



August 15, 2017

To Ms. Laura Dunn for (b)(6)  
Sent via E-mail: [laura.dunn@survjustice.org](mailto:laura.dunn@survjustice.org)

Dear Ms. Dunn:

This letter is to inform you that the Clery Act Compliance Division (Clery Division) of the U.S. Department of Education (the Department) has completed its assessment of the complaint that you filed on behalf of (b)(6) against Brown University (Brown; the University). The complaint alleged that Brown's handling of a serious incident of sexual violence resulted in multiple violations of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*). I am writing to advise you of our findings.

When the Department receives a complaint, we carefully consider the allegations, gather factual and documentary evidence, conduct an assessment, and then determine an appropriate course of action. After careful consideration, we have determined that this matter will be closed and that no further action will be taken at this time. We want to emphasize that the decision to close this case does not in any way minimize the seriousness of the violent acts that your client endured. Our determination is based solely on the fact that at the time of the incident, it appears that Brown substantially met its *Clery Act* obligations in its handling of this case. The record indicates that the incident was reported to a campus security authority and that an investigation was conducted. The University issued No Contact Orders (NCO) to both parties and took other interim measures to address at least some of the (b)(6) serious concerns about the alleged perpetrator's continued presence on campus. It also appears that Brown officials communicated with (b)(6) throughout the process, informed her about available resources, and provided required notices and updates.

A disciplinary hearing was held approximately six months after the initial report and as a result of that proceeding; the accused was suspended from the University for a period of three years. Documents acquired during the assessment indicate that information about the outcomes reached and sanctions imposed by the disciplinary body were communicated to both sides. A few other points: it is not clear that the University's efforts to facilitate service of process constituted a violation of the *Clery Act* or the NCO itself, although there is no question that the timing of the service no doubt caused significant distress for (b)(6). It is also possible even likely that the alleged perpetrator deliberately filed legal papers so that delivery would coincide with the start of the hearing. While this is regrettable, this act cannot be attributed to Brown. We do want to point out that Brown has changed its NCO policy so that orders are no longer issued to complainants. The new policy provides for the issuance of orders only to the accused person so that the accuser does not bear responsibility for avoiding their attacker. We also understand that (b)(6) felt strongly that the accused should be expelled permanently for his offenses. It is important for us to note here that our jurisdiction does not authorize us to impose sanctions or to require an institution to reconsider the sanctions that were imposed after a finding of responsibility.

As you know so well, Section 304 of the Violence Against Women Act (VAWA) Reauthorization Act of 2013 strengthened the *Clery Act* in a number of ways. These regulations went into effect on July 1, 2015. VAWA affords additional protections to survivors and requires institutions to better serve victims of

sexual violence. The law also gives the Department additional enforcement authority to make sure survivors and their advocates have accurate and timely information about their options and improved access to the accommodations, services, and support that they need. Generally, the *Clery Act* requires institutions to take specific actions to address and prevent the most serious crimes against persons and property ranging from murder to arson. VAWA significantly expanded those requirements to address more sexually-based offenses than was previously possible.

I also want you to know that the assessment and research that was conducted pursuant to this complaint indicated that Brown has strengthened its policies, procedures, and programs since the time of this incident. We will continue to monitor the University to make sure that the law is followed and that members of the campus community are well-served by the University's campus safety, crime prevention, and disciplinary policies and operations. I encourage (b)(6) (b)(6) to remain vigilant and track Brown's progress in this regard. Brown's current campus safety and crime prevention information is online at: <https://www.brown.edu/about/administration/public-safety/>. Although this complaint is now closed, the Department's action in this regard must not be construed in any regard as a general endorsement of Brown's policies or practices or of its overall compliance with the *Clery Act*. Please also be assured that the Department has the authority to reopen this matter if the need arises.

Along those lines, we also want you to know that during the complaint assessment process, we detected other *Clery Act* compliance concerns. The Clery Division will initiate an appropriate intervention to address these concerns and to help ensure that the University takes remedial action to prevent future lapses in compliance. While we cannot provide specific information about these next steps, please know that our authority gives us several enforcement, technical assistance, and training options that we can employ to address these issues. We very much appreciate the information that you and your client have provided and assure you that we will monitor the University's progress going forward.

You and your clients are encouraged to review the 2016 edition of our "Handbook for Campus Crime Reporting" for more information about the *Clery Act*. The Handbook is available on the Department's website at: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>. If you learn of additional information about Brown that you believe we should know, please advise us immediately. You may submit documents and other information via electronic mail to [CleryComplaints@ed.gov](mailto:CleryComplaints@ed.gov).

In closing, we ask that you remind your clients that students and employees that are the victims of sexual discrimination, harassment, or violence or any kind may be entitled to seek redress under Title IX of the Education Amendments of 1972 to the Higher Education Act. As you know, Title IX is intended to prevent sexual discrimination in all forms, including sexual violence, harassment, and retaliatory acts that create a hostile environment. These important provisions are enforced by the Department's Office for Civil Rights (OCR). Clients can learn more about OCR and their complaint process at: <http://www2.ed.gov/about/offices/list/ocr/index.html>.

