “the education pipeline” cannot be understated if the United States is to regain the top ranking in the world for college degree attainment. According to the Lumina Foundation (2012), the United States will need to produce 5.5 million bachelor’s degrees by 2020 to be able to successfully compete in an increasingly globalized economy. Recognizing that education is critical to nation’s economic health and competitiveness in an increasingly globalized economy, in the American Graduation
Initiative (2009), President Obama focused on improving outcomes and advocated for greater funding of community colleges because he believed these institutions are key to the country’s continued economic competitiveness.

To produce the well trained and educated graduates needed to keep the United States competitive as a nation, our community colleges must be prepared to handle campus emergencies, crime on campus and the myriad of potential events that could occur on a college campus. Many students attending community colleges are the first generation in their family to attend college and are inexperienced with regard to the independence it brings (Hoffman, 2009; Shulock & Moore, 2007). It is the legal, moral and ethical duty of the institution, to offer guidance to the young and inexperienced student on how to navigate the college environment safely and to provide a safe environment for their students and staff by being proactively prepared for many situations on campus.

**Limitations**

The researcher planned to interview 12 individuals in leadership positions but was unable to interview the 12th individual because participant withdrew consent to participate in the study just prior to the scheduled interview. Potential data gathered from the interview with the twelfth participant would have been highly beneficial to this study because the subject college had been audited by the State Auditor and found deficient in Clery Act compliance. The steps taken by the possible 12th participant to bring the college into compliance with the Clery Act would have been useful information for other institutions experiencing the same situation.
A second limitation of this study is the lack of a nationwide or individual state baseline research study on compliance with the Clery Act by institutions of higher education. Studies have been conducted on isolated components of the Clery Act; however, existing studies fail to address the full spectrum of compliance requirements under the Clery Act (Gregory & Janosik, 2003; Janosik, 2002; Janosik & Gehring, 2001).

A third limitation of the study is the low participant response to the quantitative survey.

Assumptions

The validity of any research relies on assumptions the researcher makes (Talesh, 2007). This researcher first assumed that implementation of and compliance with the Clery Act at postsecondary institutions has been inconsistent since enactment in 1990. Second, this researcher assumed all survey participants and interview participants will respond to posed questions honestly. Third, this researcher assumed that themes will emerge regarding successful and unsuccessful implementation of the Clery Act at participant community colleges from personal interviews. Fourth, this researcher assumed the findings and or results of this study prove useful to postsecondary leadership and other practitioners responsible for complying with the Clery Act.

Summary of Research Framework

Traditionally, researchers had to choose between quantitative or qualitative research styles and the general perception was that the two research styles were incompatible. Today, researchers who want to research both breadth and depth of a subject or causality and meaning decide upon a mixed methods approach where both
designs combine to provide a more detailed analysis. To obtain data on the subject of compliance with the Clery Act using a broad and deep spectrum, this researcher chose a mixed methods approach to answer the following research questions: (a) Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act? (b) Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges? and (c) What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?

Qualitative research uses non-numerical data such as interviews, case studies and ethnography to look at the meaning of events or circumstances (Muijs, 2004). Qualitative researchers are considered subjectivists who believe there is no pre-existing reality. For this study, the researcher chose to interview individuals employed in middle and top level leadership positions at California Community Colleges on the subject of compliance with the Clery Act. The research commenced the study with the knowledge that compliance with the Clery Act has been difficult for postsecondary institutions. However, the researcher asked straight-forward questions and allowed participants to speak on the subject of compliance with the Clery Act without any positive or negative input.

Acknowledging that quantitative research is utilized to explain phenomena through the collection of numerical data that are analyzed using mathematically based methods, the researcher was at first unsure whether or not participants would be willing to complete a survey on rather sensitive topic such as compliance with a federal law.
(Aliaga & Gunderson, 2002). Although the focus of quantitative research is on the collection of numerical data, not all data naturally appear in numerical or quantitative form (Muijs, 2004). Such is the case in this study, as the researcher found that through the development of her survey instrument, designed to elicit compliance related responses concerning the Clery Act, she in fact collected unexpected data. This unexpected data could not be converted into numerical values for further analysis. Yet, for this study, the quantitative data collection portion provided both nuanced and concrete data, which may assist future researchers seeking data on the Clery Act.

In Chapter 1, the researcher begins with an examination the development of the Clery Act from enactment through present day. Secondly, the researcher frames the debate regarding the Clery Act between administrators who claim the Clery Act is another unfunded mandate, scholars who question the efficacy of the crime data collected for the Clery Act and crime victim advocates who argue IHEs intentionally hide crimes on campus and continue to fail to fully comply with all Clery mandates.

The Nature of the Debate Concerning the Clery Act

To assist in framing the debate surrounding the Clery Act, the researcher discusses the two perspectives in the debate. One side of the debate is supported by a relatively small group of scholars who have conducted research and published results on the Clery Act. This group has challenged classification of crimes, geographical locations for which statistics must be collected, the efficacy of the statistics collected for inclusion in the Annual Security Report (ASR) and the actual benefits achieved by the legislation (Fisher et al., 2002; Janosik, 2002; Janosik & Gehring, 2001; Janosik & Gregory, 2002,
2003, 2009; Seng & Koehler, 1993). These scholars, in concert with many administrators of postsecondary educational institutions have opined the Clery Act has not made campuses safer and consumes precious financial resources which should be directed to educational programs (Fisher, 2008; Janosik, 2002; Janosik & Gehring, 2001; Janosik & Gregory, 2002, 2003, 2009; Megerson, 1992; Seng & Koehler, 1993). This group describes the results of the Clery Act as more symbolic than substantive and a symbol of bureaucratic red tape (Adolf, 2012; Fisher et al., 2002). For purposes of clarity, this group will be referred to as opponents of the Clery Act.

The other side of the debate is supported by crime victim advocates and members of the public who assert the Clery Act does make campuses safer. This group alleges IHEs have hidden the true status of crimes on campus to protect their reputation and to preserve their ability to compete for the student-client in an increasingly competitive market (Aliabadi, 2007; Colaner, 2006; Kerkhoff, 2008; Olszewska, 2007; Talesh, 2007). This group acknowledges the reporting requirements of the Clery Act were initially complicated due to limited training and guidance originally provided by the U.S. Department of Education but believes newly developed training by Security On Campus, Incorporated and the U.S. Department of Education offers postsecondary institutions fresh opportunity to train employees to comply with the Clery Act (Adolf, 2012; Carter & Bath, 2007; Clery, 2001a, 2001b). For purposes of clarity, this group will be referred to as proponents of the Clery Act.

Each side of the debate has valid points; however, often overlooked and understated is the fact the Clery Act, despite the debate, has successfully provoked
conversations between postsecondary education stakeholders regarding the efficacy of the Clery Act and their ability to comply with it. One intrinsic value of the Clery Act may be the conversations stakeholders continue to have about how they can make campuses safer places for students, faculty and staff. Expanding and perfecting the knowledge concerning the Clery Act, is essential to make our campuses better prepared for ever increasing targeted incidents of crime (Aliabadi, 2007; Colaner, 2006; Gainey, 2009; Kerkhoff, 2008; Lipka, 2011; Olszewska, 2007; Talesh, 2007).

**Initiation to a Terrible Time**

Despite the traditionally idyllic nature of college campuses often displayed in glossy college catalogs, IHEs have fallen victim to criminals and the mentally ill, who seek to wreak maximum damage and gain widespread publicity. An early demonstration of this point occurred August 1, 1966, on the campus of the University of Texas. From an almost unassailable vantage point of the University of Texas Bell Tower, former student and ex-Marine Charles Whitman targeted, shot and killed 14 people and wounded 32 others. Whitman’s acts of rage and madness are often characterized as a notorious initiation into a terrible time where random and planned shootings are staged on college campuses to inflict maximum carnage (Fox & Levin, 1996; Lane & Gregg, 1994; Lavergne, 1997; Macleod, n.d.; Newton, 1988; Steger, 1967). Table 1 provides a summary of the most notable violent crimes occurring on college campuses in the post Charles Whitman era.
Table 1

*High Profile Violent Crimes Occurring On U.S. Colleges Campuses*

<table>
<thead>
<tr>
<th>DATE</th>
<th>LOCATION</th>
<th>VICTIM(S)</th>
<th>PERPETRATOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/1/1966</td>
<td>University of Texas</td>
<td>13 killed 32 wounded</td>
<td>Charles Whitman Student</td>
</tr>
<tr>
<td>5/4/1970</td>
<td>Kent State University</td>
<td>4 killed 9 wounded</td>
<td>National Guard fired on unarmed students</td>
</tr>
<tr>
<td>7/12/1976</td>
<td>Cal State Fullerton University</td>
<td>7 killed 2 wounded</td>
<td>Edward Allaway Custodian</td>
</tr>
<tr>
<td>4/5/1986</td>
<td>Lehigh University</td>
<td>1 killed</td>
<td>Josoph Henry Student</td>
</tr>
<tr>
<td>1/17/2002</td>
<td>Appalachian Law School</td>
<td>3 killed</td>
<td>Peter Odighizuwa</td>
</tr>
<tr>
<td>12/13/2006</td>
<td>Eastern Michigan University</td>
<td>1 killed</td>
<td>Orange Taylor, III Student</td>
</tr>
<tr>
<td>4/16/2007</td>
<td>Virginia Tech</td>
<td>Killed 32 Wounded 25</td>
<td>Seung Hui Cho Student</td>
</tr>
<tr>
<td>2/14/2008</td>
<td>Northern Illinois University</td>
<td>5 killed 21 wounded</td>
<td>Steven Kazmierczak Student</td>
</tr>
<tr>
<td>2/12/2010</td>
<td>Huntsville</td>
<td>3 wounded</td>
<td></td>
</tr>
</tbody>
</table>

**Targeted Acts of Violence**

In 2013, criminal violence has permeated almost every possible area of society. Armed and ruthless, spree killers become suddenly infamous for turning their flash of anger, resentment and failure into a deadly rampage. Elementary schools, college campuses, movie theatres, shopping malls and marathons have become staging grounds where criminals, the mentally ill, the enraged terrorist or the sociopath act out their will with maximum casualties. Violent crime has forced school and college administrators and those in leadership positions to focus their attention on the importance of security and
emergency preparedness. As a result, many have risen to the occasion by diverting or obtaining additional resources to provide security enhancements, such as surveillance and evidence gathering technology, improved access and notification systems, security phones, additional security personnel and emergency preparedness systems (Adolf, 2012).

A lack of resources during California’s economic depression has caused many California community colleges to delay hiring additional campus safety staff and to secure necessary technological improvements for emergency preparedness systems (Adolf, 2012). Some administrators have refused to or neglected to allocate additional resources to campus safety and emergency preparedness. Despite the recent economic woes of postsecondary education, a system has been in place since 1990, which prescribes how postsecondary institutions will collect, classify, publish crime to the public and advise them of an emerging threat on campus. The legal mandates of the Clery Act, enacted in 1990 and by amendment thereafter, demanded IHEs collect, classify and publish crime to the public. The Clery Act also demands IHEs develop polices to provide students and the public with timely warning of imminent threats to safety and for emergencies. Many IHEs have prepared their campuses accordingly and comply with the mandates of the Clery Act. Some IHEs have not. To understand the complexity of the Clery Act, one must understand the background of the legislation and higher education.
Background of the Clery Act

Ironically, on April 5, 1986, approximately 21 years prior to the Virginia Tech shootings committed by Seung Hui Cho, a female student was raped, tortured, and murdered in her dormitory on the campus of Lehigh University in Bethlehem, Pennsylvania. The student was Jeanne Clery, a 19-year-old freshman. Investigation of the crime revealed Joseph Henry, a fellow Lehigh student and part-time maintenance worker at Lehigh, who lived off-campus, had easily entered Jeanne Clery’s residence hall through three main entrance security doors propped open with pizza boxes. Apparently, unidentified residents in Jeanne’s dormitory propped the security doors open to permit entry to non-residents. Henry planned to steal what he could from unsuspecting residents to support his drug and alcohol habits. Interviews with Jeanne’s roommate revealed Jeanne had left her dorm room unlocked that night because her roommate had lost her key (Carter, S., personal communication, 2008; Clery & Clery, 2001a, 2001b).

Jeanne Clery’s parents, Howard and Constance Clery, filed a wrongful death lawsuit against Lehigh University after becoming dissatisfied with the lack of transparency and sincerity of response offered by Lehigh administrators. During the course of the lawsuit, the Clery’s legal counsel uncovered facts and documents detailing Lehigh administrators had prior knowledge of violent crimes which had occurred on their campus, had actually tracked the crime incidents but had never disclosed the information to students, staff or the public. The Clery’s civil lawsuit was settled out of court with Lehigh University for an undisclosed amount (Clery & Clery, 2001a, 2011b).
In the aftermath, the Clery family realized their daughter would have chosen to attend a safer IHE had she known about the undisclosed crime at Lehigh (Clery & Clery, 2001a, 2011b). In a case of American advocacy, in 1988, the Clery’s founded in Jeanne’s memory, Security On Campus, Inc., the first national, not-for-profit organization dedicated to the prevention of criminal violence at colleges. The purpose of Security On Campus, Inc. was simple: to provide crime data allowing students, parents and employees to make informed decisions about their college choice (Security On Campus, Inc., 1990, 2000, 2008).


After success at the state level, the Clerys decided all IHEs should be transparent and accountable about crime on their campus. The Clerys joined with parents of other campus crime victims and lobbied for enactment of a federal campus crime reporting law. With the counsel and support of Representative Goodling and Senators Arlen Specter and Albert Gore of the 101st Congress, the “Clery Bill” (H.R. 3344, S.1925, S. 1930) was introduced on September 6, 1989. The Clery Bill was signed into law November 8, 1990, by President George H.W. Bush as Title 2 of the Student Right-to-Know and Campus Security Act of 1990. The original Clery Act required IHEs participating in Title IV, federal financial aid programs only to annually report and publish three years of campus

**Amendments to the Crime Awareness and Campus Security Act**

The first amendment to the Clery Act occurred April 9, 1991 (Public Law 101-542) and changed two provisions: (a) the initial collection of statistics was changed from September 1 to August 1, 1991; and (b) the crime statistics reporting period was changed from school year to calendar year (Security On Campus, Inc., 2008).

The second amendment to the Clery Act occurred July 23, 1992, (Section 486(c) of Public Law 102-325) and broadened sexual assault reporting and added the requirement that institutions have sexual assault policy statements (Security On Campus, Inc., 2008).

The third amendment to the Clery Act occurred October 7, 1998, (Section 486(e) of Public Law 105-244) and: (a) expanded the crime categories that must be reported, (b) added the mandate requiring reporting by geographical location, (c) expanded the definition of “campus,” (d) expanded reporting requirements for hate crimes, (e) added the mandate of a public crime log, (f) imposed a fine of $25,000 per violation, and (g) renamed the Act after Jeanne Clery (Security On Campus, Inc., 2008).
The Clery Act was amended for the fourth time October 28, 2000 (Section 486(e) of Public Law 105-244) and added the mandate the campus community be provided notice of where public sex offender registration on campus can be located (Security On Campus, Inc., 2008).

On August 14, 2008, the Clery Act was significantly amended in conjunction with reauthorization opportunity Act and in response to the tragedy at Virginia Tech and the handling of the murder of Laura Dickinson by Eastern Michigan University (Walters, 2010). The new mandates are as follows:

1. Campus Emergency Response & Immediate Warning:

   The Higher Education Opportunity Act (HEOA) adds a statement of “emergency response and evacuation procedures” to the Clery Act Annual Security Report (ASR) produced by institutions of postsecondary education. The policy disclosure “shall include” a statement that the institution will “immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff” on campus (as defined in the Act). Warnings may only be withheld if they would compromise efforts to contain the emergency. Accompanying “report” language calls for warnings to be issued “without any delay” following confirmation of an emergency;

2. Hate Crime Reporting:

   HEOA expands hate crime statistics reported under the Clery Act to include larceny-theft, simple assault, intimidation, and vandalism;

3. Law Enforcement Authority & Agreements For Investigating Crimes

   HEOA expands the existing statement of policy on the law enforcement authority of campus security personnel to also include a disclosure about whether or not institutions have agreements, such as a written memorandum of understanding (MOU) with state and local police, for the investigation of alleged crimes;

4. Whistleblower Protection & Anti-Retaliation:
HEOA establishes safeguards for “whistleblowers” by prohibiting any retaliatory action against any individual “with respect to the implementation of any provision” of the Clery Act;

5. US Department of Education Reporting:

HEOA requires the U.S. Department of Education (DOE) to report to Congress annually on Clery Act compliance and their work to implement the law. It also authorizes, but does not require, DOE to consult with the US Department of Justice (DOJ) about the development & dissemination of “best practices” on campus safety and emergencies;

6. Technical Amendments:

HEOA exempts foreign institutions located abroad from Clery Act reporting obligations and would change references to named Congressional committees to “authorizing” committees.

In an unprecedented response to continuing compliance violations by IHEs, on October 1, 2012, U.S. Secretary of Education, Arne Duncan increased the maximum fine which can be assessed for a Clery Act violation from $27,500 to $35,000 by using the authority of the Federal Civil Penalties Inflation Adjustment Act of 1990 (Cornelison, 2012). Secretary Duncan’s action carries added significance for future penalties assessed against non-complying IHEs based upon his reasoning for increasing the penalty. The case prompting the secretary’s action arose when an Administrative Law Judge (ALJ) reduced a Clery Act fine issued to University of Texas from $137,500 to $27,500 by reclassifying the university’s numerous crime reporting failures as the filing of a single erroneous report. Secretary Duncan resolved the issue by stating:

Given the statutory mandate authorizing a civil penalty for each violation or misrepresentation of any provision of the Clery Act, it follows that evidence showing that the university failed to include specific criminal offenses in its crime report should result in the imposition of a fine calculated on the basis of each missing criminal offense. (Cornelison, 2012, p. 1)
Secretary Duncan’s action means future civil penalties arising from investigations for non-compliance will be calculated for each violation rather than groupings of violations. In 2011, the U.S. Department of education increased random audits to ensure institutions are complying with the Clery Act (Cornelison, 2012).

The numerous amendments made to the Clery Act appear to have resulted from two factors: (a) criminal events, which cannot always be controlled or predicted (Davies, 2008; Fisher, 2008; Fisher & Sloan, 2003; Fisher et al., 2006; Kenney, 2007; King, 2009) and (b) the continued failure to comply with Clery Act mandates by IHEs (Bennet & Wiengand, 1994; California State Auditor, 2003, 2007, 2010, 2012; DOE, 2011; Gainey, 2009; Lipka, 2011; Rada, 1998; Walters, 2010). The amendments to the Clery Act have occurred in response to violence on campuses and to provide greater clarity for compliance purposes. Taking the aforementioned statement in its plain meaning, further inquiry is prompted as to why compliance so difficult? Accordingly, what follows is a discussion of the requirements of the Clery Act.

Requirements of the Clery Act

Although significantly condensed for discussion in Chapter 1, the compliance requirements of the Clery Act consist of three primary categories:

1. Policy disclosure;

2. Records collection and retention; and

3. Information dissemination.

The policy disclosure mandate requires institutions of higher education (IHEs) receiving federal financial aid to create and publish 12 policy and information disclosure
statements which must be contained in a single document entitled the Annual Security Report (ASR) (Westat et al., 2005). The 12 policy disclosure statements, which must be identified are:

1. The reporting of crimes and other emergencies occurring on campus, including ‘timely warnings;’
2. The security of and access to campus facilities;
3. Campus law enforcement;
4. The Annual Disclosure of Campus Crime Statistics;
5. Identify individuals to receive crime reports on campus;
6. Identify programs to inform students about campus safety procedures;
7. Identify policies for crime prevention;
8. Identify policies for monitoring and recording criminal activity through local police agencies;
9. Identify policies regarding alcohol and illegal drugs on campus;
10. Identify drug and alcohol abuse education programs;
11. Identify policies regarding prevention of and procedures to follow in the event of a sexual assault
12. Identify where the campus community can obtain information on sexual offenders (Westat et al., 2005).

The second mandate of the Clery Act, “records collection and retention,” requires IHEs collect, classify and report crimes reported to campus police or campus security authorities. This mandate does not require each crime be investigated nor adjudicated,
only that it be ‘reported.’ Under this second mandate, IHEs must also make a ‘good faith
effort’ to collect crime statistics from local law enforcement agencies for inclusion in
their statistical report. If the IHE maintains a campus police force or security department,
they are required to have a Daily Crime Log and make it accessible to the campus
community during normal business hours (Westat et al., 2005).

The third mandate of the Clery Act, “information dissemination” requires IHEs to
annually publish campus crime statistics, in one document entitled the Annual Security
Report (ASR) and include three prior years of campus crime statistics. The ASR must be
disseminated to all current students and employees and prospective students and
employees. The identical data contained in the Annual Security Report must be entered
on the Department of Postsecondary Education’s survey website prior to October 1 of
each year (Westat et al., 2005). The Department of Education is charged under the Clery
Act with monitoring compliance with the Act and for enforcement. Penalties are
currently $35,000 per violation (Cornelison, 2012; DOE, 2012).

The Clery Act Debate – Lack of Guidelines, an Unfunded Mandate and its Efficacy

The Clery Act began as a mandate to collect campus crime statistics to inform
students making a college choice decision. The Act has morphed into a far more
complicated mandate. Today, the Clery Act provides emergency notification, policy
disclosures, a crime log, a fire log, expanded reporting locations, crime categories and
increased penalties per violation (Cornelison, 2012; UDOE, 2012). Despite the
importance of the Clery Act, the federal government has failed from the time of its
enactment in 1990, to provide funding to assist IHEs in developing compliance protocol,
or with training of employees. The Department of Education did not provide IHEs with written guidelines concerning compliance until 2005, when they published the first handbook for compliance with the Clery Act (Westat et al., 2005). As a result, IHEs were left to educate themselves in compliance protocol and self-police their efforts. The cumulative effect of the U.S. Department of Education’s failure to provide funding, written guidelines for compliance with the Clery Act resulted in inconsistent compliance (Westat et al., 2005).

As the United States Department of Education began auditing and enforcing compliance with the Clery Act in 2006, it was assailed with complaints the Clery Act was just one more piece of unfunded legislation and the collection and reporting of campus crime statistics lacked efficacy (Janosik, 2001; Megerson, 1992; Seng & Koehler, 1993). As the debate gathered momentum a small number of scholars in higher education began to study various aspects of the Act (Janosik, 2001; Janosik & Gregory, 2002, 2003, 2009). At the time the studies were conducted, Janosik, Gregory and Gehring were the only researchers actively studying and publishing on the Clery Act. The findings of some of the studies initially appeared to confirm the validity of the complaints; however, examination of the methodologies used and sample population indicates the conclusions of the studies, in many cases, cannot be generalized to a larger population. It is important to note that Steven Janosik, a leading scholar on issues relating to efficacy of the Clery Act is employed at Virginia Polytechnic and has limited his scholarly research on the Clery Act after the 2007 shootings on his campus for reasons unknown to this researcher.
The conventional image of university and college life has historically portrayed the college campus as a serene and peaceful arena where academic discovery and intellectual growth occurs (Adolf, 2012; Bickel & Lake, 1999; Olszewska, 2007; Smith & Fossey, 1995). As the number of crimes on campus increase (Adolf, 2012; Federal Bureau of Investigation, 2006), and college enrollments grow, IHEs are challenged to act to protect students, staff and others on campus (Olszewska, 2007).

Summary of Theoretical Framework

To guide research focused on understanding and analyzing the unique complexities of IHEs it is beneficial to utilize at least one of the relevant social science paradigms known as: positivist, social constructionist and postmodernism (Bess & Dee, 2008). Paradigms, by definition are the words and concepts used to describe how a subject is approached scientifically and represent the sum total of the assumptions, practices and agreements which guide a scholarly community (Lewis & Grimes, 1999). Paradigms reflect ways of looking at and interpreting the world and are often intentionally selected to aid in institutional analysis and decision making by administrators because of what the paradigm represents (Burrell as cited in Bess & Dee, 2008). The choice of paradigm often guides many facets of an organizational operation including leadership choices and staff and faculty selection.

The first scholar to conceptualize the notion of a paradigm was Thomas Kuhn (1962, 1970), as he challenged prevailing scientific practices by arguing that instead of building upon prior research findings, scientific fields experience long periods of stability and confidence until they are disrupted by a sudden change or shift in basic assumptions.
held by members of the field (Bess & Dee, 2008). A paradigm change or shift in thinking about something comes after a period of crisis, followed by a lack of confidence in the matter, before a new way of thinking about things is ushered in and takes the place of the old way of thinking (Bess & Dee, 2008). Kuhn’s ideas about paradigm shift are relevant to this study because this researcher believes, based upon a review of existing scholarly literature on the subject of the Clery Act, that the quality and flexibility of the paradigm used by leaders of IHEs during decision making is important in determining whether or not their institution takes proactive steps to ensure their IHE is fully compliant with the mandates of the Clery Act.

Traditional views have held that the positivist, social construction and postmodern paradigms were mutually exclusive tools when engaging in organizational inquiry. Today, many scholars believe in, or at least advocate for the use of multiple paradigms as it provides deeper understanding of organizational issues as a result of different perspectives offered (Kezar, Carducci, & Contreras-McGavin, 2006; Martin, 1992). It is this researcher’s opinion the subject of this study warrants the use of more than one paradigm to understand and analyze the problem of inconsistent institutional compliance with the Clery Act. Accordingly, after defining the positivist, social construction and postmodern paradigms, this researcher will briefly discuss the reasoning for the multiple paradigm approach. Further analysis utilizing the multiple paradigm approach will be included in Chapters 4 and 5.
Overview of the Three Paradigms

Positivism

The positivist paradigm is traced back to French philosopher August Comte (1798-1857) who claimed that knowledge about events and phenomena can be verified through valid observation (Stanford Encyclopedia of Philosophy, online). Accordingly, positivists believe in one reality which exists independently of any one observer’s perspective and that once identified, the reality can be disaggregated for the purpose of understanding and analyzing the individual parts and how they relate to one another (Bess & Dee, 2008). Many researchers have used the positivist paradigm to study college and university issues and to make recommendations for improvement (Baldridge, 1971; Bess, 1988; Bess & Dee, 2008; Keller, 1983). For this study, the positivist paradigm offers this researcher the opportunity to observe organizational phenomena, elicit personal perceptions to uncover relationships between internal and external constituencies, which either impede or enhance compliance with the mandates of the Clery Act at community colleges in California. The data derived from the study were disaggregated and analyzed to determine how the individual parts relate to one another.

Two theories are closely associated with the positivist perspective: (a) Systems theory and (b) Contingency theory. Systems theory posits that external environments determine the types of internal structures organizations develop and that in turn shapes both individual and group behaviors (Bess & Dee, 2008; Blau, 1973; Parson, 1951). The focus of systems theory is the relationship between the system and its environment. The purpose of systems theory is to explain biological, social and cognitive phenomena (Bess
& Dee, 2008). It is generally accepted in the social science community, as it will be also in this study, that a system is considered an organization. It is the system (organization) that imports some type of energy (an input), which then turns into a product (an output), and finally exports the output to the environment (Adams, 1980). Systems theory will be utilized to analyze the Eastern Michigan University, Virginia Tech and Pennsylvania State University scandals concerning the Clery Act.

Contingency theory is designed to take into account all factors affecting the relationship between two or more components or aspects of an organization before a single solution can be found to an organizational problem. Contingencies often represent the hidden or subtle conditions, circumstances or personalities in an organization, that are sometimes ignored, even while they significantly impact an organization’s ability to determine the origination of cause and effect when attempting to resolve problems (Bess & Dee, 2008). Contingency theory will also be utilized to analyze the Eastern Michigan University, Virginia Tech and Pennsylvania State University scandals concerning the Clery Act.

The benefits of systems and contingency theory arrive in their ability to remove guesswork in a problematic situation while offering organizational understanding, prediction and intervention in organizational affairs for administrators and others (Bess & Dee, 2008). Systems and contingency theory represent two theories, which will be utilized in assessing the problem of postsecondary institutional compliance with the mandates of the Clery Act. The origins of systems and contingency theory and their direct application for this study will be discussed in greater detail in Chapter 2.
Social Constructionism

The social constructionism paradigm holds knowledge production occurs by an interactive, bilateral process involving communication, reflection and the reframing of the experience by the parties involved in the process (Bess & Dee, 2008). The basic unit of an organization, according to a social constructionist, is communication. According to Bolman and Deal (1997) organizations are filled with people who have different interpretations of what is happening, at any particular time, and what should be happening. No one version of reality exists to be discovered to the exclusion of all others; instead interpersonal reality is constructed individually and in conjunction with others. As a result, social constructionist researchers try to ascertain the meaning of patterns, which may be disconnected, connected or outliers (Bess & Dee, 2008).

Although social constructivists believe all members of an organization play a role in the construction of a reality, some members exhibit greater influence or power. Leaders in an organization have the ability to construct or mold organizations in an empowering manner or in ways that control, manipulate and abuse (Bess & Dee, 2008). The manner in which organizational leadership shapes and leads an organization is highly relevant to the subject of this study and will be discussed in greater detail in Chapter 2.

Postmodernism

The postmodern paradigm is decidedly different from the positivist and social constructivist paradigm as it holds true that a certain amount of uncertainty, chaos and conflict are inevitable in organizations. Postmodernists believe the future cannot be predicted based upon observations of the past because the future will be radically
different from past experience (Bess & Dee, 2008). Postmodernists are skeptical of unexamined claims and demand to know implications and consequences of claims made (Bloland, 2005). Postmodernists believe that healthy tensions within an organization should be preserved because individual and group differences can strengthen an organization and make it more creative, energetic and innovative (Bess & Dee, 2008). Leadership subscribing to postmodernism believes we are now living in a postmodern environment characterized by rapid and large-scale social, cultural, economic and political change (Gergen, 1992; Hirchhorn, 1997). Postmodernism, while suggesting leaders learn to lead within the context of the rapidly changing higher education environment, maintain that it will become the most challenging aspect of leadership because control-oriented management has become outdated (Bess & Dee, 2008). The relevance of the postmodernist paradigm to this study will be demonstrated as this researcher strives to reframe the purpose of the Clery Act mandates in a risk assessment, risk management and emergency preparedness frame as a medium through which to increase consistent compliance and institutional preparedness. This paradigm may ultimately prove to be the most important as postsecondary institutions come to accept, or are forced to accept that former ways of thinking and doing things no longer work.

**The Multiple Paradigm Approach for This Study**

For the purposes of this study, the researcher has chosen to utilize all three paradigms, in a complementary manner, to identify transition zones, which can and may serve as bridges between the three perspectives (Bess & Dee, 2008). Components of the positivist, social construction and postmodern paradigms, will be used to conduct
organizational and situational analysis. The purpose for taking this course of action arises from the multiple insights the three paradigms offer to assist in explaining the rapidly changing context of higher education (Bess & Dee, 2008; Lewis & Grimes, 1999; Poropat, 2002).

In particular, the positivist paradigm offers an identifiable reality, which can be disaggregated to its parts, for the purpose of understanding and analysis of compliance with the Clery Act (Bess & Dee, 2008). For this study, the identifiable realities are: (a) Compliance with the Clery Act is not uniform amongst California community colleges; (b) The level of compliance with the Clery Act at a particular institution is dependent upon the type and amount of resources devoted to the process; and (c) Leadership styles and practices influence the ability of an institution to comply with the Clery Act.

In comparable style, the social construction paradigm offers the interactive process of knowledge attainment through constant communication between the individual and the group as they work to construct a workable set of beliefs which forms the basis of future action. Successful leadership styles and practices are sought in this study to determine what is effective, what needs to be reassessed and what needs to be changed as leaders interact with individuals and groups in the postsecondary environment. The adaptive and constructive nature of leadership should facilitate the transfer of knowledge from existing employees to newcomers who expand and update the knowledge base (Bess & Dee, 2008). Working together, leadership and individuals construct the future of the organization.
The postmodernist paradigm is uniquely beneficial to this study in that this perspective accepts the proposition the future cannot be predicted based upon past observations because it will be vastly different from previous experience (Bess & Dee, 2008). As demonstrated by the increasing numbers of targeted incidents of violence occurring on college campuses discussed earlier, the future of campus safety is almost guaranteed to be different from what is has been. Postsecondary institutions must develop and implement a new approach to dealing with campus crime and emergency preparedness.

Two more advantageous perspectives for this study involve the postmodernists’ healthy skepticism of unexamined claims and their mission to surface the consequences of such claims (Bess & Dee, 2008). It is the purpose of this study coax variables and factors causing or contributing to a lack of uniform compliance with the Clery Act to rise to the surface so they may be identified and analyzed. Figure 1 is a graphic representation of the relevant portions of the multiple paradigms for this study.
In addition to using the positivist, social construction, and postmodern paradigms to determine how the individual “units” or colleges in the California Community College system relate to one another as a system, the researcher will utilize portions of the four frames proposed by Bolman and Deal (2003) to analyze the frame through which participants have viewed compliance with the Clery Act. Relevant leadership theories that emerged during data collection and used as part of this researcher’s analysis are reviewed in Chapter 2, as well as the historical development and present importance of the community college system.

**Definition of Terms**

To assist in providing greater understanding of some of the important terms contained within this dissertation, the following terms are defined:
Annual Security Report (ASR)

The annual report with statements of campus security policy and crime statistics provided to current and prospective students and employees under the Clery Act by October 1 of each year. The ASR contains three preceding years of campus crime statistics (Westat et al., 2005).

Campus Security Authority (CSA)

Section 668.46 of the Clery Act; defines a campus security authority as any one of the following:

1. Campus police department or security department of the institution;

2. Any individuals who have responsibility for campus security, but who do not constitute a campus police department or security department, such as persons responsible for monitoring the entrances to the campus property;

3. Any person or organization specified by the institution’s security policy as an individual or organization to which students and employees should report criminal activities;

4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. Exceptions to this definition include pastoral or professional counselors working in their official capacity (Colaner, 2006).
**Chi-Square**

This statistic compares the tallies or counts of categorical responses between two (or more) independent groups. Chi-square tests can only be used on actual numbers and not on percentages, proportions or means.

**Clery Act**

For the purposes of this study, the Clery Act will reference the Campus Safety Act and the successive amendments made to the initial Act in 1990.

**Community College/Two Year Institution**

The California Community Colleges is the largest system of higher education in the nation, with 2.6 million students attending 112 colleges. With a wide range of educational offerings, the colleges provide workforce training, basic courses in English and math, certificate and degree programs and preparation for transfer to four-year institutions.

**Cronbach’s Alpha Model**

One of the most popular reliability statistics in use today, it determines the internal consistency or average correlation of items in a survey instrument to gauge its reliability.

**Family Educational Rights and Privacy Act (FERPA)**

A federal law enacted in 1974, and also known as the Buckley Amendment, which protects the privacy of student educational records. Under Buckley ‘educational records,’ are defined as: those records, files, documents, and other materials which contain information directly related to a student (as cited in Rada,
The law applies to all schools that receive funds under an applicable program of the US Department of Education.

**Four-year Institution**

A postsecondary institution that offers programs of at least four years duration or one that offers programs at or above the baccalaureate level. It includes schools that offer post baccalaureate certificates only or those that offer graduate programs only. It also includes free-standing medical, law or other first-professional schools.

**Geographic Locations for Reporting Under Clery Act On Campus**

Owned or controlled by the institution, within the same reasonably contiguous geographic area or used to meet or support the institution’s educational purposes. Examples are: Residence halls, administrative buildings, buildings that house classrooms or laboratories, fraternity and/or sorority houses. Greek housing is considered on-campus only if the land or building is owned or controlled by the institution (Westat et al., 2005).

**Hierarchy Rule**

A principle used by the FBI’s Uniform Crime Reporting program and adopted by the Clery Act which specifies that only the most serious crime in a multiple crime situation is reported (Westat et al., 2005).

**IHE Campus/Facility**

IHE grounds (e.g., areas between buildings, landscaped areas), parking lots, buildings (e.g., classroom buildings, dining halls, student unions, research centers,
dormitories, fraternity/sorority houses, other university-sponsored student housing), and built venues (e.g., stadiums) that are owned, leased, operated, or reserved by the IHE for permanent or temporary use.

**IHE Employee**

Member of an IHE’s faculty, staff (e.g., mental health counselors, building maintenance personnel, campus law enforcement, financial aid counselors, medical personnel), or administration (e.g., dean, president, provost, vice president), an IHE contractor, or an individual employed by an IHE contractor.

**IHE Event**

IHE sporting, ceremonial (e.g., graduation, award dinners), entertainment, and educational activities (e.g., student government meetings) sponsored or sanctioned by the IHE or an association affiliated with the IHE.

**IHE Student**

Individual enrolled in a college or university (e.g., undergraduate, graduate, full- and part-time). The student may still be enrolled at the IHE even though he or she is not registered for classes at the time of the incident.

**Non-Campus**

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. Examples
include research facilities, university-owned hospitals, off-campus student
housing facility owned by a third party that has a written contract with the
institution to provide student housing, student residential facility owned or
controlled by the institution, a publicly owned athletic stadium that is leased by
the institution for its football games.

*Off-Campus*

All other buildings or facilities that may be used by IHE students or IHE
employees for housing and/or recreation but are not officially associated with an
IHE. Examples include privately leased apartments, privately owned residences,
social clubs, or restaurants.

*On-Campus*

Any building or property owned or controlled by an institution within the same
reasonably contiguous geographic area and used by the institution in direct
support of, or in a manner related to, the institution's educational purposes,
including residence halls. Sorority or fraternity houses that are located within the
same reasonably contiguous geographic area of the institution are included as on-
campus, even if they are not controlled or owned by the IHE.

*OPE ID*

Identification number used by the US Department of Education's Office of
Postsecondary Education (OPE) to identify schools that have Program
Participation Agreements (PPA) so that its students are eligible to participate in
Federal Student Financial Assistance programs under Title IV regulations. This is
a six-digit number followed by a two-digit suffix used to identify branches,
additional locations, and other entities that are part of the eligible institution
(Westat et al., 2005).

Postsecondary Educational Institution
An institution has as its sole purpose, or one of its primary missions, the provision
of postsecondary education. Postsecondary education is the provision of a formal
instructional program whose curriculum is designed primarily for students beyond
the compulsory age for high school. This includes programs whose purpose is
academic, vocational and continuing professional education, and excludes
vocational and adult basic education programs (Westat et al., 2005).

Public Institution
An educational institution whose programs and activities is operated by publicly
elected or appointed school officials and is supported primarily by public funds
(Westat et al., 2005).

Public Law 101-542/ Student Right-to-Know and Campus Security Act
Requires institutions participating in the student financial aid programs under
Title IV of the Higher Education Act of 1965 to disclose information about
campus safety policies and procedures and to provide statistics concerning
whether certain crimes took place on campus. In addition, the Act requires the
Secretary of Education to make a one-time report to Congress on campus crime
statistics.
Public Law 105-244/ Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

The 1998 amendment that formally named the law after Jeanne Clery. Under this amendment to the legislation five categories were added to further explain how crime statistics should be reported. These additions include an obligation to report crime statistics for public property in and immediately adjacent to the college campus, a geographic breakdown of statistics, distributing a copy of the annual security report to all current students and employees either in writing or by publicizing its availability online, and a daily public crime log for schools with a police or security department. In addition, colleges and universities must make timely warnings, oftentimes through campus e-mail, to the campus community about crimes that pose an ongoing threat to the safety of students and employees in their Annual Campus Security Report.

Public Property

This geographic location includes thoroughfares, streets and sidewalks, public parking facilities on campus, immediately adjacent to and accessible from the campus. They include the sidewalk across the street from the campus and or a park that is adjacent to or accessible from the campus (Westat et al., 2005).

Referral for Disciplinary Action

The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction (Westat et al., 2005).
Security On Campus, Inc. (SOC)

A non-profit (501(c)(3)) organization established by Howard and Constance Clery, following the murder of their daughter Jeanne, and whose mission is to prevent violence, substance abuse and other crimes on college and university campus communities across the United States, and to compassionately assist the victims of these crimes.

Separate Campuses

Additional locations or branches of an institution that are not reasonably contiguous with the main campus are considered independent, and must perform their own reporting, if (a) they are permanent; (b) offer programs leading to a degree; and (c), have their own faculty, administrative body and budgetary and hiring authority (Westat et al., 2005).

Timely Warning

Neither the language of the Clery Act nor the Department of Education defines “timely.” The warning should be issued as soon as the pertinent information is available because the intent of a timely warning is to alert the campus community of a potential threat. The responsibility for the warning rests solely with the institution.

Title IV Institution

An institution that has a written agreement with the Secretary of Education that allows the institution to participate in any of the Title IV federal student financial
assistance programs (other than the State Student Incentive Grant (SSIG) and the National Early Intervention Scholarship and Partnership (NEISP) programs).

**Tort Liability**

A civil wrong, other than breach of contract, for which a court will provide a remedy in the form of damages. Tort actions are brought to compensate individuals for harm to them caused by unreasonable conduct of others (Alexander & Solomon, 1972).

**Uniform Crime Reporting (UCR)**

A Program conceived in 1929 by the International Association of Chiefs of Police to meet a need for reliable, uniform crime statistics for the nation. In 1930, the FBI was tasked with collecting, publishing, and archiving those statistics. Today, several annual statistical publications, such as the comprehensive Crime in the United States, are produced from data provided by nearly 17,000 law enforcement agencies across the United States.

**United States Department of Education (DOE)**

The department that is responsible for implementing and enforcing the federal Clery Act. The United States Department of Education Cutting Tool Website is located at [http://ope.ed.gov/security/](http://ope.ed.gov/security/) can be used to access the Annual Security Reports for any institution of higher education.

