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To cite this article: Chris Linder, Heather Melton, Whitney Hills, Kevin Coe, Jessie Richards & Allie Moore (23 Jul 2024): Exploring the Impact of Clery Sexual Assault Timely Warnings on a Campus Community, The Journal of Higher Education, DOI: [10.1080/00221546.2024.2378639](https://doi.org/10.1080/00221546.2024.2378639)

To link to this article: <https://doi.org/10.1080/00221546.2024.2378639>



Published online: 23 Jul 2024.



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Exploring the Impact of Clery Sexual Assault Timely Warnings on a Campus Community

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ABSTRACT

The Clery Act requires higher education institutions to issue timely warnings in response to immediate safety concerns and to provide annual reports of campus crime data to the campus community. Despite 40 years of Clery-mandated timely warnings and reporting, rates of sexual violence on college campuses have not declined. Building on previous scholarship about Clery Act requirements, we document more detailed challenges associated with complying with the Clery Act. Through a case study methodology, including interviews with university administrators and students, we examined the impact of a timely warning alert related to sexual assault on a campus community. We illustrate that campus community members feel confused about the intentions of timely warning alerts and uncertain about what to do with the information provided by the alerts. Additionally, the alerts created fear and anxiety among some members of the campus community and a chilling effect on reporting sexual violence. We provide implications for policy-makers and researchers related to Clery compliance.

ARTICLE HISTORY

Received 15 September 2023
Accepted 3 July 2024

KEYWORDS

Clery timely warning; sexual assault; higher education policy

The Clery Act of 1990, and its subsequent iterations, require campuses to issue timely warnings when immediate safety concerns are present and to issue annual reports of crime data to the campus community (Clery Center, *n.d.*). In this paper, we focus on the timely warning aspect of the law, which requires campus administrators to make campus community members aware of crimes that happen within a specified geography if there is imminent danger (Clery Center, *n.d.*). Sexual assault, dating violence, and stalking (referred to as “sexual violence” throughout this paper) are all included in the reportable crimes and are the focus of the current study. Although research indicates that many students read timely warning alerts (Adams-Clark et al., 2020), rates of sexual violence on college campuses have not declined since the implementation of the Act (Muehlenhard et al., 2017). Further, previous research suggests that administrators struggle to navigate the compliance aspects of Clery,

resulting in inconsistent application of the law (Gregory et al., 2016; Jackson, 2023). In light of these difficulties and amid changing campus norms and student populations, previous scholars have called for more research on the impact of Clery timely warnings (see Sulzer et al., 2022).

In this paper, we use a case study methodology (Stake, 1995) to examine the impact of Clery timely warnings about sexual assault on a campus community. Through interviews with university administrators and students, we explored how campus community members experience timely warning alerts, with a particular focus on whether or not timely warnings impact campus community members' behavior and increase campus safety. In the following sections, we examine the history and intention of the Clery Act and previous scholarship about Clery timely warning alerts. We then provide a detailed overview of our methodology and methods. Finally, we share the findings gleaned from our participants and recommendations for higher education policymakers, researchers, and practitioners.

Situating the study in current scholarship

To situate our study, we provide an overview of the history and current context of the Clery Act, along with an overview of the scholarship examining the impact of the Clery Act on college campuses. The scholarship examining the impact of the Clery Alert primarily focuses on perspectives of public safety administrators and students.

History and context of the Clery Act

The Clery Act has a complex legal and social history. In 1986, at Lehigh University, a person, likely with intent to cause harm, passed three unlocked residence hall doors, entered Jeanne Clery's room, and raped and murdered her. Jeanne was a white woman and the perpetrator, Joseph Henry, was a Black man, who was also a student at the University (O'Dell & Ryman, 2016). After her murder, Clery's parents learned that many crimes happened in and around the university campus and they believed that if they had known about the high rates of crime in the area, they would not have sent their daughter to school there (Kulbaga & Spencer, 2019). Because the attack fit many people's perception of *real* crime during the "tough on crime" era of the late 1980s and early 1990s (Gover & Moore, 2021, p. 13), the Student-Right-to-Know and Campus Security Act passed swiftly with bipartisan support. Signed into law in 1990 as a "consumer protection law" (Kulbaga & Spencer, 2019, p. 22), the law was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act shortly thereafter (Graham & Konradi, 2018).