On behalf of the U.S. Department of Education, we thank you for bringing these concerns to our attention and for your unwavering commitment to the cause of campus safety.

Sincerely,

Candace R. McLaren, Director  
Clery Act Compliance Division  
U.S. Department of Education





August 15, 2017

(b)(6)

Sent via electronic mail to: (b)(6)

Thank you for contacting the U.S. Department of Education (the Department) regarding your concerns about Brigham Young University-Hawaii's (BYUH; the University) efforts to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*). In your complaint dated (b)(6) you alleged that a University professor harassed you and another student whom you referenced by name on several occasions during (b)(6). You further alleged that this individual committed acts of mental and emotional abuse that created a hostile environment for you and your classmate. Finally, you claimed that BYUH may have violated the *Clery Act* because University officials did not adequately intervene to stop the actions of this individual. This letter is to inform you that the Department's Clery Act Compliance Division (Clery Division) has completed its assessment of your complaint.

When the Clery Division receives a complaint of this type, we carefully consider the allegations, gather factual and documentary evidence, conduct an assessment, and then determine an appropriate course of action. After careful consideration, we have determined that this matter will be closed and that no further action will be taken at this time. We want to emphasize that this decision does not in any way minimize the seriousness of what you and your classmate endured. The incidents that you described and the aftermath of them were no doubt very traumatic. The sole reason for closing the complaint is that the information presented does not fall within the parameters of the *Clery Act* and as such, we do not have jurisdiction over this case. At the time of the occurrence and the subsequent report, the University either met its obligation or was not required to provide the specific accommodations and services that were referenced in the complaint. Generally, the *Clery Act* requires institutions to take specific actions to disclose statistics of the most serious crimes against persons and property that are reported as occurring on the campus ranging from murder to arson. Although the Violence Against Women Act (VAWA) Reauthorization Act of 2013 expanded the scope of the *Clery Act* and our jurisdiction to include reported incidents of domestic violence, dating violence and stalking, the incidents which you referred to do not fall within those parameters.

I also want you to know that the investigation and research that was conducted pursuant to your complaint indicated that BYUH has strengthened its policies, procedures, and programs since the time of these incidents. We will continue to monitor all institutions to make sure that the law is followed and that members of each campus community are well-served by their school's campus safety, crime prevention, and disciplinary policies and operations. I encourage you to remain vigilant and track BYUH's progress in this regard. You can review BYUH's current campus safety and crime prevention information at: <https://studentlife.byuh.edu/security/home>.

You may also wish to review the 2016 edition of our "Handbook for Campus Crime Reporting" for more information about the *Clery Act*. The Handbook is available on the Department's

(b)(6)

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to send that information, along with any/all supporting documentation, to our Division, via electronic mail, at [CleryComplaints@ed.gov](mailto:CleryComplaints@ed.gov).

On behalf of the Department, I thank you for bringing these concerns to our attention.

Sincerely,

Candace R. McLaren, Esq., Director  
U.S Department of Education  
Clery Act Compliance Division

(b)(6)



August 15, 2017

(b)(6)

(b)(6)

Dear (b)(6)

This letter is to inform you that the U.S. Department of Education's Clery Act Compliance Division ("the Division") has completed its assessment of your complaint against Bellevue College (BC). In your complaint, you alleged that BC had persistently violated multiple provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the *Clery Act*).

When the Department receives a complaint of this type, it considers the allegations, gathers factual and documentary evidence, conducts an assessment, and determines an appropriate course of action within the confines of its limited jurisdiction under Federal Law. During the Division's assessment, we identified certain shortcomings in BC campus safety operations and *Clery Act* compliance program. To address these concerns, BC will be required to take specific steps to ensure future compliance. While we cannot provide specific information about our next steps, please know that our authority gives us several enforcement and technical assistance options to address these types of concerns. BC will be required to work with Division officials on appropriate improvements and reforms to help ensure that violations will not recur. In addition, the Department will continue to closely monitor the College to ensure that the law is being followed and that members of its campus community are being well-served by its campus safety, crime prevention, and disciplinary policies and operations. Should additional lapses in compliance be uncovered as a result of this monitoring, the Department has the authority to open additional investigations into BC's operations at any time.

We encourage you to review our "Handbook for Campus Crime Reporting" (2016) for more information on the *Clery Act* and on the Clery Division's jurisdictional scope. The Handbook is available online at: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>. If, in doing so, you learn of any new acts of *Clery Act* non-compliance committed by BC, please feel free to send that information, along with any/all supporting documentation, to our Division, via electronic mail, at [CleryComplaints@ed.gov](mailto:CleryComplaints@ed.gov).

On behalf of the Department, I thank you for bringing these concerns to our attention.

Sincerely,

Candace R. McLaren, Esq., Director  
Clery Act Compliance Division  
U.S Department of Education