**Conclusion and Summary**

Improving campus safety in the challenging economic environment which exists today is a daunting task. It has become commonplace for IHEs to be asked to do more
with less funding. As the number of crimes on campus increase, IHEs are challenged to address campus safety (Olszewska, 2007). College student victimization and targeted attacks of campus violence are well documented in the literate and the news media (Fox & Hellman, 1985; Goldstein & Conoley, 1997; McPeters, 1978; Olszewska, 2007; Schuh, 1998; Sloan, 1994). According to Olszewska (2007) the Federal Bureau of Investigation (2006) continues to report increases in serious crimes on college campuses. While IHEs are asked to comply with numerous federal and state mandates designed to make them transparent, accountable and productive, they are challenged when complying with the mandates of the Clery Act. Even though complying with the Clery Act does not require an exorbitant amount of resources, it remains an area of concern for all stakeholders.

The lack of a uniform system and protocols designed to facilitate compliance presently exists and inhibits streamlined and effortless compliance. IHEs have two choices: (a) Maintain the current system of compliance and hope that you won’t be audited or experience a tragic event on your campus; or (b) Make the best effort possible to comply with the mandates of the Clery Act and provide safety, emergency preparedness and transparency of your campus community. The potentially negative alternatives should deter leaders from failing to take steps to improve compliance protocol.

Three tragic events occurring at IHEs within the last decade will be used as examples to highlight significant consequences which have and which may flow from the failure to comply with the Clery Act mandates. When tragedies occur, there is a need to understand why the incident happened and what could have been done to prevent it
(Olszewska, 2007). The examples assist in demonstrating the importance of this study as it seeks to ascertain the status of compliance with the Clery Act at community colleges through the collection of compliance related and quantifiable data. This study seeks to delve deeper into personal perceptions of leaders of community colleges through collection of qualitative data. The three examples are introduced briefly in Chapter 1 and are analyzed and discussed in greater detail in Chapter 2. A fourth example of effective compliance with the Clery Act is offered as a potential model for other IHEs.

**Example One - The Virginia Tech Massacre**

In this single event, one mentally ill student was able to thrust the debate over the efficacy of the Clery Act mandates to the forefront of pressing concerns for every postsecondary educational institution in the United States. On April 16, 2007, on the campus of Virginia Polytechnic, Seung Hui Cho, a 23-year-old student shot and killed 32 individuals before committing suicide (Davies, 2008; Kennedy, 2008; Thrower et al., 2008).

**Example Two - Eastern Michigan University – The Murder of Laura Dickinson**

On December 15, 2006, the body of EMU student Laura Dickinson was discovered in her residence hall. The following day, EMU administrators issued a statement and sent emails stating student Laura Dickinson had died of natural causes and ‘no foul play’ had been discovered. EMU’s statement concerning Dickinson’s death contained patently false and misleading information directed to its own campus community and beyond (Goldman, 2007; Schorn, 2007).
Example Three – The Sandusky Scandal at Pennsylvania State University

Although the third example does not involve a shooting rampage, it demonstrates the worst broad based administrative failure and criminal and immoral conduct ever to have occurred in higher education. The Pennsylvania State University scandal arose from the sexual assault crimes of Gerald Sandusky and the cover up of those crimes by administrators at Pennsylvania State University (Freeh, 2012).

A Positive Example - Northern Illinois University

While many IHEs were still learning the lessons urged by investigative reports prepared following the shootings by Seung Hui Cho at Virginia Tech and acting to improve their compliance with the Clery Act, the second example occurred without warning and within a relatively short time frame. On February 14, 2008, at 3:05 p.m. Steven Kazmierczak, a 27-year-old graduate student in the school of social work at Northern Illinois University shot and killed five students/individuals and injured 18 more in Cole Hall, a lecture style hall which normally accommodated 150 to 200 students. The outcome of this event was different because of the lesson learned and changes made by Northern Illinois University (NIU) administrators in the aftermath of the Virginia Tech shootings (Northern Illinois University, 2012).

Context of the Study

The Virginia Tech shootings acted as a wakeup call for postsecondary education, parents, students, law enforcement, first responders, governmental entities, legislators and others. On June 13, 2007, in response to the Virginia Tech shootings, U. S. Department of Education secretaries Michael Leavitt and Margaret Spellings and Attorney General
Alberto Gonzales submitted a report to the President George Bush concerning the investigations conducted following the incident. The report included a recommendation that the U.S. Secret Service, the U.S. Department of Education (DOE), and the Federal Bureau of Investigation (FBI) explore violent incidents occurring at institutions of higher education (IHEs) to better understand the nature of this violence and identify ways of preventing future attacks at our nation’s colleges and universities (Drysdale, Modzeleski, & Simons, 2010).

The combined efforts of the Secret Service’s National Threat Assessment Center, the Department of Education’s Office of Safe and Drug-Free Schools, and the FBI’s Behavioral Analysis Unit were brought together into one project to study targeted violence on college campuses. In a report entitled Campus Attacks: Targeted Violence Affecting Institutions of Higher Education (2010), the findings of this collaborative project catalogs 272 incidents of violence that affected IHEs in the United States from 1900 through 2008. The incidents were reviewed and analyzed as to where, when, and how the incidents occurred, who were the offenders, what was their relationship to the IHEs and what factors motivated or triggered the attacks (Drysdale et al., 2010).

The Campus Attacks report is clearly relevant to postsecondary education because of the sizeable number of postsecondary institutions serving large numbers of students in the United States. As of 2007, there were 6,563 postsecondary Title IV Institutions in the United States (Education Digest, 2008). Of these institutions, 4,314 were degree granting and 2,222 were non-degree-granting. Of the 4,314 degree-granting institutions, 2,629 (approximately 60%) were four-year colleges or universities, and 1,685 (approximately
40%) were two-year colleges. Student enrollment in these institutions in the fall of 2006 measured 17.8 million (11.2 million in four-year institutions and 6.5 million in two-year institutions) (Drysdale et al., 2010). Student enrollment in 2006, by age as reflected in the Campus Attacks report indicates the 18-19 year old age group represents the largest student population at 3,769,000. Table 2 reflects the largest student population by age.

Table 2

Student Enrollment by Age Group, Fall 2006

<table>
<thead>
<tr>
<th>Age</th>
<th>Enrollment</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>14-17</td>
<td>231,000</td>
<td>1.3</td>
</tr>
<tr>
<td>18-19</td>
<td>3,769,000</td>
<td>21.2</td>
</tr>
<tr>
<td>20-21</td>
<td>3,648,000</td>
<td>20.5</td>
</tr>
<tr>
<td>22-24</td>
<td>3,193,000</td>
<td>18</td>
</tr>
<tr>
<td>25-29</td>
<td>2,401,000</td>
<td>13.5</td>
</tr>
<tr>
<td>30-34</td>
<td>1,409,000</td>
<td>7.9</td>
</tr>
<tr>
<td>Over 35</td>
<td>3,107,000</td>
<td>17.5</td>
</tr>
<tr>
<td>Total</td>
<td>17,758,000</td>
<td>100</td>
</tr>
</tbody>
</table>

According to Drysdale et al. (2010) 235,599 crimes were reported by postsecondary institutions to the Department of Education pursuant to the mandates of the Clery Act from 2005 through 2008. During this period 74.6% of the crimes committed on campus were burglaries and motor vehicle thefts, 9.2% of crimes were aggravated assaults, 8.4% were robberies, 5.9% were forcible sex offenses, 1.7% were arsons, and 0.1% were non-forcible sex offenses. The remaining 0.1% of reported crimes were murders and non-negligent manslaughter (0.07%, n = 174) and negligent manslaughter (0.02%, n = 46). Of the 174 murders and non-negligent manslaughters, 80
occurred on campus (13 of which took place in residence halls), 82 occurred on public property immediately adjacent to campuses, and 12 occurred at non-campus facilities (Drysdale et al., 2010). Accordingly, the results of this data reveals a majority of the crimes occurring on college campuses for the period 2005 through 2008 are non-violent and property related crimes. The data also reflects a majority of the murders perpetrated on campus occur in residence halls. Table 3 is a representation of this data.

Table 3

*Crime Statistics Reported in Compliance with the Clery Act by Type of Crime and Year: 2005-08*

<table>
<thead>
<tr>
<th></th>
<th>Murder / Non-Negligent Manslaughter</th>
<th>Negligent Manslaughter</th>
<th>Forcible Sex Offense</th>
<th>Non-Forcible Sex Offense</th>
<th>Robbery</th>
<th>Aggravated Assault</th>
<th>Burglary</th>
<th>Motor Vehicle Theft</th>
<th>Arson</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>28</td>
<td>33</td>
<td>3,583</td>
<td>55</td>
<td>5,432</td>
<td>5,943</td>
<td>37,800</td>
<td>11,890</td>
<td>1,219</td>
</tr>
<tr>
<td>2006</td>
<td>25</td>
<td>0</td>
<td>3,490</td>
<td>56</td>
<td>4,921</td>
<td>5,472</td>
<td>35,124</td>
<td>9,811</td>
<td>1,086</td>
</tr>
<tr>
<td>2007</td>
<td>66</td>
<td>8</td>
<td>3,482</td>
<td>62</td>
<td>4,985</td>
<td>5,234</td>
<td>33,010</td>
<td>8,744</td>
<td>915</td>
</tr>
<tr>
<td>2008</td>
<td>55</td>
<td>5</td>
<td>3,287</td>
<td>49</td>
<td>4,562</td>
<td>5,026</td>
<td>31,851</td>
<td>7,465</td>
<td>825</td>
</tr>
<tr>
<td>Total</td>
<td>174</td>
<td>46</td>
<td>13,842</td>
<td>222</td>
<td>19,900</td>
<td>21,675</td>
<td>137,785</td>
<td>37,910</td>
<td>4,045</td>
</tr>
</tbody>
</table>

A more startling collection of data provided by Drysdale et al. (2010) in the Campus Attacks report clearly indicates targeted violence affecting IHEs is not a new phenomenon and the rate of attacks is increasing by year. Table 4 is a representation of this data.
Table 4

Targeted Attacks at IHEs by Decade, 1900-2008

<table>
<thead>
<tr>
<th>Decade</th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900s</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td>1910s</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>1920s</td>
<td>3</td>
<td>1.1</td>
</tr>
<tr>
<td>1930s</td>
<td>8</td>
<td>2.9</td>
</tr>
<tr>
<td>1940s</td>
<td>1</td>
<td>0.4</td>
</tr>
<tr>
<td>1950s</td>
<td>13</td>
<td>4.8</td>
</tr>
<tr>
<td>1960s</td>
<td>19</td>
<td>7.0</td>
</tr>
<tr>
<td>1970s</td>
<td>25</td>
<td>9.2</td>
</tr>
<tr>
<td>1980s</td>
<td>40</td>
<td>14.7</td>
</tr>
<tr>
<td>1990s</td>
<td>79</td>
<td>29.0</td>
</tr>
<tr>
<td>2000s</td>
<td>83</td>
<td>30.5</td>
</tr>
<tr>
<td>Total</td>
<td>272</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The majority of incidents occurred during the 1990s and 2000s. It is unknown what may have caused the increase in incidents identified during the past 20 years. However, consideration should be given to the increased enrollment levels at IHEs as well as the increase in media coverage and digital reporting throughout the United States over the past few decades (Drysdale et al., 2010). As a result of the increasing rate of occurrence of targeted attacks on IHEs, it is imperative that postsecondary institutions implement and merge all mandates of the Clery Act with their risk assessment, risk management and emergency preparedness protocols. Even in the best-case scenario, IHEs must be prepared for all hazards and all possible events.

Understanding the Context

To understand why compliance with the mandates of the Clery Act by postsecondary institutions continues to be inconsistent, one must understand the nature of
postsecondary institutions. Accordingly, the historical context of postsecondary institutions will be discussed in Chapter 2, prior to engaging in an analysis of the manner in which compliance with the Clery Act is inconsistent and why it is inconsistent.

**Remainder of the Study**

This study contains five chapters. Chapter 1 introduced the study. It described the problem statement, nature of the study, summary of the study’s theoretical framework, operational definitions, assumptions, limitations, and the significance of the study. Chapter 2 provides a review of recent peer-reviewed literature as well as selected seminal works in the field of campus crime, campus safety, organizational analysis and leadership.

Chapter 3 details the study’s methodology including specific information about the sampling procedures, data collection, data analysis, and issues of validity and reliability. Chapter 4 is a presentation, interpretation, and explanation of the data. Tables and figures throughout illustrate significant data points. Chapter 5 summarizes the findings and addresses implications for future research. Finally, the chapter concludes with recommendations for action.
Chapter 2

REVIEW OF RELATED LITERATURE

This chapter is divided into six sections, which identify and examine factors and situations related to compliance with the Clery Act by postsecondary institutions. The division of this chapter into six realms enhances presentation of a difficult and complex topic. The subject matter contained in each section is designed to provide an understanding of the Clery Act by providing a historical background which progresses to discuss the metamorphous of the Act in present day. The factors causing and or influencing the changes to the Clery Act will be identified and discussed.

Section One provides an overview of the status of the new student-consumer due diligence duty, the ability of the Annual Security Report to provide informative data, the legal duty of higher education administrators, the nature of implementation of the Clery Act, and complaints associated with the Clery. Section Two reviews the legal context and consequences of non-compliance with the Clery Act, the basis of claims emanating from breach of contract law, negligence and tort claims and federal review and auditing of non-complying institutions. Section Three details the history of higher education, the rise, fall and resurrection of In Loco Parentis and the roles played by the media and victim advocates. Section Four reviews existing literature regarding the Clery Act and the nature of crime on college campuses. Section Five reviews the three examples of institutional non-compliance with the Clery Act and the consequences they have faced or will face in the future. Section Six addresses theoretical frameworks which may be useful in discerning why institutions continue to suffer from inconsistent compliance and
how leadership practices can change institutional culture and organizational effectiveness to promote a pro-compliance atmosphere.

These six areas cannot possibly explain the totality of circumstances or dynamics related to all types of postsecondary institutions. The benefit of this research results into two possible outcomes: (a) the study creates a baseline of information for future researchers on the subject of compliance with the Clery Act and (b) it furthers and promotes a discussion among leaders and others as to what best practices for compliance might look like.

**Section One – Student Consumer Due Diligence**

One of the major decisions an individual can make involves the choice of college or university to attend. Whether or not the choice involves consideration of parental legacy, geographic location, academic program or financial considerations, the decision should be based upon accurate information (Anjum, 2011). Since college choice is often made at a time when the student is young, inexperienced, without significant savings or income and likely to incur sizeable student loan debt, the decision becomes integral to the individual’s future financial stability (Anjum, 2011). Presently, prior to making the college choice decision, the student-consumer is presumed to have conducted his or her college choice due diligence. This due diligence involves a two-step process. The first step involves researching the institution’s educational offerings, accreditation status, costs of attendance, housing, and financial aid. The second step involves determining the status of crime and safety on the campus and whether or not the institution has in place policies and procedures to handle emerging threats to the campus community.
Today, a student-consumer is assumed to satisfy the first step by conducting his or her own research by using the internet to visit college websites where he or she can view degrees offered, graduation requirements, tuition, financial aid or scholarship, and many other topics. In addition to information regarding the academics, colleges are required by the Clery Act to publish on their college website an Annual Security Report (ASR), containing three prior years of campus crime statistics. The difficulty arises in that many student-consumers are unaware of the existence of the Clery Act or its requirements (Janosik, 2003). If the college website does not make information concerning the ASR obvious on the homepage, a student-consumer may not discover the benefit of the information. The Clery Act does not prescribe how or where an IHE must post its ASR on the campus website, so the particular college has significant discretion on where to place it.

The second step the student-consumer is assumed to utilize is the accessing of other sources of information available at no cost, such as visiting the United States Department of Education’s website www.2ed.gov/admin. The second step not only allows a student-consumer to verify a college’s accreditation status, it provides information on the status of crime on an institution’s campus through the mandatory publication of a college’s Annual Security Report (ASR). The ASR contains campus crime statistics and policy and procedure disclosure statements that indicate how an IHE will handle emerging threats to the campus community.
Data Contained in the Annual Security Report

The Clery Act mandates the Annual Security Report (ASR) contain three consecutive years of campus crime data and campus safety policies, in a single document, and must be made available to prospective students and employees (U.S. Handbook, 2010). The medium by which an IHE makes the ASR available is not specified. A student-consumer may also access a broader selection of data on postsecondary institutions through the Office of Postsecondary Education (OPE) of the U. S. Department of Education’s website at http://ope.ed.gov/security/. This website offers student-consumers The Campus Safety and Security Data Analysis Cutting Tool, which was designed to provide rapid customized reports for public inquiries relating to campus crime and fire data. The data are drawn from the OPE Campus Safety and Security Statistics website database to which crime statistics and fire statistics (as of the 2010 data collection) are submitted annually. This is submitted via a web-based data collection, by all postsecondary institutions which receive Title IV funding (DOE, 2011). Students can view any institution’s ASRs and they can create reports by selecting a particular college or groups of colleges. Table 5 is a representation of the Annual Security Report for 2011 submitted to the U.S. Department of Education by Virginia Polytechnic State University which can be obtained on The Campus Safety and Security Data Analysis Cutting Tool website.
Table 5

Annual Security Report – Virginia Tech – Total Crimes

<table>
<thead>
<tr>
<th>Offense</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/ Non Negligent Manslaughter</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Forcible Sex Offenses</td>
<td>8</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>Non-Forcible Sex Offenses</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>0</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Burglary</td>
<td>29</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>4</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>Arson</td>
<td>3</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

A review of Table 5 reflects the majority of crimes reported on Virginia Polytechnic’s campus for the period 2009-2011 consist mostly of forcible sex offenses and burglaries. Closer examination of Table 5 reveals two murders, occurred on-campus; one in 2009, and one in 2011. Information regarding the murders is not contained in the ASR and the Clery Act does not require this information. To obtain detail regarding the murders a student-consumer must use other means, such as the internet to gather this data. Information pertaining to the two identified murders on Virginia Tech’s campus was widely published by the media.
On January 22, 2009, 22-year-old Virginia Tech graduate student Yang Xin was stabbed and decapitated by 25-year-old Virginia Tech doctoral student Zhu Haiyang in a campus café located in the Graduate Life Center. In this case, a campus police officer arrived at the scene within one minute after receiving the first 911 call and was able to arrest Haiyang and contain the scene. A text alert was sent to the campus community warning them to stay away from the Graduate Life Center (New York Times, 2009). President Charles Steger indicated the murder was an isolated personal tragedy and that Haiyang had not had contact with Virginia Tech police or the university’s threat assessment team (Roberts, 2009). Both Xin and Haiyang were from Beijing, China and had met in Virginia through a social network site frequented by Chinese Americans. Haiyang was sentenced to life in prison without the possibility of parole April 19, 2010 (Crizer, 2010).

The second murder occurred December 8, 2011 and involved 39-year-old Virginia Tech police officer Deriek Crouse who was shot and killed by 22-year-old Ross Truett Ashley as he conducted a routine traffic stop on campus. For unknown reasons, Ashley walked up to Officer Crouse, shot him, fled the scene and shortly thereafter committed suicide in a campus parking lot. Virginia Tech responded by issuing a campus wide alert and lock down of the campus (deVise, 2011). Both murders shocked the Virginia Tech campus community as they were still recovering from the April 16, 2007 shooting deaths of 32 students and faculty (Davies, 2008; Rasmussen & Johnson, 2008).
The information regarding the murders of Yang Xin and Officer Deriek Crouse are provided to illustrate the fact an IHE’s ASR is just a representation of reported crimes. The background of the crime is not contained in the ASR. Information concerning individual crimes should be reported in the IHE’s Police log which is maintained by campus police or the Department of Security (DOE, 2010). The Clery Act mandates that the public be permitted to view a campus Police log during normal business hours upon request (DOE, 2010). The Internet is also a ready source to obtain information on past crimes occurring on college campuses.

Although, the Annual Security Report provides campus crime data, it does not give specifics or details. It is important to consider that the information in the ASR was non-existent prior to 1990, when the Clery Act was enacted. Students had far fewer options to compare the quality and options available at colleges because they had no other choice but to rely upon representations made by colleges through their admissions representatives, college catalogs or personal knowledge of the institution. Prior to creation of the Internet, colleges mailed Annual Security Reports only to students who requested them. Today, an ASR can be obtained within seconds via the Internet and student-consumers can compare any IHEs in the nation. The main drawback to ASRs is that data they contain are not verified by the U.S. Department of Education or any other entity (DOE, 2012).

The Annual Security Report must also report crimes occurring in on-campus housing separately. Table 6 represents Virginia Tech’s reporting for its residence halls for 2011. The majority of crimes reflected in on-campus housing are sexual assaults and
burglary. These are exactly the types of crimes identified by the Clery family when they pursued enactment of the Clery Act. Accordingly, it appears the most common crimes on campus are still occurring in spite of the Clery Act.

Table 6

*Annual Security Report – Criminal Offenses On-Campus Housing/Residence Halls*

<table>
<thead>
<tr>
<th>Offense</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non Negligent Manslaughter</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Forcible Sex Offenses</td>
<td>5</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Non-Forcible Sex Offenses</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Burglary</td>
<td>23</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Crimes occurring adjacent to campus or in close proximity to a college but not actually on-campus must also be reported separately. Table 7 represents Virginia Tech’s reporting for the non-campus category. Again, burglary is the most common crime on campus but the ASR does not provide data on where, when and how the burglaries were committed.
Table 7

*Annual Security Report – Criminal Offenses – Non-Campus*

<table>
<thead>
<tr>
<th>Offense</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/ Non Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Forcible Sex Offenses</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Non-Forcible Sex Offenses</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Burglary</td>
<td>0</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

The Annual Security Report must also contain separate reporting for crimes occurring on public property close to or adjacent to campus. Table 8 represents Virginia Tech’s reporting for the public property category for 2011. Sexual assaults and aggravated assaults are recorded but without specific information. To gather specific information on the crimes, a student must go to the campus crime log, usually located in a campus police department and available during regular business hours. Today, larger community colleges post their campus crime log online for easier access.
Table 8

Annual Security Report-Criminal Offenses-Public Property

<table>
<thead>
<tr>
<th>Offense</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Forcible Sex Offenses</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Non-Forcible Sex Offenses</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Caveat: Local statistics are included with the campus's statistics.

Poor Implementation and Complaints Regarding the Clery Act

The duty placed upon IHEs by the Clery Act (1990) requires them to compile campus crime statistics reported to them each year in the ASR and file the ASR with the U.S. Department of Education’s dedicated website by October 1. Each ASR must include three years’ of crime data for comparison. Institutions must disseminate the ASR to current and prospective students and staff annually by October 1 (DOE, 2010). As a result of the lack of verification of the campus crime data contained in ASRs, many scholars, members of the public and elected officials have challenged their efficacy (Fisher, 2008; Fisher et al., 2006; Gregory & Janosik, 2003, 2006; Janosik, 2001, 2002, 2004; Janosik & Gehring, 2001, 2003, 2002a, 2002b, 2009).
Early implementation of the Clery Act by postsecondary institutions was frustrating and confusing because of ambiguity in the process (Talesh, 2007; Woodham, 1999). Amendments made to the Clery Act while providing greater clarity also added punitive measures for IHEs slow to implement or comply with the Act (Talesh, 2007). IHEs were expected to reallocate resources to comply with the Clery Act because the mandate is unfunded by the federal government (Murphy, Arnold, Hansen, & Mertler, 2001; Talesh, 2007).

Critics of the Clery Act have demonstrated through research that crime off campus when compared to on-campus crime is almost always higher (Wood, 2001). In several studies conducted separately but combined for analysis by Dennis Gregory, Steven Janosik, Terrell Strayhorn, and Sean Kalagher (2006), which compared local community crime with crime statistics of IHEs, campus crime was lower on almost all of the studies (Talesh, 2007). Consonant with this body of research, critics of the Clery Act have claimed that media attention on campus crime is over emphasized and not representative of campus safety (Talesh, 2007).

Numerous studies by Dennis Gregory, Steven Janosik, and Donald Gehring (2002, 2003) have advanced the argument the Clery Act is burdensome and wastes needed resources and institutional time on gathering statistics which are unverifiable. These authors have advocated for abandoning the Clery Act and diverting resources to the development of crime awareness programs (Gregory & Janosik, 2003, 2006; Janosik, 2001, 2002, 2004; Janosik & Gehring, 2001, 2003, 2002a, 2002b, 2009).
Alternatively, victim advocates claim that campus crime and student-on-student crime suffers from severe under-reporting (Palmer & Devine, 2000; Sherrill & Siegel, 1989). From this viewpoint, although crime victim advocates generally support the Clery Act, the fact that underreporting of campus crime is high, calls into question whether the data collected for inclusion in an institution’s ASRs is accurate and sound enough to be relied upon by the student-consumer.

In a study conducted by Colaner (2006) regarding student affairs professional knowledge of the Clery Act and level of training in its mandates found that not enough was being done by IHEs to educate faculty and staff. According to Colaner’s study (2006), 16.2% of staff had never heard of the Clery Act and the level of knowledge varied widely (Talesh, 2007).

**The Intent of the Clery Act**

Responding to demands of victim advocates, the law originally entitled the *Student Right-to-Know and Campus Security Act of 1990* (now as amended and better known as the Clery Act) became the legislative instrument designed to intervene and make campuses safer. The intent of the Clery Act was to provide prospective and current students and employees with information on reported campus crime and campus security policies enabling them to make informed decisions about which college to seek employment. Authors of the Clery Act expected IHEs to produce clear, concise and reliable information; however, it appears the opposite happened. Researchers and scholars writing on the Clery Act have questioned validity of the data collected for the Annual Security Reports and the overall usefulness of the information generated by the
Act. Several researchers indicated the crime statistics contained in the Annual Security Report mandated by the Clery Act actually under represent campus crime because they measure only crimes reported to police, rather than actual victimization incidents. Other researchers have complained the Annual Security Report excludes categories of crime with high incident rates, such as larceny and theft (Fisher et al., 2002; King, 2009). Accordingly, if the data collected for and published in the Annual Security Report cannot be relied upon to be accurate then the efficacy of the Clery Act itself is called into question (Sloan & Fisher, 2011).

**Section Two - Legal Considerations – Breach of Contract and Tort Law**

Representations made in an institution’s ASRs must be truthful or there is substantial risk that a breach of contract claim can be made by a consumer student, or their representative, upon discovery of the misrepresentation(s). According to Anjum (2011):

As in any contractual dispute, the elements of a claim for breach of contract against an educational institution are: (1) offer, (2) acceptance, (3) consideration, and (4) sufficiently definite terms from which the Court can construe the contract to determine if the contract was breached. Finding the first three elements is typically easy: college offers admission after student applies; student accepts and pays, forgoing other opportunities. The fourth element, however, is more difficult. Terms of a contract are sufficiently definite "if they produce a basis for determining when a breach occurs and if they suggest an appropriate remedy." A plaintiff "must point to an identifiable contractual promise that the defendant failed to honor" (p. 5).

In a case where a student-consumer relied upon representations made by an institution in its Annual Security Report (ASR) that its campus was relatively crime free, which is later determined to be false, provides the student consumer legal standing to sue the IHE for
breach of contract and to recover damages emanating from the breach. Damages can include refund of tuition, housing, costs of attendance and relocation costs associated with a move or transfer to another campus. If the student-consumer suffers an injury, becomes the victim of a crime or is killed as a result of the misrepresentations made in an IHE’s Annual Security Report the size of the damages can increase exponentially as the student can sue in civil court for tort claims. In the event a student discovers an institution intentionally concealed a material fact, and the student suffered an injury or damages, the student can file a tort claim for fraud or fraudulent misrepresentation. In such cases, the student must prove the educational institution made: (a) a false representation, (b) with intent to deceive, (c) directed to an individual, (d) that the student relied upon, and (5) that caused injury to the student (Anjum, 2010). A successful tort claim provides the student-consumer-plaintiff an opportunity to be awarded punitive damages, which, if awarded can total treble the amount of actual damages. Beginning in the late 1980s, state courts began, for the first time, holding postsecondary institutions liable under existing tort or contract law for student victimizations occurring on college campuses (Sloan & Fisher, 2011).

Whether or not a college has a duty to a student in any case is a legal question for the Court to decide. The individual facts of a case are decided by a jury. Civil laws vary from state to state, and as such it is difficult to determine whether a student will have a cause of action until the specifics of the individual case are evaluated. However, existing state law has held that a Court may determine whether a college has a duty to a student by using a *risk-utility test* which considers the following: (a) the magnitude of the risk, (b)
the relationship of the parties, (c) the nature of the attendant risk, (d) the opportunity and ability to exercise care, (e) the foreseeability of the harm, and (f) the policy interest in the proposed solution (Sharkey, 260 Neb. 166 at 179) (Lepper, 2012). Accordingly, the representations made by an institution of higher education in its Annual Security Report required by the Clery Act must be accurate if the institution is to avoid liability and risk of monetary loss, damage to reputation, loss of federal financial aid programs and loss of accreditation.

The Federal Student Aid Review Process

As a result of the enactment of the Clery Act (1990), today’s student-consumer is provided with information concerning a college’s ability to provide a safe environment for students, faculty, staff and to timely warn the campus community of emergencies or emerging threats on campus (Fisher, 2011). If institutions of higher education disregard, ignore, resist, oppose or subvert the intent of the Clery Act, they risk being reviewed by the U.S. Department of Education Financial Aid Office. Two types of reviews can be conducted to determine if an institution is compliant with the Clery Act: (a) a review can be initiated when a complaint is received, a media event raises concerns, or when a college’s independent audit identifies non-compliance and (b) through random selection process performed by the Federal Bureau of Investigation’s (FBI) Criminal Justice Information Service (CJIS) Audit Unit (DOE, 2012). The Federal Student Aid office conducts two types of reviews when determining if an IHE is compliant with the Clery Act: (a) General program review of an IHE’s activities in federal student aid programs; or (b) Campus security review which can include an on or off site examination. In either
case, the review can include comparing campus crime logs, ASRs published to students and employees compared with ASRs filed with the DOE and incidents reported to local police agencies. If a review results in substantial Clery Act findings, a focused campus security review is conducted.

Once a campus security review is completed the Department of Education issues a Program Review Report describing compliance concerns and provides the IHE an opportunity to respond. After consideration of all information received, the DOE issues a Final Program Review Determination letter and then makes a decision on whether a fine is appropriate and the amount of the fine. A demonstration of this process is provided by Virginia Polytechnic State University as a result of their administration’s failure to issue a timely warning to the campus community on April 16, 2007, as Seung Hui Cho began a shooting rampage resulting in the death of 32 people. Following their investigation of the incident, the Department of Education issued a report (2010) with findings Virginia Polytechnic had violated the Clery Act. The Office of Federal Student Aid imposed a fine of $55,000 for two violations. Virginia Polytechnic appealed the fine and an administrative law judge vacated the fine in March 2012 (Radelet, Wetmore, & Scott, 2012). U.S. Secretary of Education Arne Duncan reversed the judge’s finding, ruling Virginia Polytechnic had committed the violations by concluding:

It is alarming that Respondent Virginia Tech argues that it had no duty to warn the campus community after the Police Department discovered the bodies of two students shot in the dormitory, and did not know the identity or location of the shooter. Indeed, if there were ever a time when a warning was required under the Clery Act, this would be it. (Radelet, Wetmore & Scott, 2012, p. 2)
Virginia Polytechnic has expressed disagreement with Secretary Duncan’s ruling and may appeal the decision to the federal courts. At the same time, the legal battle between the DOE and Virginia Polytechnic underscores the scrutiny an institution will be subjected to after a crisis occurs on their campus and the institution’s compliance protocol is called into question (Radelet et al., 2012).

Focusing further attention on institutional compliance with the Clery Act, on October 1, 2012, Secretary Duncan increased the penalty for violation of the Clery Act from $27,500 to $35,000 (Cornelison, 2012). Complaints can be filed with the U.S. Department of Education by students, faculty or staff if they believe an institution is not meeting the requirements of the Clery Act. Complaints result in investigations by the U.S. Department of Education. As of 2012, the U.S. Department of Education has started conducting random audits of IHEs to ensure institutions are complying with the Clery Act (Cornelison, 2012). In addition to monetary fines, the U.S. Department of Education can suspend an institution’s participation in federal financial aid programs and revoke institutional accreditation if they fail to comply with the Clery Act (DOE, 2010).

Another level where IHEs may find themselves in trouble for non-compliance with the Clery Act involves the Higher Learning Commission. Educational institutions found to have made misrepresentations of material facts to student-consumers risk administrative action and loss or suspension of their accreditation in cases of violations. The Higher Learning Commission's handbook for accredited schools lists "serious misrepresentation to students and the public" as grounds for losing accreditation, and
states that if it discovers that an institution is engaged in fraud, it will report the matter to the Department of Education (Anjum, 2011).

The U. S. Department of Education's Program Integrity Rules also powerfully prohibit misrepresenting any characteristics of an educational institution and or programs and broadly defines misrepresentation as: "any false, erroneous or misleading statement an eligible institution makes to a student enrolled at the institution, to any prospective student, [or] to the family of an enrolled or prospective student" (U. S DOE, 2005, p. 112). Penalties for violating the rule(s) include prohibiting the institution from participating in the federal student loan program, thereby threatening the institution's viability (Anjum, 2011).

Despite the consequences of providing incorrect data or inconsistent data in an IHE’s Annual Security Report, many colleges and universities have struggled to comply with the Jeanne Clery Act (1990). In some cases, the Clery Act has been met with opposition, resistance, and even deception by postsecondary institutions. Thus, an important portion of the literature review for this study requires a review of the history of higher education with a view to understanding what factors have impacted full compliance with the Clery Act. The researcher identified three postsecondary institutions in Chapter 1, which have demonstrated varying degrees of compliance with the Clery Act in response to campus incidents. Those institutions are Virginia Polytechnic, Eastern Michigan University and Pennsylvania State University. The researcher analyzed how the three institutions either enhanced compliance or hindered compliance with the Clery Act during the particular campus incidents identified. Accordingly, after a discussion of
the historical background of higher education in the United States, the legislative history of the Clery Act and research existing prior to April 16, 2007 regarding compliance with the Clery Act, the three examples will be discussed.

**Section Three - Historical Background of Higher Education**

Institutions of higher education date back to 11th Century Europe and the creation of diocesan cathedral schools (Frankhouser, 1997). Trusting parents sent their children to these schools from far away, to live and study from the master teachers of the time (Frankhouser). The masters were charged with the duty to gather these students together to impart essential knowledge. The early relationship between the masters and students and local townspeople were troublesome. Crimes were committed and violence occurred between the townspeople and the students (Schachner, 1938). Assurance of special privileges, rights, immunities and protection from laws of the civil courts were offered to students as enticements to attend particular schools including exemption from military service and payment of personal taxes. The masters and scholars’ conduct were regulated by the educational institution attended and they were placed under the jurisdiction of special courts where only they could be tried (Frankhouser, 1997).

During the Middle Ages, when violence and bloodshed remained an everyday occurrence, the masters and scholars continued to enjoy their privileged status and jurisdiction over their own behavior. These privileges were relentlessly solidified by the masters with the result producing a significant influence on the development of early universities of the American Colonial period (Frankhouser, 1997).
The First College: Harvard College

The first institution of higher education in North America was established in 1636, in Massachusetts Bay Colony, a mere sixteen years after the arrival of the Pilgrims at Plymouth Rock (Harvard, 2009). This flagship, IHE, was aptly named ‘Harvard College,’ after its benefactor John Harvard, a minister who left over half of his estate to the institution upon his death. At inception, Harvard College offered a classic academic curriculum based on the English University model and consistent with the Puritanical philosophy of teaching (Harvard, 2010). When Harvard College opened its doors to students, it was widely considered to be the personification of a noble and religious education. An early brochure about the college claimed Harvard’s purpose was: “To advance Learning and perpetuate it to Posterity, dreading to leave an illiterate Ministry to the Churches” (Harvard, 2010, p. 2).

Despite its unofficial Puritanical roots, by 1909, Harvard College had transformed itself from a small provincial college to a large university through the steady pursuit of intellectual freedom (Harvard, 2010). In 2012, Harvard University celebrated 376 years as one of America’s finest and most sought after IHEs (Harvard, 2012).

As of fall 2004, there are 4,391 postsecondary institutions operating in the United States. These institutions have undergone a metamorphosis and evolved from male-only, liberal arts focuses, church affiliated institutions whose primary mission was to train men to enter the clergy into an astonishing variety of coeducational institutions designed to educate students of many disciplines for numerous careers (Sloan & Fisher, 2011). Today’s IHEs are far different from their predecessors. The earliest postsecondary
institutions were left to regulate the conduct of students themselves and were largely removed from or even above the law because of a doctrine known as *In Loco Parentis* (Sloan & Fisher, 2011).

**Origin of In Loco Parentis**

The English common law doctrine known as *In Loco Parentis*, which means ‘a person or institution who stands in place of the parent’ permitted IHEs almost complete authority over the student while it shielded institutions from liability for tort claims brought by injured students and others (Kaplin & Lee, 1999). The *In Loco Parentis* paradigm referred to the university as an entity who assumes parental status and responsibilities for another, without adopting that person. With origins in ancient Roman law and the Code of Hammurabi, *In Loco Parentis*, determined universities had educational and moral responsibility for students (Smith & Purvis, 2007). Essentially universities stood in the place of the parent, with all their incumbent authority, operating autonomously, and thriving on the privacy afforded by autonomy (Kaplin & Lee).

From the birth of higher education, *In Loco Parentis* paradigm shaped the rights and responsibilities of students, their masters and administrators. This doctrine justified the comprehensive authority of professor and college over student (Smith & Purvis, 2007). *In Loco Parentis* allowed IHEs to function autonomously and with minimal accountability and outside input. This course of action may explain, in part, why a dearth of statistics related to crime on campus existed prior to 1990 (Frankhouser, 1997). The first judicial articulation of *In Loco Parentis* came from the Kentucky Supreme Court, in
the case of *Gott v. Berea College* (1923) (as cited in Smith & Purvis, 2007). In Gott, the Court defined the relationship between the student and the university as follows:

College authorities stand *in loco parentis* concerning the physical and moral welfare and mental training of the pupils, and they may make any rule or regulation for the government or betterment of their pupil that a parent could for the same purpose. Whether the rules or regulations are wise or their aims worthy is matter left solely to the discretion of the authorities or parents…and, in the exercise of that discretion, the courts are not disposed to interfere, unless the rules and aims are unlawful or against public policy. (Smith & Purvis, 2007, p. 2)

Consequently, IHEs were immune from most tort liability relating to injury or complaints by students at this time. IHEs were not required to provide safe campuses or to report or disclose crimes occurring on their campus (Fisher & Sloan, 1993). Even though IHEs were permitted by state and federal government to internally govern their campuses, they continually benefited from state and federal laws designed to provide them with tax exemption, funding for expansion of existing IHEs and funding for the creation of new IHEs.

The environment of higher education throughout the 19th century and a sizeable portion of the 20th century was enormously different than it is today. Prior to the end of the 20th century, IHEs relied upon entrenched traditions allowing them autonomy to regulate their internal affairs through the special virtue and academic ability of their personnel (Kaplin & Lee, 1995). Faculty and administrators were known to possess knowledge and training far beyond that of the general public. Together, faculty and administrators were charged with the responsibility to guard and convey knowledge to future generations. Their expertise was not tarnished by personal bias or ill will and
consequently, monitoring of their affairs by state and federal governments was avoided and discouraged (Kaplin & Lee).

**Federal Intervention into Higher Education**

Despite the understated deference to internal governance of IHEs, the federal government of the United States has often intervened and acted for the benefit of higher education. Governmental intervention has provided substantial funding and growth opportunities for higher education while at the same time bringing about enormous change to the privileged master and student relationship. The first federal intervention into the arena of higher education came in the form of legislation known as the first Morrill Act of 1862. Through this Act, the United States Congress provided grants of land to states to establish colleges specializing in agriculture and mechanical arts. Each state was granted 30,000 acres of land for each of its congressional seats (www.brittanica.com, 2010). Almost 28 years later Congress passed the second Morrill Act of 1890, which provided money grants for instruction in various branches of higher education (Kaplin & Lee, 1995). As a result, new colleges were built and various educational departments were funded. This federal intrusion into the traditionally sacrosanct higher education arena provided universities and colleges the opportunity to expand and grow their institutions.

**The Servicemen’s Readjustment Act**

Perhaps the most famous and far reaching federal intervention into the higher education arena came June 22, 1944, when Congress enacted the Servicemen’s Readjustment Act of 1944, or better known as the G.I. Bill of Rights. This Act was
drafted in anticipation of the end of World War II and the return of 15 million men and women serving in the military. To reduce the possibility of post-war depression brought on by widespread unemployment, Congress unanimously passed the Act and President Roosevelt signed it into law on June 22, 1944. As a result, attending college finally became feasible for the veterans returning to America after serving in World War II. Today, many refer to this Act as the “great equalizer,” because it forever changed the composition of the average American college student (Kaplin & Lee, 1995).

Realizing a need to provide additional funding to attend college for average Americans, Congress again intervened in higher education by passing the National Defense Education Act of 1958 (Kaplin & Lee, 1995). This Act provided a large-scale program of low interest loan for students wanting to attend college and for those already attending IHEs. Congress continued to expand their desire to fund higher education ambitions with passage of The Higher Education Facilities Act of 1963. This Act authorized grants and low interest loans to public and private non-profit IHEs for construction and improvement of educational facilities (Kaplin & Lee).

**The Higher Education Act of 1965**

Congress passed their most comprehensive intrusions into higher education with the passage of The Higher Education Act of 1965 (HEA), which authorized federal support for a large list of post-secondary education activities, resources and financial aid. Amended numerous times, HEA is the primary authorizing legislation for federal higher education spending (Kaplin & Lee, 1995). Enrollment in college increased fivefold during the period 1940 through 1980, while the number of IHEs doubled (Frankhouser,
The end of World War II and enactment of the GI Bill changed the composition of the campus population forever. By 1946, over one million veterans were enrolled in college under the GI Bill (Frankhouser). One difference was overwhelming. The new college students were not provided the privileges of early scholar-students. They were required to pay taxes, were subject to state and federal criminal and civil courts and some of them had served in the military and many had families to support. The composition of the college campus and the students attending it had significantly changed (Kaplin & Lee).