To be clear, the rape and murder of any person by any other person is a heinous act of violence and should be taken seriously. That said, the racist

history of this law is relevant to our current contexts for many reasons, including the fact that the law actually disrespects Jeanne Clery's legacy because the law is so incredibly ineffective at protecting students from crime, especially sexual assault (Muehlenhard et al., 2017). The quick passage of a law that focuses on a *particular* type of sexual assault (i.e., stranger assault) that is less common among college students has contributed to increased acceptance of rape myths (Adams-Clark et al., 2020), which contribute to increased sexual assault among college students (O'Connor & McMahon, 2022).

The purpose of the Clery Act is to ensure that campus community members are informed about campus crime so that they may make informed decisions about their personal safety and reduce their experiences with crime (Gregory et al., 2016; Kulbaga & Spencer, 2019; Nobles et al., 2012). Currently, the Clery Act mandates three specific requirements for college and university administrators related to campus safety: 1) compile an Annual Security Report (ASR) with statistics about a particular set of crimes that happen in specific geographic locations, 2) notify the campus community of imminent danger on and near campus (i.e., timely warnings), and 3) provide information about crime victim resources to the campus community (Clery Center, n.d.).

Initially, the Clery Act simply required campus administrators to make crime-related statistics available to prospective students through admissions-related material so that they could make informed decisions about where they attended college (Gregory et al., 2016; Griffin et al., 2017). Over time, policy-makers have attempted to clarify and expand Clery's reach by amending the act, mostly recently by amending the Clery Act through the Campus Save Act, which was passed as part of the Violence Against Women Act reauthorization in 2013 (Griffin et al., 2017; Kiss & White, 2016). The Campus SaVE Act attempts to codify sexual violence prevention and awareness expectations and extends the type of crime required to be reported under Clery to include incidents of dating and domestic violence and stalking (Duncan, 2014). The fact that amendments to the Act are conflated with a new law and tied to VAWA illustrates the complexity of navigating the Clery Act. College and university administrators must navigate the Clery Act, Title IX, Campus SaVE, and VAWA together to comply with federal policy (Griffin et al., 2017).

Research underscores the frustration many campus administrators, and in particular public safety administrators, experience with Clery Act requirements. Lack of institutional support, lack of funding, and ambiguity in the interpretation of the law all contribute to lack of effective implementation of Clery (Gregory et al., 2016; Jackson, 2023; McNeal, 2007). Administrators, including law enforcement personnel, note that they frequently spend more time attempting to comply with the nuances of Clery than engaging in practices that may improve campus safety (Gardner, 2015; Gregory et al., 2016; Jackson, 2023; Janosik & Gregory, 2009). Campus security personnel

also report feeling unsupported by the Department of Education in implementing Clery requirements, noting that “nobody can do this right” (Jackson, 2023, p. 57). Personnel report feeling confused about requirements and fearful of incurring a large fine for noncompliance, which results in more focus on compliance than safety (Gardner, 2015; Griffin et al., 2017; Jackson, 2023). In fact, the ASR, required by Clery, is “an administrative document . . . lengthy, with detailed explanations of how the institution is meeting Clery requirements. The report is marketed toward auditors, not students” (Griffin et al., 2017, p. 421). While some scholars argue that Clery Act compliance should be rooted in an ethic of care and an “ethical commitment to compliance” (Kiss & White, 2016, p. 103), research with administrators responsible for administering Clery discuss how the law forces them to spend more time on compliance than on the human element of campus safety.

Despite administrators’ best efforts, Clery data is likely highly inaccurate for three major reasons: 1) inconsistent definitions of crime, 2) low reporting by students, and 3) confusing Clery geography requirements. Clery mandates that administrators report a specific set of crimes (criminal offenses, VAWA offenses, and hate crimes), but the definitions of the crimes provided by Clery are often different than local or state definitions of crime, contributing to confusion about how to report some crimes in the Annual Security Report (Gardner, 2015; Jackson, 2023). Additionally, research indicates that the majority of students do not report most crime to law enforcement or other campus authorities, especially VAWA offenses (Griffin et al., 2017; Sabina & Ho, 2014). Further, when students do report instances of crime to non-law enforcement personnel including faculty and staff, those personnel may not know or understand their role as a campus security authority, and do not notify their appropriate campus personnel who might count the instance of crime in the Annual Security Report.