The Rise of Student Consumerism and the Decline of In Loco Parentis

Not until the 1960s, did the *In Loco Parentis* paradigm begin to fall from favor, as turbulent societal change and civil rights challenged combined with a broader reading of students’ rights by the judiciary began (Smith & Purvis, 2007). Unpredictable social and political movements, a demand for greater student rights, evolving educational standards and the setting of new legal precedent led to the decline of *In Loco Parentis*.

In 1961, legal precedent demanded a change in the relationship between student and university as a result of the Court’s decision in *Dixon v. Alabama State Board of Education* (1961). The United States Court of Appeals provided greater rights for students and less responsibility for institutions while dealing with pressing issues of civil rights (Smith & Purvis, 2007). In Dixon, six students from an all-Black State College participated in an anti-segregation lunch counter sit-in and several mass demonstrations. The students were expelled from their college by the President without notice or an opportunity to be heard. The students sued, asserting their Fourth Amendment right to
due process had been violated. The trial Court sided with the college stating the students were impediments to education. On appeal in 1961, the United States Court of Appeals for the Fifth Circuit overturned the decision and ruled that the Constitution “requires notice and some opportunity for hearing” before students can be expelled for misconduct (Smith & Purvis, 2007, p. 4). Another important aspect of the Dixon ruling was the establishment of college enrollment as a formal contract between the student and the school (284 F. 2d 150 5th Cir. 1961).

A new student and university relationship defined by court precedent indicated the decline of *In Loco Parentis* and translated into a new paradigm called the *Bystander* paradigm. The new paradigm held that universities had less control over students and students were to be treated more like adults (Olszewska, 2007; Smith & Purvis, 2007). This viewpoint was re-emphasized by the Court in the landmark case *Bradshaw v. Rawlings* (1979) which held:

> The modern American college is not an insurer of the safety of its students. Whatever may have been its responsibility in an earlier era, the authoritarian role of today’s college administrations has been notably diluted in recent decades. Trustees, administrators, and faculties have been required to yield to the expanding rights and privileges of their students. (as cited in Smith & Purvis, 2007, p. 5)

From the 1960s through the early 1980s, *In Loco Parentis* continued its fall from favor as Courts failed to impose liability against IHEs as a result of the *Bystander* paradigm. In cases where criminal acts were committed by a third party, not under the control of the college or university, rarely resulted in liability for IHEs. The campus revolutions of the late 1960s and early 1970s contributed to the demise of *In Loco
Parentis as students protested rigid controls and demanded more student rights (*Nero v. Kansas State University*, 1993).

**The End of Diminished Public Scrutiny**

Institutions of higher education have traditionally been subject to diminished public scrutiny regarding crime rates on campus because of their physically contained and quasi-gated community feel that is protected and policed by its own security detail. IHEs have traditionally downplayed and controlled publication of crimes occurring on campus through well-trained public relations specialists who carefully word and manage situational events (King, 2009; Wilcox, Jordan & Pritchard, 2008). Internal governance has permitted IHEs to handle crimes occurring on campus through judicial affairs departments that adjudicate campus allegations, including alleged sexual assault, outside the purview of public judgment (King, 2009).

Internal governance is often overshadowed when high profile, high casualty count violent criminal events occur on campus. As indicated in Chapter 1, the massacre of 32 students and faculty at Virginia Tech April 16, 2007, could not be contained and self-policed. The media published the news worldwide and opened a new debate concerning campus safety and compliance with the Clery Act. The shootings at Virginia Tech gave voice to concerns that university campuses remain, and are, increasingly dangerous places (King, 2009). The aforementioned statement is supported by statistical data, which indicate many large college campuses face crime problems that are similar to those of small cities (Jennings et al., 2007; King, 2009).
The Role of the Media

News media coverage of violent criminal events on college campuses in the 1980s and 1990s helped to fuel public and victim advocates’ demands for federal government intervention (Jennings, 2007). Although the media are alleged to relentlessly pursue stories of crime on campus, they do not always reflect accurate facts. According to Riedel and Welsh (2002), reports of crime carried by the media rarely present a representative view of violence occurring in the United States. The media have presented constructions of violence that come to be accepted as objectively real even though, in many circumstances, what is uncovered by research shows the constructed reality to be grossly exaggerated or nonexistent. The media focuses on drug-crazed killers, sadists, and serial killers partly because they are associated with unusual forms of violence (Riedel & Welsh, 2002). Homicide on a college campus is still a rare occurrence even today. The information portrayed by various forms of media has a profound impact on legislation, policy makers, the public and criminal laws. If it is not spectacular in nature, it is not newsworthy (Riedel & Welsh).

The Duty Era

The end of the Bystander paradigm took place in the later part of the 1970s and early 1980s, when a new line of campus liability cases ushered in a resurrection of the disfavored *In Loco Parentis* doctrine. The cases imposed new duties upon IHEs and demanded they expand their control over campus life and provide greater safety for students (Smith, 1989; Smith & Purvis, 2007). The new paradigm was called the *Duty* era and resulted from rising rates of crime on campuses, societal change and a new
relationship between the student and the university or college. The Duty era placed the student in a ‘special relationship,’ of dependence upon their college or university. In situations where it was ‘foreseeable,’ that campus crime might occur, IHEs, and individual administrators, who failed to take adequate protective steps or failed to give adequate warning of risks may be liable to student victims.

One of the most notable cases defining the legal concept of duty is *Tarasoff v. Regents of the University of California* 17 Cal.3d 425 (1976). In the *Tarasoff* case Prosenjit Poddar, an Indian graduate student studying naval architecture at the University of California, Berkeley, briefly dated a fellow student named Tatiana Tarasoff. Although Poddar felt he had a special relationship with Tatiana, she did not and dated other men. Poddar sought counseling from a psychologist, Dr. Moore, at Berkeley’s University Health Services, where he revealed his intention to get a gun and shoot Tatiana Tarasoff. Dr. Moore sent a letter to the campus police requesting them to take Poddar to a psychiatric hospital. The campus police interviewed Mr. Poddar, but he convinced them that he was not dangerous. They released him on the promise that he would stay away from Ms. Tarasoff. When the Health Service psychiatrist in charge returned from vacation, he directed the letter to the police be destroyed and no further action taken. After Tatiana returned to campus following a trip to Brazil, Poddar stalked her and eventually murdered her (17 Cal.3d 425 (1976)).

Tatiana’s parents sued the campus police, Health Service employees, and Regents of the University of California for failing to warn them their daughter was in danger. The trial court dismissed the case stating there was no cause of action. Tatiana’s parents
appealed to the Appellate Court and lost again. Another appeal was taken to the California Supreme Court. In 1974, the California Supreme Court reversed the appellate decision and held a therapist bears a duty to use reasonable care to give threatened persons such warnings as are essential to avert foreseeable danger arising from a patient's condition. This is known as the Tarasoff I decision. Before Tarasoff, a doctor had a duty to a patient, but not to a third party (17 Cal.3d 425 (1976)).

The Tarasoff I decision meant the trial court was instructed to hear the lawsuit against the police and various employees of the University of California. Due to great uproar among psychiatrists and policemen, the California Supreme Court took the very unusual step of rehearing the same case in 1976, which later became known as Tarasoff II. The Court’s holding in Tarasoff II established an entirely new responsibility for mental health professionals:

Holding: "When a therapist determines, or pursuant to the standards of his profession should determine, that his patient presents a serious danger of violence to another, he incurs an obligation to use reasonable care to protect the intended victim against such danger. The discharge of this duty may require the therapist to take one or more of various steps. Thus, it may call for the therapist to warn the intended victim, to notify the police, or to take whatever steps are reasonably necessary under the circumstance” (p. 541).

Accordingly, The Tarasoff ruling required psychiatrists to take steps to assess the threat of violence and to discharge their duty by taking whatever steps are reasonably necessary under the exigent circumstances. Figure (2) provides a graphic representation of the steps to be taken by a psychiatrist to discharge their duty to a potential victim as outlined in the Tarasoff case.
The steps, as outlined by the Tarasoff decision, to be taken by a psychiatrist who becomes aware of potential danger to an individual as a result of his or her consultation with a patient are basically derived from common sense, ethical decision making and concern for members of our society. Initially, the psychiatrist must investigate the threat of violence using 4 parameters to determine: type of harm, seriousness of harm, imminence of harm, and likelihood of harm. The second step requires the psychiatrist to determine if the threats are real based on an assessment of the patient’s past history of violence (which is the most important risk factor for future violence), level of impulsiveness, ability to resist violent impulses, reaction to violence, motivation to

Source: Adapted from *Tarasoff v. The Regents of the University of California*, 17 Cal.3d 425 (1976)
maintain self-control, and whether or not the patient uses alcohol and drugs (which is another major risk factor of violence). Third, the psychiatrist must gather data from family members and friends about the patient’s recent history. The aforementioned steps have been considered the due diligence phase of a Tarasoff assessment. Only when they have been completed may a psychiatrist discharge his or her duty by:

1) Changing the treatment program for the patient;
2) Requesting the patient is voluntarily committed;
3) Civil commitment (California: 5150);
4) Warning the potential victim;
5) Warning others who would be likely to notify the victim; and
6) Contacting the police in the area of the victim or the patient (17 Cal.3d 425 (1976).

The Tarasoff decision not only changed the way mental health professional handled patients, it changed the law and created significant liability for professionals and any others who failed to follow it. A linear comparison can be drawn between the Tarasoff case and the Clery Act as the two demonstrate how advocacy following tragedy often change the law for the protection of others going forward.

In the years following the Tarasoff decisions, conceivably the most significant case contributing to the resurrection of In Loco Parentis and the ushering in of a 1980s definition of ‘foreseeability’ is the case of Miller v. State of New York (1984). In Miller, a nineteen year old student was kidnapped from the laundry room of her dormitory at 6:00 am by a man wielding a knife and was raped. Investigation revealed the student-victim herself had previously complained to residence hall advisors of nonresidents loitering in the building. Numerous crimes had occurred in the dormitories, including rape, which had been reported in the school newspaper. The student-victim filed a
lawsuit seeking damages for failure to provide minimum security measures for residents of the dormitory. The trial court in Miller ruled the attack was ‘foreseeable,’ and awarded the student-victim $400,000 in damages. The trial Court found that by failing to lock the outer doors of the dormitory, the institution had breached its duty to protect its tenants from reasonable foreseeable criminal assaults by outsiders, and the failure to lock the doors was the proximate cause of the rape. On appeal, the case was dismissed on the grounds that the student-victim’s claim was based upon the State’s failure to provide adequate police protection. The Appeals Court found the university owed no duty to Miller. Unwilling to give up, Miller appealed the decision and won again (Smith & Purvis, 2007). The Court stated:

The university is held to the same duty as private landlords in the maintenance of physical security devices in the building itself; that having locked doors in the dormitory falls within the scope of the State’s proprietary function as landlord, and that there was sufficient evidence to support the Trial Judge’s conclusion that the State’s failure to lock the outer doors was a breach of the State’s duty and a proximate cause of the rape (Smith & Purvis, 2007, p. 7).

Using a case which had been decided just one year earlier in 1983, as a basis for the decision, the Miller Court followed a verdict by the Massachusetts appellate court in the case of Mullins v. Pine Manor College (1983). The Mullins case also involved a female student who had been raped in her dormitory. Prior incidents of violent crime had occurred in the student-victim’s dormitory while complaints of inadequate dormitory locking systems and a lack of security guards were ignored by university administration. This case achieved a high level of notoriety because in addition to a judgment against the college itself, a personal verdict of $175,000 was affirmed on appeal against the college’s
Vice President of Operations for failure to oversee the adequacy of campus security (Smith, 1998). In *Mullins*, the Court stated:

The fact that a college need not police the morals of its resident students, however, does not entitle it to abandon any effort to ensure their physical safety. Parents, students, and the general community still have a reasonable expectation, fostered in part by colleges themselves, that reasonable care will be exercised to protect resident students from foreseeable harm (Smith, 1998, p. 3).

The Courts continued to expand the responsibilities of IHEs in case of *Jesik v. Maricopa Community College* (1984). The court in Jesik defined the duty of campus police to intervene in an argument between students while on campus property. Peter Jesik was registering for fall classes in the college gymnasium when an argument erupted between him and Charles Doss, a fellow student. Doss told Jesik he was going home to get his gun and would return and kill him. Jesik told Scott Hilton, a campus security guard what had happened and received an assurance of help and protection. When Doss returned, Jesik appealed to Hilton, the security guard for assistance. The guard then talked to Doss, but did not search his briefcase. Once Hilton walked away, Doss pulled a gun from his briefcase and shot and killed Jesik. The Arizona Supreme Court held the statutory duty of adequate supervision coupled with notice imposed a specific duty to exercise reasonable care to protect Jesik (Smith & Purvis, 2007). The college owed Jesik a higher duty of protection than it owed the public in general. The college had failed to exercise reasonable care to protect Jesik from foreseeable criminal harm (Smith, 1998).

Students were again found to be owed a duty of reasonable care by their colleges with legal precedent established in the landmark case, *Peterson v. San Francisco* (1984). In April 1978, student Kathleen Peterson was violently assaulted by an unidentified male
while ascending a stairway from a lower campus parking lot. The attack occurred at the same campus location where numerous prior violent attacks had occurred and which was surrounded by untrimmed foliage near the stairway. Peterson sued San Francisco Community College on the grounds that the college had a duty to protect her and to warn her of known dangers on campus.

In 1983, the first Peterson trial resulted in a verdict for the college, finding it was not liable for her injuries. However, on appeal, the Supreme Court of California reversed the original decision and held the community college district had a duty to exercise due care to protect students from reasonably foreseeable assaults on campus. The college had breached its duty of reasonable care because the parking lot was poorly lit, surrounded by thick, untrimmed foliage and several prior attacks had occurred at the same location. The college was aware of prior assaults in the parking lot and had failed to notify students of the danger (Smith & Purvis, 2007).

Ultimately, from a legal perspective, the resurrection of *In Loco Parentis* can be equated to the finding of a special relationship between a college or university and the injured party. The Restatement (Second) of Torts § 323 (1963) provided:

There is no duty to control the conduct of a third person as to prevent him from causing physical harm unless (a) a special relationship exists between the actor and the third person which imposes a duty upon the actor to control the third person’s conduct, or (b) a special relationship exists between the actor and the other which gives to the other a right to protection (Kaplin & Lee, 1995, p. 396).

When IHEs make the decision to build, maintain and operate dormitories and other on-campus residential housing, they owe a legal duty to use reasonable care under the circumstances to protect the occupants of that housing from foreseeable criminal
conduct (*Nero v. Kansas State University*, 1993). In light of the cases establishing the resurrection of *In Loco Parentis*, legal groundwork was established for enactment of the Jeanne Clery Act in 1990.

**Section Four - Existing Literature Regarding the Clery Act**

Even though the Clery Act has existed for 22 years at the time of this writing, it is considered by many in college administration to be burdensome, ambiguous and unreliable (Hartle, 2001). Administrators have made known their distaste for the federal intrusion into internal university affairs and their scholars have published numerous studies defining their skepticism of the Clery Act’s ability to fulfill its own objectives (Fisher & Sloan, 1995; Janosik, 2002; Janosik & Gehring, 2001; Janosik & Gregory, 2003, 2009; Smith, 1988, 1989; Smith & Fossey, 1995).

In a literature review on the Clery Act and its impact on administrative practices in higher education and crime reporting, prepared by Gregory and Janosik (2012), for the third chapter in a forthcoming book entitled *Campus Crime 3rd Edition* by Fisher and Sloan (in press), the authors indicated their surprise so little research has been done on how the Clery Act has been implemented, how campus officials have perceived its impact and how effective it has been (Gregory & Janosik, 2012). In place of more solid research, Gregory and Janosik (2012) indicated the literature regarding Clery is replete with news stories and law review articles that offer opinions about the Act’s level of importance and enforcement. Finding little evidence that crime on the college campus is the norm, Gregory and Janosik (2012) claim the media appear fascinated by lurid reports of crime and that their reports fail to place the crimes in the proper context.
Existing Research on the Clery Act - Janosik, Gehring, and Gregory

The first national study on the impact of the Clery Act on student behavior was conducted by Janosik and Gehring (2001). This initial study focused on two areas: (a), student awareness of the Clery Act and (b) if students had changed their behavior as a result of the statistical information mandated by the Clery Act. In this study, Janosik and Gehring defined the purpose of the Clery Act as two-fold:

First, by requiring institutions to report specific crime statistics, open their criminal activity logs, and share information about their crime prevention programs with prospective students and their parents so information about campus safety can be factored into the college choice decision. Second, by notifying students, faculty, staff, and other of criminal activity occurring on campus, individuals can be made aware of the potential risks and make active choices about personal behavior (Janosik & Gehring, 2001, p. 1).

The sample for the study was obtained from a list of voting delegates of the National Association of Student Personnel Administrators (NASPA). The sample was narrowed to NASPA delegates serving undergraduate students and resulted in 305 administrators or 30.6%. The sample included three, two year private institutions (0.1%), 30 two-year public institutions (10%), 137 four-year private institutions (45%), and 135 four-year public institutions (44%). Administrators were asked to draw a random sample of 30 students, representative by gender, from each of their campuses for the study. On behalf of the researchers, administrators distributed 9,150 questionnaires to undergraduate students. A total of 3,866 (42%) were returned to Janosik in useable condition, representing 2,286 (59%) women and 1,575 (41%) men (Janosik & Gehring, 2001).
The instrument designed for the study consisted of 13 questions addressing three areas:

1. Whether students knew of the Clery Act’s existence;
2. If the students had changed their behavior in response to attending campus crime prevention programs
3. If the students had changed their behavior in response to reading information in their institution’s annual report.

The questionnaire was designed to categorize responses by (a) gender; (b) victim or non-victim status; (c) institutional type: public or private; (d) location of institution: urban or rural; and (e) size of institution: under 5,000 students or over 5,000 students (Janosik & Gehring, 2001). Data pertaining to student awareness of the Clery Act revealed slightly more than one-fourth or 27% of student respondents, were aware of the Act. Only 24% of students recalled receiving information on the Act in admissions materials and 22% recalled receiving the Annual Security Report from their institution. Twenty-two percent of responding students recalled actually reading their institution’s Annual Security Report (Janosik & Gehring, 2001).

When gender was considered data revealed men were significantly more likely to be aware of the Clery Act and to have read an institution’s Annual Security Report. Alternatively, women were more likely to have read ‘other campus materials,’ to inform themselves about crime on campus. Sixty percent of responding students had read ‘other crime related reports,’ such as news articles or flyers produced by their institution (Janosik & Gehring, 2001).
With regard to victim status, data revealed 562 or 15% of respondents had become victims of some type of criminal activity while enrolled at their institution. Surprisingly, of these victims, men comprised 17% and women 12%. Respondents who reported being victimized were more likely to know of the Clery Act, but were no more likely than their non-victim counterparts to recall receiving the Annual Security Report or using the information contained in it (Janosik & Gehring, 2001).

Notable differences in data surfaced concerning student respondents from private institutions and smaller colleges. These students were significantly more likely to remember receiving the crime summary contained in their admissions packet and had used the summary in their college choice decision. These students were also more likely to remember receiving their institution’s Annual Security Report, to have read the report and read other awareness materials such as flyers, posters and newspaper articles distributed by their institution (Janosik & Gehring, 2001).

Two significant differences in the data were found with regard to location of institution. The first distinction found students attending urban institutions were more likely to have read ‘other awareness materials’ about campus crime or crime prevention than students attending rural institutions. Based upon this distinction Janosik and Gehring (2001) concluded students attending urban institutions were significantly more likely to change the way they moved around campus.

Respondents attending institutions of less than 5,000 students were significantly more likely to have recalled receiving the crime summary in an admissions packet, recalled reading it and used it in their college choice decision. Student respondents in
Student respondents attending institutions of more than 5,000 students were significantly more likely to have read other kinds of campus crime awareness and prevention materials. Based on this information, Janosik and Gehring concluded students attending institutions with more than 5,000 students were significantly more likely to have changed the way they moved around their campuses (Janosik & Gehring, 2001).

In response to their first line of inquiry pertaining to student awareness of the Clery Act, Janosik concluded a majority of students remain unaware of the Act and do not use the information contained in the summary of crime statistics known as the Annual Security Report (Janosik & Gehring, 2001). The study’s second area of inquiry asked whether students had changed their behavior in response to attending campus crime prevention programs. Data indicated 27% of responding students had attended a crime prevention or awareness program, whose existence was mandated by the Clery Act. Women were more likely to have changed the way they protected themselves, their property or moved about campus. Women were also found more likely than men to report criminal activity. Respondents who had been victims of crime were significantly more likely to have attended a crime prevention or awareness program, to have changed the way they protect themselves and their property and changed the way they moved about campus (Janosik & Gehring, 2001).
The last area of inquiry asked whether students had changed their behavior in response to reading information in their institution’s Annual Security Report. Data revealed only of responding students used crime statistics, 8% as part of their college choice decision making. A small difference was noted in that ten percent of students attending private institutions and 10% of students attending institutions with enrollments of less than 5,000 were more likely to incorporate crime information into their college choice decision (Janosik & Gehring, 2001). Of the students surveyed, 89% reported feeling safe or very safe on their campus and 75% reported feeling safe or very safe off campus. While acknowledging 15% of student respondents had been the victim of a crime while enrolled on their campus, Janosik and Gehring reported their data comports exactly with existing conclusions of the U.S. Department of Education on campus crime. In 2001, the Department of Education reported that incidence of crime on college campuses were much lower than the nation as a whole.

Despite recognizing students’ lack of motivation to read crime reports as a factor influencing how students respond to issues of campus crime and safety, Janosik and Gehring (2001) opined the energy and emphasis devoted to the reporting requirements of the Clery Act may be misplaced. They concluded that data offer evidence students might be better served through administration’s focus on the development of services and programs that seem to make a difference rather than a statistical report of campus crime statistics. Data from Janosik and Gehring’s first national study on the impact of the Clery Act on student behavior initially appear to support the assumption that the majority of
students are unaware of the Clery Act, do not use the Annual Security Report in their college choice decision and do not modify their behavior because of it.

**Views of Campus Law Enforcement Officers on the Clery Act**

In 2002, Janosik partnered with Dennis Gregory to research the views of senior campus law enforcement officials on the Clery Act. This study focused on the Act’s effect on campus law enforcement practices at IHEs. For this study Janosik and Gregory defined the major purposes of the Clery Act as:

(a) **impose** a standard method by which colleges and universities report campus crime for colleges and universities, (b) **force** the sharing of this information so that parents, students, employees, and applicant groups can make better decisions and (c) **reduce** criminal activity on college campuses (Janosik & Gregory, 2006, p. 5).

This study served to fill another void in existing scholarly research on the Clery Act and again addressed the unremitting disagreement over the effectiveness of the legislation. The debate portrayed institutional authorities as manipulating or hiding crime on their campuses to protect their image and reputation (Janosik & Gregory, 2002). The sources of this debate have been attributed to victim advocates, such as the Clery family, some legislators and print and broadcast media (Janosik & Gregory).

The sample for this study was derived from the International Association of Campus Law Enforcement Administrators (IACLEA), which served as the professional association for campus law enforcement. A forced choice questionnaire containing 47 questions was designed, using some material from an earlier survey conducted by Janosik (2001). Reliability of the earlier instrument, using a student sample of 3,150 respondents,
was determined to be .76 when the Cronbach Alpha model was used (Janosik & Gregory, 2002). The survey covered five research questions:

1. How has the Clery Act changed the nature of law enforcement on college and university campuses?
2. How are institutions distributing mandated ASR reports to their constituents?
3. Has the Clery Act had any impact on reducing campus crime?
4. Do campus law enforcement officials perceive that the Act has influenced student behavior?
5. Are college administrators hiding reported incidents of campus crime?

Thirty-seven questions addressed law enforcement practices affected by the Act and 10 questions requested demographic data from respondents. Janosik addressed content validity of the instrument by requesting a review of it by a panel of student affairs and campus law enforcement officials chosen by the researchers. The survey was distributed by mail to the leading IACLEA member at 944 institutions with instructions to return via a prepaid envelope.

Results included 371 questionnaires returned producing a response rate of 39%. Janosik determined reliability for the questionnaire to be .78 when the Cronbach Alpha model was used. Janosik and Gregory (2002) acknowledged interpretation of the data was hampered due to the low response rate and inability to check for response bias among non-respondents. The sample population consisted of 83% chiefs of campus police and 17% from other senior law enforcement officers. Ninety-six percent were members of IACLEA and 74% sworn law enforcement officers. Public institutions
represented 62% of respondents and private IHEs 38%. Forty-two percent of respondents were employed at IHEs with fewer than 5,000 students while 58% worked at IHEs with more than 5,000 students. The location of respondents’ institutions were almost equally divided with 49% urban IHEs and 51% rural IHEs. All respondents were aware of the Clery Act and were involved in developing or assisting with their preparation of their institution’s Annual Security Report. (Janosik & Gregory, 2003)

As to whether the Act had changed the nature of campus law enforcement, 57% indicated it had been effective or very effective in improving the quality of campus crime reporting procedures. Forty-three percent indicated the Clery Act had served as a stimulus for improving campus law enforcement policies and procedures and 37% gave recognition to the Act for being effective or very effective in increasing the number of campus safety programs. Data revealed law enforcement officials at private IHEs were much more likely to report the Clery Act had been a positive stimulus for improving law enforcement procedures than their public IHE counterparts. (Janosik & Gregory, 2002)

A majority of the data developed from this study indicated the Clery Act had improved the quality of campus crime reporting procedures, has stimulated improvement in campus law enforcement procedures and has increased the number of campus safety programs. Despite the low response rate for this study, this data provided optimistic and constructive evidence that the compliance requirements are slowly fulfilling the intended goals of the Clery Act.

Janosik and Gregory (2002) discovered some irregularities regarding compliance at some of the respondent institutions. Under the Clery Act, the collection, classification
and compilation of campus crime statistics into an Annual Security Report (ASR) must be followed by its annual distribution to current and prospective students and employees. The exact mechanism of publication is not prescribed by the Clery Act. Data indicated 38% of IHEs use more than one method of distribution. Seventy-eight percent of IHEs that post the ASR data electronically also notify constituents, in writing that the data is available. Accordingly, the data allowed the assumption that 22% of respondents in the study are not in full compliance with requirements of the Clery Act. Only 10% of respondents indicated a belief the ASR helped to change how students protected their property while 24% said the distribution of the ASR led to an increase in student confidence in their department. (Janosik & Gregory, 2002)

Under the Clery Act, an IHE that maintains a campus police department or security department is required to maintain a daily campus crime log, which must be made available to the public during normal business hours. All campus law enforcement respondents in Janosik’s study indicated they maintained a daily campus crime log and made them available to the public. (Janosik & Gregory, 2002) With regard to this particular mandate confusion or ambiguity did not appear to exist.

When respondents were asked if the Clery Act had any impact on reducing campus crime, 70% of respondents reported campus crime rates had remained relatively constant since its passage. Ninety percent of respondents said the act had no impact on campus crime. (Janosik & Gregory, 2002)

The most important and positive finding of Janosik and Gregory’s (2002) study on law enforcement views on the Clery Act indicated 53% of respondents believed
providing campus programs encouraged by the Act increased student confidence in their institution’s police force. Once again, private versus public institutions provided different data and indicated private IHEs were more likely than public IHEs to report a perceived increase in confidence in campus police as a result of the activities and programs connected with the Clery Act.

An overwhelming majority, 91.5% of respondents in this law enforcement study, denied college administrators were hiding incidents of campus crime on their campuses. The remaining 9.5% of respondents who indicated crime was being hidden on their campus, attributed 4.6% of the conduct to chief student affairs officers and 1.2% to judicial affairs officers. (Janosik & Gregory, 2002)

Accordingly, the data permitted the assumption that if concealment of crime on campus occurred, it was not perpetrated by law enforcement officers and was occurring at very low rates. Due to the low response rate of sample participants caution must use in generalizing this outcome to the general population.

Two areas of concern surfaced in the Janosik and Gregory study. First, data revealed 22% of respondents did not notify their constituents in writing, when crime data was available on their website or how to locate the data. Second, 12% of respondents did not make public upon request, crime reports when the release would not affect pending investigations (Janosik & Gregory, 2002). Janosik and Gregory concluded the failure to notify constituents that crime data is available and how to find it and the failure to make crime reports available not affecting pending investigations, are violations of the Act.
The conclusions drawn from the data by Janosik and Gregory are:

1. The Clery Act has had minor positive effects on some campus law enforcement practices.
2. Crime reporting has improved, but has been proven ineffective.
3. Decreases in campus crime, where they have occurred, are perceived not to be a result of the Clery Act.
4. Improvements in the quality of campus police policies and procedures have not been perceived to be occurring.
5. Changes in student behavior are more affected by campus programs and publications than by the crime reports themselves. (Janosik & Gregory, 2002)

The authors recommended the following steps be taken to bring the results of this study in alignment with the purposes of the Act:

1. Focus on the development of services that make a difference (i.e., conduct workshops or seminars to inform students on how to protect themselves and their property).
2. Develop publicity campaigns that focus on safety and include in them in the campus newspaper.
3. Presidents should address campus safety in their fall convocations and invite nationally known speakers to lecture on the need for campus safety.
4. Create better support structures for IHEs struggling to comply with the changing requirements of the Act.
5. Department of Education should provide funding to assist with compliance issues and sponsor regional workshops. (Janosik & Gregory, 2002)

The first three recommendations made by the researchers required steps taken by institutions rather than the Clery Act. The fourth and fifth recommendations involved increasing the Department of Education’s effort to train and support enforcement of the Clery Act. Since 2002, the U.S. Department of Education (DOE) had funded several grants to Security On Campus, Inc. to conduct regional seminars on compliance and to address amendments to the Act. DOE has also funded and implemented the production of a written handbook on compliance with the Clery Act entitled: The Handbook for Campus Crime Reporting (2005). Regional seminars on compliance and amendments to the Act are conducted several times per year by Security On Campus, Inc., the 501 non-profit created by the Clery family (Security on Campus, Inc., 2012).

Parents’ Views on the Clery Act

Another gap in research on the Clery Act was addressed when Janosik (2002) conducted a forced-choice survey study on parents’ views on the Clery Act and campus safety during a freshman orientation. Here, Janosik identified the goal of the Clery Act to be:

(a) to provide consistent crime information so that parents, potential students and potential employees will be better able to evaluate an institution before they make a commitment to it; (b) to educate students and employees about campus crime so that they might better protect themselves from the risks in their campus environment; and (c) to reduce crime. (Janosik, 2002, p. 3)

Janosik (2002) began this study with a summary of previous research conducted on the Clery Act. Gehring and Galloway (1997) conducted a survey on practices the of
admissions offices, and concluded that IHEs had failed to include appropriate Clery Act material in admissions packets and were still unsure of the Act’s reporting requirements. Janosik (2001) and Janosik and Gehring (2001), found that 10 years after the Clery Act was enacted, only 25% of students knew about it or had read mandated crime reports. Janosik and Gregory (2002) assessed views of campus law enforcement officers on the Act and found this group felt the Clery Act did little to reduce crime and the mandated crime reports were not used by students.

This study conducted by Janosik (2002) focused on first-year students at a large research institution in the southeast. The sample was gathered during a summer freshman student orientation program where 450 parents were randomly selected when they walked by a checkout table at the conclusion of the two-day event. Parent respondents were asked to complete a 24-item, forced choice questionnaire designed for this study. Of the 450 parent participants selected, 424 questionnaires were returned completed at the time of the event. Twenty-six chosen participants chose to take a prepaid return envelope. Eleven of the 26 parent participants, who did not complete the questionnaire at the time of the event, returned it by mail later. Ultimately, 435 useable questionnaires or 97% were returned to the researchers. Data revealed all respondents were parents of first-year students. Two hundred thirty-six or 54% of parents were sending their first child to college, whereas 199 or 45% of parents had additional children attending college. Thirty-seven parent respondents or 8.5% had some high school or graduated from high school. The remainder of the sample, or 91.5%, either attended college or graduated college. Twenty-six percent of parent respondents indicated a member of their immediate family
had been the victim of a crime. An overwhelming 99.8% of parent respondents thought their child would be safe or very safe on the campus they chose to attend. Janosik (2002) used four questions to guide his research:

1. Are parents aware of the Clery Campus Crime Act?
2. Do parents use the campus crime information they are provided?
3. What do parents think about the strategies college administrators use to inform students about campus crime issues?
4. How do parents respond to the college administrators who share this kind of information with them?

Data revealed one-quarter of parent respondents knew about the Clery Act and 40% remembered receiving the campus crime summary in their student’s admission packet. Janosik (2002) noted parents with less education were less likely to know about the Act; however, he did not determine the difference to be statistically significant. Parent respondents who had an immediate family member who had been a victim of crime were statistically more likely to be influenced by Clery Act information. Twenty-two percent of parent respondents remembered receiving the complete annual security report with 15% reported reading it.

One-third of parent respondents thought their student would read the annual crime report and 58% thought if their student read the report, the information would change the way he or she protected property. Fifty-four percent thought the information in the annual crime report would change how students protected themselves from harm. Nine out of 10 parent respondents remembered college administrators discussing campus crime
issues with them during the orientation. As a result, 84% of parent respondents reported feeling an increased confidence in those responsible for campus safety and 90% of the respondents affirmatively when asked if administrators were forthcoming and candid about campus safety issues (Janosik, 2002). Janosik (2002) attributed the positive views held by parents to orientation and campus visit programs that included frequent and honest conversations about campus safety issues which go a long way in assisting that parents and students understand inherent risks on college campuses (Janosik, 2002).

Janosik concluded that: (a) Despite a 10-year effort to increase usefulness of the annual campus crime reports, only one quarter of parents participants knew about the Clery Act; (b) Only 6% of parent participants reported being influenced by any of the material mandated by Clery; (c) Groups specifically targeted by the Clery Act, such as student and parents, do not read the Annual Security Reports; (d) Parents perceived the campus and immediate area off-campus as being extremely safe; (e) Parents who had experience with crime in their immediate family were less likely to feel college administrators were being candid about campus crime and were more likely to feel administrators were trying to hide information; (f) Parents were no more aware and knowledgeable of the Clery Act than student groups; and (g), Factors such as academic reputation, cost, distance from home, and attractiveness of the campus most likely remain the dominant points of consideration in the college decision-making process (Janosik, 2002).
The Effect of the Clery Act on Judicial Practices

To assess the perceptions of campus judicial affairs officers regarding the effectiveness of the Clery Act, Gregory partnered again with Janosik (2003). Campus judicial affairs officers are charged with the responsibility of classifying, collecting and reporting crimes reported to them and for reporting arrests and referrals for drug, alcohol and weapon violations for inclusion in the ASR. Campus Judicial affairs officers also adjudicate violations of university student conduct rules and regulations and even conduct that can be criminal in nature.

Using a forced choice survey, the researchers surveyed 1,143 members of the Association for Student Judicial Affairs (ASJA), responsible for compliance with the Clery Act at their institution. The response rate of 36.9% was composed of 39% Senior Student Affairs Officers who supervised at least one judicial conduct administrator, 44% were judicial affairs officers with the remaining 17% indicating they were faculty, graduate students or others. Sixty percent of respondents worked at public institutions and 40% worked at private institutions. Eighty-eight percent of respondents worked at four year institutions with the remaining 12% working at two-year institutions (Gregory & Janosik, 2003).

Based on a review of existing literature on the Clery Act, Gregory and Janosik (2003) identified seven purposes of the Clery Act: (a) Improving campus crime reporting by forcing colleges to report campus crime data in a more consistent manner, (b) Allowing prospective students and their parents to make informed decisions about the relative safety of institutions to which they are considering applying for admission, (c)
Improving campus safety programs, (d) Improving campus police policies and procedures, (e) Raising student awareness and thus changing their safety related behavior, (f) Eliminating the perceived hiding of campus crime by institutional officials, and (g) Reducing campus crime (Gregory & Janosik, 2003).

Student judicial officers are charged with the responsibility of dealing most regularly with student behavior on campus. They are responsible for collecting and providing data regarding student drug, alcohol and weapon violations not resulting in arrest to campus police for inclusion in the Annual Security Report mandated by the Clery Act. Campus student judicial officers adjudicate a wide variety of policy infractions and depending on the design and requirements of the individual campus, these can include: academic integrity, residence hall policies, student government regulations, club and organization operations and behavior that violates institutional policy and may be considered a violation of criminal and civil laws.

Until this study by Gregory and Janosik (2003), no research had been performed regarding the effect of the Clery Act on campus student judicial practices. Three research questions were used to frame their research:

1. Has the Clery Act changed the nature of student judicial practice on college and university campuses?
2. Has the Clery Act changed the relationship between campus law enforcement and campus judicial officers?
3. Has the Clery Act been effective in achieving its purposes as identified above (Gregory & Janosik, 2003)?
To provide data for the first research question, student judicial officers were asked if the volume of student conduct cases had increased since the passage of the Clery Act. Thirty percent indicated their caseloads had increased and 4% indicated their caseloads had decreased. Following the 1998 amendments to the Clery Act, which required IHE to report as part of their ASR, the number of cases where students have been referred for disciplinary action for alcohol, drug or weapon violations; 30% indicated an increase in cases, ten percent noted a decrease and 58% indicated no change. Thirty-one percent indicated an increase in drug cases since 1998, while 61% reported no change. Eighty-eight percent indicated no change in the number of weapons cases since 1998 (Gregory & Janosik, 2003).

Gregory and Janosik (2003) discovered campus law enforcement officers saw their role as law enforcement and often felt at odds with student judicial affairs officers, who saw their role as educational. According to the researchers: “Campus police could not understand how judicial affairs officers could ‘slap the wrist’ of offenders and assign research assignments, letters of apology and the like rather than punitive sanctions” (Gregory & Janosik, 2003, p. 768). When asked if the relationship between campus law enforcement and student judicial affairs officers had been improved by the Clery Act, 50% of respondents indicated it had. Although the study did not define the criteria that improved the relationship, Gregory and Janosik opined that increased communication, joint training and a better understanding of mutual responsibilities of each department contributed.
When student judicial affairs officers were asked if they were automatically notified when a student was arrested, 82% responded affirmatively and 15% indicated they were not automatically notified. Student judicial officers at private institutions were determined to be more likely than their public counterpart to contact campus law enforcement when a student was arrested (Gregory & Janosik, 2003).

To answer the last research questions, student judicial officers were asked if they believed students were aware of the Clery Act. Fifty-one percent of respondents believed students were aware of the Clery Act while 7% stated their students were not aware of the Clery Act. Forty-two percent of respondents were unable to tell if student were aware or not. When asked if the Clery Act was effective in reducing crime on campus, only 2% of respondents reported it was effective and 50% indicated it was either ineffective or very ineffective. Forty-eight percent of respondents were unable to tell if the Clery Act was effective in reducing crime on campus. Ninety-seven percent of respondents reported their students were safe on campus and 88% reported their students were safe off campus (Gregory & Janosik, 2003).

Gregory and Janosik (2001, 2002, 2003) concluded that a few good things are happening as a result of the Clery Act. Campus officials are almost universally aware of the Clery Act and campus law enforcement and student judicial officers are working together to produce the Annual Security Report. Awareness and participation rates were lower at the community college level due to fewer crime occurrences and the lack of on campus residences. A majority of judicial officers believe their students are aware of the Clery Act and the Annual Security Report mandated by it. Lastly, judicial officers
reported that the safety programs and notices sent to students were having an effect on 
students’ behaviors with regard to protecting their person and property (Gregory & 
Janosik, 2003).

**Relationship of this Study to Past Research**

The research conducted by Janosik, Gehring, and Gregory illustrate a majority of 
the flaws with the Clery Act while pointing to few benefits of the Act. Janosik, Gehring, 
and Gregory have never studied leaders’ perceptions of impediments or enhancements to 
institutional compliance with the Clery Act. This study endeavors to fill some portion of 
this void. One of the most sweeping and significant consequences of the Virginia Tech 
example was the wave of unsettling emotions that swept across campuses. The sense of 
vulnerability, direct threat, and the shattering of the usual sense of safety reverberated 
across our nation’s campuses. The basic need to feel safe while on a college campus or 
attending college was shattered for many.

To assist in understanding the basic human need to feel safe, it is beneficial to call 
upon existing theory. In a 1943 paper entitled *A Theory of Human Motivation*, 
psychologist Abraham Maslow opined human beings have five categories of needs, 
which he ordered in a hierarchy. This hierarchy became known as Maslow’s *Hierarchy 
of Needs*, which begins with more primitive, lower level needs and builds to more 
sophisticated, higher level needs. Accordingly, lower level needs must be satisfied first 
before fulfilling the needs located higher on the hierarchy (Maslow, 1943). Figure 3 
demonstrates a representation of Maslow’s Hierarchy of Needs.
Figure 3. Maslow’s Hierarchy of Needs.

The first four levels, or lower-order needs, are considered *physiological needs*, while the top level is considered *growth needs*. As Figure 3 demonstrates, after breathing, food, water, sex, sleep and bodily functioning, the next level involves safety and security. Before an individual can move to the next level on the hierarchy, the need for physical safety and security must be met. For that reason, IHEs bear the responsibility of fulfilling a relatively basic but essential human need for safety and security while students attend their institution.

**Section Five - Theoretical Framework – Systems Theory**

To restructure and innovate the scientific research and decision making community, Ludwig von Bertalanffy conceived and named *Allgemeine Systemlehre* or General Systems Theory (GST) in the 1940s (Laszlo & Krippner, 1997). Bertalanffy
(1968) asserted that in order to understand the workings of a system one must view the whole system as more than the sum of its parts and the parts of a system in the context of the whole (Bernard, Paoline, & Pare, 2005). GST provided, for the first time, a broad conceptual framework which identified key inputs, outputs and transformative processes in organizations. Von Bertalanffy first discussed GST in 1925, but did not present his ideas until he attended a seminar at the University of Chicago in 1937. Bertalanffy’s first publication concerning general systems theory occurred after World War II. By the 1960s, GST and systems thinking began to be recognized as a paradigmatic effort at scientific integration and theory formulation across multiple disciplines (Laszlo & Krippner, 1997).

At the time Bertalanffy first discussed GST in 1925, Alfred North Whitehead was working on a related 'philosophy of organism,' and biologist Paul A. Weiss was developing a systemic approach based on the importance of finding "the conceptual integration that renders the map of knowledge not only more complete, but more consistently coherent" (Laszlo & Krippner, 1997). More than any others of their time, von Bertalanffy, Whitehead, and Weiss developed a general science of organized complexity. Of the three, von Bertalanffy developed the fullest explanation of general systems theory he described as follows:

(1) There is a general tendency toward integration in the various sciences, natural and social;
(2) Such integration seems to be centered in a general theory of systems;
(3) Such theory may be an important means for aiming at exact theory in the nonphysical fields of science;
(4) Developing unifying principles running "vertically" through the universe of the individual sciences, this theory brings us nearer the goal of the unity of science; and
(5) This can lead to a much-needed integration in scientific education. (Von Bertalanffy, 1968, p. 38)

General systems theory offers a unified way of thinking about all organizations and provides tools and a vocabulary, which allow administrators and researchers alike to communicate quickly and accurately about organizational phenomena (Bess & Dee, 2008). From inquiry related to the network of reactions in a cell, mathematical equations, computer science, communications, education, sociology and psychology, GST has become almost universal in application for examining problems in organizations (Bernard et al., 2005; Bess & Dee, 2008; Cadwallader, 1968; Haberstroh, 1968; Lewin, 1968). Intentionally formulated at a high level of abstraction so it could apply to a diverse array of problems, proponents of GST believe it can dismantle barriers between academic fields and promote cross-disciplinary research (Bess & Dee, 2008). This study benefits significantly from the wide application of GST by providing an understanding of how internal and external operations of institutions of higher education impede or enhance compliance with the Jeanne Clery Act.

The basic concepts of GST involve the following terms: system, open and closed systems, boundaries, interface, environment, inputs, outputs, components, structure, differentiation, specialization, transformation, equilibrium, homeostasis, equifinality, feedback, and entropy (Bess & Dee, 2008). It is essential to define the terms used in GST and to provide practical examples to understand how this theory can explain the interplay
between internal and external organizational phenomena which affect compliance with the Clery Act.

A system, by definition, is a set of components or elements that are interrelated, interactive and interdependent (Hall & Fagan as cited in Bess & Dee, 2008, p. 94). When studying general systems theory it is important to realize any organization considered a system has several sub-systems operating simultaneously within the larger system. For example, the University of California (UC) system is composed of ten separate campuses, each of which acts as a system within the UC larger system. Each college or department within each of the ten separate campuses acts as sub-system, as does each residence hall and athletic category. The UC is also a sub-system operating within both the California system of higher education and the United States system of colleges and universities. Because of the nature of systems and their sub-systems, changes in one component are likely to cause repercussions in other components (Bess & Dee, 2008). For example, changes made in admission standards may well impact the number of student residential housing units needed, the number of remedial courses offered as well as the number of faculty or staff employed to serve students.

Another equally important element of any system is the determination of whether or not the system itself is an open or closed system. An open system is one that can carry out exchanges with environments easily whereas a closed system is one which actively restricts exchanges with outside environments (Bertalanffy, 1968). Examples of both open and closed systems can be found in higher education. Prestigious Ivy League institutions such as Yale and Harvard are considered closed systems because they
selectively restrict enrollment based on academic standing and the ability to afford significant tuition. California’s Community College system is considered an open system because it has traditionally offered open access to admission for all and has charged relatively low attendance fees.

The essential identity defining element in any system is its boundary, which acts to separate the system from other systems and provides protection through filtering and or selection mechanisms (Bess & Dee, 2008). By officially defining the boundary of a system, the purpose of or activities of the system are identified for all to discern and follow (Fombrun & Shanley, 1990). In the higher education arena, administrators and faculty often cross boundaries to fulfill professional roles and perform important functions in establishing a brand and maintaining an image or brand of their institution for the public and internal stakeholders (Bess & Dee, 2008). Boundaries established for any institution vary in size, nature and purpose. Depending upon the purpose of the particular system, the boundary can operate in an overbounded manner, by consuming immense resources to keep things and people from entering or exiting the system, or in an underbounded manner, where inefficiency and waste may occur.

An example of overboundedness occurred in 2012 at University of California, Davis, when university administrators’ response to students peacefully assembled in their student quad to oppose tuition rate hikes authorized by the Board of Regents resulted in campus police spraying them with Pepper-Spray. The financial and public consequences of UC Davis’ overbounded response to student protesters cost the University of California system $3 million to settle various liability claims.
Alternatively, a system can act in an *underbounded* manner by failing to utilize resources efficiently or for their best use (Bess & Dee, 2008). The California Community College system (CCCS) has frequently been criticized by the public and stakeholders for failing to produce verifiable numbers of students who complete degree requirements (source). As a result of their open access mission, the CCCS continues to operate in an *underbounded* manner because they do not have established policies designed to track students’ degree completion.

An essential component of GTS involves the nature and quality of the *interface* between different segments of a system and or sub-systems within a system. Particularly with regard to higher education, the nature of the *interface* between administration and faculty or campus security and police and residential life can determine the overall effectiveness of the system and even whether the institution will persist, experience success, or defeat (Bess & Dee, 2008). System *interface* often demonstrates the quality of, or the lack of institutional leadership, effective campus governance and professional authority (Birnbaum, 1988; Del Favero, 2003). In this study, system *interface* plays an important role in understanding the case studies of Virginia Polytechnic and Pennsylvania State University concerning compliance with the Clery Act.

Similar in importance to the *interface* between different segments of a system, is the *environment* of the system, which includes everything beyond the *boundary* of the system (Bess & Dee, 2008). The environment of the system includes forces such as competing sub-systems, other larger systems, stakeholder demands, regulators’ requirements, demands made by parents and community members and others. All of
these have the potential to impact the system. For this study, the environment of the system and sub-systems evaluated play integral roles during organizational analysis and problem solving.

The consistent energy source for all systems delivered by the environment surrounding the system, are referred to as inputs, which are absorbed through the system boundary. Inputs, come in many forms such as products, raw materials, monetary funds, human resources, information, cultural expectations and more. These are divided into two types: (a) Maintenance inputs: which provide the system with the capacity to perform the requisite tasks to transform raw materials into more complex forms suitable for output and (b) Signal inputs: which consist of information to be used by the system for decision making about how it should behave, both internally and across its boundaries (Milliken, 1990). In higher education, maintenance inputs frequently consist of students, who provide resources to the institution when they pay their tuition. Students are transformed into outputs or products by the system through the education they receive. In similar fashion, faculty research can act as maintenance inputs when faculty uses research findings to create new knowledge (Bess & Dee, 2008). An example of a useful signal input would be data reflecting jobs obtained by students following degree obtainment (Milliken, 1990). The relevance of inputs for this study is substantial because they represent a system’s energy source and determine the ability of the institution to persist, succeed or decline.

As the natural opposite of inputs, outputs are the eventual product of the system. As mentioned earlier, while educated college graduates are the outputs of institutions of
higher education, the quality of the individual graduate’s skills vary by institution. If the graduate’s skills are insufficient, irrelevant, outmoded or intolerant, the graduate provides far less benefit to society than the converse. Accordingly, the quality of an institution’s outputs is exceedingly relevant to whether an institution will be considered functional, successful, outdated or cutting edge.

The structures, or pattern of relationships among components within a system, reflect power and authority relationships and how much or how little information flows from one component to another and one system to another (Bess & Dee, 2008). The dynamics of these structures or relationships must be examined by organizations from time to time to determine how things stand, if they are changing or need to be changed (Bess & Dee, 2008). For this study, structures refers to the relationships between IHEs’ administrators and personnel as they work together to facilitate compliance with the Clery Act.

The relationship between Systems theory and the Clery Act revolves around two representations. First, the Clery Act’s mandates assist in producing outputs, in the form of college graduates, by providing student-consumers with information to make informed college choice decisions ultimately leading them to attend a college which complies with Clery Act mandates, experiences limited crime on campus and which provides timely warning of emerging threats on campus. As a result, the student-consumer successfully navigates their postsecondary educational journey, does not drop out because they have become a victim of crime, transforms into an output when they graduate and finally a model for future inputs. Figure 4 is a graphic representation of this relationship.
Figure 4. Systems Theory and the Clery Mandates.

The second relationship between the Clery Act and System theory involves the nature and quality of the power and authority relationships or *structures* within a system. Figure 5 is a graphic representation of the relationship between the Clery Act mandates and postsecondary educational institutions.
General Systems Theory is particularly useful in the study of problems in the higher education arena because colleges and universities are surrounded by a variety of forces and constituencies that induce the organization to respond in some way. External constituencies such as state and federal governments, parents and accrediting agencies provide resources to institutions of higher education which are referred to as inputs while simultaneously setting formal and informal expectations which are referred to as outputs which come in the form of college graduates and new knowledge (Bess & Dee, 2008). Figure 6 is a visual representation of systems theory.
Section Six – Examples of Consequences of Non-Compliance

Virginia Tech Massacre

On a local level, an example demonstrating methodical use of surprise and deception by one fearful of confronting his powerful, but inattentive and assumption-making university police and administrative opponents, occurred April 16, 2007, on the tranquil campus of Virginia Polytechnic University. Seung-Hui Cho, a mentally ill, 23-year-old senior level student majoring in English, began a killing spree in West Ambler Johnson dormitory at 7:00 a.m., where he shot and killed his first victim, Emily Hilscher, followed by resident assistant Ryan Clark who had rushed to see what was happening. Seung-Hui Cho returned to his residence hall to check his email and change clothes.
before leaving campus to mail a videotape of his psychological ranting to NBC. Sometime after 9:00 a.m. Cho returned to campus, entered Norris Hall, chained the exit doors so they could not be opened, entered a classroom and began shooting at approximately 9:40 a.m. First responders arrived eight minutes after the first report of gunfire to discover Seung-Hui Cho had shot and killed 30 more victims and injured 17 others (Flynn & Heitzman, 2008).

In the days following the murders at Virginia Tech, Governor Tim Kaine established a panel to investigate the events leading to the tragedy. Seven crucial lessons to be learned were defined in the report issued by the panel as:

1. States should provide sufficient outpatient mental health service;
2. States should comply with the Federal Gun Control Act;
3. Congress and the State legislature should review federal and state privacy laws, and universities should know what they do and do not permit;
4. Colleges and universities should communicate both with themselves and beyond;
5. Write a plan that fits. One size does not fit all;
6. Make formal arrangements, and practice;
7. Develop a way to access students’ mental health records (Davies, 2007).

At the end of the investigation, the panel found three areas of concern: (a) Structural: underlying systems of public health and public safety were inadequate; (b) Management: by the university and the State of Virginia were inadequate; and (c) Actions on the ground: What was done at the scenes, medical care and victim-survivor
services require improvement (Davies, 2007). On April 10, 2008, survivors and families of victims of the massacre received an $11 million settlement from the State of Virginia (MSNBC, 2008). The families of victims Julia Pryde and Erin Peterson declined to participate in the group settlement and filed separate civil lawsuits against Virginia Tech for their failure to timely warn. On March 14, 2012, the Pryde and Peterson families were each awarded $4 million and a finding of negligence was found against Virginia Tech for failure to timely warn the campus community (Kiley, 2012). The verdict has been appealed by Virginia Tech. Information on the outcome of this appeal will be updated as it is released.

Eastern Michigan University

There can be no minimizing of the tragic murder of Laura Dickinson, for she and her family suffered twice. Once was at the hands of her murderer Orange Taylor, III and the second time with the bungled handling of her murder by administrators at Eastern Michigan University. On December 15, 2006, approximately six months after Arlen Specter’s hearing regarding delayed and improper compliance practices with the Clery Act, a crime almost identical to the one that took Jeanne Clery’s life occurred at Eastern Michigan University (EMU). Campus authorities at EMU discovered the body of student Laura Dickinson in her dormitory room, with a pillow over her head December 15, 2006. Administrators announced immediately they did not suspect foul play. Subsequent investigation revealed EMU officials failed to truthfully disclose the circumstances of the discovery to Dickinson’s parents and failed to issue a ‘timely warning’ to their campus community that a possible murder had been committed.
In fact, EMU officials did not disclose any information concerning Laura Dickinson’s murder until February 23, 2007, when Orange Taylor III, an EMU student was arrested by Washtenaw County Police for the rape and murder of Dickinson. At that juncture, EMU’s administrators had to tell the true story. Dormitory surveillance cameras recorded Taylor entering Dickinson’s dormitory at 4:30 a.m. December 13, 2006, and leaving an hour and a half later. Taylor, a non-resident, admitted entering the dormitory to steal computers but denied seeing Dickinson. DNA testing later revealed Taylor’s DNA matched DNA found on Dickinson’s body. Administrators at EMU failed to inform their campus community, and equally egregious, Dickinson’s parents, that a murder had occurred. James F. Vick, Vice President for Student Affairs was placed on administrative leave during the investigation and was later dismissed from employment (Lipka, 2007). Due to such conduct EMU was subsequently determined by the DOE to have lacked substantial systemic administrative capability to adhere to the compliance provisions of the Clery Act. On December 18, 2007, the largest compliance violation fine of $357,500 was imposed on Eastern Michigan University (EMU) for 13 separate violations; however, not all the fines were associated with the murder of student Laura Dickinson (Carter, 2008).

**Pennsylvania State University/Sandusky Scandal**

The most recent and devastating example of deception and denial is occurring as of the writing of this dissertation. This example involves, at this time, a criminal sexual predator of children and a reputed and well respected university’s cover-up of his crimes at Pennsylvania State University (Penn State). Gerald A. Sandusky, former Defensive
football team coordinator for Penn State has been investigated for sexual misconduct crimes with minors on the campus of Penn State since 1998.

On November 4, 2011, the Attorney General of the Commonwealth of Pennsylvania filed a criminal indictment against Gerald A. Sandusky (hereafter referred to as “Sandusky”) alleging 48 counts, including corruption of minors, sexual assault, aggravated assault and endangering the welfare of minors (Freeh, Sporkin, & Sullivan, 2012). The indictment alleged Sandusky committed the alleged crimes between 1998 and 2002, when Sandusky was either the Defensive Coordinator for Penn State’s football team or when he served as Professor Emeritus and had unrestricted accesses to the University’s football facilities (Freeh et al., 2012).

On November 4, 2011, the Attorney General also filed criminal indictments against Timothy M. Curley, Penn State’s Athletic Director, and Gary C. Shultz, Senior Vice President Finance and Business, for failing to report sexual assault allegations in 2002 and for committing perjury during their testimony before the Grand Jury in January 2011 (Freeh et al., 2012). The criminal charges filed against Sandusky, Curley and Schultz are unprecedented in the history of Penn State and in higher education.

**Freeh, Sporkin, & Sullivan**

Shortly following Sandusky’s indictment, on November 21, 2011, Penn State’s Board of Trustees created a Special Investigations Task Force to investigate the allegations of misconduct by Sandusky, Curley, Schultz, and others. The law firm of Freeh, Sporkin, & Sullivan (hereafter FSS), was engaged by the Special Investigations Task Force to perform an independent, full and complete investigation of:
1. The alleged failure of Pennsylvania State University to respond to and to report to the appropriate authorities sexual abuse of children by former Defensive Coordinator Gerald A. Sandusky;

2. The circumstances under which such abuse could occur in University facilities or under the auspices of University programs for youths (Freeh et al., 2012).

FSS were also asked to provide recommendations regarding University governance, oversight and administrative policies and procedures that will enable Penn State to prevent and to respond to incidents of sexual assault against minors in the future (Freeh et al., 2012). Louis Freeh, director of the investigation of Penn State, is a former Federal Bureau of Investigation (FBI) agent, a former United States Attorney and a former United States District Judge who brought an impressive background and experience to the task at hand (New York Times, 2012).

The Pennsylvania State University scandal concerning the crimes of Gerald A. Sandusky clearly demonstrate the ability of a powerful and prestigious university, through its administrators, to permit heinous crimes against minor children to continue on their campus to avoid detection, liability and damage to their institution’s reputation. For the two reported sexual assaults committed by Sandusky, Penn State had the obligation to record them in their police log pursuant to the Clery Act. Any institution which has a campus police department or security office must maintain a daily crime log (34 CFR 668.46(f). Any crimes, not only Clery Act crimes, are entered in the log when reported to campus police or campus security. The nature of the crime, (i.e., assault, battery), date
and time the crime occurred, general location where the crime occurred and disposition of the complaint (i.e., arrest, judicial referral) should be included in the crime log.

An institution may temporarily withhold information if there is clear and convincing evidence that a release of the information would jeopardize a person, jeopardize the investigation, cause a suspect to flee or result in the destruction of evidence. The crime log for the most recent 60-day period must remain open for public inspection during normal business hours. Crime logs must be retained for three years following publication of the last Annual Security Report (Westat et al., 2005).

The consequences of the Penn State scandal are many. Jerry Sandusky is now serving a 30- to 60-year prison sentence after being convicted October 9, 2012, for sexually abusing 10 boys he met through his charity organization called The Second Mile (Johnson & Kaplan, 2012). The 20 identified victims have filed civil negligence lawsuits which will take up to five years to litigate if they are not settled. More victims are expected to come forward. The damage to Penn State’s reputation cannot be fixed monetarily. Following release of the Freeh report, the NCAA fined Penn State $60 million, prohibited Penn State from participating in bowl games for four years and significantly reduced sports scholarships. The lasting negative impact on Penn State will likely impact relationships, partnerships, faculty, staff and recruiting efforts for years to come. Former president Graham Spanier, former vice president of finance Gary Schultz and former athletic director Tim Curley have already lost their jobs and reputation and face criminal and civil trials and potential incarceration. The U.S. Department of Education had not released the results of its audit of Penn State as of this writing.
Findings made will be updated as they are released. A common theme runs through each of the three examples: leadership failed to follow ethical principles and failed to properly lead during an emergency. Even though the three examples concern four-year institutions, the message or lessons to be learned translate effectively to the community college level.

Section Seven - History of the Community College

From their initially unique nature as extensions of high school, community colleges have evolved and grown into the largest postsecondary educational system in the United States. According to Nevarez and Wood (2010) four primary social forces led to the rise of the community college system: (a) interconnectivity of opportunity and education, (b) the German system of education, (c) industrial market needs, and (d) autonomous and localized educational practices. Interestingly, community college growth was motivated by two schools of thought: the elitists and the populists. Each had their own agenda for supporting development of community colleges; the elitists, who were primarily composed of university professors and high level administrators, preferred to exclude students from their institutions by providing them with less expensive and less rigorous community college education. The populists supported the idea of access to education for all people, not only white wealthy men (Nevarez & Wood, 2010). Ultimately, the populists expanded educational opportunities, produced greater numbers of individuals with high school diplomas and created demand for community colleges. Elitists actually supported populist objectives in order to preserve their class at four year universities (Nevarez & Wood, 2010).
William Rainey Harper is considered the most influential leader of the community college system. Harper viewed the community college system and the perfect opportunity to serve both populist and elitist perspectives. For Harper, community college would free the four year university for the elites to pursue advanced studies while offering opportunity for greater numbers of non-traditional students with lower academic aptitude and those desiring workforce training. Joliet community college was founded in 1901 and is considered to the first. In 1921, California enacted legislation to develop junior college districts. Within a relatively short period of time, California’s junior colleges offered high school extensions, college programs and significant job training. Beginning in 1960 through 1980, community colleges experienced exponential growth due to growing numbers of baby boomers, a growing economy, increased public support for education and an overwhelmed university structure. By the end of the 1970s, there were 1,058 community colleges in the nation (Nevarez & Wood, 2010). Today, California has 112 community colleges, and the nation has 1,200 community colleges which serve more than 11.7 million students (Nevarez & Wood, 2010).

In 2012, community colleges continue to struggle from the longstanding history of underfunding, even though they are asked each year to serve greater numbers of students from diverse backgrounds and an array of academic talents. Community colleges often serve as the last opportunity or primary pathway to a better future for increasingly diverse students who are often low income and first generation (Nevarez & Wood, in press). As a result of their growing economic and societal importance for access to education for all, it is imperative that community colleges fully comply with the
mandates of the Clery Act and provide campus safety and emergency preparedness protocols.

The Status of Compliance with the Clery Act by California Community Colleges

The most recent audit conducted by the Office of the California State Auditor, released February 2013, concluded that all six of the postsecondary educational institutions audited did not fully comply with the Clery Act (California State Auditor, 2013). The specific areas of non-compliance identified in the audit involved: (a) all six institutions cited inaccurate statistics in their Annual Security Report, (b) None of the six institutions had all 12 written policy disclosure statements in their Annual Security Report, (c) Four of the six institutions did not properly notify prospective employees where they could obtain the Annual Security Report, and (d) the most frequently missing policy disclosure statement concerned emergency preparedness and evacuation. The State Auditor identified three reasons for the non-compliance: (a) Failure to review and or adhere to guidance provided by the U.S. Department of Education, (b) Failure to review the Annual Security Report before publication and dissemination, and (c) Failure to properly train employee in compliance with the Clery Act (California State Auditor, 2013).

According to a previous audit of California’s postsecondary education institution’s (2009) conducted by the California State Auditor, six areas of concern regarding compliance with the Clery Act were noted:

1. Institutions receive little guidance on converting California’s definitions of crimes to Clery Act reportable crimes. According to the audit (2009) no single
governing body in California exists to provide guidance in converting California crimes to UCR crimes. Clery Act reportable crimes are defined by the Uniform Crime Reports prepared by the FBI. A list of the UCR crime definitions compared to any state’s criminal definition of crime is a simple manner by which to conduct conversion of state crimes to UCR crimes, since familiarity with the UCR crimes will aid in better reporting under Clery.

2. Institutions do not maintain documentation of the incidents they include in the ASR and often inaccurately report the number of incidents. In the 2009 audit, only one institution of the five audited, maintained adequate backup documentation for incidents reported in the ASR. The Clery Act required backup documentation is kept for a period of three years after reporting. Counting the reportable incidents for inclusion in the ASR is also very specific, but is covered in the DOE’s Handbook on compliance. Training in compliance with the Clery Act can easily remedy this problem. In the event of a random audit by the DOE, institutions must document their ASR crime incidents.

3. Institution’s interpretations of the Clery Act definition for reportable locations can vary. The ASR requires that the location where the crime occurred be recorded in addition to the type of crime. The reportable locations are on-campus, non-campus, public property and separate campuses. Each of the aforementioned are defined in the DOE Handbook. Again, proper training in compliance will resolve this issue.
4. Institutions do not always have adequate process for accurately identifying crimes at reportable locations.

5. Collecting insufficient information from campus security authorities and local police agencies can lead to error.


As a result of the State Auditor’s finding regarding the lack of guidance provided to California’s community college system regarding the Clery Act, this researcher specifically decided to study these postsecondary institutions. In light of the lack of leadership findings, it is necessary to view the applicable leadership theories which may prove useful in developing best practices.

**Section Eight - Leadership and Leadership Theories**

A review of literature regarding community colleges reveals that in 2005, the American Association of Community Colleges (AACC) identified six core competencies for current and emerging community college leaders:

1. Organizational strategy: Institutional mission should drive the quality of the institution, protect and advance practices and hold constituents accountable;
2. Resource Management: The leader supports the mission of the institution by maintaining fiscal resources;
3. Communication: Leaders undertake honest and open dialogue, promote high expectation, and advocate for student success;
4. Collaboration: Using a human relations approach leaders garner support from stakeholders to advance the mission;

5. Advocacy: Student success is promoted through advancement of policies encouraging diversity, equity, inclusion, open access and student learning; and


To be an effective leader, one must be well versed in leadership theories and understand the changing environment of education. The researcher has chosen the following nine leadership theories as applicable to analysis conducted in this study at various times throughout the collection of data. Chapter 4 discusses the leadership themes that emerged from both the qualitative and quantitative portions of this study. In advance of Chapter 4, the applicable leadership theories for this study are defined and discussed below.

1. Bureaucratic leadership: Organizational effectiveness is facilitated through strong processes, policies, rules, regulations and protocols (Chance & Chance as cited in Nevarez & Wood, in press);

2. Democratic leadership: Influence of the leader is used to encourage participation, support employees’ efforts and encourage employees to assert their input toward accomplishing organizational goals;

3. Path-Goal leadership: The needs of the work situation govern the leadership approach to be taken. These leaders must be insightful, self-confident, sociable, intuitive and able to evaluate and interpret;
4. Situational leadership: The best course of action is based upon the situation after evaluation of what is best for the organization;

5. Ethical leadership: Ethical and moral concepts and the pursuit of right or good courses of action are used to determine if actions meet an established standard of good;

6. Leader-Member Exchange theory: leaders should strive to develop positive relationships with organizational affiliates through high quality positive interactions;

7. Political leadership: Leaders approach existing rules as an opportunity to renegotiate, modify or create new processes in order to facilitate long and short term goals;

8. Systems leadership: Concentrates of the importance of inputs, outputs and outcomes and the linkage between subsystems through leadership practices;

9. Transformational leadership: Followers are guided and encouraged to meet expectations and to achieve beyond expectations (Nevarez & Wood, in press).

It is the position of this researcher that situational demands may call for the utilization of many of the nine leadership theories at one time or another. Based upon the outcome of this research, a dynamic model of community college leadership pertaining to compliance with the Clery Act will be developed and presented in Chapter 5. Chapter 3 follows and will address how the researcher design the study and the processes engaged in to gather data for this study.
Chapter 3

METHODOLOGY

In the aftermath of the Virginia Tech shootings, the subject of compliance with the Clery Act has become the topic of many new studies (Aliabadi, 2007, Colaner, 2006, Kerkhoff, 2008, Olszewska, 2007 and Talesh, 2007). Conspicuously absent from research pertaining to the Clery Act pertains to the type of leadership practices used at various levels of an educational organization to successfully implement the Clery Act. Likewise, studies examining the type of institutional resources devoted to the Clery Act for the purpose of compliance is also absent. Accordingly, the nonexistence of studies regarding leadership practices and resources used to successfully implement the Clery Act prompted this study.

This chapter describes the mixed methods research design of this study which uses both qualitative and quantitative research methods. The role of the researcher, the research questions, setting and context of the research, sample, instrumentation, data collection and analysis techniques are also included in this Chapter. The purpose of this study is to provide new information and data regarding factors that impede or enhance compliance with the Clery Act by California Community Colleges and to identify the leadership style(s) and practices which successfully facilitate consistent compliance with the Clery Act. Recommendations are made from the findings regarding leadership practices and other actions taken by leaders to successfully implement compliance with the Clery Act.
Specifically, the methodology described in this chapter was utilized to collect data to answer the following research questions:

1. What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?
2. Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?
3. Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?

**Research Design**

**Sequential Exploratory Mixed-Methods Approach**

This study purposefully selected a sequential exploratory mixed-methods approach, which by design collects qualitative data in the first phase and quantitative data in the second phase (Creswell, 2009). Accordingly, the researcher collected qualitative data by conducting personal interviews of participants holding leadership positions at selected California community colleges. Qualitative data was analyzed using open-coding to discover emerging themes from participant interviews. The researcher collected quantitative data by developing a survey, which was emailed to targeted participants employed at California community colleges, and tasked with responsibilities associated with the collection of data for inclusion in their institution’s Annual Security Report (ASR). Survey questions were designed using a combination of three sources: (a) the Clery Act requirements contained in the U.S. Handbook for Campus Crime Reporting, (b) the stated research questions, and (c) data which emerged from the...
qualitative interviews conducted for this study. The second phase of the study was designed to build on the results of the first phase and to provide data answering the research questions.

The sequential exploratory mixed-methods approach places greater weight on the first qualitative phase and the data are mixed through being connected between the qualitative data analysis and the quantitative data collection (Creswell, 2009). The purpose of this type of study was to use quantitative data and results to assist in interpreting qualitative findings and to explore the phenomenon of compliance with the Clery Act (Creswell, 2009). Two specific benefits arise from this type of mixed-methods approach: (a) the researcher was able to explore the phenomenon further by expanding upon the qualitative data and (b) because the researcher had to develop her own survey instrument, because no previous suitable instrument existed or could be readily adapted for the purposes of this study, the survey questions may be used in future research on this topic (Creswell, 2009).

**Mixed-methods Research Design**

Mixed-methods research was chosen because it offers researchers the ability to obtain a deeper understanding of the complex nature of educational research (Creswell, 2009). A large percentage of studies conducted on the Clery Act have involved quantitative analysis and as such have failed to fully depict the unique stories, perspectives and experiences of key leadership positions and others responsible for implementing the Clery Act at their institution (Janosik, et al, 2003). Qualitative research can assist in gathering multiple perspective data which will be triangulated with the
quantitative compliance data obtained through survey instrument. Accordingly, mixed methods research offers greater insight from the combined efforts of both styles rather than either style separately offers (Creswell, 2009).

Creswell and Plano Clark (2007) defined four reasons to use mixed-methods, as opposed to a solely qualitative or quantitative design: (a) to triangulate, (b) to embed the design, (c) to explain the design, and (d) to explore the design. As a result, this researcher decided to use the mixed methods design to triangulate the quantitative data gathered through the survey with the qualitative data gathered via interviews.

**Role of the Researcher**

The researcher’s interest in compliance with the Clery Act revolves around career interests in performing confidential internal audits regarding compliance with the Clery Act at postsecondary institutions. The researcher’s career in the legal field leads her to predict legislative amendments to the Clery Act will continue to be a part of the higher educational landscape. As colleges and universities are held to ever increasing standards of transparency and accountability they will need to become more responsive to public demands for safety on campus. The researcher believes audits of postsecondary institutions by the U.S. Department of Education will increase in the future and as a result IHEs will need to adapt their leadership styles and policies and procedures to accommodate this change.

A thorough understanding of the mandates of the Clery Act and the law of higher education has become necessary tools in the toolkit of the successful postsecondary educational leader. The experiences of existing community college leaders interviewed
for this study may be transferable to other leaders and administrators in higher education.
The duty of this researcher will be to collect the data, analyze it, present it in an
appropriate manner and make the data available to anyone seeking the information.

Setting and Sample

The participants for both qualitative and quantitative portions of this study were
deliberately selected for either their job title or their responsibility for Clery Act
compliance and for their geographic location within the California Community College
system. The 11 participants interviewed for the qualitative portion of the study were
selectively chosen because they held one of the following positions: Chancellor,
President, Presidential cabinet member, Director of Campus Safety, Chief of Police,
Director of Risk Management and or Director of Emergency Preparedness. Ninety-two
quantitative participants were purposefully selected because they were responsible for
gathering data or compiling data for the ASR as part of their institution’s compliance
with the Clery Act. To add an additional layer of depth to the study, qualitative
participants were selected to reflect as many ethnicities as possible. Table 9 provides
information regarding the job title, geographic location, gender, ethnicity, and numbers of
students served by the qualitative participants.

The sample population for the qualitative approach to inquiry includes: (a) one
retired Chancellor for the California community college system (b) one retired
Chancellor for a Southern California community college district, (c) four Presidents of
California community colleges, (d) one Director of risk management, (e) two police
chiefs, (f) one Director of Public Safety, and (g) one Director of Emergency Preparedness for the California community college system.

Table 9

*Composition of Qualitative Participants*

<table>
<thead>
<tr>
<th>Job Title</th>
<th>Geographic Location</th>
<th>Gender</th>
<th>Ethnicity</th>
<th>Students Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retired Chancellor A</td>
<td>Northern California</td>
<td>M</td>
<td>Caucasian</td>
<td>2.4 Million</td>
</tr>
<tr>
<td>Retired Chancellor B</td>
<td>Southern California</td>
<td>F</td>
<td>Korean</td>
<td>70,000</td>
</tr>
<tr>
<td>President 1</td>
<td>Southern California Urban</td>
<td>M</td>
<td>Hispanic</td>
<td>16,799</td>
</tr>
<tr>
<td>President 2</td>
<td>Southern California Urban</td>
<td>M</td>
<td>Caucasian</td>
<td>70,000</td>
</tr>
<tr>
<td>President 3</td>
<td>Northern California Rural Residence Halls</td>
<td>M</td>
<td>Caucasian</td>
<td>26,000</td>
</tr>
<tr>
<td>President 4</td>
<td>Northern California Urban</td>
<td>F</td>
<td>Caucasian</td>
<td>26,000</td>
</tr>
<tr>
<td>Chief of Police</td>
<td>Northern California Urban</td>
<td>F</td>
<td>African American</td>
<td>70,000</td>
</tr>
<tr>
<td>Director Campus Safety</td>
<td>Southern California Urban</td>
<td>M</td>
<td>Hispanic</td>
<td>70,000</td>
</tr>
<tr>
<td>Director Campus Safety Parking/ Residence Halls</td>
<td>Northern California Rural Residence Halls</td>
<td>M</td>
<td>Caucasian</td>
<td>26,000</td>
</tr>
<tr>
<td>Director Risk Management</td>
<td>Southern California Urban</td>
<td>F</td>
<td>Caucasian</td>
<td>70,000</td>
</tr>
<tr>
<td>Director Emergency Preparedness</td>
<td>California</td>
<td>M</td>
<td>Caucasian</td>
<td>2.4 Million</td>
</tr>
</tbody>
</table>

The sample population for the quantitative approach to inquiry initially included personnel responsible for annual compliance with the Clery Act at all 122 California
Community Colleges. The amount of quantitative participants at community colleges was reduced from 112 to 90 because some community college districts prepare the ASR by district rather than by individual college.

The researcher experienced a reluctance to participate when contacting community colleges to ascertain the identity of individuals responsible for preparing the Annual Security Report (ASR). In some cases, the researcher was asked by participants whether participation would prompt a federal audit. In other cases, potential participants provided incorrect email addresses and names of person preparing the ASR, which resulted in failed attempts to forward the survey to correct individuals. The researcher re-contacted individuals whose email resulted in failure and in many cases again received incorrect email information a second time. As a result, the researcher decided to provide an inducement for participants by providing them the opportunity to enter a drawing to win a free fifty dollar gift card for participating in the study. The result of this inducement provided four additional survey responses.

A final effort to improve survey response rate involved requesting one of the qualitative participants, who served as a Chief of Police, forward the survey to Chiefs of Police belonging to various community college associations in California. The result of this effort provided no new survey responses.

Instrumentation and Materials

Qualitative Data Collection

Using a qualitative research approach (Merriam, 2009) to uncover recurring themes related to the three research questions posed, the researcher conducted personal
interviews of participants. The researcher prepared general, open-ended questions influenced by Creswell (2009) methodology for the interviews (see Appendix A). The interview questions were designed to allow participants the opportunity to provide an honest, in-depth narrative on the difficult topics of (a) compliance with the Clery Act, (b) resources devoted to compliance with the Clery Act, and (c) leadership practices at their institution.

Qualitative interviews were conducted with participants employed within the California Community College system with the following titles: Chancellor, President, Director of Campus Safety, Chief of Police, Director of Risk Management and Director of Emergency Preparedness. The qualitative interviews delved deeply into the professional and personal perceptions of key community college leaders and middle management personnel regarding impediments and or enhancements to their ability to comply with the mandates of the Clery Act at their institution. The qualitative interview questions are represented below by job title.

**Chancellor.**

1. What are your personal perception(s) with regard to factors which have impeded and or enhanced the ability of California community colleges to comply with the mandates of the Clery Act?

2. What recommendations or actions have you made following the 2012 State Auditor’s report to increase the role of the Chancellor in helping to improve compliance with the Clery Act?

3. What role did the Office of the Chancellor play in providing direction to California community colleges regarding compliance with the Clery Act prior to the 2011 State Auditor’s report?
4. What type of role do you feel will be necessary for the Chancellor’s Office to play in the future with regard to compliance with the Clery Act and related issues?

President.

1. What are your perception(s) with regard to factors which have impeded and or enhanced the ability of [redacted] to comply with the mandates of the Clery Act?

2. What issues have you encountered in your role as President with regard to complying with the Clery Act?

3. What type of resources are been committed to complying with the Clery Act by you at [redacted]? What type and level of resources would you like to see committed to complying with the Clery Act in the future at [redacted] and California community colleges in general?

4. What role has the Office of the Chancellor played in providing direction to California community colleges, and specifically to [redacted], regarding compliance with the Clery Act? Do you see a higher level of participation by the Office of the Chancellor in the future?

5. Please describe how [redacted] facilitates complying with the Clery Act? It is a week-long, month-long process? Do you provide training to employees regarding the Clery Act and/or compliance with it?

6. What type of leadership style do you believe is most successful in implementing the Clery Act at [redacted] and in general at other California community colleges?

7. What is your personal perception regarding the efficacy of the Clery Act in making college campuses and students safer?

Director of Emergency Preparedness.

1. Does compliance with the Jeanne Clery Act by California community colleges intersect with your job responsibilities as Director of Emergency Preparedness?

2. Can you briefly explain how you became aware of the Clery Act and any training you have receiving regarding compliance with it?
3. What is your perception of the efficacy of the Clery Act? Do you believe it makes college campuses safer?

4. What type of resources are devoted to compliance with the Clery Act which are related to your job responsibilities?

5. Do you have any comments you would like to add regarding the Clery Act?

**Chief of Police/Director of Campus Safety/Director of Risk Management.**

1. What are your perception(s) with regard to factors which have impeded and or enhanced the ability of California community colleges to comply with the mandates of the Clery Act?

2. What issues have you faced in your numerous roles in parking, security and residence life with regard to complying with the Clery Act?

3. What type of resources have been committed to complying with the Clery Act by top level administration at [college name]? What type and level of resources would you like to see committed to complying with the Clery Act in the future?

4. What role has the Office of the Chancellor played in providing direction to California community colleges, and specifically [college name], regarding compliance with the Clery Act? Do you see a higher level of participation by the Office of the Chancellor in the future?

5. What type of role do you feel will be necessary for the Chancellor’s Office to play in the future with regard to compliance with the Clery Act and related issues?

6. What type of leadership style have you experienced at [college name] concerning the Clery Act, its implementation and compliance efforts? What type of leadership role do you believe would or does produce the best result regarding compliance for your college?

Qualitative data was gathered from personal and telephonic Skype interviews of individuals employed in middle to upper level leadership positions at selected California community colleges as shown in Table 10. The researcher selected each participant using the following criteria: (a) the title or position they held, (b) geographic location of the
community college where they worked, 3) size of student population served, (d) gender of participant, (e) national origin or ethnicity of participant, and (f) whether the community college had been previously audited by the State Bureau of Audits concerning compliance with the Clery Act. The preceding criteria were chosen or created to permit the researcher to gather the broadest perceptions equally from a broad spectrum of geographic locations in California, to seek diverse opinions of many ethnicities and the opinion of both male and female leaders.

The researcher also considered the size of student population served by the institution important to determine if there are differences because of size. Two institutions were selected because they had been through an audit by the State Bureau of Audits regarding their compliance with the Clery Act. Both of the institutions audited initially agreed to participate in this study. Shortly before the interviews were to take place, a female president of one of the two audited institutions declined to participate in the study, stating she was unable to adequately prepare for the interview. The researcher did not offer any inducements to the qualitative participants.

The qualitative data obtained from the interviews were used to answer all three Research Questions. 1) What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act? 2) Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges? and 3) Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?
Qualitative Data Analysis

Creswell (2009) and Merriam (2009) indicate the purpose of qualitative data analysis is to make meaning of the data through steps designed to analyze and compartmentalize data. Creswell suggested an interactive approach layered over a linear hierarchy building from the bottom to the top. Figure 7 represents a visual diagram of Creswell’s steps to qualitative data analysis.
Figure 7. Creswell’s (2009) steps for qualitative analysis.

Quantitative Data and Analysis

The researcher prepared an online survey containing questions regarding compliance with the Clery Act, leadership styles and practices at their institution and resources committed to compliance with the Clery Act by their leadership (see Appendix B). The survey requested information on participant’s duties relative to Clery Act and factors impeding or enhancing their ability to do their job as it related to the Clery Act.

The survey was contained 29 questions composed of: (a) six fill in the answer, (b) seven Likert-type scale questions, (c) five forced choice questions, (d) one open ended question, (e) five multiple choice questions, and (f) five yes/or no questions. Table 10 reflects the composition of the survey questions.
Table 10

Composition of Survey by Question Type

<table>
<thead>
<tr>
<th>Question Numbers</th>
<th>Fill-in Answer</th>
<th>Likert Scale</th>
<th>Forced Choice</th>
<th>Open Ended</th>
<th>Multiple choice</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>2, 3, 8, 9, 12, 29</td>
<td>4, 5, 15, 16, 17, 21, 23</td>
<td>10, 11, 14, 24, 26</td>
<td>28</td>
<td>1, 6, 7, 18, 19</td>
<td>13, 20, 22, 25, 27</td>
<td></td>
</tr>
</tbody>
</table>

Survey Design

The researcher designed the survey using varied question type to capture a wide breadth of information. A full copy of the survey is provided in Appendix B. A majority of the survey questions were developed by the researcher using the U.S. Department of Education Handbook for compliance with the Clery Act (2005). Some questions developed from information gleaned from researcher’s telephone contact with various community colleges during the development participant email database. The survey questions were developed to answer each of the three research questions used by the researcher in this study. Table 11 reflects which survey questions answer the research questions.
Table 11

Survey Question Correlation With Research Questions

<table>
<thead>
<tr>
<th>Question Number</th>
<th>Research Question 1: Leadership Style/Practices</th>
<th>Research Question 2: Resources Committed</th>
<th>Research Question 3: Compliance With Mandates</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>7, 16, 20, 21</td>
<td>15, 18, 19, 22, 23, 25, 26</td>
<td>1, 3, 4, 5, 6, 8, 9, 10, 11, 12</td>
<td>2, 13, 14, 27, 28, 29</td>
<td></td>
</tr>
</tbody>
</table>

The data collected through the survey provide the researcher, scholars, community college leaders and the public with statistical data regarding the degree to which community colleges comply with the Clery Act in a uniform fashion. Resources committed to complying with the Clery Act and leadership practices used in California are elicited from responses to the survey.