Perhaps the most confusing and arbitrary aspect of Clery reporting is the geographic requirement (Gardner, 2015; Nobles et al., 2012). Clery requires that campus administrators report crimes that happen on campus property, property adjacent to campus, and “non-campus buildings and property owned or controlled by the organization that are used for educational purposes and frequently used by students but not a part of the core campus, or those owned or controlled by a student organization officially recognized by the institution” (Clery Center, n.d.). These requirements leave room for interpretation and administrators spend considerable amounts of time discussing the geography of a crime, which may result in a delay in notification of the campus community about a safety issue. As noted by some campus personnel, most aspects of Clery, including the timely warning requirement, are part of good public safety practice and would likely be completed without the requirement of Clery, and likely much more easily since public safety personnel would be acting based on good practice, rather than compliance with a law (Jackson, 2023). In addition

to the Clery Act being cumbersome and confusing for administrators to comply with, research illustrates that it does not have the intended impact of changing students' behavior and increasing campus safety.

Impact of the Clery Act

Given that the purpose of the Clery Act is to inform students about crime on and around campus so that they may make more informed decisions about their personal safety, we examined the scholarship specific to students, campus administrators, and parents' perceptions of the ASRs and timely warning safety alerts. We also highlight scholarship illuminating the racist messaging in timely warning alerts, illustrating the continuation of the racist history of Clery.

Perceptions of the ASR and timely warnings

Limited research has examined students' use of crime statistics in their planning for college and indicates most students do not know about, nor use the ASR for the college decision-making process (Janosik, 2001, 2004; Janosik & Gehring, 2003; Jee & Good, 2016). Gregory and Janosik (2006), Janosik & Gregory (2009), Janosik & Gehring (2003), Janosik & Gregory (2003), Janosik & Plummer (2005) published a series of articles in the early 2000s examining a number of campus professionals' perceptions of campus crime statistics, as well as their perceptions of students' and parents' use of this information. Most campus professionals, including senior student affairs officers, housing officials, campus safety professionals, and victim advocates, did not believe that students or parents were using the information provided to related to campus safety (Gregory & Janosik, 2006; Janosik & Gregory, 2003, 2009; Janosik & Plummer, 2005). To supplement these studies, Janosik surveyed students and parents about whether or not the campus crime statistics influenced their decision about where to attend college (Janosik, 2004; Janosik & Gehring, 2003). About a quarter of students and parents remembered receiving the campus crime statistics (Janosik, 2004; Janosik & Gehring, 2003) and 8% of students (Janosik & Gehring, 2003) and 6% of parents (Janosik, 2004) reported that the information they received influenced their decisions about where they or their child chose to attend college.

A more recent study examined students' awareness of Clery-related requirements on their campuses. When asked if they knew about the Act ("I am aware of the Clery Act and campus security requirements."), the majority did not; however, the majority did know about the campus alert system and chose to participate in it and follow the instructions in the alerts (Latham-Staton et al., 2021). It is perhaps not surprising that students are largely unaware of the name of the specific law that requires campus administrators to disclose crime statistics, yet they are aware of

an alert system that may make them aware of crime. In today's world (more than 30 years after the initial passage of the Clery Act), it is not unusual for students to be made aware of crime through text alerts, social media posts, and other immediate communication, so it is likely an unconscious expectation for them, rather than something mandated by law.

A few studies examined students' responses to timely warning safety alerts, noting that many students read them, but the response to them is mixed. One study noted that 92% of students surveyed reported reading alerts when they received them (Adams-Clark et al., 2020). However, even when students read the alerts, the impact on their behavior varies dramatically. In many cases, timely warning e-mails negatively impact students, especially those with a prior victimization history (Adams-Clark et al., 2020; Hasinoff & Krueger, 2020). Because timely warnings frequently describe "violent stranger-perpetrated assaults" and include safety tips gear toward stranger danger type of crime (Adams-Clark et al., 2020, p. 21), the alerts can perpetuate rape myths (Adams-Clark et al., 2020). Additionally, a modest correlation between fear of crime and reading alerts suggest "that Clery notification policies may have the unwanted effects of fostering fear and overreaction for some recipients while leading others to disregard messages" (Hasinoff & Krueger, 2020, p. 602).

Students also describe the importance of timeliness, relationship to the threat, trust, and social norms in acting based on alerts (Han et al., 2015; Madden, 2015). When students trust the source of the information and when their "referent groups" respond positively to the instructions in the alert, they will too (Han et al., 2015, p. 923). Further, if they perceive that they are close to the alert based on time and location, they will respond accordingly. However, students noted that timeliness and geographic understanding were challenges with alerts. They often perceived that the alert came too late after the incident to be able to appropriately respond, or they did not understand from the alert where the incident actually happened (Madden, 2015).

Some researchers seek to understand the implied messaging in the language of timely warning alerts. Researchers have clearly documented the racialization of crime that happens through timely warning alerts, reifying the history of the Clery Act, and the negative impact of perpetuating rape myths. In one study examining timely warning e-mails between 2011–2015, of 104 crime alerts, 68 identified the suspect Black men, 21 did not include a racial identifier, 14 identified the suspect as white, and one as Asian (Pelfrey et al., 2018). Similarly, in a study examining timely warnings at two institutions in 2017, of 16 alerts, 10 identified the suspect as a Black man (Sherman, 2022). This messaging solidified white students' trust in the police and increased cynicism about policing among students of color (Sherman, 2022). In other words, when crime alerts match stereotypical understandings of crime, they also exacerbate pre-existing beliefs about the role of policing and crime.

In a study examining alerts on 55 campuses, researchers documented that passive voice dominated language in alerts, making perpetrators' actions invisible. Further, language focused on victims' behaviors dominated the alerts, contributing to the narrative that victims should do something to prevent their experiences with crime. Closely related to putting responsibility on victims for preventing crime, the alerts tend to “over-gender” and include “gratuitous context” including excessive descriptions of the victim and victim's behaviors to describe the crime (Wesley et al., 2022, p. 52). Finally, the prevention tips typically included in these messages tend to set up a “good victim/bad victim” dichotomy (Wesley et al., 2022, p. 52). Each of these three categories perpetuates victim-blaming in that it puts additional responsibility on victims for preventing the crime from happening again.

Although we did not employ a specific theoretical framework for this study, the synthesis of previous scholarship shared here lays out a conceptual framework that informed the development and analysis of our study. In particular, previous scholarship indicates that the Clery Act may not be achieving its intended outcomes of making students aware of campus crime in a manner that reduces incidents of violence (Kulbaga & Spencer, 2019). Most students do not read the ASR or use it to make decisions about college (Janosik & Gehring, 2003). In fact, some research indicates that timely warnings make some people feel less, rather than more, safe on campus, especially students of color and victim-survivors of sexual violence (Hasinoff & Krueger, 2020). Further, even though most students read the timely warning alerts, they do not change their behavior as a result of the alerts (Adams-Clark et al., 2020). Campus administrators spend considerable resources — including time and money — to ensure compliance with Clery without any change in campus crime (Gregory et al., 2016; Jackson, 2023). We seek to contribute to the conversation about Clery by detailing some of the ways that a timely warning alert impacts members of a campus community.

Methodology

To understand the impact of sexual assault timely warnings, we engaged in a mixed methods case study (Stake, 1995) through a critical paradigm (Kincheloe, 2005). A case study approach allows us to go in-depth at one institution, exploring the context in which timely warnings are issued, including students, staff, and administrators' perspectives in a single study. We are unapologetically critical in this paper, examining the data through a lens centering power and challenging the status quo (Guido et al., 2010) and, ultimately, advocating for much-needed changes to Clery as a policy related to campus safety. Previous scholarship has illustrated Clery's general ineffectiveness, giving us an opportunity to illustrate aspects of that ineffectiveness in

greater depth while urging administrators and policymakers to engage in new, more nuanced strategies for addressing violence among college students.

The case

The University of Utah community has experienced a tumultuous several years related to high-profile intimate partner violence, resulting in campus community members being especially attuned to issues of campus safety (Linder et al., 2022). In particular, in the 2018–19 academic year, three women affiliated with the campus were murdered by current or former dating partners. In one of those cases, the murder of Lauren McCluskey, the institution was negligent in responding to the victim's complaints about her perpetrator, resulting in high-profile national media coverage and a significant lawsuit between the family and the institution. Despite attempting to make changes to ways that campus safety personnel respond to issues of dating and domestic violence, another student was murdered by a dating partner in early 2022, resulting in campus community members experiencing collective trauma related to issues of dating and domestic violence.