**Concurrent Triangulation Strategy**

Of the six major mixed methods models, the concurrent triangulation strategy (CTS) is the most familiar and most used (Creswell, 2009). Using CTS, the researcher collected both quantitative and qualitative data and then compared both databases to determine if there is convergence, differences, cross-validation or corroboration. Weighting is traditionally equal between the two methods and the result is usually well-validated and substantiated findings (Creswell, 2009). The researcher reports on the outcome of the data findings in Chapter 4.
Measures Taken for Ethical Protection of Participants and Participant Rights

This study was approved by the Institutional Review Board of California State University, Sacramento in the spring of 2012 and contains no risk to the participants.

Qualitative

The personal interviews were tape recorded to collect data for the study. The participants were assigned a pseudonym and no identifiable information will collected or attributed to participants by name. Participants had several opportunities to decline to participate. All tape recordings will be deleted at the conclusion of the study.

Quantitative

The researcher established specific procedures to maintain the confidentiality of the participants: (a) the online survey system used did not ask the participants to provide their names, maintains confidentiality of all responses by not making the database available to others (entry to the survey database requires passcode and biometric recognition), provides secure transmission of https encryption, version 3, 128 bit, and guarantees that the data gathered will be held in the strictest confidence of the survey system; (b) survey participants were required to electronically indicate that they read and consented to participate prior to responding to any further questions; (c) pseudonyms were provided for all participants in any documents made public; (d) pseudonyms were provided for all community colleges associated with the study or qualitative participant; (e) participants had to be over age 18; and (f) participants could exit the survey at any time.
The consent form specified the purpose of this study and described the ways in which their contributing information would be used and indicated that participants had the option to withdraw from the study at any time or if they felt any discomfort (see Appendix C).

**Conclusion**

Initially the researcher believed a solely qualitative study would be the most successful type of study. Upon consultation with her chair and committee members, the consensus formed around the use of a mixed-methods study to provide greater depth of data. The mixing of qualitative and quantitative methods allowed the researcher to triangulate the data, as well as explain and explore survey responses during the open-ended questions.

Chapters 4 and 5 provide present the researcher’s findings and detail the perceptions of qualitative participants with regard to the benefits of the Clery Act, as well as other data and other significant findings.
Chapter 4

ANALYSIS OF THE DATA

Chapter 4 reports and analyzes data results of this study’s 11 qualitative interviews and quantitative survey data. The qualitative interview data and the quantitative survey data address all three Research Questions; however, greater weight is given to the qualitative data due to a low quantitative survey response rate.

The Sequential Exploratory mixed-methods approach used to analyze data was described in Chapter 3 will now report for qualitative data first followed by quantitative data. Accordingly, this chapter analyzes and reports on the findings of this study’s 11 qualitative interviews followed by quantitative survey data to answer the following research questions:

1. What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?
2. Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?
3. Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?

The Sequential Exploratory Approach

This study purposefully selected the Sequential Exploratory mixed-methods approach, which by design collects qualitative data in the first phase and quantitative data in the second phase (Creswell, 2009). Accordingly, for the first phase of the study, the researcher collected qualitative data by conducting both personal and Skype interviews of
participants holding middle to upper level leadership positions at selected California community colleges. Qualitative data was analyzed using open-coding to discover emerging themes from participant interviews.

For the second phase of the study, the researcher collected quantitative data by first developing an email database of individuals responsible for preparing the Annual Security Report at 112 California community colleges. Preparation of the email database involved searching individual community college and district website to obtain their email address. In many cases, the name and email address of the employee for preparing the ASR could not be located. In such cases, the researcher personally contacted the college by telephone and inquired as to the identity of the individual. During the preparation of the email database, the researcher discovered a reluctance of personnel at eight community colleges to provide the name and email address of employees responsible for preparing the Annual Security Report. After collecting all necessary email addresses, the researcher discovered after emailing the survey that 11 email addresses were incorrect and could not be delivered. The researcher followed up the colleges by telephone to determine the correct email addresses. In three cases, entirely different email addresses were received. The process of assembling the email database was tedious and frustrating due to a common theme of reluctance to provide the name and email address of the person responsible for the ASR. In three particular cases, when the researcher spoke with individuals responsible for preparing the ASR, she received the response “This isn’t going to get us audited, is it?” The researcher was required to spend a substantial amount of the time explaining the nature of her research and the fact that the
results would be anonymous. The researcher also explained that the results of the study may benefit California’s community colleges.

Following completion of the email database, the survey was emailed to the subject targeted participants at California community colleges. Survey questions were designed using a combination of three sources: (a) the Clery Act requirements contained in the U.S. Handbook for Campus Crime Reporting, (b) the stated three research questions; and (c) data that emerged from the qualitative interviews conducted for this study. The second phase of the study was designed to build on the results of the first phase by eliciting further data answering the research questions by obtaining responses from individuals employed in lower level positions. The sequential exploratory mixed-methods approach places greater weight on the first qualitative phase and the data are mixed through being connected between the qualitative data analysis and the quantitative data collection (Creswell, 2009). The purpose of this type of study was to use quantitative data and results to assist in interpreting qualitative findings and to explore the phenomenon of compliance with the Clery Act (Creswell, 2009).

**Qualitative Data Summary**

The qualitative portion of the study consists of 11 personal and or telephonic via Skype interviews with community college leaders employed in middle to upper level positions. Twelve interviews were originally planned; however, one participant declined to participate shortly before the interview. A summary of the data associated with the declining participant is reflected in Table 12.
Table 12

Declining Participant Twelve Data

<table>
<thead>
<tr>
<th>Job Title</th>
<th>Location</th>
<th>Gender</th>
<th>Ethnicity</th>
<th>Students Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>Bay Area</td>
<td>Female</td>
<td>Caucasian</td>
<td>18,000</td>
</tr>
</tbody>
</table>

Qualitative Data Analysis

The qualitative data collected in this study address all three research questions. Following Creswell’s (2009) steps, the researcher conducted a first reading of the data by using a pink highlighter to highlight specific words and made notes in the margins of the transcripts. During a second reading of the data, the researcher used a yellow highlighter to highlight words or phrases not highlighted during the first reading and also made relevant notes in the margins. The highlighted words from the first and second reading were organized as data in a table format in a Microsoft Word document, labeled with the four categories of expected themes associated with the research questions: (a) Leadership, (b) Resources, (c) Compliance, and (d) Other. The researcher read through the all data a third time looking for segments of data that related to the research questions or other unexpected themes. Themes and descriptions were derived from highlighted words. Similar and or identical themes emerging from more than one transcript were grouped together on the Word document. The final step in the process involved the researcher’s interpretation of the meaning of the interrelating themes and descriptions. The aforementioned process follows Creswell’s steps of qualitative data analysis described in Figure 7 shown previously in Chapter 3.
The major qualitative themes of the study are reported separately by participant and are divided into four theme areas: (a) Leadership, (b) Resources, (c) Compliance, and (d) Other. A profile of the 11 qualitative participants was shown previously shown in Table 9. Tables 13-21 report consecutively data obtained from qualitative interviews. A general discussion of findings based on themes and sub-themes guided by Creswell’s (2009) steps to qualitative analysis was previously provided in Figure 7.

Research Question 1. What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?

Table 13

Summary of Retired Chancellor A – Leadership

<table>
<thead>
<tr>
<th>Research Question 1: What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “Leadership has to be able to successfully communicate the important messages to stakeholders and get them to provide support for the goals an institution wants to achieve.”</td>
</tr>
<tr>
<td>• “I cannot give you great answers to your questions because I retired as of Sept. 15, 2012 and I don’t have a lot of the material related to the Clery Act. I know we did encourage colleges to comply with it but we did not have particular enforcement power other than encouragement because the colleges don’t answer directly to us. There is a Vice Chancellor by the name of Steve Bruckman, whom I know is the individual to whom the colleges are requested to give an answer.”</td>
</tr>
<tr>
<td>• “We couldn’t send a directive to community colleges saying you must comply, but if we received something in the form of a letter from the State Auditor we would send the college a letter. Steve Bruckman is the person I turned over all the reports to so he is in a better position to answer your questions. I don’t recall exactly what actions were taken. I never had any conference with the auditors about it so I can’t answer with any clarification. Vice Chancellor Bruckman would have the better knowledge about the situation.”</td>
</tr>
</tbody>
</table>

Although Chancellor A fully supported the goals and purpose of the Clery Act, he found his role as Chancellor as limited to an advisory role because of the structure of
community college governance. Using an example of a corporation, Chancellor A indicated California’s community colleges are managed and operated more like individual corporation rather than as a system of community colleges. Thus, the system itself and the way it is operated, may be one of the primary reasons for inconsistent compliance with the Clery Act.

A quotation which succinctly reflects the meaning of leadership is:

Leadership can be described as an influence process, as the facilitation of the achievement of desirable organizational outcomes, as the fulfillment of group members’ psychological need, as an inherent characteristic of a person, as an exchange process. (Bess & Dee, 2008, p. 827)

Table 14

Retired Chancellor B – Leadership

<table>
<thead>
<tr>
<th>Research Question 1: What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “The first discussion we had about Clery was ‘how do we get this information out to the public and the students? The President at the time was very concerned about making sure we complied with the law.’”</td>
</tr>
<tr>
<td>• “As leaders we were not always mindful of reporting crime before the Clery Act. The law reminds us to do it.”</td>
</tr>
<tr>
<td>• “I really did not have much problem with this particular act because if you are thinking about the students, if we are truly student centered, we are going to comply with it. It’s about giving accurate data.”</td>
</tr>
<tr>
<td>• “An open-minded leadership style would be the most successful. I say also open to innovation. You must be a leader that promotes and has earned the trust of stakeholders. You must be ethical and have integrity.”</td>
</tr>
<tr>
<td>• “When a campus has a rather poor crime stat that is when the leader really needs to lead and get the campus security revamped. The leader needs to ask: ‘What can WE collectively do about it?’”</td>
</tr>
<tr>
<td>• “Leaders must be proactive, not just thinking inside your institution. Leadership must be open internally and with the community.”</td>
</tr>
</tbody>
</table>
Table 14 (continued)

<table>
<thead>
<tr>
<th>Research Question 1: <strong>What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• “Leaders must be proactive, not reactive.”</td>
</tr>
<tr>
<td>• “I asked my campus police chief to put himself on the management agenda once a month, so that we take the time to discuss what’s going on. It’s agendized and you don’t forget to have discussion. Leadership has so many things to discuss – it is easy to forget about something.”</td>
</tr>
<tr>
<td>• “I think leaders make the difference. Their attitude and competency in communication, how they frame an issue like Clery compliance – is the key to how the campus and institution responds to it.”</td>
</tr>
</tbody>
</table>

Demographic data: Southern California, urban, Female, Korean, 70,000 students served.

The Skype interview with Chancellor B provided several enlightening themes with regard to leadership style and compliance with the Clery Act. Chancellor B felt strongly that not every new legal mandate required additional staff or resources to implement it. It is notable that Chancellor B stated that many American believe that money is the key to solving problems and issues institutions face. Believing we are operating in a new era of heightened fiscal conservatism, Chancellor B indicated new resources in the form of funding are unlikely. That being the case, she advocates for working smarter, not harder, with the resources colleges already have.

Believing that leadership absolutely makes the difference as to the manner in which the Clery Act is implemented and complied with provides strong evidence leadership at all levels in a college system must be proficient in explaining the importance of the mandate and in obtaining the buy-in or support of stakeholders.

Chancellor B stated that discussions about compliance, campus safety and issues must
occur frequently. As the business of postsecondary education is concentrated with many tasks, leadership at the top must ‘agendize’ the necessary discussions of compliance, safety, issues and the like. Chancellor B has instructed her Chief of Police to put himself and his topics on her monthly agenda so that the discussion will occur. The Chief of Police is provided a platform to speak directly to top-level leadership about campus safety, compliance and where he needs assistance. The connection made between all levels of leadership at a college is essential to its successful operation.

An appropriate quotation summing up this participant’s view:

What kinds of leadership work best seem to depend in some measure on the distance between the leader and the followers. (Bess & Dee, 2008, p. 833)

Table 15

Summary of President 1 – Leadership

<table>
<thead>
<tr>
<th>Research Question 1: <strong>What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• “I always knew we, as an institution, had to report incidences because we were public institutions but I initially saw the Clery Act as more compliance – something we had to do. As I became an administrator and assumed a leadership role, I really saw that Clery was about public trust. It is about transparency, accountability and about letting folks know what is going on.”</td>
</tr>
<tr>
<td>• “I would say that my position and my maturity within that position have seen its relevance grow. I am now responsible for compliance, for educating, for informing and making it easier for folks to access it.”</td>
</tr>
<tr>
<td>• “We talk about completion rates and success rates, placement rates, transfer rates, certificates completed – all sorts of data. But as a prospective student, as a parent, as a community member, I believe this information is good law. It is something that demonstrates to the community, if you do have areas that have issues, you do something about them to prevent crime from re-occurring. Things can happen.”</td>
</tr>
</tbody>
</table>
Table 15 (continued)

<table>
<thead>
<tr>
<th>Research Question 1: <strong>What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• “The role of the President/Superintendent and chancellor is to set the tone of the environment and create the expectations for your offices. At my college, our student services division and our police are located together and work together. We survey both departments annually and ask them how they feel on campus? – Do they feel safe? – What can we do to improve?”</td>
</tr>
<tr>
<td>• “When we had a suicide on campus, I called each member of the Board of Trustee at 8:30 a.m. the Sunday morning following. I felt they should know what happened so they can have input. This is where ethics comes in. A leader must demonstrate the ethics of care. We reached out to man’s family and helped the students set up a vigil in his memory.”</td>
</tr>
<tr>
<td>• “The best type of leadership style is the inclusive style. This style engages, involves, informs, looks for the advice of others, creates an environment where people trust and can be open and honest. In it, the leader doesn’t need to impress people with his/her authority.”</td>
</tr>
<tr>
<td>• “The second type of leadership style I use is the transformational leadership style. I hold myself to very high standard. I don’t think I’m to the top yet – it is something I continually strive toward. We can build an organization that has the capacity to provide a climate that produces the greatest student outcomes.”</td>
</tr>
<tr>
<td>• “In these leadership roles you have to be willing to share the glory and accolades and distribute them. When something happens, you give the responsibility and the credit where it’s due. When something goes wrong, you must be willing to accept the blame, irrespective of whether you are responsible for it or not. This is challenging. I have plenty of examples in this regard.”</td>
</tr>
</tbody>
</table>

| Demographic data: Southern California, urban, male, Hispanic, 16,799 students served. |
| The personal interview with President 1 provided data that cannot be obtained through any other medium. The researcher could tell this President cared deeply about the subjects of student safety, crime on campus and compliance with federal and state laws. President 1 used personal examples of how he dealt with a suicide on campus and managed to turn a grief filled situation into a teachable moment for students on issues |
associated with returning veteran students stricken with post-traumatic stress disorder. During the entire situation, President 1 consulted with and kept his Board updated.

Facing issues today with a strong background of personal ethics and knowledge of the teachings of Robert Greenleaf regarding Servant Leadership were identified by President 1 as necessary tools for every leader at every level. Although Servant Leadership was not identified by the researcher as one of the possible leadership styles applicable to compliance with the Clery Act, the research believes wholeheartedly that Servant Leadership is essential to the proper management of a college.

President 1 also specifically mentioned transformational leadership as necessary to facilitate compliance with legal mandates. In place of viewing mandates as unfunded demands by governmental entities, leaders have the ability to frame compliance in way, through proper leadership, which promotes employees to perform beyond their contractual obligations. President 1 concluded the interview by stating his mantra: “Always move forward.”

An appropriate quotation concerning the data obtained from this participant:

Leaders must address the changing needs of the students they serve with fluctuating resources; tenuous relationships with faculty; financial uncertainties; ever-changing community needs; external stakeholder demands; and shifting federal, state and local support. (Nevarez & Wood, 2010, p. 53)
Table 16

Summary of President 2 – Leadership

Research Question 1: **What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?**

- “The Clery Act impacts the work that I do in two ways: 1) reporting and communication and 2) data based decision making. For the first area we have discussions about campus safety and security on at least an annual basis – where the Clery Act informs us how we are doing. We discuss it in management meetings and town hall meetings with faculty and staff. For the second area – we use Clery information to design our building security systems and we consult with our security and risk management personnel as we are doing that work.”

- “We share the Clery Act information with the Board of Trustees so they are well informed and we are transparent. We discuss Clery Act data within our policy framework. We are very aware of the implications for campus safety.”

- “Our person on campus for all things Clery is our risk manager or Director of Risk Management. I haven’t had a person serve in that role on other campuses where I’ve been employed. I find it very useful to have someone I can go to get up to speed on what happening with Clery.”

- “Leadership must be able to communicate effectively as well as adapt to the particular situation of the moment.”

Demographic data: Southern California, urban, male, Caucasian, 70,000 students served, 25 years’ experience in higher education.

The interview with President 2 provided a highly practical point of view which described compliance with the Clery Act as (a) reporting and communication, combined with (b) data-based decision making. The reporting requirement fulfills one aspect of compliance while communication deals with getting the information out to students, staff and the public. The means by which an institution does so involves resources. President 2 identified his predecessor as a leader focused on upcoming technology. The predecessor was sensitive to and knowledgeable about forthcoming technology for campus wide alerts and communication and sought out approval for the financial
resources to obtain it. President 2 benefited from a system in place that functioned well and brought the college well into the technology situs. President 2 had the ability to improve upon his predecessor’s well established model.

It is imperative to note that President 2 welcomed my interview and even offered the researcher the opportunity to interview his risk manager and Chief of Police because of their longstanding knowledge of the Clery Act. It is also important to note, President 2 presides over the largest community college by student population served in California. The college is large and located in a densely populated area. The researcher welcomed the opportunity to interview additional individuals regarding compliance. President 2 acknowledged his college had been audited by the State in 2010 and had been found deficient in some areas of compliance. The demonstrated attitude of this leader faced the issue and sought assistance from his staff and others on how to conform the compliance issues with the mandates of Clery. It was almost as if, President 2 acknowledged the mistake and said “We’re moving forward.” At the end of the interview, two new individuals were added to the researcher’s interview list.
Table 17

Summary of President 3 – Leadership

<table>
<thead>
<tr>
<th>Research Question 1: <strong>What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• “People must be cross-trained and functions spread among different departments. Leadership needs to plan this out because if one person is put in a role and trained and no one else is aware or can handle the job the institution will suffer. People leave, go on vacation, get sick, disabled and who does their job?”</td>
</tr>
<tr>
<td>• “Leadership must adapt itself to the particular situation at hand. It may be rule making, enforcing, allocating, hiring but all of it is deciding based on the circumstances. It is always changing.”</td>
</tr>
</tbody>
</table>

Demographic data: Northern California, rural, male, Caucasian, residence halls, 26,000 students served.

President 3 was personally interviewed in his office and presides over a smaller college both geographically and by size of student population served. This particular college suffered from significant budgetary cutbacks. It eliminated its campus police force in 2008 and contracted with local police to patrol the campus. During the interview President indicated he believed that cross-training of employees was necessary to ensure continuity of services when staff retired, left employment or went on vacation. Succession planning is probably of greater important for smaller college due to double and quadrupling of job responsibilities.

A combination of leadership styles relevant to the particular situation at hand was deemed to be necessary for proper institutional functioning by President 3. Transformational leadership, bureaucratic and transactional leadership styles were mentioned by this participant.
A suitable quotation:

In their fervor to present themselves in the best possible light, community college presidents and trustees may not be fully forthright about the issues facing community colleges. This is attributed to high public scrutiny of the community college. (Nevarez & Wood, 2010, p. 105)

Table 18

Summary of President 4—Leadership

<table>
<thead>
<tr>
<th>Research Question 1: What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “Our senior leadership team, back in 2000, was provided with training on Clery Act compliance by our district police force.”</td>
</tr>
<tr>
<td>• “I believe the bureaucratic style of leadership must be used, as well as transformational and transactional leadership styles. A leader has to be able to communicate information so that it resonates within the community college. Your people must take your message to heart. Publishing the report is very prescriptive – the leader makes sure it is done correctly. It is somewhat situational leadership dependent upon the circumstances at hand. But transformational leadership should occur in tandem with situational leadership.”</td>
</tr>
<tr>
<td>• “Leadership must be open to innovation and communication.”</td>
</tr>
</tbody>
</table>

Demographic data: Northern California, urban, female, Caucasian, 26,000 students served, 20 years’ experience in higher education.

President 4 was interviewed telephonically. She presides over a smaller college which is located in one of the largest community college districts in California. President 4 also described using a variety of leadership styles based upon the situation confronting leadership at any particular moment. Bureaucratic, transformational and transactional leadership styles were mentioned as the most commonly used styles. Despite the particular leadership style, President 4 felt that the ability to communicate effectively and follow the laws governing colleges were absolutely necessary for leadership positions at all levels.
Table 19

Summary of Chief of Police—Leadership

<table>
<thead>
<tr>
<th>Research Question 1: What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “I don’t think the concept of Clery as an institutional responsibility is one that is fully realized.”</td>
</tr>
<tr>
<td>• “Leadership has been mostly responsive to things I bring to their attention. I asked for help and they allowed me assistance through our general services office. This helped me to send out Clery letters and to track them.”</td>
</tr>
<tr>
<td>• “I was asked by Peter Wright at the Office of Emergency Management to volunteer to compile a Model Clery Act Report and to act as a liaison for other employees throughout the State who needed assistance in complying with the Clery Act.”</td>
</tr>
<tr>
<td>• “The leadership style has to be a combination of different styles. It depends. Part bureaucratic to put rules in place, part transformational – to get the others to see the big picture. The leader must be a great communicator – and focused on getting Clery fulfilled.”</td>
</tr>
<tr>
<td>• “You need a top level person to value Clery. I’ve dealt with my counterpart at UC Davis and they have no problem getting help with compliance from superiors.”</td>
</tr>
<tr>
<td>• “In order to be compliant with Clery, a college must have the full force and measure of the institution behind it.”</td>
</tr>
<tr>
<td>• “I tell all the colleges I work with to get their institution behind it. Clery is not just the responsibility of a college’s police department. It is an institutional responsibility.”</td>
</tr>
</tbody>
</table>

Demographic data: Northern California, urban, female, African American, 70,000 students served.

This participant was chosen as she served in a unique position as the Clery Act liaison for the California community colleges and as a Chief of Police for a community college district. She was personally interviewed at her office. This participant’s knowledge of the Clery Act, law enforcement and the postsecondary educational environment is so profound an hour-long interview can hardly do her justice. The general feelings the researcher perceived during the interview was that this participant
truly cared about the safety of her students, about preparing the Annual Security Report accurately and that the future of campus crime reporting and emergency preparedness needed greater attention and funding.

Leadership for this participant in her home district was rather positive; however, she believed greater leadership and guidance from the Chancellor’s office would benefit community colleges significantly. Specifically, the participant mentioned greater uniformity in reporting crimes, policy disclosures and emergency preparedness. Presently, she acknowledged little assistance from the Chancellor’s office continues to promote irregular systems of compliance.

This participant has taken a leadership role with regard to law enforcement and Clery Act compliance within her district and statewide. She has assisted other community colleges when asked for assistance with Clery reporting. One essential principle she left the researcher with was her healthy fear of the Clery Act mandates and getting the reporting right. It inspires fear in her every time she prepares the Annual Security Report.
Table 20

Summary of Director of Campus Safety—Leadership

<table>
<thead>
<tr>
<th>Research Question 1: What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “Our new president, with his passion for technology, provided leadership and resources for our college which made complying with Clery a priority. Before this our officers were hand writing reports in pencil. Some got the hang of it, some didn’t.”</td>
</tr>
<tr>
<td>• “I believe we are ahead of many colleges on Clery compliance because we focused on it and our leadership and culture of community helped to build this.”</td>
</tr>
<tr>
<td>• “I really believe our leadership’s attitude toward Clery has made a difference. Even though we are a big college we still manage to meet and communicate well.”</td>
</tr>
</tbody>
</table>

Demographic data: Southern California, urban, male, Hispanic, 70,000 students served

This participant interview occurred by telephone and was facilitated by President 2 who believed it important for me to have this interview to discover how this college leads in compliance. The Director of Campus Safety has over 25 years’ experience in the postsecondary educational environment in various positions. One important aspect for this participant is his 25 years of experience in that he has had the opportunity to work in education when the Clery Act was enacted and during the time it has been amended. His knowledge base concerning Clery is immense but appreciative of the benefits of the Clery Act.

When discussing leadership, this participant acknowledges past President at his college have had the foresight to move the college forward and embrace changes required of them. Even when his college was audited by the State of California, this participant willingly acknowledged they were found to be doing somethings wrong, but also stated
they were doing a lot of thing correctly. For this participant leadership must be forward thinking, communicative and positive in attitude.

Table 21

Summary of Director of Campus Safety/Parking/Residence Halls – Leadership

<table>
<thead>
<tr>
<th>Research Question 1: What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “Leaders must keep people informed. I believe leadership at my institution is moving in this direction.”</td>
</tr>
<tr>
<td>• “We have tried to help our neighboring institutions that are private. But they have been reluctant to come on board.”</td>
</tr>
<tr>
<td>• We need a higher education guideline to instruct us all on where, why, how we should proceed on this very important topic.”</td>
</tr>
<tr>
<td>• “I think we are in a period of extreme change. New leaders are coming into the educational arena. Our system is changing – there are new demands from international students, online students. It is difficult to predict how we will handle things in the future.”</td>
</tr>
<tr>
<td>• “Bottom line is – we need more guidance from leadership and more resources to do our job proficiently.”</td>
</tr>
</tbody>
</table>

Demographic data: Northern California, rural, male, Caucasian, residence halls, 26,000 students served.

This particular respondent had three specific job titles: Chief of Police, Director of Parking and Residence Halls. In his many capacities and with many different responsibilities, I can only say I am appreciative of the hour he spent allowing me to personally interview him. Chief of Police brought a multitude of perspective to the conversation. Suffering from significant staff and resource cut-backs, he has managed to perform all three jobs well. There is an element of stress apparent with this participant but it is an understandable and vigilant level.
One of the most important points arising from this interview was the need for greater leadership to advocate for additional resources in the form of technological improvements and updates and additional staff to provide for succession planning. A second important point involved the unique position of community college in California and in society in general. Community colleges have been called upon during a downturn in the economy to do more, to serve larger segments of the community, with less funding than any other postsecondary institution. Community colleges are often an afterthought, considered only after the University of California and the California State Universities. Today, community colleges are the last chance for some, the more affordable choice for others and the only opportunity to obtain skills to get a decent paying job. There is evidence they need greater funding and resources to accomplish their multiple mission and goals.

Personally, I found this participate to have many of the characteristics of President 1 in that he shared a story a story about challenges he face with Foster Care youth attending his college. In the Foster Care system funding for summer and winter intersession living expenses is non-existent as students in this program are expected to return home during these periods. Many Foster Care youth do not have homes they can return to. This participant works with local motels, his co-workers and friends in his area to get these students places to stay during summer and winter breaks. The residence halls must be emptied of all residents during a lack of staffing and ability to keep them open. I found this story demonstrative of true Servant Leadership.
Table 22

Summary of Risk Manager – Leadership

Research Question 1: What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?

- “To lead properly requires collaboration with many levels at a college. It also requires a multifaceted style of leadership. Our campus is like a small city – with open boundaries and each discipline views itself as their own little business or entity within the organization. To pull the college together you need a leader who can pull all other individual parts together and bring them to the table to discuss, to understand, to take part in the responsibility for making compliance successful.”
- “Our Vice President of Student Services identified with the assistance of staff, who would be the leaders in each division, and then collaboratively they made the changes that needed to be made.”
- “At time, leadership is very political. Some in middle management require the support of higher levels to be able to get our job done. We need their support. Otherwise the lower levels are not going to do it.”
- “When I worked in K-12 I received support from the County office of Education. In higher education at the community college level, I have seen the Chancellor’s office provide assistance in the form of emergency preparedness by hiring a Director. They are just beginning to roll outs programs that will be useful to all of us. What we need is more of this style – greater resources and continued leadership.”
- “There are benefits to being at the community college level. I’ve spoken with colleagues at the CSUs and they indicate they cannot make a decision without a directive from the Chancellor’s office. I enjoy the flexibility of being able to innovate and be creative as a risk manager. But I also need support from upper level management.”
- “There is far for room for collaboration between the Chancellor’s office and the community colleges. It is up to the Chancellor to so it.”

Demographic data: Southern California, urban, female, Caucasian, 70,000 students served nine years’ experience in higher education.

This interview was the second interview to come from my interview with President 2. The position of risk manager had not been an early consideration for an
interview until President 2 stressed the importance of the inter-mingling of Clery compliance and risk management. The opportunity presented could not be turned down.

Risk Manager had the benefit of working in the California K-12 system prior to work in postsecondary education. In the K-12 environment, Risk Manager stated she received advice, assistance and funding for her school from the district office as needed. In the postsecondary environment she found her present leadership very forward thinking but hampered by limited resources and control of funding by the local board.

During this interview I again sensed stress concerning participant’s college’s ability to provide state of the art technology alerts and crime prevention. In combination with her duties as a risk manager, this participant participated in assembly of the Annual Security Report for Clery and other consulting concerning same. This participant performs another multi-layered and responsibility laden position dealing with a complex law with huge potential liability.
**Table 23**

*Summary of Director of Emergency Preparedness – Leadership*

<table>
<thead>
<tr>
<th>Research Question 1: <strong>What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>“College leadership has a lot of different priorities, but I think that I really admire those that recognize public safety is their first objective and priority.”</td>
</tr>
<tr>
<td>“The system is not very efficient; it’s a system that gives a nod towards a different value of local control of community perspective. They are very much their own entity. Often times, my position is to lead and to advocate on their behalf, but the day-to-day running of each institution is very well protected by local rule.”</td>
</tr>
<tr>
<td>“My job has been much to be a support mechanism and is running out in June because we are funded by Homeland Security Grant money. My job has allowed us to create tools and resources to communicate and brainstorm and share best practices.”</td>
</tr>
<tr>
<td>“Much of my work is communicating individually with colleges, talking with Presidents about what they need and figuring out a way to get them what they need.”</td>
</tr>
<tr>
<td>“In 2007, Governor Schwarzenegger signed this bill giving the Chancellor’s office the charge for creating certain standards of emergency planning and preparedness. So we put together the disaster resistant California community college plan and a statewide task force that was required to identify what these standards needed to be. Links to this plan are on our website.”</td>
</tr>
</tbody>
</table>

Demographic data: Northern California, urban, male, Caucasian, 2.4 million students served, five years’ experience in position.

This participant was chosen as a result of his association with the Chief of Police acting as liaison for the California community colleges concerning Clery Act compliance.

This participant has responsibility for communicating and collaborating with all California community colleges on emergency preparedness. This participant’s position is federally grant funded for five years and may be extended. The interview occurred via Skype.
In particular, the researcher wanted to elicit this participant’s perspective on how leadership, at all levels of community college administration, can be motivated to lead the system to greater compliance with Clery. This participant felt strongly that the mandate of providing a timely warning and emergency preparedness are so intertwined that they cannot be separated. Emergency preparedness is an essential component of the Clery Act mandates. Participant agreed there is a great opportunity to merge emergency preparedness with Clery compliance within the community college system. It would be a marriage of common sense and necessity.

**Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?**

Table 24

*Summary of Retired Chancellor A — Resources*

<table>
<thead>
<tr>
<th>Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?</th>
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<tbody>
<tr>
<td>“Providing new resources has been almost impossible during the last six years due to budget cutbacks. It is my hope things change and new funding is available in the future.”</td>
</tr>
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</table>

The general impression the researcher took away from the interview from this participant was that resources have been scarce and are unlikely to be forthcoming in the foreseeable future for community colleges unless the mindset concerning funding changes significantly. The economic downturn in California from 2006 through 2011 depleted staff and the ability to a really devote time to campus safety and compliance related issues. At the time of his retirement in late 2011, Chancellor A was hopeful that
California’s economic recovery was around the corner but was cautiously optimistic about future funding for the community colleges.

Table 25

**Summary of Retired Chancellor B – Resources**

<table>
<thead>
<tr>
<th>Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “Resources associated with Clery has always been the marketing department – who had the job of getting information about Clery to students in a mass way. The other part concerning resources is the campus safety department. They obtained the information to report.”</td>
</tr>
<tr>
<td>• “We utilized existing resources and you added to job task lists.”</td>
</tr>
<tr>
<td>• “None of the institutions I worked for added staff to comply with Clery. Campus safety officers were already compiling some of the data.”</td>
</tr>
<tr>
<td>• “No, I do not think every piece of legislation requires additional resources. Especially now, and I give that response very quickly because, given where we are today, in terms of resources coming, we have a different kind of normal and different kinds of funding streams. Additional resources are not coming our way.”</td>
</tr>
<tr>
<td>• “So it’s changing the way we think about recording information, it distribution to students, as well as how to improve the way we secure our campuses. If you really want to heighten the awareness, tighten the security, so your campus record is better, there are ways of doing this. Any everybody could be a part of it.”</td>
</tr>
<tr>
<td>• “Leadership needs to schedule campus liability tours – discover what your bushes look like – ask ‘Should they be trimmed?’ Risk management should be side by side with campus security.”</td>
</tr>
<tr>
<td>• “Often people are all Americanized, believing that everything takes money. Not everything requires money. Clery is about proper leadership attitude and doing what you are supposed to be doing.”</td>
</tr>
</tbody>
</table>

Demographic data: Southern California, urban, Female, Korean, 70,000 students served.

Chancellor B definitely had a different approach to the funding of California community colleges. Although she felt they have been traditionally underfunded by the State of California, she indicated not every new federal or state mandate requires new staff and funding. Chancellor B proposed community colleges perform better, work
smarter, not harder and incorporate compliance with the Clery Act into existing programs.

After all, according to Chancellor B the temporary funding provided by Proposition 30 is just that, temporary. Upon further research into Proposition 30, it was discovered the measure was approved by a margin of 55 to 45 by voters November 6, 2012 and provides: (a) a personal income tax increase over seven years for California residents with an annual income over $250,000, to be implemented retroactively from January 1, 2012 through the end of 2018 and (b) increases the state sales tax by 0.25% over four years from January 1, 2013 through December 31, 2016. As a result of the passage of Proposition 30, planned spending reductions to educational programs for the 2012-2013 year would not occur and the funding would be made available to education in California (http://voterguide.sos.ca.gov/propositions/30).

Chancellor B posed the question “What kind of resources will be available after 2018?” Proposition 30 is nothing but a patch on a leak which re-open after 2018, if not before. To deal with Clery compliance, it has to be part of the everyday approach to keeping campuses safe. It is likely the resources will not be available so plan accordingly and make Clery part of the everyday concern.
Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?

- “We talk about the Clery Act and safety on campus at campus safety workshops. We have students discuss safety.
- “We recently had a suicide on campus. A veteran who experienced difficulty transition back into society. We talked about it openly with divulging private information. We offered health and mental services to anyone in need. I wrote a campus memo and went to the student association to talk about it. I used it as a teachable moment – made presentations and took a tragic incident and helped the healing process begin. We planted a tree in the man’s’ name and are developing a new program called CARE to assess threats to students.”
- “We have allocated new resources such as emergency booths, new lighting, evacuation centers, a loudspeaker system to warn people, reverse texting program for students to warn them. We have been mindful.”
- “I subscribe to the beliefs of Robert Greenleaf regarding Servant Leadership as the inspiration for my particular set of principles and for who I strive to become.”
- “I’ve talked to multiple sets of parents and they have asked me ‘How safe is your campus really?’ I advise them to use our Annual Security Report – our stats are accurate. I keep copies of the ASR in my office. The transparency for me translates to integrity and integrity translates to a quality institution.”
- “I meet with the Vice President of Student Services monthly and we go over all incident reports from our police. I see everything and if something does come up – he emails or calls me immediately. I know what’s happening on my campus.”

Demographic data: Southern California, urban, male, Hispanic, 16,799 students served.

The approach of President 1 considers the extremely limited resources available to the community colleges from the State of California. As a result, he advocates for greater fundraising by individual colleges from surrounding community and businesses.

The essence of the community college is its ability to serve its community. Likewise, the community must support the college. President 1 also advocates for a greater funding from the State of California as well as guidance from the Chancellor’s office.
President 1 believes resources must be provided for the latest technology to keep campuses safe from emerging threats. Appropriate staff must be devoted to compliance with the Clery Act because the intent and purpose of the Act fulfills the basis need for safety and security. Presidents 1 and 2 advocate for additional resources to be devoted to Clery Act compliance in the form of additional staff and safety related technology. President 3 would like to receive additional resources but does not specifically see a need for those to be devoted to Clery compliance. President 4 believes her college is doing a very good job with regard to compliance because of the leadership of her district and the compliance structures which are already in place. President 4 would like to see system-wide changes that provide individual colleges with greater guidance from the Chancellor’s office and more resources devoted to the colleges that do not have compliance systems in place currently.
Table 27

Summary of President 2 – Resources

Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?

- “We use our parking fees to support a broad range of actions related to our security force. We also use facility funds to provide the facility itself with the equipment and things that it needs.”
- “We are struggling to provide resources to upgrade our communication system. We know we have to do it but don’t know where the resources are going to come from.”
- “Training is another area of concern. We have a system of response where people play particular roles depending upon circumstances. We haven’t done enough training. People are overloaded with tasks. We strained to pull people away from their regular jobs to do the training that’s necessary. We are not where we need to be in the efficacy of our communication when we have an incident.”
- “We have the system of emergency preparedness in place but we have not trained enough due to lack of resources.”
- “We have a great turnover of personnel. We don’t have Clery Act training in our new employee orientation, so we are a drift with that aspect. It is difficult to keep our people on top of Clery changes.”
- “We have 2200 employees and it is tough to keep them all up to speed. We are just now getting the active shooter protocol in our system. We need resources to devote training to it.”

Demographic data: Southern California, urban, male, Caucasian, 70,000 students served, 25 years’ experience in higher education.

In this particular case, President 2 has devoted a specific source of funding to compliance with the Clery Act and emergency preparedness in the form of transferring parking fee sources to fund these areas. This is a novel approach to the problem when other sources of funding are not available. President 2 acknowledges that more funding for technology upgrades would be helpful from the State, or possibly through fundraising.

Internally, funding for more staff to do the job better is needed and to take some of the pressure off of existing staff that has been over-tasked with too many job
responsibilities for the past few years. Relieving some of the stress from existing employees may prevent or stem the loss or transfer of good employees.

Table 28

Summary of President 3 – Resources

<table>
<thead>
<tr>
<th>Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “We could definitely use more resources in the reporting portion of Clery because it is really difficult to just have one person doing it. It could be possible to have one person responsible just for Clery and nothing else.”</td>
</tr>
<tr>
<td>• “The emergency response and timely warning component of Clery requires additional resources. We need training and more staff. We are struggling with this area and we shouldn’t be. We have many challenges with regard to our disaster response, live shooter response and response in general. We are bringing in experts from the outside to put together better plans for it. This is one of our biggest issues.”</td>
</tr>
<tr>
<td>• “The size of our student body is growing but we’ve had $805 million cut from our budget. And we are already the lowest funded system anywhere. It is a tough mission to fulfill – every dollar we pull out of education in order to do these kinds of things cause pain. It would be great is regulations came with funding.”</td>
</tr>
<tr>
<td>• “Finding the funds to do more when there are no funds is the challenge we as leaders face today.”</td>
</tr>
</tbody>
</table>

Demographic data: Northern California, rural, male, Caucasian, residence halls, 26,000 students served.

President 3 reiterates many of the prior Presidents’ comments regarding a lack of resources, massive budgetary cuts and the ability to do their job as educators well. Whether the problem is governance, system structure or individual college management, more funding is needed to do the important work of community colleges. President 3 does not believe Clery Act compliance specifically requires additional funding. Emergency preparedness is another issue. This participant believes in preparing his
campus for emergencies but the full scale of the Clery mandates consume precious resources.

Table 29

Summary of President 4 – Resources

<table>
<thead>
<tr>
<th>Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “We commit our professional development folks to create training which includes information on Clery, as well as emergency preparedness, whistle-blower safeguard and retaliation. This is done on an annual basis. We also have a public information office who works with on-campus police when there is a crime on campus. She gets the notification out. We have devoted resources to emergency alert systems, trained our employees on that system. The time of our police officer is devoted to collecting the Clery data, training people on how to do it and making the public aware.”</td>
</tr>
<tr>
<td>• “We work with the Chief of Police responsible for actually preparing the district Annual Security Report in her capacity as a liaison and databank of knowledge on Clery. She has been essential for compliance at our campus.”</td>
</tr>
<tr>
<td>• “The system-wide office sits underneath the leadership of the chancellor is more of a coordinating body, as opposed to a governing body. The chancellor may provide input to the local boards when they see difficulties. I do see a role for technical assistance for Clery compliance could be provided by the Chancellor to the boards and colleges.”</td>
</tr>
<tr>
<td>• California recently passed Student Success Act which contains 22 recommendations. One of those recommendations concerns a system-wide role designed for the state Chancellor at 7.1. The Act focuses on accountability for students and better utilization of resources. The relevant portion is titled: Enable Efficient Statewide Leadership and Increase Coordination Among Colleges. Accordingly, we would really have to change the statute, but that is what the Act is getting at. Chancellor Jack Scott was a proponent of the Student Success Act.</td>
</tr>
</tbody>
</table>

Demographic data: Northern California, urban, female, Caucasian, 26,000 students served, 20 years’ experience in higher education.