The University of Utah is located in Salt Lake City, UT, a major metropolitan area of the western United States, and enrolls over 35,000 students in its undergraduate and graduate programs combined. The campus also houses a medical school and law school and operates a major hospital system serving the state of Utah. The institution has made numerous changes over the past several years to address issues of campus safety and intimate partner violence, including hiring a new Chief Safety Officer, a Clery Compliance Coordinator, and a Director of Compliance and Accountability for the entire campus, and starting a center dedicated to violence prevention. Over 90% of the police department has turned over since the murder of Lauren McCluskey. The campus has experienced transitions in some high-profile positions including the President, the Executive Director of Housing and Residential Life, and the Chief of Police. Campus faculty, staff, and students are deeply attuned to campus safety, which has been conflated with issues of IPV as a result of the high-profile IPV murders impacting the campus community in the past four years.

The research team for this project consisted of four faculty members from four different disciplines (communication, business, sociology, and education), a staff member in a sexual violence prevention program, and a master's level public administration graduate student who works in sexual violence prevention. Five of the six research team members identify as cisgender white women, and one research team as a cisgender white man. Each member of the research team engaged in some form of data collection, including interviews with staff and interviews and focus groups with students. The sociology professor, with a specialization in criminology, interviewed the

decision-makers for this study and the staff member who works in sexual violence prevention interviewed all the front-line service providers, providing some insider connections to establish rapport with the staff participants. Members of the research team maintained researcher journals while collecting and analyzing data, making note of where things differ from their assumptions going into the study and providing an avenue for reflexivity throughout the study. The research team met regularly to discuss their reflections on the process, yet made no changes to the research protocol based on these discussions.

Data collection methods

The case study consisted of four parts: a survey, focus groups with students, interviews with decision-makers, and interviews with service providers. In this paper, we specifically focus on the data from interviews and focus groups, documenting the impact of timely warnings on the campus community.

Interviews with decision-makers

We identified people who are typically involved in deciding whether a safety alert should be released to campus after the report of a crime. One member of the research team, the sociology and criminology professor, conducted all five of these interviews and focused on better understanding the process of deciding when to send a timely warning alert. Interview questions included things like, “Tell me about the process of deciding to send a timely warning alert.” “Who is involved in the decision-making?” “What training did you receive to decide whether or not a timely warning goes out?” “How do you decide what information to include in a timely warning?” We reached out to seven people and five agreed to participate in a confidential interview. Because these participants could easily be identified by sharing their positionality, we discuss the decision-makers in the aggregate. We will use direct quotes, but not highlight who shared the quote to avoid any breaches of confidentiality. Of note, the decision-makers all identified as men, all with at least 10 years’ experience working in law enforcement or compliance.

Interviews with service providers

Service providers possess a wealth of knowledge about students’ perceptions and experiences, as well as a comprehensive view of many processes related to crisis and safety. We reached out to 16 people working in crisis and front-line response (including victim advocates, Title IX Office staff, housing staff, and fraternity and sorority life staff); 10 people participated in an interview. One member of the research team conducted all 10 interviews and asked questions like, “How are you and your staff impacted when a timely warning alert is sent to campus?” “What do you observe about students’ behavior after an alert is

sent?” “Do you notice any differences among different groups of students’ responses to the alerts?” Similar to the decision-makers, we do not include a lot of detail about the individual service providers to protect their confidentiality. The service providers we interviewed included two white men and one man of color, two women of color, and five white women; six participants identified as heterosexual and four identified as queer. One participant has worked in higher education for over 10 years, four participants for 5–10 years, and five participants for fewer than five years.

Focus groups with students

When a timely warning about sexual assault was released, we immediately released a survey to a random selection of students asking for their perceptions of the alert. We also asked those students to indicate if they would be interested in participating in a focus group to share more of their perspectives. Additionally, we recruited students for the focus groups by reaching out to various student organizations on campus. In total, 12 students participated in an interview or small focus group. [Table 1](#) gives an overview of the student participants, including some relevant demographic information about the students.

Data analysis

To analyze the data, we engaged in a cyclical coding process (Saldaña, 2009). Three members of the research team, including the education and sociology professors and the violence prevention staff member (all cisgender white women), conducted the interviews and focus groups and analyzed the data for this paper. Each researcher reviewed four transcripts each, making note of hot spots, or ideas that resonated with the purpose of the study, throughout the data. Each researcher then submitted a list of potential codes based on those hot spots to the lead author, who compiled all of the codes into one document. The three researchers then met to discuss the codes and agree upon a codebook. We discussed the codes that each of us included in our list, coming to consensus on a common set of codes. We often meant the same thing, but used different words to describe what we meant, so discussing the codes allowed us to develop a common language and understanding of our overall codebook. Our final list consisted of 35 codes, including things like, “victim impact — broad,” “victim-impact — specific,” “chilling effect,” “process of communication,” “lack of support,” “confusion,” and “intent of alert.” At that point, each transcript was coded by a primary and a secondary coder, using Dedoose to manage our data. We then printed code reports for each code and organized the codes into larger themes. The themes we generated are highlighted in the findings section.