President 4’s responses regarding resources provided highly relevant information in many ways. Initially, President 2 discussed how her particular college has devoted staff time and resources to training her employees not only for the roles they are assigned
but for emergency preparedness and Clery Act compliance. Training is not a one-time event at her college; it is scheduled at regular intervals. Inter-departmental collaboration is consistent and considered part of all job responsibilities.

President 4 clarified how the governance of the community college system restricts the ability of the Chancellor’s office to act to unify the colleges within the system. According to this participant, the role of the Chancellor has traditionally involved input usually when problems or issues arise. However, President 4 believes the Chancellor’s office could play an important role as a resource in moving community colleges toward greater levels of compliance with the Clery Act through system-wide implementation of compliance initiatives and training.

Another important input by this participant came in the suggestion that the researcher review the Student Success Act, passed in 2012, which recommends a system-wide role for the Chancellor in implementing better utilization of resources. The Student Success Act will be briefly discussed in the findings section of this study.
Table 30

Summary of Chief of Police – Resources

Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?

- “After the 2006 audit, the district invested in an automated records management system to assist us in keeping track of Clery compliance. The system cost approximately $40,000.”
- “More resources are needed, but I don’t think they’ll be coming any time soon. Right now we have to focus on doing the best job of training our existing people on how to comply with Clery.”
- “The old era way of doing things is over. This is a new era. Institutions have to take Clery reporting seriously and devote some financial resources to it and hire staff to handle it.”
- “We all have to play our parts in this compliance issue. With additional resources it is manageable.”

Demographic data: Northern California, urban, female, African American, 70,000 students served

One particular statement made by the Chief of Police held a resounding chord with this researcher when she stated:

The old era way of doing things is over. This is a new era. Institutions have to take Clery reporting seriously and devote some financial resources to it and hire staff to handle it.

The future of campus safety undoubtedly will be radically different from past experience as targeted attacks of violence continue and stakeholders demand colleges and universities do more to make people safer while on campus. Strategic planning and wise resource allocation can assist campuses in becoming better prepared to handle emerging threats before the threats occur. Waiting until it is too late will likely result in catastrophe.
Table 31

Summary of Director of Campus Safety – Resources

Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?

- “We got a new President and one of his passions was technology. I participated in a focus group session and we discussed the Clery Act. I asked him to assist in really building our ability to use technology to track Clery compliance. Within six months everybody had computers, technology and training. It was tough; I had to learn to use a computer.”
- “Our college began with a DOS system, then went to a I-System and now we are using an Enterprise system with Banner, PeopleSoft and Argus.”
- “Now we have an executive secretary dedicated to compliance with the Clery Act and I am also involved in monitoring it.”
- “Because of our new President, all our Clery Act information is online, reports are written on computers and anybody can get access to our reports.”
- “We have just been given permission to hire a part time individual to handle emergency preparedness only. This is a great stride forward. Our ability to perfect the process and to respond and recover is critical.”
- “Support from the Chancellor’s office is minimal. Their main concern is system and budgeting. Clery and other mandates are an aside.”
- “Our campus newspaper publishes our crime log and Clery Reports. We also have a next program called Text-A-Tip – it is an anonymous crime reporting system.”
- “I think having a person just dedicated to Clery compliance would be an incredible step forward. Clery is a pretty daunting task. It needs to be centralized.”
- “Not having enough staff and resources to train has been a big impediment to making compliance with Clery easier.”

Demographic data: Southern California, urban, male, Hispanic, 70,000 students served.

This participant interview, which resulted from the kind referral of President 2, proved highly enlightening on how proactive and effective leadership allocated resources to make their campus crime reporting streamlined. In the mid-1990s, this participant went from having no access to computers and hand writing crime reports to having access to computers, then updates for those computers and later advanced technology as it was
made available. The resources devoted to the campus safety department were considered by their leadership as an investment in the future of the college and to provide for the safety of students and staff.

Accordingly, a combination of leadership styles, beginning with open-minded and forward thinking, devoted resources to campus safety technology in the 1990s and built upon it annually. In turn, the resources expended provided students with a feeling of safety while on campus. The result produced greater numbers of students who wanted to attend this college because they believed, and the college demonstrated, that safety was a priority on this campus. This participant indicated many students travel from areas well beyond their district to attend this college because of the academics, the sports program and the fact that safety is well managed by their department. This college provides one of the largest athletic programs in California at the community college level and they have managed to do so scandal free.
Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?

- “Funding is the key piece of this. We are the largest system in the country, just in terms of number of students, but our funding is the lowest per student.”
- “Not a lot of funding goes into and comes from the Chancellor’s office for Clery.”
- “I’ve never been to one of the trainings put on by Security on Campus. I would like to but we don’t have the fund to do that.”
- “A fine for us like the one issued to Penn State for $30,000 would be disastrous. They had no policies in place. We do. There is an air of indifference at that college. But they got caught. It is almost blue collar versus white collar. We’re struggling to do the right thing versus a big state university saying the rules don’t apply to us.”
- “We actually contracted with a person in the district to come in and help with getting us organized for compliance.”
- “We track the residential housing separately. We have 144 housing units. We watch them carefully. During school breaks we fine them alternative housing.
- We have tons of unfunded mandates. But ‘though shall do it!” is the marching order of the day. It takes the higher-ups to establish how we’re going to do it.”
- “Since 2009 the budget has caused us to lose positions, managers and the chancellor’s office has gone through two majors reductions in staff in the last ten years. It’s depressing to go into our building and see cubicle after cubicle empty.”
- “I believe it would be helpful if the Chancellor’s office had an office of Clery Act compliance. This would should they are serious about making campuses safe places for students and others. They could be universal resources for all colleges. They could provide training individuals responsible for the Annual Security Report.”

Demographic data: Northern California, rural, male, Caucasian, residence halls, 26,000 students served.

This participant, while he provided strong data that resources are at the heart of the debate concerning compliance with the Clery Act, laid the responsibility of obtaining those resources directly upon leadership. During the interview, participant discussed how he felt about the Penn State scandal had reflected negatively upon higher education and in
particular the police department on their campus. He expressed anguish that precious resources would be spent paying fines for Clery violations and costly litigation as a result. Leadership at Penn State had failed so miserably to implement Clery and to protect the victim that their reputation for years to come will be attached to the Sandusky scandal.

On this campus, participant is responsible for campus safety, parking and the residence halls. In the last 10 years, many positions have been eliminated and many cubicles and offices are empty. Participant Campus Safety Director indicated this is very depressing. The double and tripling of job responsibilities upon one employee cannot be considered an enhancement to job satisfaction and may in fact prompt personnel to leave higher education employment.
Table 33

*Summary of Risk Manager – Resources*

<table>
<thead>
<tr>
<th>Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?</th>
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<tbody>
<tr>
<td>“I was personally responsible for selecting the software program that we were going to utilize for emergency notification on campus. It was a voice system which could also send text messages to students and staff in the event of a threat. We are installed marquees on campus to inform and have emergency telephones and lights. We have speaker systems in all of our buildings. We use Facebook and Twitter and the internet and intranet to post messages.”</td>
</tr>
<tr>
<td>“Having enough resources to purchase the items we need and to hire the staff we need is the single most challenging part of the Clery Act. THE CSU and UC systems have more funding and access to funding because of their governance. Even K-12 has a better system of funding. In the last few years funding for community colleges has been lower and lower.”</td>
</tr>
<tr>
<td>“My second most challenging factor associated with Clery is the fact I have many other jobs to do as well. I handle risk management and emergency preparedness and Clery. Someone needs to be hired who will have direct management responsibility for Clery. Someone who can work with me and the campus police to perfect compliance. Everybody should be aware of risk management on campus.”</td>
</tr>
<tr>
<td>“Until we start giving emergency preparedness and Clery compliance the dedication and resources they desire and need, we are not going to be as successful in that area as we would like to be.”</td>
</tr>
</tbody>
</table>

Demographic data: Southern California, urban, female, Caucasian, 70,000 students served, nine years’ experience in higher education.

For this participant, having resources available which allow the college to hire staff, train staff, and fulfill compliance objectives, is the single most challenging factor of the Clery Act. The community college system receives the least amount of funding compared to the university of California, California State University and K-12 systems. The second most challenging factor regarding Clery for this participant is the fact she is tasked with multiple responsibilities. It is difficult to perform all tasks as well as they
should be done. The general perception the researcher gained is that many employees are stressed with multiple responsibilities and little time to devote to them. Accordingly, resources to hire new staff and train them again surfaces as a reoccurring theme in this study. It is evident community college system employees are stressed with far too many tasks.

Table 34

Summary of Director of Emergency Preparedness – Resources

Research Question 2: Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?

- “California community colleges could do a better job of making Clery searchable or more discoverable to prospective students and employees. I am generally optimistic about the direction that things are going. I think we are making reasonable effort.”
- “Dollars are just limited – the story across California, in all departments, is that dollars are tough to come by. It is not excuse not to allocate resources for training, but it is a reality that has not been taken care of.”
- “A true leader needs to communicate about why they believe we need to comply with Clery and how we do it right. It comes from a genuine place of caring, knowing that safety and security are of primary concern to a lot of people.”

Demographic data: Northern California, urban, male, Caucasian, 2.4 million students served, five years’ experience in position.

This participant was generally very optimistic about the direction things are going with regard to community colleges in California. Although resources have been very scares for the last several years, the Director of Emergency Preparedness believes more resources will be forthcoming for community colleges. A reoccurring theme that surfaced from this interview is the fact that leadership must care about safety and realize the need to comply with the Clery Act is essential to safety on campus. This perception
is similar in nature to the Servant Leadership philosophy utilized by President 1. Leaders who are called to serve realize the necessity to make students, staff and the public safe while they are on campus. The self-serving leader is generally unlikely to devote resources for preventative measures.

Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?

Table 35

Summary of Retired Chancellor A – Compliance

<table>
<thead>
<tr>
<th>Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>● “California’s community colleges operate independently, more like mini-corporations because they are governed by local boards. The chancellor’s office serves in an advisory role. But there is room to change.”</td>
</tr>
</tbody>
</table>

Chancellor A’s quote demonstrates the diversity of each community college’s approach to compliance. Each college’s board makes the decisions and funds them accordingly. A uniform approach for compliance is not in place in the community college system.
Table 36

**Summary of Retired Chancellor B – Compliance**

<table>
<thead>
<tr>
<th>Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “If you want to improve campus safety, it is about mobilizing everybody on campus, and enforce and add to some educational programs for staff and students. You must strategize a bit. Sit down and do a bit of thinking, analysis and mobilize people. People are our most powerful resource.”</td>
</tr>
<tr>
<td>• “Campuses were not reporting crime until they were forced to do it. If you think about the students, we should have been doing it.”</td>
</tr>
<tr>
<td>• “Using the Clery Act report is more important than gathering and distributing it. What do you do when your report doesn’t reflect a safe campus? Don’t be afraid to let the students and community know that our campus has issues. Let them know you are working to address the issues and how you are going to do it.”</td>
</tr>
<tr>
<td>• “Compliance is a mindset. It’s a state of how you approach an issue on campus.”</td>
</tr>
</tbody>
</table>

Demographic data: Southern California, urban, Female, Korean, 70,000 students served.

Chancellor B, who does not necessarily advocate for more resources to make compliance more efficient, does believe the Clery Act serves an essential purpose with regard to disclosure of what is happening on their campus. She acknowledges colleges were not reporting crimes until they were forced to do so. She believes colleges should have been doing it all along. Today, leadership should reflect on Clery and strategize, analyze and synthesize the mandates. Approach compliance with a mindset that this is something colleges must do and ask “How do we mobilize people and get the word out?” After all, people are our most powerful resource. Educate them, mobilize them and set them on the path to compliance.
Without directly acknowledging the lack of a uniform compliance protocol, Chancellor B subscribes to the philosophy that it can be achieved through leadership focused on the issue. A quote which enhances Chancellor B’s contribution:

For an evaluation system to be considered sound, it must meet certain technical and legal standards. The technical standards are – validity, reliability, utility and propriety. The legal standards are intended to ensure that the system meets substantive and procedural due process requirements and is free from discrimination. (Webb & Norton, 2009, p. 216)

In this study, the evaluation system is directed toward compliance with the Clery Act and must come from within the individual college through leadership and administration. The system must address validity, reliability, utility, and propriety and legality of procedures to ensure Clery compliance. If the system is monitored, evaluated and revised when necessary to improve, it will function as specified. If no evaluation system exists, an institution can experience issues such as Virginia Tech and Pennsylvania State.
Table 37

Summary of President 1 – Compliance

Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?

- “I believe we do more than what the mandates require. We talk about crime and safety. We are vigilant with our student organizations and classes. We make them aware. If an incident occurs – we talk about.”
- “Our Student Services Vice President and Chief of Police work together to compile the Annual Security Report for our college.”
- “I worry about under-reporting of crimes by students. If they don’t report crimes happening to them to us – we all lose. Education is a good tool to combat under-reporting. Provide the information to students – the more they know – the more they can act.”
- “Compliance begins at the top – and it involves holding folks accountable.
- “If our stats in the ASR are showing an uptick in crime, it should be viewed as an indicator to pay attention – something is wrong – it is a signal. You’ve got to ask ‘What is wrong? Where, why and how?’
- “Compliance with the Clery Act is a year round job – not once a week – once a month. It’s not that October 1st deadline. It’s a daily consideration.”

Demographic data: Southern California, urban, male, Hispanic, 16,799 students served.

President 1 demonstrates a sincere confidence about the job his staff performs regarding compliance with the Clery Act while acknowledging that he as leader of the college is vigilante in his approach to all things going on at his campus. Concerned about under-reporting of crime, accurate reporting of crime, accountability and keeping his staff focused and on top of the situation at his campuses every moment of every day. This system is working because the leadership is engaged and focused on compliance because compliance leads to safety, preparedness and fulfillment of the basic need for personal safety outlines by Abraham Maslow.
Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?

- “When we looked at the 2008 amendments for Clery we thought it was really directed toward larger universities with housing on campus. At our campus the turnover of students is much higher and we are a very open campus. A lot of the security issues we have involve non-students coming on campus.”
- “We have regular discussions with faculty about safety and students. We use the Clery statistics to let them know the issues on campus. We tell students don’t use your car as a second home – don’t leave things visible. Use our escort services to get to your car. Be aware of who is around you.

Demographic data: Southern California, urban, male, Caucasian, 70,000 students served, 25 years’ experience in higher education.

For this President, compliance is an imperfect issue. Acknowledging that compliance is not always complete, while stating it is a work in progress. The failures to comply should be acknowledged, examined and through collaboration and analysis new ideas can emerge.
### Table 39

**Summary of President 3 – Compliance**

<table>
<thead>
<tr>
<th>Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?</th>
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</thead>
<tbody>
<tr>
<td>• “We report for each location where our students are served as required.”</td>
</tr>
<tr>
<td>• “Essentially, compliance for our campus is one person right now, our director of campus safety. He has two jobs right now, director of security and housing on campus.”</td>
</tr>
<tr>
<td>• “We contract with local police to provide police services on campus. But our director works closely with the local police department. Our director pulls together all of the information for the Annual Security Report.”</td>
</tr>
<tr>
<td>• “The Director has to stay on top of Clery because you can’t pull it all together in a couple of weeks. It is a mound of data and it is overwhelming.”</td>
</tr>
<tr>
<td>• “It is very difficult for one person to stay up to date on the amendments to Clery if they also have to wear multiple hats.”</td>
</tr>
</tbody>
</table>

Demographic data: Northern California, rural, male, Caucasian, residence halls, 26,000 students served.

One person, responsible for tasks associated with three different duty statements also handles Clery Act compliance at this college. But is this sustainable? Will this employee leave the institution, retire, or become disabled? Hopefully not. Policing is out-sourced to local law enforcement as a result of budget cutbacks. Luckily, this campus is not in an urban area where crime may be much higher. So far, no incidents have caused great concern and no audits have occurred. A fitting quotation for this data:

> In an open climate, the right to disagree and express other points of view not only is expected, but solicited. That is, the system purposely seeks input from all staff through such means as suggestion systems, the use of ‘think tanks’ for problem solving, and the use of shadow group techniques that place general staff personnel in role-play exercises to examine problems faced by the system and its administrative personnel. (Webb & Norton, 2009, p. 65)
The need for multiple employees to merge compliance with the Clery Act into a college’s daily life is quite obvious. The ability of staff to collaborate, discuss, disagree on how to perform the merger may often produce greater and deeper results.

Table 40

**Summary of President 4 – Compliance**

<table>
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<tr>
<th>Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?</th>
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<tbody>
<tr>
<td><strong>•</strong> “Even in 2000, we had training on the Clery Act provided by our district police force and human resources.”</td>
</tr>
<tr>
<td><strong>•</strong> “My go to persons for all things Clery related is our Chief of Police, our campus captain and general counsel for the district.”</td>
</tr>
<tr>
<td><strong>•</strong> “The reporting of the Clery data is not a real challenge because we have the system set up for us. The challenging part is providing the awareness, the understanding and the training on an ongoing basis that keeps students and staff informed. Educating people on what types of crimes are going on.”</td>
</tr>
</tbody>
</table>

Demographic data: Northern California, urban, female, Caucasian, 26,000 students served, 20 years’ experience in higher education.

Once again, this President is comfortable with and confident in the compliance and campus safety system which has been designed and set up by her district. When the system is well prepared, monitored, and analyzed it is easier for employees inside the system to feel comfortable with your institution’s ability to handle compliance and other matters. With regular monitoring of the system, the system itself operates more effectively. Staff training and professional development has been provided at this college for a long period of time and continues today to be an important part of campus operations. President 4 has established a relationship with three key individuals regarding compliance: the Chief of Police, Campus Police Captain and the college’s
General Counsel. Communication with these three individuals provide President 4 with the opportunity to benefit from subject matter knowledge and the unique frame through which each of the individuals view Clery Act compliance. This leader has built a support system from which she withdraws knowledge to answer issues associated with Clery compliance when she needs it. An applicable quotation for this data:

High performing teams shape purpose in response to a demand or opportunity placed in their path, usually by higher management. High performing teams translate common purpose into specific, measureable performance goals. (Bolman & Deal, 2008, p. 111)

President 4 has portrayed her team as high performing, not only with regard to Clery compliance but in many areas. Her team has translated Clery Act compliance from a common purpose into specific goals which have been achieved.

Table 41

Summary of Chief of Police – Compliance

<table>
<thead>
<tr>
<th>Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?</th>
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<tbody>
<tr>
<td>I first became involved with Clery Act compliance in 1998. I was given responsibility for preparing the Annual Security Report (ASR) and told “Here, this needs to be done.” A lot of stuff was dropped in my lap and little guidance.</td>
</tr>
<tr>
<td>“I was learning as I went along. Like a lot of other districts at the time, I thought we were complying with the mandates, but we were not. Through trial and error, my own research, talking to other people about Clery, is the way I learned to comply with it.”</td>
</tr>
<tr>
<td>“Complying with Clery is not a one day a week, one day a month job. As it grows with amendments, it becomes more comprehensive.”</td>
</tr>
<tr>
<td>“I think the universities have done a better job. They have dedicated position to focus on compliance.”</td>
</tr>
</tbody>
</table>
Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?

- “An audit in 2006, showed us we were doing some things rights, but also some things wrong. It got us all on board to fix things.”
- “Every time I open the USDOE Handbook, I experience this feeling of fear. Sheer fear, panic and chaos.”
- “I have a team of three: me, a clerk and a sergeant. We are a great team but we need more like us.”
- “When everybody does something a different way with regard to compliance, it is a nightmare.”

Demographic data: Northern California, urban, female, African American, 70,000 students served.

This participant is intricately responsible for most aspects of compliance with the Clery Act in her community college district. She is also a resource for other colleges, who readily access her talent and knowledge base when they face a difficult issue in Clery compliance. This participant clearly states her well defined feeling of sheer fear every time she goes to prepare her district’s Annual Security Report. It is notable; her district is one that performs Clery Act compliance very well. Perhaps other community college personnel should entertain the healthy sense of sheer fear, this participant has when she prepares her Annual Security Report. Ultimately, the fear should involve fear of the consequences of failing to properly implement Clery compliance at your college. The alternative is joining the ranks of Penn State, Virginia Tech, and Eastern Michigan University who have forever linked their reputations.
Table 42

Summary of Director of Campus Safety – Compliance

<table>
<thead>
<tr>
<th>Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>“I would like to have a uniform process for compliance for California community colleges. Some consistency so we can communicate with equal partners at other campuses.”</td>
</tr>
<tr>
<td>“In the beginning after Clery was passed, compliance with it was handled in-house by a few people. We were just developing our Web sites at the time but weren’t fully functional”</td>
</tr>
<tr>
<td>“Our campus was audited by the State Auditor in 2010. The feds were at our campus for a couple of weeks going through everything. We did pretty well. We had a couple of areas that needed improvement such as providing prospective employees with information about where to get our reports. We made the proper adjustments and corrected our mistake. There is no sense in hiding anything.”</td>
</tr>
<tr>
<td>“We collaborate with risk management and health services because Clery touches everything – student services, counseling, athletics, housing, drug and alcohol policies, human resources and more.”</td>
</tr>
<tr>
<td>“From the beginning of Clery up until today, it has mostly been in-house and or networking with other departments. You can’t afford the fines associated with Clery violations. Also there is no reason not to be transparent on these things.”</td>
</tr>
<tr>
<td>“We have very little contact with private universities regarding Clery compliance. They are off in the private sector doing their thing. We get a lot of small public colleges asking us how we comply with Clery. We are happy to help.”</td>
</tr>
<tr>
<td>“The Penn State scandal was started by a couple of individuals and I just don’t understand it. Clery is mandated. They should have reported the sexual assaults and let people decide if they wanted to attend.”</td>
</tr>
</tbody>
</table>

Demographic data: Southern California, urban, male, Hispanic, 70,000 students served.

The Director of Campus Safety has the benefit of over 25 years’ experience in law enforcement at the postsecondary education level. He has seen the Clery Act at its beginning through today. To him, compliance is not a difficult task if you are truly concerned about the safety of your students, staff and the public.
This participant was the only one interviewed who mentioned his belief that private colleges are highly inconsistent in complying with the Clery Act. Due to the location of his college, he often receives telephone calls from small surrounding colleges on how to comply with Clery. Participant and his staff offer guidance when asked because they are there to serve students.

Table 43

Summary of Director of Campus Safety/Parking/Residence Halls – Compliance

<table>
<thead>
<tr>
<th>Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “When the Clery Act first came out we were a fly by night organization. It really wasn’t considered seriously. No one understood it. No one understood the training piece of the Clery Act.”</td>
</tr>
<tr>
<td>• “To manage the data required by the Clery Act is enormous alone. We have different locations for our campus and they look at compliance differently.”</td>
</tr>
<tr>
<td>• “audits need to happen. Either self-auditing or external. You must be willing to examine yourself before the feds arrive.”</td>
</tr>
<tr>
<td>• “I think it will take one of the community colleges getting fined heavily for non-compliance with Clery before the Chancellor’s office decides to develop a Clery Compliance office. Or a disastrous event demonstrating a college didn’t have a well-developed timely warning plan.”</td>
</tr>
<tr>
<td>• “Clery compliance is a daily obligation. It does not stop. You don’t know when the crimes are going to happen. You have to be prepared. You need your CSAs (Campus Security Authorities) trained. You need to update and refine your policy statements.”</td>
</tr>
<tr>
<td>• “If your college has residence halls or other on-campus housing and your Annual Security Report reflects zero referrals for alcohol or Marijuana, you are lying.”</td>
</tr>
<tr>
<td>• “Preparation of the Fire Safety Log is fairly easy because we only have 114 residential units. I can’t imagine what it is like for Texas A &amp; M with 12,000 residential students. I think the Fire Log amendment was a good addition. It forced us to take a good hard look at whether we were doing fire drills and checking our sprinkler systems.”</td>
</tr>
</tbody>
</table>
Consistent with statements made by the Director of Campus Safety, this participant acknowledges compliance with Clery was extremely inconsistent for quite a long period of time after enactment. Like the Clery Act itself, compliance has morphed into a far more complicated task since the 1990s. Consistent also with the views of President 1, this participant cares deeply about the students and staff he is charged with protecting. He is vigilant about being honest about what is actually happening on his campus and protecting his students from the distractions of drugs and alcohol.

In his position, this participant has dual reporting roles: one for campus in general and the other for residence halls. Participant is also charged with preparing and maintaining a Fire log for his college’s residence halls. When he receives telephone calls from other colleges are received this participant is ready to assist and counsel those who are not as familiar with Clery. In the end, he is concerned with protecting and serving students.
Table 44

Summary of Risk Manager – Compliance

<table>
<thead>
<tr>
<th>Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• “Clery Act compliance and emergency Preparedness is a logical marriage for higher education.”</td>
</tr>
<tr>
<td>• “Many institutions were already collecting crime statistics for Clery when the 2008 amendments added emergency preparedness. So this added greater responsibility to the campus police jobs. Some campuses don’t have risk managers because they are smaller. So all the tasks are left up to campus police or public safety.”</td>
</tr>
<tr>
<td>• “We have all of these mandates we are supposed to comply with in California and they come with no funding. Even if we are supposed to receive funding, we often don’t receive it.”</td>
</tr>
<tr>
<td>• “Compliance with the Clery Act is not a one person job.”</td>
</tr>
</tbody>
</table>

Demographic data: Southern California, urban, female, Caucasian, 70,000 students served, 9 nine years’ experience in higher education.

For this college, some tasks associated with emergency preparedness are shared between the risk management department and campus safety and police. When this type of system is set up, it provides an additional layer of assistance, analysis and implementation. When leadership does not supply support in the form of resources or guidance, the system, or college suffers.

One important point emanating from this interview revolved around the ability of an institution with a risk manager to engage in ‘liability walks.’ Such walks provide an opportunity for multiple levels of leadership to meet and walk the campus to discuss hotspots that present safety issues. Risk Managers can offer incredible insight to institutional leaders who can them allocate resources and talent for problematic areas.
Table 45

Summary of Director of Emergency Preparedness – Compliance

<table>
<thead>
<tr>
<th>Research Question 3: Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?</th>
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</thead>
<tbody>
<tr>
<td>• “After Virginia Tech and the amendments to Clery – it became a big thing, Clery showed up on the radar for many people and colleges. Before, it was for many very obscure.”</td>
</tr>
<tr>
<td>• “There is certainly an amount of red tape associated with Clery. But the overall mission of Clery is, I think, great and important, and that is that we have to be straightforward about crime on campus. We have to report that crime in a straightforward manner and make it available to people. Perhaps it is bureaucratic, but the end result is good.”</td>
</tr>
<tr>
<td>• “Several recent tragedies have done a lot of work to make Clery more important. When a disaster happens, it’s tragic. But if there’s a silver lining, Clery can help us to examine and to adjust to those things that should be in place.”</td>
</tr>
<tr>
<td>• “We created a Model Clery Report to cut down on the need to re-create the ASR over 112 times. It has been well received.”</td>
</tr>
</tbody>
</table>

Demographic data: Northern California, urban, male, Caucasian, 2.4 million students served, five years’ experience in position.

This participant’s important role within the California community college system cannot be understated. He was responsible for implementing some of the first guidelines regarding compliance in conjunction with the Chief of Police interviewed for this study. Participant is very familiar with the Clery Act and agrees that a marriage of Clery’s timely warning mandates and emergency preparedness at the community college level should occur. Proposing that we examine how Clery compliance is approached first, then discuss and implement protocols is a reasoned plan shared by this participant. The tragedies may not stop but college administrators can learn from them and act to change the way the system works.
Table 46

*Summary of Retired Chancellor A – Other*

- “The Clery Act is very important to the well-being of students and safety on campus.”

The essential opinion of this participant is that the Clery Act is very important and serves an essential purpose in making students safe and campuses better prepared.

Table 47

*Summary of Retired Chancellor B – Other*

- “I first learned of the Clery Act when I was employed at the cabinet level as Vice President twenty years ago.”
- “Students are usually the last to voice their concerns about campus safety.”
- “The single most challenging aspect of Clery is: “What do you do with it? Gathering the report is not hard because they have to make these records anyway. It should be a normal procedure. But how do we present the report to the public and students so they will be aware?”
- “Safety is everywhere. It’s not a particular spot on campus; it is everywhere the students and staff are. The thinking about Clery must become that it is a campus-wide responsibility. There are never enough policemen to make a campus completely safe.”
- “According to Maslow’s Hierarchy of Needs, personal safety is right at the very beginning. Look at your learning environment, the need to feel safe, is first. Safety is not always on students’ or people’s minds because most of the time they feel the campus is safe. Not until something happens, then that event triggers “Oh…I’m not safe.”
- “Reports such as the one required by Clery are data and data are important for the decision-making process.”
- “You can use a theoretical framework to understand Clery and use it in an applied way.

Demographic data: Southern California, urban, Female, Korean, 70,000 students served.
Enough cannot be said about the knowledge transfer obtained from this participant. Although she does not advocate for greater resources because they either not available or are not coming, she believes the system will work with the solid advice of sound leadership. This participant was able to explain, in an effortless manner, how Clery compliance fulfills Maslow’s second level for personal safety in his Hierarchy of Needs. Participant also soundly applies theory into practice with her belief that many leadership types are required today as community college Presidents navigate the postsecondary environment and address many emerging threats.

Clery is, to this participant, an ever-present companion in the decision-making process. Clery fulfills the roles of all areas of curriculum outlined for Sacramento State University’s Doctoral program: Clery requires (a) critical thinking and analysis about a variety of subjects and translation of Maslow’s Hierarchy of Needs’ and numerous leadership theories into practice; (b) integrative thinking which involves socio-economic-political-legal and organizational analysis, budgeting and resource allocation; (c) effective communication to stakeholders to create buy-in; (d) understanding of the role of professionals and ethics; (e) practical application through data-based decision making and effective policy-making and implementation; (f) leadership style and practices and the mission of the institution; and (g) equity through inclusion and discussion of issues related to access, retention and success. Retired Chancellor B was the one that made all of the pieces of the puzzle fit together perfectly. The purpose of the seven areas of study required for the Sacramento State University Doctoral program were revealed and tied together by this participant.
Table 48

**Summary of President 1 – Other**

- Has served in role of President/Superintendent at present college since 2009, has prior experience as a President from 2003-2009 in Northern California and experience serving as a dean at a Northern California community college. Total of 28 years in higher education.

- “Unfortunately, it takes incidences to correct laws. Ultimately, the Clery Act has served the public good.”

- “Campus safety and emergency preparedness go hand in hand. You must be proactive and prepare – anything can happen on a college campus.”

- “The Clery Act is not just bureaucratic red tape. I look at Clery as the opportunity to improve the climate, the conditions, and the safety of all our students, faculty and staff. I welcome the opportunity to view it as part of our leadership.”

Demographic data: Southern California, urban, male, Hispanic, 16,799 students served

This participant demonstrated acceptance of the Clery mandates as part of his approach to protecting his students, his staff and his campus. The chosen leadership style was proactive, forward-thinking, drenched in servant-leadership and ethical decision making. Rather than waiting until an event occurs on campus, his campus is prepared to diminish the threat.

Table 49

**Summary of President 2 – Other**

- “Our new student orientation does not cover the Clery Act. We do provide a brochure on it.”

Demographic data: Southern California, urban, male, Caucasian, 70,000 students served, 25 years’ experience in higher education.

This participant has operated his college from a sound base provided by a predecessor who embraced the Clery Act. Sound leadership followed sound leadership in
this administration. The participant’s willingness to share his story and the way his institution operates with this researchers demonstrates his Servant leadership.

Table 50

Summary of President 3 – Other

- Has 16 years’ experience in higher education at CSU and community college level.
- “In my 16 years in higher education, I have never had a student ask me about the Clery Act or how your Clery Act statistics are.”
- “If you walked around the campus and asked people what the Clery Act is most wouldn’t know what it is.
- “Bringing together emergency preparedness and Clery compliance is a very related and natural process. It makes a lot of sense. Emergency preparedness is on everybody’s mind – get Clery attached to it and things will change. Clery becomes more than compliance.”
- “Community colleges are more of a mini corporation, quasi-centralized that really isn’t centralized or informed. Each college has its own control over itself. We are unlike the CSU or UC that has one board to govern them. We are more like the K-12 structure with individual boards governing us for better or worse.”
- “Clery is another unfunded mandate.”

Demographic data: Northern California, rural, male, Caucasian, residence halls, 26,000 students served.

This participant did not believe the Clery Act was known by students and staff at his current college or his former college. Although he cared deeply for his students, he did not believe the Clery Act specifically made campuses safer.
Table 51

*Summary of President 4 – Other*

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<tbody>
<tr>
<td><strong>•</strong> “I became aware of the Clery Act when I was employed at a community college in 2000. I was Vice President of Instruction and all individuals employed as VPs had to be familiar with it.”</td>
<td></td>
</tr>
<tr>
<td><strong>•</strong> “Information on Clery is provided in our materials for freshman orientation as part of the rights and responsibilities of students. Clery information is also in our catalog.”</td>
<td></td>
</tr>
<tr>
<td><strong>•</strong> “The things that are on the forefront of the minds of faculty member or staff is delivering services, academic programming. Understanding of crime and safety is often in the background. So how to bring safety and crime to the forefront really needs to become a topic of discussion.”</td>
<td></td>
</tr>
</tbody>
</table>

Demographic data: Northern California, urban, female, Caucasian, 26,000 students served, 20 years’ experience in higher education.

President 4 has operated with the benefit of an extremely well established system for handling Clery Act compliance. She wholeheartedly appreciates the system and the staff that makes it all happen. She would like to delegate more staff and resources to compliance to make it even better.
Table 52

Summary of Chief of Police – Other

- “I have worked in law enforcement for 25 years. I began my career in the United State Air Force. When discharged I looked for a smaller environment and was steered toward colleges by a mentor. Once I became employed at CCC, I never left. I feel I am serving in an important role here.”
- “The Sacramento Sheriff's department has been very helpful. They use their Clery data quickly and we have a good working relationship.”
- “Not every horrible event on a college campus is a crime. Natural disasters could wreak havoc and threaten students’ safety. Emergency preparedness is really important.”
- “We have threats training every fall and spring with staff and faculty.”
- “A college needs a Clery Act Coordinator. Someone who is focused on the big picture and gets all the middle to smaller size pieces put together. Their job must be a priority.
- “Situations like Penn State, Virginia Tech get the media attention. It makes it bad for all of us.”
- “Clery is my baby at this college. I was asked to teach a new employee how to take my place and I didn’t like it.”
- “We have been coordinating our emergency preparedness with the timely warning component of Clery because we want them to complement each other.”

Demographic data: Northern California, urban, female, African American, 70,000 students served

This participant realizes the natural marriage between the timely warning component of the Clery act and emergency preparedness because of the reality that campus emergencies do not always come in the same package. Weather related emergencies can benefit from the same systems that are set up for Clery emergencies. There is a universal principle in emergency preparedness that natural occurs between Clery and readiness for all hazards threats to campus security.
Table 53

**Summary of Director of Campus Safety – Other**

- “We are in the process of changing from a public safety office to an actual police department. I would really like to see uniformity amongst the California community college police departments. But due to the structure of governance, it’s very much a system of self-governing at each college.”

- “Our campus gets a lot of out-of-district people because our campus is larger and offers more subject matter. We serve 70,000 with 40,000 on the noncredit side. Our campus is larger than some UCs and CSUs. As far as enrollment goes we are the largest in the California community college system.”

- “We have a Division I athletic program that is particularly attractive to many students from out of the area.”

- “I first became aware of the Clery Act in 1990. I had a dispatcher give me a heads up on the new law. No one else knew anything about the law. I told my Chief at the time we had to comply with this and he said ‘I don’t know, I have to talk to the VP of our division. After that I was told to look into the Clery Act requirements, and that is how it all began.”

- “I have been with this college for 26 years. I stared in 1987 as a manager, then assistant director.”

- “The Police Chief’s Association does a lot of networking and we collaborate and help each other regarding Clery.

Demographic data: Southern California, urban, male, Hispanic, 70,000 students served.

The major points provided by this participant indicate that Clery should be a natural part of campus life. The Clery Act should be welcomed by community college personnel, they should be trained in its mandates and college staff should work together to implement each mandate. When done well, the college’s reputation is perfected.
Table 54

Summary of Director of Campus Safety/Parking/Residence Halls – Other

- The biggest factor impeding the ability of California community colleges to comply with the mandates of the Clery Act is how we are governed. We are contrary to the UC and CSU system. We have a chancellor but he/she is not really in charge. We are governed by locally elected boards – much like the K-12 system. We are districts governed by the voters of local districts. If the districts want a particular thing they get it.”

- “The Chancellor’s office is appointed by the governor and they in turn provide us with the guidelines. In essence the California community colleges are governed like 112 independent corporations.”

- “Any college is on their own with regard to training in the Clery Act. It is your responsibility as a Clery compliance officer to get the training and hunker down. You are on your own.”

- “Virginia Tech ratcheted up the seriousness for everyone and some really started to understand the consequences. The mindset sometimes is that Virginia Tech will never happen again. But now with Sandy Hook and Aurora Colorado we can’t ignore this anymore. We have veterans coming back from war that need to return to community colleges to be educated and re-trained.”

- “Statistics show that because more and more people don’t have a job they are returning to college. And community colleges are the most affordable.”

- “I taught myself how to comply with the Clery Act. It took a long time but I’m proud of myself for that. But not all people are willing to put forth that effort. If you look at an example like College of the Redwoods, and view their Annual Security Report, unless they have someone that is really, really, really trying to learn Clery, you are likely to get a bad audit.”

Demographic data: Northern California, rural, male, Caucasian, residence halls, 26,000 students served.

Once again a ‘mindset’ that a particular horrific event will not occur again is mentioned in connection with Virginia Tech. Although Virginia Tech per se may not happen again, a different tragedy may happen. It is the duty of the college leadership to prepare for that event as best they can. When community college personnel are ‘left on their own’ to find out how to comply with the Clery Act, the likelihood they will handle
compliance with Clery proficiently is low. This participant is a clear advocate for stronger leadership and additional resources to do the job better.

Table 55

Summary of Risk Manager – Other

- “I first became aware of the Clery Act in May 2009 as I was doing some required reading about campus safety disclosure responsibilities. I received information from an emergency preparedness facilitator whose goal was to get the data out to people working in the emergency preparedness field. The amendments regarding timely warning brought about significant changes.”

- “I transferred from K-12 to higher education as a promotional opportunity. When the timely warning amendments came about, the police department reached out to me to assist in developing procedures. I began researching how best to approach timely warning and emergency preparedness.”

Demographic data: Southern California, urban, female, Caucasian, 70,000 students served, nine years’ experience in higher education.

This participant also mentions a feeling of stress as she serves her college tasked with multiple roles. She wants to perform all her duties well but there are few staff trained in her area that are available to assist her. She advocates for more resources but is essentially pleased with her leadership.
Table 56

Summary of Director of Emergency Preparedness – Other

- “I can’t recall when I first became aware of the Clery Act because I can’t really separate Clery from Emergency Preparedness necessarily. Clery just affirms some pretty common sense standards that all colleges should meet, especially the timely warning component.”

- “I haven’t had the formal Clery training and I’m not the one that implements the actual Clery policy; However, my office has facilitated lots of training across the State of California.”

Demographic data: Northern California, urban, male, Caucasian, 2.4 million students served, five years’ experience in position.

The emergency preparedness program begun by this participant’s office will require future funding because the office operates with federal grant funding that will expire in the next few years. It is a frightening to think that the emergency preparedness program would not be further funding. Today, and for the future, emergency preparedness for all hazards is essential to the well-being of everyone in our state.

Quantitative Data Summary

The survey instrument contained 23 questions divided into subject matter areas: (a) job duties and actions concerning compliance with the Clery Act, (b) Leadership practices at their community college, (c) Guidance regarding compliance provided by leadership at the Office of the Chancellor, and (d) Emergency management, preparedness and timely warnings. Each survey question provided an opportunity to comment further on the response to the question. Although the quantitative survey resulted in the collection of only 16 responses, the data are important in that it provides a glimpse of how compliance is handled at 16 different community colleges. The data provide
participant perceptions of impediments and enhancements for institutional leadership, resources and compliance concerning the Clery Act. This data is informative for all three Research Questions and perhaps for future research. The most understandable format for reporting the survey data is to provide the question, indicate the 16 responses and demonstrate the response in a graphic representation where applicable. For reference the research questions are restated:

1. What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?
2. Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges? and
3. Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?

**Report of Quantitative Findings for Research Question One**

The researcher previously indicated in Table 11 the grouping of the survey questions responsive to each research question. Data relevant to research question 1 is found in survey questions 7, 16, 20, and 21.

Table 57

*Survey Question Seven*

<table>
<thead>
<tr>
<th>7. Have you been provided with guidelines or rules indicating how to comply with the Clery Act by administrators at your College?</th>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Yes</td>
<td>31.3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>2. No</td>
<td>62.5</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>3. Unsure</td>
<td>0.0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>4 Other</td>
<td>6.3</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>
The responses to Question 7 provided some outstanding data reflecting a majority of respondents were not provided guidelines or rules on how to comply with the Clery Act. The complicates nature of the Clery Act mandates demand at a minimum the use of the U.S. Handbook for Campus Crime Reporting and other training manuals in order to correctly comply with the Clery Act.

![Figure 8](image)

*Figure 8. Graphic of survey question seven responses.*

Responses which indicate ‘Other’ included: (a) “Only support we have received has been inside the department. Not through any administrators with the College itself;” (b) “Whenever there is a question regarding compliance we refer to the Cleary act handbook for clarification our team has read and reread the handbook and have multiple discussions using common scenarios;” (c) “The Handbook has proven to be a valuable tool. I look forward to updates each time they are published;” (d) “Bulletins, publications,
and a seminar. However, the instructions received were contradictory and when audited by the State Auditor's Office, the auditors gave conflicting information with that from the U.S. It should not be that complicated or difficult to comply but the regulations do not match normal crime statistics used by state and federal law enforcement agencies. Also, definitions listed with the Clery Act do not match definitions in the California Penal Code, which causes confusion and conflicts.”

Table 58

Survey Responses to Question Fourteen

<table>
<thead>
<tr>
<th>14. Indicate the geographic locations for which your institution reports campus crime statistics?</th>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. On-Campus</td>
<td>100</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>2. Unobstructed public areas immediately adjacent to or running through the campus</td>
<td>73.3</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>3. In or on non-campus buildings or property that your institution owns or controls</td>
<td>66.7</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>4. Other</td>
<td>26.7</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>

The responses to Question 14 are disturbing in that numbers 1, 2, and 3 are all required geographical reporting areas for the Clery Act. The responses indicate only 73.3% of respondents report crime in unobstructed public areas immediately adjacent to or running through the campus and only 66.7% report crime on non-campus buildings or property that your institution owns or controls. The responses reflect non-compliance with the mandates of the Clery Act.
Table 59

*Survey Responses to Question Twenty*

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>No</td>
<td>80</td>
<td>12</td>
</tr>
</tbody>
</table>

The researcher’s first interview conducted for this study was with the retired Chancellor A of the California Community College system. Chancellor A, who had served in this role for more than 25 years, lamented that the role of the Chancellor’s office was more guidance oriented than enforcement oriented due to the governance structure of the community college system. Since community colleges are governed by local boards and districts that make decisions reflective of the particular community within which it is located, the Chancellor’s office serves a limited role. The survey responses to question number 20 in Table 59 are notable in that they demonstrate by a majority the Chancellor’s has not provided community colleges with compliance related guidelines for the Clery Act. Figure 9 is a graphic representation of the responses to survey question 20.
When Chancellor A was asked how his office dealt with situations where a community college had a negative audit concerning Clery Act compliance, he indicated legal counsel would prepare a letter requesting the compliance issues be corrected within thirty days. Other than the letter, the Chancellor’s office has no authority to demand a college make changes in its Clery Act compliance.

In the aftermath of the 2009 State Auditor’s Report concerning irregular compliance by several California community colleges, Chancellor A provided new resources to the community colleges in the form of a Clery Act compliance liaison,

Figure 9. Graphic of responses to survey question twenty.
Valerie Cox and added a downloadable Model Clery Act Report to demonstrate a fully compliant Annual Security Report.

Table 60

*Survey Responses to Question Twenty-one*

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Very effective</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2. Effective</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>3. Unsure</td>
<td>46.7</td>
<td>7</td>
</tr>
<tr>
<td>4. Ineffective</td>
<td>26.7</td>
<td>4</td>
</tr>
<tr>
<td>5. Very ineffective</td>
<td>6.7</td>
<td>1</td>
</tr>
<tr>
<td>6. Non-existent</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Survey responses to Question 21 are remarkable in that a majority of the responses indicate respondents are unsure about the adequacy of the systems and tools provided to their college by the Chancellor’s office. The second largest response to this question indicates the systems and tools provided to their college by the Chancellor’s office are ineffective.

*Report of Qualitative Findings for Research Question Two*

Data relevant to Research Question 2 is found in survey questions 15, 18, 19, 22, 23, 25, and 26.
Survey Responses to Question Fifteen

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Very effective</td>
<td>6.7</td>
<td>1</td>
</tr>
<tr>
<td>2. Effective</td>
<td>66.7</td>
<td>10</td>
</tr>
<tr>
<td>3. Unsure</td>
<td>6.7</td>
<td>1</td>
</tr>
<tr>
<td>4 Very ineffective</td>
<td>20</td>
<td>3</td>
</tr>
</tbody>
</table>

Responses to question 15 indicate respondents, for the most part, feel the systems and tools provided by their college for collecting, classifying, and reporting campus crime are effective. Figure 10 is a graphic representation of the responses to survey question 15.
Figure 10. Graphic of responses to survey question fifteen.

Table 62

Survey Responses to Question Eighteen

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. PowerPoint</td>
<td>37.5</td>
<td>6</td>
</tr>
<tr>
<td>2. Webinar</td>
<td>43.8</td>
<td>7</td>
</tr>
<tr>
<td>3. Security on Campus</td>
<td>18.8</td>
<td>3</td>
</tr>
<tr>
<td>4. In-house training by co-worker</td>
<td>31.3</td>
<td>5</td>
</tr>
<tr>
<td>5. No training</td>
<td>12.5</td>
<td>2</td>
</tr>
<tr>
<td>6. Self-guided</td>
<td>81.3</td>
<td>13</td>
</tr>
</tbody>
</table>
Responses to survey Question 18 indicate a majority of training provided to employees responsible for preparing the Annual Security Report is self-guided. This data comports with data obtained from the qualitative interviews of the Chief of Police and Director of Campus Safety in that they explain they both trained themselves in how to comply with the Clery Act. Webinars and PowerPoint presentation are second and third in ranking. It is notable that formal training with Security On Campus rank very low. This may be because the three-day training costs approximately $350.00 and may involve a hotel stay and airfare to get to the training destination.

Figure 11. Graphic of responses to question eighteen.
### Table 63

**Survey Responses to Question Nineteen**

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. At hiring</td>
<td>25</td>
<td>4</td>
</tr>
<tr>
<td>2. Annually</td>
<td>31.3</td>
<td>5</td>
</tr>
<tr>
<td>3. More than once a year</td>
<td>6.3</td>
<td>1</td>
</tr>
<tr>
<td>4. Other: Online only</td>
<td>37.5</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Reviewed handbook</td>
<td></td>
</tr>
<tr>
<td></td>
<td>When trainings are available and have resources</td>
<td></td>
</tr>
</tbody>
</table>

The responses to survey Question 19 suggest that training in Clery Act compliance occurs for the most part annually or through online classes. It is rather shocking that training does not for the most part happen more than once a year. This particular question should be investigated further in future research which elicits training detail to get to the bottom of why compliance is so inconsistent.
Table 64

Survey Responses to Question Twenty-two

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Yes</td>
<td>12.5</td>
<td>2</td>
</tr>
<tr>
<td>2. No</td>
<td>87.5</td>
<td>14</td>
</tr>
</tbody>
</table>

The responses to survey Question 22 are outstanding in that this data may demonstrate that community college personnel responsible for preparing the Annual Security Report are aware of and utilizing resources provided by the Office of the Chancellor for California Community Colleges.
Security Report for their college do not utilize the website developed by the Chancellor’s office. This website provides a Model Clery Act Annual Security Report, answers to frequent compliance questions and identifies the Clery Act compliance liaison available to take telephone and email inquiries regarding compliance issues. The system, in the form of the Chancellor’s office, has provided a tool for colleges to use but the colleges have not availed themselves of it. Data as to why college personnel have not is not address in this study.

![Bar chart](image)

**Figure 13.** Graphic responses to question twenty-two.
Table 65

Survey Responses to Question Twenty-three

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Fully prepared</td>
<td>31.3</td>
<td>5</td>
</tr>
<tr>
<td>2. Adequately prepared</td>
<td>56.3</td>
<td>9</td>
</tr>
<tr>
<td>3. No opinion</td>
<td>12.5</td>
<td>2</td>
</tr>
<tr>
<td>4. Not all prepared</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5. Unprepared</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Data from responses to survey Question 23 appears significant in that 56.3% of responses indicate they felt their college was adequately prepared to provide a timely warning to their campus community in the event of an emergency. Ideally, any college should be fully prepared to answer an emergency response. If they are not, they need to be.

Table 66

Survey Responses to Question Twenty-five

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Yes</td>
<td>100</td>
<td>16</td>
</tr>
<tr>
<td>2. No</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

The positive response of 100% of respondents have an internal emergency management team is reassuring. This is an area where future research can provide true insight.
Table 67

Survey Responses to Question Twenty-six

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 0 – 1</td>
<td>37.5</td>
<td>6</td>
</tr>
<tr>
<td>2. 2 - 5</td>
<td>56.3</td>
<td>9</td>
</tr>
<tr>
<td>3. 6 - 10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4. None</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>5. Other</td>
<td>6.3</td>
<td>1</td>
</tr>
</tbody>
</table>

16 EVAC drills
4 Active Shooter drills

Responses from survey Question 26 provide distinguished data in that 56.3% of respondents conduct annual emergency evacuation response drills on campus. This particular subject is integral to the ability of a college to respond to all hazards threats. The response to the ‘Other’ category provided one itemization of how their college’s drills are divided between evacuation and active shooter. All community colleges should have the same standard.
Figure 14. Graphic Responses to question twenty-six.

Report of Qualitative Findings for Research Question Three

Data relevant to research question 2 is found in survey questions 1, 3, 4, 5, 6, 8, 9, 10, 11, and 12.
Table 68

Survey Responses to Question One

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 100%</td>
<td>6.3</td>
<td>1</td>
</tr>
<tr>
<td>2. 50-75%</td>
<td>6.3</td>
<td>1</td>
</tr>
<tr>
<td>3. 25-50%</td>
<td>18.8</td>
<td>3</td>
</tr>
<tr>
<td>4. Less than 25%</td>
<td>31.3</td>
<td>5</td>
</tr>
<tr>
<td>5. 10%</td>
<td>31.3</td>
<td>5</td>
</tr>
<tr>
<td>6. Other</td>
<td>6.3</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>5%</td>
<td>1</td>
</tr>
</tbody>
</table>

Responses to survey Question 1 represent data reflective of first phase qualitative data indicating many employees at community colleges are asked to fulfill Clery Act tasks in addition to many of their regular job duties. This data suggests Clery Act compliance responsibilities are less than 25% of the job duties associated with individuals responsible for preparing the Annual Security Report.

Table 69

Survey Responses to Question Three

<table>
<thead>
<tr>
<th>Response</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. College President</td>
<td>2</td>
</tr>
<tr>
<td>2. Sergeant</td>
<td>1</td>
</tr>
<tr>
<td>3. Vice Chancellor</td>
<td>1</td>
</tr>
<tr>
<td>4. Director Student Life</td>
<td>1</td>
</tr>
<tr>
<td>5. Chief of Police</td>
<td>4</td>
</tr>
<tr>
<td>6. Office Manager</td>
<td>1</td>
</tr>
<tr>
<td>7. Vice President Admin Services</td>
<td>6</td>
</tr>
</tbody>
</table>
Data from Question 3 is reflective of first phase qualitative data indicating many different job descriptions are responsible for receiving Clery Act data. The majority of responses report to the Vice president of Administrative Services. This lack of system-wide reporting uniformity may contribute to the reporting irregularities identified in numerous state audits.

Table 70

Survey Responses to Question Four

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Less than one year</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2. One year</td>
<td>13.3</td>
<td>2</td>
</tr>
<tr>
<td>3. 2 -5 years</td>
<td>33.3</td>
<td>5</td>
</tr>
<tr>
<td>4. 6 – 10 years</td>
<td>26.7</td>
<td>4</td>
</tr>
<tr>
<td>5. More than 10 years</td>
<td>26.7</td>
<td>4</td>
</tr>
<tr>
<td>6. Other</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Responses to survey Question 4 suggest the cumulative professional experience of individuals preparing the Annual Security report is two to five years. Unlike other areas of the postsecondary educational environment, this is a very low percentage for experience.
Table 71

Survey Responses to Question Five

<table>
<thead>
<tr>
<th></th>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Highly stressful</td>
<td></td>
<td>6.7</td>
<td>1</td>
</tr>
<tr>
<td>2. Somewhat stressful</td>
<td></td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>3. Neutral</td>
<td></td>
<td>53.3</td>
<td>8</td>
</tr>
<tr>
<td>4. Moderately stressful</td>
<td></td>
<td>6.7</td>
<td>1</td>
</tr>
<tr>
<td>5. Not stressful</td>
<td></td>
<td>13.2</td>
<td>2</td>
</tr>
</tbody>
</table>

The results of survey Question 5 are rather surprising because they reveal a majority of respondents (53.3%) are neutral about the process of preparing the Annual Security Report. Generally, at all job descriptions levels interviewed in the qualitative portion of this study, all individuals felt some level of stress associated with compliance with Clery. Some were more stressed than others. This prompts a need for further research in this area.
Table 72

Survey Responses to Question Six

<table>
<thead>
<tr>
<th>6. Which of the following choices best represents how YOU feel about the Jeanne Clery Act?</th>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Clery Act had definitely made campuses safer</td>
<td>33.3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>2. Clery Act has not made campuses safer</td>
<td>13.3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3. Clery Act is ineffective and diverts resources from true purpose of higher education</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>4. Complying with Clery Act has proven difficult due to lack of resources</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>5. Complying with Clery Act is just another unfunded Federal mandate which institutions of higher education must comply with</td>
<td>20.0</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>6. The campus crime statistics reflected in the Annual Security Report do not reflect the actual status of crime on our campus</td>
<td>26.7</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>7. Other</td>
<td>6.7</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

Responses to Question 6 reflect somewhat conflicting data in that 33.3% of respondent indicate the Clery Act has made campuses safer in contrast to 20% who feel the Clery Act is another unfunded mandate. The response reflected in the ‘Other’ category include: (a) “However, I feel that The Clery Act is powerful knowledge to our students;” (b) “Students and parents are better informed if they care to look, but not safer;” and (c) “The Clery Act's purpose is to make the college community aware of crimes committed on campus. To that end it is a success.”

All three of the comments entered under “Other” truly seem to sum up the essence of the Clery Act. It provides students information, if they seek it, or become aware of the availability of the information, and if they actually use the information. The Clery Act
cannot make students safer alone. It must be used by institutional leaders to implement programs and practices which will make campuses prepared for threats to safety.

Table 73

Survey Responses to Question Eight

<table>
<thead>
<tr>
<th>8. What factor(s) do you believe would enhance your ability to comply with the Clery Act?</th>
<th>Response</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Clearer crime definition</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>2. Additional staff</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>3. System coordination</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>4. More administrative involvement</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>5. Computer based data collection</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>6. Training</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>7. Have a Clery Act Compliance Office</td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

Responses to survey Question 8 are significant in that they indicate a need for greater resources, such as staff devoted to Clery Act compliance, technology in the form of data collection, training incompliance and the creation of a position where one person handles or coordinates compliance on campus. Two respondents indicated a need for clearer crime definition, which could potentially be resolved through effective training in compliance. Two respondents also indicated a greater need for ‘system coordination.’ Although system coordination is undefined by the respondent, it could mean coordination within the college system itself or within the community college system statewide, or it could mean both. A salient point to be taken from this response is the rather obvious need for system improvement.
Table 74

Survey Responses to Question Nine

| 9. What is the single most challenging factor you have faced in complying with the Clery Act |
|-----------------------------------------------|-----------------|-----------------|
| Response                                      | Response %      | Response Count  |
| 1. Gathering stats in timely fashion          | .40             | 6               |
| 2. Compiling stats with outdated system       | 0.07            | 1               |
| 3. Compliance in general                      | 0.13            | 2               |
| 4. Coordination with local police             | 0.07            | 1               |
| 5. Adequate notification to students          | 0.07            | 1               |
| 6. Time – Responsible for too many other tasks| 0.07            | 1               |
| 7. Educating campus staff and students        | 0.07            | 1               |
| 8. Making sure the ASR data is clear and consistent | 0.07            | 1               |
| 9. None                                       | 0.07            | 1               |

Survey Question 9 is very important in that it requests participants identify the single most challenging factor affecting their ability to comply with the Clery Act. A majority of respondents indicated the most challenging factor was their ability to gather the statistics in a timely fashion. This is understandable in that responsibilities for Clery compliance are often placed on top of all other duties staff is responsible for. When a crime occurs, is it almost always unexpected and cannot be anticipated. Emergencies are just that: emergencies which do not come in neatly packaged and scheduled on a particular day. Unless adequate staffing and appropriate resources are devoted to handling Clery Act compliance, the gathering of crime statistics will likely continue to remain the most challenging factor.
Table 75

Survey Responses to Question Ten

<table>
<thead>
<tr>
<th>10. Using the following list select all the responsibilities for which you are charged with regarding compliance with the Clery Act:</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Collecting or gathering policy disclosure statements from other departments for inclusion in the Annual Security Report.</td>
<td>66.7</td>
<td>10</td>
</tr>
<tr>
<td>2. Writing policy disclosure statements</td>
<td>60.0</td>
<td>9</td>
</tr>
<tr>
<td>3. Compiling campus crime statistics.</td>
<td>100</td>
<td>15</td>
</tr>
<tr>
<td>4. Classifying campus crime statistics.</td>
<td>93.3</td>
<td>14</td>
</tr>
<tr>
<td>5. Gathering crime statistics from local police jurisdictions.</td>
<td>100</td>
<td>15</td>
</tr>
<tr>
<td>6. Collecting crime statistics from campus security authorities.</td>
<td>66.7</td>
<td>10</td>
</tr>
<tr>
<td>7. Collecting crime statistics from campus conduct officers.</td>
<td>80</td>
<td>12</td>
</tr>
<tr>
<td>8. Managing the Daily Crime log.</td>
<td>93.3</td>
<td>14</td>
</tr>
<tr>
<td>9. Managing the Fire log.</td>
<td>46.7</td>
<td>7</td>
</tr>
<tr>
<td>10. Issuing Timely Warnings to the campus community.</td>
<td>80</td>
<td>12</td>
</tr>
<tr>
<td>11. Participating in campus emergency preparedness teams or committees.</td>
<td>93.3</td>
<td>14</td>
</tr>
<tr>
<td>12. Participating in Clery compliance teams or committees.</td>
<td>46.7</td>
<td>7</td>
</tr>
<tr>
<td>13. Disseminating the Annual Security Report.</td>
<td>86.7</td>
<td>13</td>
</tr>
<tr>
<td>14. Filing the Annual Security Report with the U.S. Department of Education.</td>
<td>86.7</td>
<td>13</td>
</tr>
<tr>
<td>15. Other: Request conduct hearing and communicate with local police enforcement</td>
<td>6.7</td>
<td>1</td>
</tr>
</tbody>
</table>

Survey Question 10 provides a striking glimpse at the myriad of duties associated with complying with the Clery Act. Is it really possible to fully perform each of the duties outline in this survey question while performing all job duties associated with an employee’s regular job duties? Perhaps, herein lies some of the reasons why compliance
today remains inconsistent at the community college level. Staff is asked to perform so many duties they cannot reasonably do all of them well.

The responses to survey Question 10 also prompts the thought that the duties listed are highly important to achieving full compliance with the Clery Act. That being said, should not the risk of a state or federal audit and the attendant potential fines of $35,000 per violation cause community college leaders concern? Or perhaps it is a waiting to be audited scenario where administrators do not fix the situation until they are caught?

Figure 15. Graphic of responses to survey question ten.
Table 76 – Survey Responses to Question Eleven

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Timely warning.</td>
<td>84.6</td>
<td>11</td>
</tr>
<tr>
<td>2. The reporting of crimes or emergencies occurring on campus.</td>
<td>100</td>
<td>13</td>
</tr>
<tr>
<td>3. Security of and access to campus facilities, including residences if applicable.</td>
<td>84.6</td>
<td>11</td>
</tr>
<tr>
<td>4. Campus law enforcement authority.</td>
<td>76.9</td>
<td>10</td>
</tr>
<tr>
<td>5. Programs regarding sexual assault.</td>
<td>84.6</td>
<td>11</td>
</tr>
<tr>
<td>6. Crime prevention.</td>
<td>84.6</td>
<td>11</td>
</tr>
<tr>
<td>7. Monitoring and recording criminal activity through local police agencies.</td>
<td>76.9</td>
<td>10</td>
</tr>
<tr>
<td>8. Alcohol and illegal drugs on campus.</td>
<td>100</td>
<td>13</td>
</tr>
<tr>
<td>9. Alcohol and drug abuse educational programs</td>
<td>100</td>
<td>13</td>
</tr>
<tr>
<td>10. Programs to promote awareness of rape, acquaintance rape and sex offenses.</td>
<td>69.2</td>
<td>9</td>
</tr>
<tr>
<td>11. Procedures to follow in the event of a sexual offense.</td>
<td>76.9</td>
<td>10</td>
</tr>
<tr>
<td>12. Information on sexual offenders.</td>
<td>84.6</td>
<td>11</td>
</tr>
<tr>
<td>13. Campus disciplinary procedures.</td>
<td>84.6</td>
<td>11</td>
</tr>
<tr>
<td>14. Emergency response and evacuation procedures.</td>
<td>84.6</td>
<td>11</td>
</tr>
<tr>
<td>15. Fire Safety.</td>
<td>38.5</td>
<td>5</td>
</tr>
<tr>
<td>16. Missing Student Notification policy</td>
<td>46.2</td>
<td>6</td>
</tr>
</tbody>
</table>

Responses to survey Question 11 are remarkable in that with the exception of (15) fire safety and (16) missing student notifications, all 14 of the other disclosure polices are mandated by the Clery Act. Although the specifics of each college cannot be determined in this study, the fact that all 14 disclosure categories are not reported at 100% most likely indicates inadequate compliance with the Clery Act.
Figure 16. Graphic of responses to survey question eleven.

Table 77

Survey Responses to Question Twelve

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Email notification</td>
<td>53.3</td>
<td>8</td>
</tr>
<tr>
<td>2. Post card mailed U.S. mail</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>3. Posting on institution’s website</td>
<td>93.3</td>
<td>14</td>
</tr>
<tr>
<td>4 Other</td>
<td>40</td>
<td>6</td>
</tr>
</tbody>
</table>
Responses to survey Question 12 suggest a majority of participants post their Annual Security Report on their institution’s website. Responses under the category ‘Other’ include the following: (a) Pamphlets, (b) Published in institution’s catalog, (c) Provided during student orientation and Campus Staff Days. This data suggests that some community colleges are providing the Annual Security report in more than one format.

**Report of Qualitative Findings for Other Categories**

Data relevant to research for other categories is found in survey questions 2, 13, 14, 27, and 28.

Table 78

*Survey Responses to Question Two*

<table>
<thead>
<tr>
<th>2. What is your job title?</th>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chief of Police</td>
<td></td>
<td>33.3</td>
<td>5</td>
</tr>
<tr>
<td>2. Director of Security</td>
<td></td>
<td>20.0</td>
<td>3</td>
</tr>
<tr>
<td>3. Records Technician</td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>4 Other</td>
<td></td>
<td>46.7</td>
<td>7</td>
</tr>
</tbody>
</table>

Responses to survey Question 2 indicate survey participants came from a wide range of job titles. The responses for the ‘Other’ category include the following job titles: (a) Supervising Team Leaders, (b) Records Clerk, (c) Lodge Coordinator, (d) Police Captain, and (e) Director of Student Life. The responses to Question 2 provide evidence for a lack of uniformity with regard to the individual charged with responsibility for preparing the Annual Security Report.
Table 79

Survey Responses to Question Thirteen

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>0.47</td>
<td>7</td>
</tr>
<tr>
<td>No</td>
<td>0.53</td>
<td>8</td>
</tr>
</tbody>
</table>

Question 13 responses are interesting in that they are very close to being equally divided between having computerized records management and not have such resources. During the qualitative interviews Chief of Police indicated although the cost of such a system was approximately $40,000, it made for more accurately record keeping for compliance purposes. President 2 also confirmed, obtaining a computerized records management system had been a prior for his predecessor. The purchase of the system was considered an investment in safety by President 2.

Table 80

Survey Responses to Question Fourteen

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-campus;</td>
<td>100</td>
<td>14</td>
</tr>
<tr>
<td>Unobstructed public areas immediately adjacent to or running through the campus;</td>
<td>71.4</td>
<td>10</td>
</tr>
<tr>
<td>In or on non-campus buildings or property that your institution owns or controls</td>
<td>64.3</td>
<td>9</td>
</tr>
<tr>
<td>On-campus housing, including residence halls;</td>
<td>28.6</td>
<td>4</td>
</tr>
</tbody>
</table>
Data from responses to survey Question 14 are outstanding in that all four categories must be reported on an institution’s Annual Security Report. This data suggests compliance with the Clery Act and knowledge of it is not consistent within the California community college system.

Table 81

Survey Responses to Question Twenty-seven

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Yes</td>
<td>60.0</td>
<td>9</td>
</tr>
<tr>
<td>2. No</td>
<td>40.0</td>
<td>6</td>
</tr>
</tbody>
</table>

For those who are aware of the Clery Act, it is common knowledge the law has been amended numerous times as the federal government has attempted to clarify and strengthen it. The purpose of this survey question was to ascertain if respondents were even aware of the latest amendments to Clery attached to President Obama’s re-authorization of the Violence Against Women Act. This amendment will require an entirely new set of reporting beginning in October 2013. From these results, it does not appear the word has gotten out yet.
Figure 17. Graphic of responses to survey question twenty-seven.

Table 82

Survey Responses to Question Twenty-eight

<table>
<thead>
<tr>
<th>Response</th>
<th>Response %</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Please send a copy of the completed study.</td>
<td>0.07</td>
<td>1</td>
</tr>
</tbody>
</table>

Responses to survey Question 28 contained one response, which requested a copy of the completed study be emailed to respondent.
Theoretical Framework

The theoretical framework of this study was influenced by three different approaches: (a) General Systems Theory (GST) which holds all components within the system are interdependent and the actions of and changes in one part of the system can have repercussions throughout the entire system (Bertalanffy, 1950); (b) Situational Leadership Theory (SLT) which permits leaders to adapt their approach depending upon the situation they are presented with (Hersey & Blanchard, 1977); and (c) Ethical Leadership and decision making which serves as a guiding framework for leaders in their quest to manage, transform and maneuver the complexities of leading community colleges (Nevarez & Wood, 2010).
Chapter 5

CONCLUSIONS AND RECOMMENDATIONS

More than a quarter-century ago, the crime which started it all has almost been forgotten, except by the Clery family and those who know the Clery Act well. The Clery mandates have grown significantly from their original language as the federal government has sought to clarify the law’s ambiguities and address the changing nature of threats to student safety on campus. Regrettably, complying with the Clery Act remains an ongoing challenge for many postsecondary institutions today (McDermott, 2012). Universities and colleges continue to struggle to understand the Clery Act mandates, in some cases avoid paying attention to the obligations established by the law and in other cases intentionally disregard it (McDermott, 2012). There are some colleges which perform their duties associated with Clery Act compliance very well. Qualitative participants Presidents 2 and 4, the Chief of Police, Director of Campus Safety, Director of Campus Safety/Residence Halls and Parking and the Risk Manager all demonstrate a sound appreciate of the Clery Act mandates and work diligently to make compliance a priority on their campus.

The question needing to be answered is what enhances or impedes a postsecondary institution’s ability to comply with the Clery Act? Does the level of resources provided to institutions impact the ability to comply with all of the Clery mandates? Or does an individual leader’s perception of the efficacy and purpose of the Clery Act impact compliance with it? The researcher sought to answer these more global questions by developing the three focused research questions which would not imply or
The research questions are:

1. What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?
2. Are adequate resources committed to complying with mandates of the Clery Act by leadership at California Community Colleges?
3. Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?

For the qualitative portion of this study 11 of 12 attempted interviews with individuals employed in a variety of leadership roles within the California community college system were completed. For the quantitative portion of the study, a survey was designed and emailed to community college personnel responsible for preparing the Annual Security Report (ASR) for their college. The resulting data from both portion of the study is rich in detail and provides the personal experiences of the participants relating to compliance with the Clery Act. The qualitative portion of this study will be given greater weighting because the quantitative survey received only 15 responses in total and is insufficient to generalize the results to a larger population. Regardless of the low response rate, the researcher believes the data obtained should be reported for future research purposes and because it provides a small sampling of the issues regarding compliance for individuals who must prepare the Annual Security Report.
The significant findings of this study indicate the efficacy of a postsecondary institution’s ability or inability to comply with the Clery Act effectively and fully can be reduced to four areas:

1. **Leadership Style**: An institution’s leadership must use a combination of leadership styles to effectively lead their institution to understand the importance of compliance with the Clery Act. Leadership must be skilled and capable of breaking down institutional silos to bring all employees to the table to do their part to make campuses safer. But even more important, individuals sought for leadership positions must be culled from the ‘called to lead’ segment rather than the ‘self-serving’ group.

2. **Leadership Practices**: A leader must engage in proactive, honest, transparent, ethical, collaborative, communicative and data-based leadership practices designed to make the institution’s business transparent, the campus secure and students informed. Leadership has the responsibility to ask to see periodic metrics on compliance, to make unannounced “safety visits” and ‘liability walks’ through campus and to engage stakeholders and senior management in the tough conversations about what is really required of them and what is really happening on their campuses;

3. **Resources**: Leadership at the Board, Chancellor and President/Superintendent levels must work together and separately in their roles to allocate resources to community colleges to allow them to hire staff, train staff and purchase necessary tools and technology to make campuses more secure and prepared.
This is not a size and geographical dependent variable; it is a universal and consistent principle. No matter where the community college is located or the number of students served, all must be equally prepared to make students and campuses safer. Each college must have the same abilities and responsibilities;

4. **Compliance**: The campus community must be informed by leadership not only of the need to comply with the Clery Act, but the reason why compliance is important. The Clery mandates provide data for informed decision making by students and parents. IHEs must understand the Clery Act mandates are the designer, overseer and subject matter expert on compliance. The IHE itself is the implementer and owner of compliance. The IHE as owner and implementer has the duty to tie performance evaluations, promotions and compensation directly to how well an employee supports compliance with the Clery Act. IHEs have a legal and ethical duty to monitor the business and activities occurring on their campus and prepare for unexpected emergencies.

According to a 2012 interview given by Constance Clery:

At its heart, the underlying goal of the Clery Act remains the same – creating more informed campus communities and requiring universities to be honest. Most colleges have that in their mottos: ‘Veritas’ the Latin word for truth.
(McDermott, 2012 p. 2)

A college education is widely considered to be the key to achieving economic success and social mobility in American society (Institute for Higher Education Policy, 2005). Even more importantly, since the United States will need to produce 5.5 million bachelor’s degrees by 2020 to be able to successfully compete in an ever globalizing
economy, educational institutions must operate effectively to accomplish their important tasks. Producing college graduates and well trained professionals is critical to our nation’s economic health and competitiveness (Lumina Foundation, 2012). Effective practices facilitating full compliance with the Clery Act must become an integral part of every postsecondary institution’s operational plan. Leadership is the beginning and the end of this equation. Anything worth doing in business requires a strong leader, resources, mandates, monitoring, re-evaluation and incentives. Ethical leadership is not only an important endeavor; it is the foundation of enduring success (Boehme, 2012).

A summary of significant findings is presented next and is followed by a correlation of the findings by participant. The next section will present the consequences of failed and flawed leadership for the three examples identified in Chapter 1: Virginia Tech, Eastern Michigan University and Pennsylvania State University.

**Summary of Qualitative Findings Addressing Research Question One**

**What leadership styles and or practices are most successful in assisting California Community Colleges comply with the Clery Act?**

The researcher read through the qualitative data multiple times and each time the words of the participants offered enhanced meaning of the type of successful leadership required to bring an institution into compliance with the Clery Act. The single most common thread running through the qualitative data revealed the attitude and competency in communication to stakeholders of leadership is what makes the difference in whether or not the IHE complies with the Clery Act. In essence, the leaders, at every level from rank and file to President and Superintendent to District Board make the difference. The
characteristics leadership requires most is an open mindset and a willingness, combined with a significant degree of competency to communicate with stakeholders at all levels, from students and parents, to employees, the public and to governing boards. The three examples of the consequences of non-compliance demonstrate what can occur if a leader does not possess these characteristics. It is the stakeholders and the reputation of the IHE itself which is placed at risk if leadership lacks these characteristics. Accordingly, the leadership style is open-minded and the practice is communication.

The second most common theme surfaced from the qualitative data which answers research Question 1 is an ethical and moral compass. Leadership must be moral and ethical in purpose and action in order to engage in ethical decision making. Leaders must hold themselves to a higher standard than the norm. An inter-related theme with ethics is the philosophy of Servant Leadership, which requires leadership to ask themselves if they are called to lead or if they are in the leadership position for self-serving purposes. The three examples of non-compliance display costly examples of self-serving leadership.

The third leadership style materializing from the data is inclusive leadership. This style involves the engagement of others in the discussion and analysis of issues important to the IHE. This style seeks out and informs stakeholders and creates an environment where people trust one another. Leadership does not act to impress others with his or her authority. The practice put into action involves transformational leadership, where an individual is engaged enough to go beyond their contractual obligations for the benefit of
the IHE itself. Leadership is willing to accept the blame for mistakes and willing to
move the IHE forward to a better place.

Consequently, the answer to research Question 1 is: An open minded, ethical and
morally guided leadership style is required. The leader should be called to serve rather
than self-serving. Leadership should have significant communication skills and be able
to interface with stakeholders at all levels. The leader must engage others in the
important discussions concerning the IHE and seek the advice of others.

Summary of Qualitative Findings Addressing Research Question Two

Are adequate resources committed to complying with mandates of the Clery Act by
leadership at California Community Colleges?

The unanimous response of qualitative participants was that greater resources are
needed for California community colleges. Not all participants agreed that federal
mandates such as the Clery Act require new resources. Chancellor B does not believe
every mandate should be allocated money. However, she does believe the campus
should be mobilized for compliance and new educational programs should be added to
address issues on campus. Another unanimous theme surfacing with regard to resources
was the request for greater advocacy for funding by the Chancellor’s office. Participants
generally wanted the Chancellor to become more active in obtaining funding for
community colleges. Accordingly, the answer to research Question No. 2 is no.
Additional resources in the form of staff, training and technological advancements are
desperately needed system-wide.
Summary of Qualitative Findings Addressing Research Question Three

Do California Community Colleges have a uniform protocol, approach or system for compliance with mandates of the Clery Act?

Each community college in California operates independently due to the organizational structure of the community college system and as such there is no uniform protocol, approach or system in place to unify compliance with the Clery Act. The data obtained from both qualitative and quantitative participants indicates a desire and the need for greater guidance from the Chancellor’s office. The California Community College system would have to undergo significant legislative and political change to accomplish the change necessary to provide the Chancellor with greater powers.

Correlation of findings by participant. As noted in Chapter 3, the participants chosen for the qualitative portion of this study were purposefully selected with the following factors considered: (a) job title, (b) geographic location, (c) gender, and (d) nationality.

Neither Chancellor A nor B was known to the researcher prior to the interviews conducted for this study. Contact was initially made by telephone and during the conversation with each Chancellor a specific time and date was arranged for the interviews.

Chancellor A effectively described the role of his office as advisory rather than enforcement oriented and this is the primary finding obtained from this participant. Due to his retirement, he suggested I contact the Chief legal counsel for the California community colleges to ask detail questions. After leaving four telephone messages for
the Chief legal counsel, which were not returned, the researcher determined that she
would not be able to connect with the person in a timely fashion.

The data obtained from Chancellor B provide findings for all four categories: 1) Leadership styles must be open-mended and proactive in their thinking process, not re-active. Their ability to communicate must be refined and they must know how to frame an issue so that the campus community responds positively to it; 2) Leadership practices must include engagement of the staff at all levels. The term ‘agendize’ represents Chancellor B’s regularly scheduled monthly meeting with her Chief of Police at Board meetings to discuss campus safety issues and Clery Act compliance; 3) For Chancellor B no new resources are necessary to fully comply with the Clery Act. IHEs must work smarter not harder with existing resources because new resources are unlikely to be forthcoming; 4) Compliance is something IHEs should have been doing all along. Leaders must mobilize everybody on campus to strategize – to sit down and do a bit of thinking. Leadership must be mindful of their responsibilities to make campuses safe.

In the case of Presidents 1 and 4, the researcher had the pleasure of having each of them as professors in the Sacramento State Doctoral program. Both Presidents were willing to participate and contact to make arrangements for the interviews was relatively easy. Both of these individuals demonstrate a practical application of Robert Greenleaf’s Servant Leadership philosophy.

The data received from President 1 provides findings for each of the four categories: 1) The philosophy of Servant Leadership by Robert Greenleaf and transformational leadership theory are the guiding philosophies of this President. Called
to serve rather than being self-serving, this President believes leadership styles set the tone and environment of a college. Leadership must understand that the Clery Act is about public trust of our postsecondary institutions. The public must be able to trust the leadership of our IHEs to keep our students safe and to be transparent and accountable; 2) Leadership practices which are the most effective are inclusive ones where leaders are willing to share the glory and accolades and accept the responsibility and blame irrespective of whether you are responsible for it. The successful leadership practices involve transforming employees so that they go beyond their contractual duties; 3) Resources in the form of additional staff and technological improvements would be welcomed by this President as investments in his campus and in the safety of students; 4) For President 1 compliance begins at the top and it is not a once a year, once a week or month job. It is a daily consideration.

President 2 was unknown to the researcher prior to the interview; however, upon contacting his staff, the researcher found access to this President easy due to an open and willing to assist staff. Furthermore, enough cannot be said about the willingness of this President to offer further contact with his staff – the Director of Campus Safety and the Risk Manager. The interview with President 2’s staff provided rich data and contributed two profound layers of information for this study. The offering of his time and staff portrays his belief in the philosophy of Servant Leadership.

The findings obtained from President 2 are as follows: 1) Leadership styles benefiting compliance with the Clery Act and other mandates require forward thinking as demonstrated by his own predecessor who purchased a computer system enabling better
tracking of campus crime reports; 2) Leadership styles which are most successful involve discussion and regular communication with all levels of staff, the Board of Directors and the campus community; 3) Additional resources are absolutely needed in the form of new staff devoted to Clery compliance and new technology designed to make campus safe and effective in responding to threats; 4) Compliance is readily acknowledged as not always being perfect but the mistakes are not hidden, they are acknowledged, discussed and acted upon.

President 3 was unknown to the researcher prior to the interview; however, access was obtained through a very helpful staff and a leader willing to share his views.

The findings associated with President 3 are: 1) Leadership styles must adapt to the particular situation at hand; 2) Leadership practices must involve strategic planning, succession planning and communication throughout departments; 3) Compliance is very difficult to stay on top of at his campus because one person handles it and many other tasks; 4) Additional resources would be welcomed as this college has suffered the loss of many positions over the past few years.

The Chief of Police was unknown to the researcher prior to the interview. Upon contact she was very willing to provide information and to assist the study in any way possible. The interview lasted for over an hour as this participant shared her struggles, burdens, goals and satisfaction with results concerning the Clery Act. The researcher is honored to have learned so much.

Intensively rich findings resulted from the interview with the Chief of Police: 1) Leadership must be composed of a variety of styles which can be adapted to the
particular situation. Leaders must be great communicators to get the others to see priority the big picture. Compliance starts at the top level of leadership, who must make it a priority and a must do mindset; 2) Leadership must be proactive and engage staff at all levels to be successful; 3) Resources are desperately needed in the form of additional staff, technology and emergency preparedness tools; 4) Compliance with Clery must be an everyday consideration. One person alone cannot handle compliance successfully for more than a brief period of time.

The Director of Campus Safety and Risk Manager were referred by President 2 and both were unknown to the researcher prior to the interview. The Director shared data which reflected upon 25 years of service at this one college. This fact alone speaks to the environment of this IHE and its ability to retain employees for the long term. The risk manager provided data the researcher had not originally anticipated but which added an entirely new layer for the study because it offered insight into job duties which parallels responsibilities associated with the Clery Act.

Both the Director of Campus Safety and Risk Manager shared similar findings for this study: 1) Each has benefited from leadership at the top which took a proactive approach to handling campus safety and compliance with Clery. Leadership has involved staff and faculty in discussions regarding Clery and campus security on a longstanding basis; 2) Leadership practices have involved sharing information campus wide and engaging the campus community in decision making; 3) Additional staff and other resources would benefit this college as it serves the largest population of community college students in the State of California; 4) Compliance has not always been perfect for
this college; however, they do not hide it. This college accepts the issues related to compliance, analyzes and discusses the need for improvement, develops a plan if action and implements it. Follow-up assessment is always completed.

The Campus Safety Director/residence Hall and Parking Manager was previously unknown to the researcher but was also very willing to participate in the study. This participant was selected to provide data regarding a community college with residence halls. The data received was multi layered and rich in detail. The task of supplying housing to students is a vast one which requires a devoted staff and resources. This participant is doing a phenomenal job of fulfilling students’ needs with few resources.

The findings associated with participant are profound in that this individual is fulfilling numerous roles for his college at this time due to budget cut backs. 1) Leadership at the Chancellor’s level needs to provide greater guidance, training and advocate for additional resources to be devoted to Clery compliance. The status quo cannot continue; 2) Leadership practices require a sound knowledge base of Clery at the top and the willingness to communicate with all levels of staff to make Clery a campus wide responsibility; 3) Resources are desperately needed to provide additional staff, technology updates and other advances in campus safety; 4) Compliance is handled well at this college but there is great concern about what other smaller community colleges are doing. Private colleges are another concern for this participant as they rarely ask for assistance and operate with great independence.

The Emergency Preparedness Director was previously unknown to the researcher prior to the interview but was also very willing to participate in the study. This
participation added an unanticipated layer of data to this study. This particular data also provides an avenue for future research on the merging of Clery Act compliance and emergency preparedness for colleges in California.

Findings derived from this interview indicate the future of a marriage between the Clery Act and emergency preparedness may be on the horizon. The timely warning component of the Clery Act logically should be merged with a college’s emergency preparedness plan. To accomplish this task, leadership in the Chancellor’s office needs to agree with this philosophy and provide unifying guidance for it. Other findings for this participant are: 1) Leadership must become more involved in the implementation of the Clery Act and make it a campus-wide concern and responsibility; 2) Leadership practices should be focused on providing employee with the resources needed to do their job well; 3) This includes hiring more staff, providing training for staff and purchase updated technology and other advances directed at making campuses safer; 4) Compliance guidance should be provided by the Chancellor’s office.

As indicated in Chapters 1 and 2, the researcher identified and promised to integrate a summary of three examples of the consequences of non-compliance with the Clery in this chapter. The three examples involve criminal incidents occurring on the campuses of Virginia Tech, Eastern Michigan University, and Pennsylvania State University.

**Virginia Tech.** Now considered the worst ever incident of crime on a college campus, the intentional and planned massacre of 32 students by Seung Hui Cho on the campus of Virginia Tech represents a prime example of leadership and system failure and
inadequate training of staff in emergency preparedness and incident response. Uncovered in the investigation following the massacre was the fact two administrators had notified their families about the first two shootings at 7:15 a.m., which killed two students, approximately 90 minutes before a campus wide alert was sent to faculty and students. By the time the campus wide alert was sent, Seung Hui Cho had already set his sights on the second group of students he intended to kill on that same day. It was too late to prevent the deaths of the remaining 30 people who suffered the wrath of a mentally ill student. The problem was, and continues to be, the extraordinary amount of time it took administrators to realize they had a serious situation on their hands. This fact coincides with the data obtained from this study both in the qualitative and the quantitative portion. Participants in both portions have lamented the lacking of funding and lack of leadership advocacy for resources to be devoted to staff and training in compliance and emergency preparedness. Virginia Tech demonstrates that administrators at every level must be trained to know what to look for in a situation as it unfolds and how to ensure those on campus are notified of threats and made safe.

The consequences of Virginia Tech’s failure to handle the emergency it was presented with by Seung Hui Cho is enormous and long lasting. Aside from the joint settlement of $11 million for 21 of the victim’s families, Virginia Tech was sued separately in civil court by the parents of deceased victims Erin Petersen and Julia Pryde. The Petersen and Pryde families refused to participate in the group settlement in 2008 because they wanted accountability rather than compensation. Plaintiffs Peterson and Pryde argued, and the jury agreed, that Virginia Tech was negligent in not notifying the
rest of campus fast enough after two students were found murdered in a dorm room on the morning of the April 16, 2007. Gunman Seung-Hui Cho went on to kill 30 more people after the early-morning murders, including Peterson and Pryde (Kiley, 2012). This litigation, which lasted for four years after the group settlement, kept the painful memories of April 16, 2006 raw and discussed amongst the victims, community members and the nation. But that is not the end. On April 5, 2013, attorneys representing the state of Virginia and Virginia Tech filed an appeal seeking to overturn the jury verdict that found the state negligent in the deaths of Julia Pryde and Erin Peterson. Virginia Tech and the State of Virginia still will not accept responsibility and become accountable to the victims and the public. The appeal will guarantee another two to three years of media coverage of this event.

Better evidence of Virginia Tech’s unwillingness to accept responsibility for their failure to issue a timely warning to their campus community is demonstrated by their response to the enforcement action of the U.S. Department of Education. On March 29, 2011, the U.S. Department of Education informed Virginia Tech it was fining the institution $55,000 for violations of the Clery Act because of its response to the shootings that claimed 33 lives. Virginia Tech appealed the fines. On March 30, 2012, Administrative Judge Ernest Canellos determined that the warnings issued on the morning of the shooting were not too late and stated:

This was not an unreasonable amount of time in which to issue a warning….if the later shootings at Norris Hall had not occurred, it is doubtful that the timing of the email would have been perceived as too late.
On September 3, 2012, the U.S. Secretary of Education, Arne Duncan over ruled Judge Canellos and reinstated the fines against Virginia Tech for violating federal law and failing to issue a timely warning in the midst of the April 16, 2007 shootings. Secretary Duncan also found that Virginia Tech violated the Clery Act because of the institution’s failure to have developed a clear policy for timely warnings (Noe-Payne, 2012). Virginia Tech’s President, Charles Steger decided to pursue an appeal of Secretary Duncan’s action citing the Secretary’s action lacked due process. A ruling on the latest appeal is undetermined as of this date. Examining the on-going legal battles resulting from the failure of Virginia Tech to adequately warn their campus community is exhausting but at the same time enlightening. The costs associated with retaining legal counsel and defending lawsuits grow quickly and consume precious educational resources. The hourly rate for most senior level attorneys range from $350.00 to $450.00. The researcher’s personal work experience as a legal analyst has provided knowledge that legal bills often end up in the hundreds of thousands of dollars when cases are litigated. In the end, a common sense cost to benefit analysis of Virginia Tech’s appeal of Arne Duncan’s ruling that Virginia Tech must pay the $55,000 fine should be conducted by leadership. Acknowledging they made mistakes, paying the fine and helping the community move forward should have been facilitated by Virginia Tech leadership a long time ago. Save the resources expended on legal fees and direct them to areas which can improve campus safety. It is time to end the Chapter on the Virginia Tech massacre.
**Eastern Michigan University.** On June 6, 2008, administrators for Eastern Michigan University announced they had agreed to a settlement with the U.S. Department of Education and would pay a fine of $357,000.00 for failure to properly notify the campus community that Laura Dickinson’s death was being investigated as a murder. As part of the settlement, EMU was required to develop and implement a timely warning policy when serious crimes occur on campus. Originally EMU was cited for 13 violations of the Clery Act. EMU earned the dubious notoriety of received the largest Clery Act violation fine in history. In addition to the fine paid to the U.S. Department of Education, EMU paid the Dickinson family $2.5 million as part of a negotiated settlement prior to the filing of a civil lawsuit. The amount paid by EMU for legal fees associated with the Dickinson murder is undisclosed but likely to be in the hundreds of thousands dollar range.

The improper handling of Laura Dickinson's murder also led to the firing of three top EMU officials: President John A. Fallon, III, Vice President of Student Affairs, Jim Vick and Public Safety Director Cindy Hall. In October 2007, John A. Fallon III, filed a lawsuit against EMU, seeking his job back and claims he was improperly fired (Higbee, 2007). On October 30, 2008, Judge Archie Brown of the 22nd Circuit Court of Washtenaw County granted EMU’s Motion for Summary Disposition and dismissed John A. Fallon III’s lawsuit.

In July 2008, EMU began a new Chapter in leadership by hiring Dr. Susan Martin as the first female president in their 164-year history. Since Dr. Martin assumed office,
EMU has experienced a growth in enrollment and she has presided over a $195 million capital improvement project to enhance the living and learning facilities on campus.

**Pennsylvania State University.** On July 31, 2013, a preliminary hearing concluded in Dauphin County Courthouse in Harrisburg Pennsylvania for former Penn State President Graham Spanier, former Athletic Director Tim Curley and former Vice President Gary Schultz on charges related to the Jerry Sandusky child sex abuse case. The three administrators are alleged to have engaged in a ‘conspiracy of silence’ regarding sexual abuses committed by Sandusky while on campus dating back to 2001. During the hearing, former Penn State assistant football coach Mike McQueary testified Joe Paterno covered Jerry Sandusky’s back all along. McQueary testified that on the day Joe Paterno was fired from Penn State, he told McQueary not to trust the Penn State administration and warned him the university was going to try to scapegoat him (Thompson, 2013). The judge concluded Spanier, Curley and Shultz are to stand trial in criminal court on charges of covering up the conspiracy, in approximately one year. The trial will occur after completion of pre-trial discovery, which will include depositions and written discovery, and will undoubtedly reveal new layers of information concerning this scandal. The Sandusky – Penn State scandal is guaranteed to be in the news for the next few years until the criminal and civil trials are completed. Sandusky was convicted of 45 counts of child sexual abuse and is serving a 30- to 60-year prison term (cbsnews, 2013).

As of July 12, 2013, Penn State’s Board of Trustees announced several tentative settlements with Sandusky victims for undisclosed amounts. The settlements are limited to a range of dollar values the Board of Trustees agreed to in closed-door sessions
It is obvious Penn State continues to avoid transparency even though its longstanding failure to do so ultimately led to the Jerry Sandusky child sexual abuse scandal. Without disclosure of the settlement amounts paid to Sandusky’s victims, it will not only prove difficult to put a total damage amount on this scandal when all the legal actions are completed but it will leave past, present and future donors wondering if they contributed. Even if a dollar amount is placed on the Penn State scandal, no monetary value can compare to the damage done to the Penn State brand and reputation as a postsecondary educational institution.

In July 2012, the National Collegiate Athletic Association (NCAA) president Mark Emmert issued the harshest penalties ever issued to a college, as a result of the Sandusky scandal, to Penn State. The penalties include: (a) a fine of $60 million, (b) a four year ban from postseason play, (c) withdrawal of the number of football scholarships Penn State is eligible for, (d) erasure of 14 years of victories, and (e) the striping of Joe Paterno’s reputation as the most successful coach in this history of big time college football (Matheson, 2012). In April 2013, Penn State suffered a $7.8 million decline in revenue for its athletic department from the previous year. Ninety percent of the loss in revenue resulted from one-time fees related to football club seat and suite renewals.

Graham Spanier, age 63, served as Penn State’s President since 1995, was a faculty member from 1973 to 1982 and had an academic background in sociology and family counseling. Gary Schultz, age 62, served as Penn State’s senior vice president for finance and business from 1993 to 2009, a position that gave him oversight of university police. Tim Curley, age 57, served as athletic director since 1993. Each of these men
served in leadership roles at Penn State for a considerable period of time. In concert they are alleged to have allowed Sandusky to continue to commit heinous crimes on their campus and under their watch for a period of at least 12 years and perhaps more. In the investigative report prepared by Freeh (2012), which was identified and discusses in Chapter 2, Penn State was found to have never fully established a written protocol for Clery Act compliance. One police officer prepared their Annual Security Report. Not only did Graham Spanier, Gary Schultz, Tim Curley and most likely Joe Paterno, completely ignore the mandates of the Clery Act, these men were devoid of two of the most important characteristics of a leader: morality and ethical decision making.

Viewing the circumstances of the aforementioned examples of non-compliance together, it is apparent that leadership at middle to upper levels at these institutions did not engage in ethical, moral or legal conduct. In the case of Virginia Tech, the failure to provide a timely warning to the campus community was a system failure which could have been prevented had proper protocols been in place and followed. Eastern Michigan University leadership failed to engage in ethical, moral and legal conduct when they engaged in the concealment of a murder in their dormitory. The conduct demonstrated by Pennsylvania State University’s “Old Main” administrators is the most recent example of a system failure to engage in responsible, ethical, moral, and legal conduct.

It is important to note the importance of organizational climate and culture when discussing leadership, resources and compliance with the Clery. The healthy and successful college climate must possess and perform the following elements:
1) Have clear and achievable goals that are accepted by members of the organization;
2) Transmit needed information relatively distortion free throughout the organization;
3) Distribute power relatively equally;
4) Uses resources, particularly personnel, effectively;
5) Sustains cohesiveness among members;
6) Maintains high morale;
7) Grows, develops, and changes rather than remaining routinized and static;
8) Acts with a high degree of independence from its environment;
9) Adapts and copes to changes in the organization and environment; and

Each of the 10 elements of a successful college climate must be facilitated and encouraged by leadership at all levels. From the position of Chancellor, President, Chief of Police, Director of Campus Safety, Risk Manager and Director of Emergency Preparedness all 10 steps are within their duties at varying levels. Each of the aforementioned positions must utilize clear and accepted goals designed to comply with the Clery Act. Colleges must transmit truthful and factual information and data about campus crime and compliance issues throughout the organization. Varying levels of power and responsibility must designated. Precious resources must be allocated correctly and used wisely. One person cannot be expected to handle multiple roles and tasks required for compliance alone for long.

Members of the college staff and faculty must merge together in a cohesive group through training and education on important compliance and safety topics. Communication, contact and team building should be used to build and keep morale high. Growth rather than stagnation should be sought system wide. Chance should not be seen as the enemy but instead should be framed as an opportunity to learn, engage and move
forward to better things. Like change, problems and issues should bring the college community together for discussion and collaboration to identify and propose solutions to problems.

Although several definitions of organizational culture exist, one offered by Edgar Schein (1997) captures the essence of unwritten conduct as: "the solution to external and internal problems that have worked consistently for a group and that is, therefore taught to new members as the correct way to perceive, think about, and feel in relation to those problems.” With time, solutions repetitively used become assumptions, which explain most human conduct (Webb & Norton, 2008). This definition aptly describes the conduct of the employees associated with the Virginia Tech massacre, the murder of Laura Dickinson and the Penn State scandal.

In Chapter 2, the researcher introduced the Multiple Paradigm Approach to problem solving which includes the use of the Positivist, Social Constructionist and Postmodernist paradigms. The reasoning for utilizing the Multiple Paradigm Approach lies in the applicable of portions of each paradigm to approach the task of problem analysis and solving associated with compliance with the Clery Act.

**Positivism.** The positivist paradigm holds that knowledge about events and phenomena can be verified through valid observation (Stanford Encyclopedia of Philosophy, online). Accordingly, positivists believe in one reality that exists independently of any one observer’s perspective and that once identified, the reality can be disaggregated for the purpose of understanding and analyzing the individual parts and how they relate to one another (Bess & Dee, 2008).
The above-mentioned aspect of Positivism is applicable to this study in that compliance with the Clery Act at any community college can be identified, analyzed and categorized. One the baseline of compliance is recognized the reality can be disaggregated in further study with a view toward revising to achieve a full compliance level.

Social Constructionism. The social constructionism paradigm holds knowledge production occurs by an interactive, bilateral process involving communication, reflection and the reframing of the experience by the parties involved in the process (Bess & Dee, 2008). The basic unit of an organization, according to a social constructionist, is communication. According to Bolman and Deal (1997) organizations are filled with people who have different interpretations of what is happening, at any particular time, and what should be happening. No one version of reality exists to be discovered to the exclusion of all others; instead interpersonal reality is constructed individually and in conjunction with others (Bess & Dee, 2008).

Social Constructionism is relevant to this study in that it is part of the solution to non-compliance with the Clery Act. Community colleges have operated as independent silos or mini-corporations since their beginning. The ability to communicate and interact with others to discuss difficult issues and ideas offers immense opportunity to unify the community college system and make them a true powerhouse of information. It is through interpersonal communication and connection that the community college system can better protect itself from emerging threats on campus and become a model for the nation in compliance.
Postmodernism. The postmodern paradigm is decidedly different from the positivist and social constructivist paradigm as it holds true that a certain amount of uncertainty, chaos and conflict are inevitable in organizations. Postmodernists believe the future cannot be predicted based upon observations of the past because the future will be radically different from past experience (Bess & Dee, 2008). Postmodernists are skeptical of unexamined claims and demand to know implications and consequences of claims made (Bloland, 2005). Postmodernists believe that healthy tensions within an organization should be preserved because individual and group differences can strengthen an organization and make it more creative, energetic and innovative (Bess & Dee, 2008). Leadership subscribing to postmodernism believes we are now living in a postmodern environment characterized by rapid and large-scale social, cultural, economic and political change (Gergen, 1992; Hirchhorn, 1997).

The components of Postmodernism relevant to this study are the future cannot be predicted based upon observations of the past because the future will be radically different from past experience. As incidents of violent crime continue to occur on college campuses, it is obvious our nation’s future will be radically different from the past. College campuses traditionally believed to be exempt from heinous, violent crimes have become staging grounds for individuals suffering from mental illness and anger and discontent with society. College campuses are highly populated and access is open and relatively unsecured. At this moment in time we are experiencing large-scale social, cultural, economic and political change.
Summary and Discussion of Findings for Quantitative Portion

The low response rate for the survey was very disappointing in that the researcher had hoped to provide a voice or an opportunity to be heard for individuals charged with the difficult task of preparing an Annual Security Report. The reasoning for reporting the survey data in such detail emanates from the difficulty the researcher encountered when assembling the email database to use to send the survey. No database of community college personnel responsible for complying with the Clery Act and made available to the public presently exists. The difficulty assembling the email database resulted from two factors: (a) the lack of uniformity of websites for California Community Colleges and (b) the reluctance of some community college personnel to provide a valid email address to the researcher to send the survey.

The first factor, or lack of uniformity of websites for California Community Colleges, was discovered while attempting to access the website of California community colleges to obtain the identity of the individual preparing an IHEs Annual Security report. Many of the larger California community colleges provide information in a very clear format and identify the person responsible for the ASR. Many of the middle to smaller California community colleges do not. Since this inconsistency would involve significant additional research, it should be subject of another dissertation. For purposes of this study, the researcher conducted a mini literature review on the topic. In a study conducted by Dameron, De Tardo-Bora, and Bora (2009), the ease of locating campus safety webpages on private and public IHEs and Clery Act information was found to be less than stellar. Findings of the study indicated generally it took two clicks of a mouse
to find a campus safety website where one existed. When a website was found the information contained on the website varied widely and did not contain all information commonly associated with campus safety websites. Clery Act compliance and reporting information was referenced on only 131 of 234 campus safety websites reviewed (Dameron et al., 2009). Lack of website uniformity appears to be widespread amongst all colleges.

The second factor believed to have impacted the response rate is the attitude of individuals who answered the researcher’s telephone requests for the identity of individuals responsible for preparing the Annual Security Report. In five of the over 112 telephone calls made to community colleges, when the researcher asked for the identity of the employee preparing the ASR, she received the response “This isn’t going to get us audited is it?” On other occasions, the researcher received incorrect names and email addresses. Upon calling the community colleges back after receiving email failure notices, the researcher received new information and re-sent the survey. Two final surveys received email delivery failure notices. The data collected from the 15 responses was found to be rich in nature and very enlightening. The major themes emerging from the responses are indicated in Table 84.

Table 83

Themes Emerging from Quantitative Survey

<table>
<thead>
<tr>
<th>Themes</th>
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<tbody>
<tr>
<td>1. More support is needed from the Chancellor’s Office;</td>
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<tr>
<td>2. Greater involvement of college leadership through</td>
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Leadership guidelines and rules for compliance;
3. Leadership should allocate more resources to Clery compliance in the form of additional staff and training for all employees.
1. More resources are needed to prepare the campus for emerging threats;
2. More staff is needed to devote to Clery Act compliance on daily basis;
3. More resources for training staff in Clery Act compliance;
4. More staff time must be devoted to preparing the ASR.

<table>
<thead>
<tr>
<th>Resources</th>
<th>Themes</th>
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<tbody>
<tr>
<td></td>
<td>1. More resources are needed to prepare the campus for emerging threats;</td>
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<tr>
<td></td>
<td>2. More staff is needed to devote to Clery Act compliance on daily basis;</td>
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<tr>
<td></td>
<td>3. More resources for training staff in Clery Act compliance;</td>
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<td></td>
<td>4. More staff time must be devoted to preparing the ASR.</td>
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Table 83 (continued)

<table>
<thead>
<tr>
<th>Compliance</th>
<th>Themes</th>
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<tbody>
<tr>
<td></td>
<td>1. High quality and more frequent training of employees in how to comply with the Clery mandates is needed;</td>
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<td></td>
<td>2. Advanced technology is needed to handle crime statistics collection, classification and reporting. Move away from paper reports and files.</td>
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<td></td>
<td>3. Many current staff is unfamiliar with new Clery Act reporting requirements under the Violence Against Women Act of 2012</td>
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<table>
<thead>
<tr>
<th>Other</th>
<th>Themes</th>
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<tbody>
<tr>
<td></td>
<td>1. The Annual Security Report does not reflect actual crime on campus;</td>
</tr>
<tr>
<td></td>
<td>2. The Clery Act has not made campuses safer;</td>
</tr>
<tr>
<td></td>
<td>3. The Clery Act is just another unfunded mandate;</td>
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<tr>
<td></td>
<td>4. Student and parents are better informed, but they are not safe;</td>
</tr>
<tr>
<td></td>
<td>5. The Clery Act has made campuses safer;</td>
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<tr>
<td></td>
<td>6. Smaller, rural community colleges face greater challenges in compliance.</td>
</tr>
</tbody>
</table>
Interpretation of Findings

Despite the fact the survey has only 15 respondents, the data obtained from indicates a broad spectrum of feelings regarding the subject of the Clery Act and the Annual Security Report required by it. Many of the 15 respondents believe the Clery Act has not made campuses safer and is another unfunded mandate. Some survey respondents believe Clery has made students and parents better informed. Still other survey respondents indicate the Annual Security report does not reflect actual crime on campus. It is difficult to interpret such findings, thus reporting the variety is important to provide information for future research. The common theme which is easily discernible are the consistent requests for additional personnel, staff time, training and greater leadership and guidance on the Clery Act. The California community college system has suffered from an incredible lack of resources for the past decade. Clery Act compliance requires training which occurs more than once a year to be proficient and to keep up with new amendments. Leadership is tasked with the responsibility to see that the resources are allocated to obtain the training for staff. This data is a clear message to upper level leadership in California community colleges.

Another important theme surfacing from the survey data is a consistent request for greater guidance from both the Chancellor’s office and from actual college leadership on compliance with Clery. Since the qualitative data indicated top-level leadership consistently rely upon their “go to” person for Clery Act compliance, it is understandable why top-level leadership does not generate guidance on compliance. Top-level leadership relies upon their upper or middle management staff to carry this guidance
effort out. President 1 relies upon his Chief of Police to provide the guidance. President 2 relies upon his Risk Manager and Chief of Police to provide the guidance. President 3 relies upon his Director of Campus Safety for all things Clery. President 4 relies upon her community college district and the Chief of Police for guidance.

Presently, little guidance is provided from the Chancellor’s office regarding Clery compliance. There exists a great opportunity for the Chancellor’s office to step in and provide guidance to unify the California community college system on Clery Act compliance. It is possible to make the California community college system a model for Clery Act compliance for the nation. Compliance is not a one-person job. If an institution is making one person responsible for it, they are doing a great disservice to their campus community. It is best not to wait until an emergency on campus forces change. The old way of handling compliance is over.

**Recommendations for Action**

The findings of this study provide sound and valuable qualitative data and information for leaders of postsecondary educational institutions nationwide. Research Question 1 identifies the successful leadership style as one consisting of open-mindedness guided by an ethical and moral compass with significant communication skills. The leadership practices identified as successful include those which engage, involve and seek the advice of others. Data pertaining to research Question No. 2 reflects that greater staffing and monetary resources are needed for the California community college system. Lastly, results for research Question No. 3 reflect that currently no uniform protocol, approach or process exists within the California community college
system for compliance with the Clery Act. With the aforementioned reality in mind, the opportunity to unify compliance with the Clery Act, make campuses safer and avoid the financial fines and costs of litigation lies with top tier leadership.
### Recommendations for Action

<table>
<thead>
<tr>
<th>RECOMMENDATIONS</th>
<th>ACTION</th>
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<tbody>
<tr>
<td>1. Leadership orders internal audit of existing compliance.</td>
<td>a) Meet with Chief of Police/Campus;</td>
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<tr>
<td></td>
<td>b) Leadership will engage services of consultant specializing in compliance.</td>
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<tr>
<td>2. Leadership will evaluate compliance analysis and allocate funding.</td>
<td>a) Leadership will advocate for resources; and</td>
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<td></td>
<td>b) Conduct fundraising efforts to provide community contributions.</td>
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<td>3. Leadership will meet with staff and stakeholders regarding compliance.</td>
<td>a) Compliance staff will agendize the subject of Clery Act compliance;</td>
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<td>b) Compliance staff will accept input from stakeholders and respond.</td>
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<td>4. Leadership will ensure employees are trained in Clery Act compliance.</td>
<td>a) Employee training will be monitored;</td>
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<td>b) Risk Management or Human Resources will report on training.</td>
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<td>5. Leadership will collaborate with other leaders.</td>
<td>a) Collaboration, cross-training and evaluation.</td>
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<tr>
<td>6. Leadership will make compliance with the Clery Act and safety part of their mission statement.</td>
<td>a) Leadership will seek input from stakeholders on the drafting of the mission statement; b) Leadership will ensure the mission statement is published.</td>
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<td>7. Leadership will assess compliance and revise</td>
<td>a) Through regarding communication and meetings with staff and faculty</td>
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<td>8. Leadership decision making must be guided by ethics</td>
<td>a) Honesty</td>
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1. Identify compliance challenges and barriers

Leadership must start with a baseline for compliance by ordering an internal, confidential audit of existing compliance at their college. The literature review establishes the Bureau of State Audits conducts random audits of postsecondary IHEs every three years pursuant to Education Code § 67382. The results of prior years’ audits clearly define inconsistent compliance. Establishing a baseline for compliance prior to an audit and allowing the situation to be corrected internally avoids fines and public embarrassment. Identification of the challenges and barrier to compliance is the essential first step. Leadership meets with Chief of Police/Director of Campus Safety to discuss existing compliance and issues. Leadership which does not have well defined existing compliance protocols will engage services of consultant specializing in compliance to evaluate compliance system at IHE and provide written analysis.

2. Leadership will evaluate compliance and allocate funding

Leadership will review the written analysis of compliance prepared by internal compliance staff or consultant and advocate for funding of the recommendations specific to the IHE. Leadership will engage the Chancellor’s office in the process and community stakeholders to garner the necessary resources.

3. Leadership will meet with staff and stakeholders regarding compliance

Leadership will regularly meet with staff responsible for compliance to transfer knowledge regarding campus safety issues and to accept recommendations for improvement of system process. Compliance staff will, on a monthly basis, agendize the subject of Clery Act compliance and campus safety issues for District Board meetings.
and internal meetings with campus staff. Compliance staff will accept input from board members and the public regarding campus compliance and safety issues and provide a written response and any recommendations.

4. **Leadership will ensure employees are trained in compliance**

   Leadership will ensure that employees are trained in Clery Act compliance and campus safety one every six months. Risk Management and/or Human Resources will be responsible for arranging training and tracking completion of training for all employees. Risk Management and/or Human Resources will report to top leadership regarding training one per month.

5. **Leadership will collaborate with other leadership**

   Leadership will engage with leaders of other IHEs to collaborate and share compliance methodologies with like IHEs. Cross training with other IHEs in emergency preparedness drills and methodologies will provide necessary practice and the sharing of information.

6. **Leadership will make Clery Act compliance part of its mission statement**

   Leadership will revise the mission statement of the IHE to include the importance of compliance with the Clery Act and emergency preparedness. Leadership will seek the input of all staff and stakeholders to frame the mission statement. Leadership will ensure the revised mission statement is published to the community. The significance of an IHE’s mission statement is exemplified by the following quotation:

   An effective Mission Statement is one that consistent with institutional values, guides work throughout the institution, addresses the needs of a changing society and is key to institutional success. It is a tool for steering the institution towards
identified need and comprises a vehicle to help rally staff around common objectives. (Smith, 2012, p. 3)

If compliance with the Clery Act and emergency preparedness is a stated prior of the IHE as defined in its mission statement, and the mission is published to the community, it will be made a priority and used a guidepost for action.

7. Leadership will assess compliance and revise compliance

Compliance with the Clery Act has morphed into larger requirements as the Act has been amended over the past 22 years to provide greater clarification and to close loopholes. It is highly unlikely Clery will not be amended in the future. As of the October 1, 2013, deadline for filing the Annual Security Report, the Clery Act requires new reporting requirements pursuant to its reauthorization under the Violence Against Women Act of 2012. With this in mind, leadership must consistently assess the quality of their compliance and ensure their staff is apprised of new amendments. Through interconnectedness with other community colleges, training by Security On Campus or other experts, staff can keep themselves informed on the latest developments in Clery compliance.

8. Leadership decision making will be guided by ethics

Leadership must exercise ethical decision making perpetually. In assessing consequences, there are three approaches to making decisions regarding moral conduct:

1. Ethical Egoism: states a person should act so as to create the greatest good for himself/herself. Self-interest is an ethical stance closely related to transactional leadership theory;
2. Utilitarianism: We should behave so as to create the greatest good for the greatest number. The morally correct action is the action that maximizes social benefits while maximizing social costs.

3. Deontological Theory is derived from the Greek word *deos*, which means duty. Whether an action is ethical rests not only with its consequences but also whether the action itself is good.

The choices leaders make and how they respond in a given circumstance are informed and directed by their ethics (Northouse, 2007, p. 342). To avoid the mistakes of Virginia Tech, Eastern Michigan University and Penn State, ethics and morality must be considered in advance of decision making.

**Leadership and Policy Implications**

Leaders must address the changing needs of the students they serve with fluctuating resources; tenuous relationships with faculty; financial uncertainties; ever-changing community needs; external stakeholder demands; and shifting federal, state and local support. (Nevarez & Wood, 2010, p. 53)

Although the task of leading a community college is a daunting one in today’s challenging environment, the task can be managed successfully by utilizing the recommendations outlined earlier in this Chapter. If an IHE has longstanding employees who are entrenched in doing things the way they have always been done, the leader must utilize transformational leadership practices. Based on achieving more than just the compliance of followers; transformational leadership involves shifts in the beliefs, the needs, and the values of followers. According to Burns:
The result of transforming leadership is a relationship of mutual stimulation and elevation that converts followers into leaders and may convert leaders into moral agents. (Burns, 1978, p. 4)

Theories such as transformation leadership assist leaders in understanding the complex factors and actions which contribute to issues. To affect change in an IHE, leadership must develop a shared philosophy for managing people and build systems and practices to implement the philosophy. They must hire the right people, keep them, reward them and promote within. Leadership must also share the accolades and accept the blame for mistakes. Training and improvements in protocols should be considered investments in staff and the IHE. Staff must be empowered, supported, and encouraged to bring forth issues which could damage the IHE.

Essentially, leadership must create the policies which facilitate an open-minded staff that is willing to discuss issues they view as potential threats to the campus community. Compliance should not be viewed as a foe. Instead compliance should be viewed as accountability and transparency to stakeholders. Figure 17 provides a graphic representation of the process of developing a compliance protocol model.
Going forward, leadership cannot be afraid to let students and community known that the campus has issues. Address the issues and communicate to the campus community that leadership is working to address the issues and tell them how you are going to do it. Leadership must also take responsibility for educating students, parents, staff, faculty and the public on the availability of the Annual Security Report. This should automatically occur through freshman orientation, inclusion of the information in the paper and online catalog, and most importantly through easy access on the college’s website. If an IHE does a good job complying with the Clery Act, this can be represented as a reason to attend the college because the college has nothing to hide, is transparent about it issues and the administration abides by the law.
California Policy Implications

Obtaining a college education today means an individual will likely earn one million dollars during their lifetime than an individual who only has a high school diploma (CCCO, 2013). A well-educated and trained citizenry is essential to moving California’s economy forward. To address the postsecondary needs of California, the Student Success Task Force was created to examine best practices and effective models within higher education throughout the nation. The task force produced a final report that was adopted by the board of governors and was presented to the California Legislature in February 2012 as Senate Bill 1456 (Lowenthal), the Student Success Act of 2012. SB 1456 was approved 33-1 by the state Senate in May 2012 and the Assembly June 2013 (CCCO, 2013). The Student Success Act of 2012 (SSA) made nine recommendations for action:

1. Increase student readiness for college;
2. Strengthen support for entering students;
3. Incentivize successful student behaviors;
4. Align course offering to meet student needs;
5. Improve the education of Basic Skills students;
6. Revitalize and re-envision professional development;
7. Enable efficient statewide leadership and increase coordination among colleges;
8. Align resources with Student Success recommendations;
9. Review Outcomes-based Funding.
Of the nine recommendations, the following three are highly applicable to this study: 2.3, 6.1, and 7.1. Each of the applicable recommendations will be provided verbatim along with the SSTFs requirements for implementation followed by the reasoning for their application to the study.

**Recommendation 2.3.** Community colleges will develop and use centralized and integrated technology, which can be accessed through campus or district web portals, to better guide students in their educational process.

**Requirements for implementation.**

- Secure additional state funding for the development of the proposed technology tools that would then be provided to colleges free of charge.
- A centralized development and procurement process would leverage the system’s size to drive down the estimated annual cost of the project to approximately $12 million.
- Initiate discussion with existing advisory groups, such as the Matriculation Advisory Committee, Telecommunications and Technology Advisory Committee, Chancellor’s Office Advisory Group on Counseling, CCC Apply Steering Committee, and others, to refine the scope and approach to growing services.
- Convene appropriate advisory groups that include program and technology experts to plan and execute technology projects as funding is secured.

Recommendation 2.3 correlates with the qualitative data obtain by the researcher from participants who asked for resources to obtain and develop a more centralized and
integrated technology system to facilitate compliance with the Clery Act. This recommendation would also assist in unifying the quality and content of community college websites regarding Clery content and emergency preparedness.

**Recommendation 6.1.** Community colleges will create a continuum of strategic professional development opportunities, for all faculty, staff, and administrators to be better prepared to respond to the evolving student needs and measures of student success.

*Requirements for implementation.*

- The Chancellor’s Office, in partnership with the Academic Senate on issues related to faculty, will identify and disseminate best practices related to the use of professional development.
- The Chancellor’s Office will encourage colleges to link locally mandated professional development activities to a set of statewide objectives and then measure movement towards those objectives.
- Authorize the Chancellor’s Office and/or the Board of Governors to recommend specific professional development purposes for flex days.
- Ensure that professional development is equitably focused on part-time faculty.
- The Chancellor’s Office should explore the use of myriad approaches to providing professional development, including regional collaboration and expanding of the use of technology.

Recommendation 6.1 specifically address the need for training for strategic professional development opportunities, for all faculty, staff, and administrators to be
better prepared to respond to the evolving needs correlates with data obtained from the qualitative participants. Professional development and training are essential components of campus readiness for emerging threats and for the proper preparation of the Annual Security Report required by the Clery Act. The Chancellor’s office will play an integral role in facilitating the funding of this training.

**Recommendation 7.1.** The state should develop and support a strong community college system office with commensurate authority, appropriate staffing, and adequate resources to provide leadership, oversight, technical assistance and dissemination of best practices. Further, the state should grant the CCC Chancellor’s Office the authority to implement policy, consistent with state law.

**Requirements for implementation.**

- Grant the Board of Governors authority to appoint vice chancellors.
- Amend statute (Education Code 70901.5) to allow the Chancellor’s Office to promulgate Title 5 regulations without obtaining approval from Department of Finance.
- Increase funding for the Chancellor’s Office, if necessary through alternative means.
- Centrally fund statewide initiatives (technology and professional development).
- Retain current annual Budget Act appropriations for the Academic Senate and add funding for the Student Senate in order to support the critical roles of these groups in the shared governance process.
• The Chancellor’s Office should adopt a regional framework to help colleges collaborate more effectively.

• The Chancellor’s Office should develop a robust system to provide the colleges with technical assistance, including the dissemination of best practice information.

Recommendation 7.1 actually empowers the Chancellor’s office to do what is necessary to obey and implement California State laws and to create a unified system of community colleges which can benefit widely from their massive size and purchasing power. If the Student Success Act of 2012 is actually implemented, the California community college system will realize significant benefit as it is revitalized following a long period of de-funding as a result of California’s economic troubles. The future of this important postsecondary system and California’s ability to compete in a global economy is at stake.

Recommendations for Further Study

The quantitative portion of this study produced a low survey response rate which implies several possible reasons: (a) respondents were concerned answered would provoke an audit, (b) the Clery Act is not important enough to respond, (c) lack of knowledge of the Clery Act, and/or (d) lack of time to devote to a 15-minute survey. Of course, there may be other reasons for failure to respond to the survey; however, when the researcher contacted community colleges to ascertain the identity of the person responsible for preparation of the Annual Security Report, she experienced negative responses and pushback. Consequently, the researcher believes quantitative studies
should be conducted on the following subjects pertaining to California community colleges either individually or collectively:

1. Study the content of the colleges’ websites concerning the Clery Act and the availability of the Annual Security Report;

2. Study the type of technology used by each college to collect, classify and report Clery crimes for the Annual Security report;

3. Study the level of staff currently in place to assist with Clery Act compliance and preparation of the Annual Security Report;

4. Study the type of programs developed on campus to comply with the 12 policy disclosure statements required by the Clery Act;

5. Study why campus crime is under-reported to campus police with a specific focus on sexual assault and related crimes;

6. Study how individual colleges publish the Annual Security Report and how they educate the public, students, staff and faculty on the requirements of the Clery Act.

Each of the above recommendations reflect the need to provide greater education to the campus community and the public on the Clery Act as an accurate resource. As the criminal trials of former Penn State personnel Spanier, Shultz, and Curley occur later in 2013, administrators are likely to direct their attention to the media coverage. Depending upon the outcome of the trials and the possible prison sentences associated with any convictions, lessons will hopefully be learned from the example of “Old Main’s”
entrenched attitude, complete disregard for the Clery Act and self-serving leadership style.

**Conclusion and Reflection**

The organizational climate of a college is either an open climate, where morale is high and people work well together or a closed one where morale is low and staff turnover is high. To foster a healthy college atmosphere and promote high levels of employee performance, leaders must perform three important tasks: (a) understand the culture of the organization, (b) be knowledgeable about the beliefs and the patterns of the college, and (c) have the competencies to assess existing college climate and implement practices or programs for improvement (Webb & Norton, 2008). Essentially, the aforementioned involves performing an internal scan of the organizational climate to determine if the results align with the organization’s mission and strategic plan. If the results do not align, leadership must engage in dialogue with stakeholders to ascertain where the issues lie. Leaders must seek the advice and counsel of other leaders, faculty and staff. Collaboratively, leaders, staff and faculty should discuss how they can facilitate compliance so as remain accountable to stakeholders and transparent to the public.

An educational leader is in a unique position of being able to affect organizational culture and climate in either positive or negative ways. Depending upon the type of leadership style, an organization can persist, advance or decline. A leader who seeks to preserve the status quo will not implement policies and programs that change the way things are done. A transformational leader will assess the culture and health of the
organization and take action to improve and advance the organization. This type of leadership and the changes resulting from it persist even after the transformational leader has moved on to his or her next challenge (Burns, 1978).

Unfortunately, there are leaders who have caused negative change to occur within an organization. Example of negative change can be found in the stories of Penn State, Eastern Michigan University and Virginia Tech. The final damage toll associated with Penn State may not be known for years or until the criminal and civil trials are completed. Spanier, Shultz, and Curley will always hold the infamous position of the first postsecondary administrators to ever be tried in criminal court for crimes committed on their campus.

Eastern Michigan University has moved past the Dickinson murder scandal by firing all administrators responsible for the mishandling of it, paying the Clery Act violation fines and hiring the first female President in their history. EMU is entering a new era, with freshly written Clery Act policies and new staff to implement them.

Virginia Tech has chosen to continue to litigate the fines levied upon them by the U.S. Department of Education. The total amount of the fines is $55,000. The continuing litigation prevents the ending of the Virginia Tech Massacre chapter. Those in Virginia Tech administration must let go of the need to be always right and accept the blame for the mistakes made for the welfare of the institution and to promote the healing of the victims.

As Chancellor B aptly phrased it: “It is the leadership which makes the difference in how an institution complies with the Clery Act.” This researcher could not agree
more. If a leader does not understand what it takes to make his or her institution compliant with the Clery Act by the end of this dissertation, that leader should ask: “What is more important than the safety of your students, staff and faculty?” The Clery Act provides a system within which an IHE can operate to provide safety.

If the system is monitored and cared for, it will work well and produce the outputs as expected. If the system operates as a set of separate silos which do not communicate or collaborate well, the institution may become victim to the next targeted act of violence, natural emergency or non-compliance scandal. The institution and the administrators falsely propping it up will ultimately topple. A far better scenario is for leadership to establish early, or as soon as possible, a good compliance system followed by maintenance, re-evaluation and change as needed. Emergencies do not arrive neatly packaged and on time. A well prepared compliance system can offer safety on campus, transparency to stakeholders while preserving reputation and precious financial resources.

As an organizational leader, keeping abreast of legal cases making their way through state and federal courts is essential to proper risk management. Following publication of any case or new law, organizations have a limited amount of time within which to act, and to comply. Knowledge of ongoing legal matters before the courts in the applicable jurisdiction and in the federal courts is essential for proper management of any college. Meeting with stakeholders, on a regular basis, and monthly is preferred, is necessary to communicate the substance of issues and the accolades received. The good and the bad must be discussed by intelligent minds. Discussion leads to thoughts which may ultimately become part of a solution.
Leadership must be open to change from longstanding positions and ways of doing things and suggestions on how to do things better during a time of change. After all, we are living in a Postmodernist era, where radical change is occurring. Leaders must be prepared to initiate and to receive and accept change.

As a closing thought, I want to mention Jeanne Clery. I think about Jeanne frequently because she and I are about the same age and attended college at the same time. I think about the lovely life she lost and the sacrifices made by her family. I know no such similar grief. I thank Howard and Constance Clery for the courage demonstrated and the meaningful advocacy advanced, which today benefits all students and campus community members without all of them knowing of your sacrifice. I hope to have contributed to the scant literature on compliance with the Clery Act and to have honored Jeanne’s memory.

In the future, I move forward to advance campus safety wherever I go, guided with the knowledge high level leadership is the beginning of compliance, while middle level leadership and leadership at every management and supervisory level is equally necessary. Leadership is responsible for devoting the appropriate level of resources to compliance with the Clery Act. This devotion includes devoting a staff member entirely responsible for overseeing Clery Act compliance. This staff member is the collaborator, the knowledge seeker, and the fulfiller of the mandate. After all, compliance with the Clery Act, with all its mandates, is not a one or two time a year consideration; it is a daily consideration. It is the duty of a Clery Act officer and the duty of an institution to create the position to fulfill the duties. Once the position is established the system is created,
only re-evaluation and maintenance must be continued. The system can be perfected at
the hands of the right leadership and staff.
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