Table 1. Student participant demographics.

Pseudonym	Age	Major	Year in School	Race	Gender	Sexual Orientation	Live on or off campus
Robert	19	Undecided	1st Year Undergraduate	White	Cisgender Man	Straight/Heterosexual	On campus
Nick	25	Mechanical Engineering	Graduate	Prefer not to answer	Prefer not to answer	Prefer not to answer	Off campus
Cherie	48	Social Work	4th Year Undergraduate	White	Cisgender Woman	Straight/Heterosexual	Off campus
Joseph	20	Cultural Anthropology and Criminology	2nd Year Undergraduate	White	Cisgender Man	Straight/Heterosexual	Off campus
Melanie	18	International Studies and Political Science	1st Year Undergraduate	Asian/Asian American	Cisgender Woman	Straight/Heterosexual	On campus
Minisa Morgan	25 20	Master of Social Work Philosophy	Graduate 4th Year Undergraduate	White Asian/Asian American (Korean) Multiracial	Cisgender Woman Genderqueer	Straight/Heterosexual Gay or Lesbian	Off campus On campus
Charlie	27	Doctor of Physical Therapy	Graduate	White	Man	Straight/Heterosexual	Off campus
Jae	19	Computer Science	1st Year Undergraduate	Asian/Asian American	Genderqueer	Asexual	Off campus
Beth	18	Theatre	1st year Undergraduate	White	Woman	Lesbian	On campus
Eliza	20	Political Science	3 rd year Undergraduate	White	Woman	Bisexual	Off-campus
Bradley	22	Business	2 nd year Undergraduate	White	Man	Straight	Off-campus

Findings

Themes from discussions with decision-makers, service providers, and students complemented each other, indicating some similar overarching experiences with Clery safety alerts and their impact on community members. Participants in each of the three areas noted the differences between the intention versus the actual impact of timely warnings and confusion about the timely warning alert process. Although the intention of the interviews and focus groups was to focus on the most recent alert, participants often discussed their reactions to alerts broadly, and we included those discussions in our findings section to illustrate the complexity of the impact of timely warnings on the campus community.

Intent versus impact

Decision-makers and service providers agreed that the purpose of Clery timely warnings was to provide campus community members with information about ongoing safety concerns so that they could make informed decisions about their personal safety. Additionally, they noted the importance of transparency to the campus community, as highlighted by Luna, a service provider,

[transparency] encourages other students who might have experienced the same thing or who might also have information about situations to speak up as well. And then that gives us a better scope of understanding what outreach needs to be done, how can we improve, how can we better support students and how can we make sure that students are feeling safe on campus.

However, all three groups of constituents also noted that the intention of the law was riddled with complicating factors that distracted from the impact of the law. Richard succinctly stated what most decision-makers said one way or another, “I totally understand the impetus for timely warnings. I’m just not convinced they’re very effective.” Service providers, decision-makers, and students gave numerous examples of the negative impact of timely warnings on the campus community, including an overemphasis on compliance, creating fear and anxiety, and compromising the reporting environment.

Overemphasis on compliance

Decision-makers and service providers noted the heavy focus on compliance with the law impacting their ability to do their jobs effectively, as illustrated by Richard, “I think institutions are doing it, not because they really think it’s effective, but because there are serious consequences of *not* doing it.” Justin, a service provider, highlighted the heavy focus on compliance and protecting the university,

in some situations, if we're dealing with a Clery reportable offense . . . oftentimes our interactions with students are very much on protecting the university, likely removing the students from campus, either administratively pending a thorough investigation or after we do an investigation through recommended sanctions.

In interviews with service providers and decision-makers, it was striking the number of people who specifically named the exact amount of a fine that came with non-compliance of Clery: \$62,000. Clearly, the consequences of being out of compliance have been drilled into the people responsible for making the decisions, and to some extent, the people who end up cleaning up the mess in the aftermath of a timely warning alert.

Jessica, one of the service providers, shared the additional level of scrutiny that comes after a timely warning, resulting in staff being “amped up,” making staff wonder, “is there something that we've forgotten or is there something more to come or are we doing enough or did we respond appropriately?” When people are so much in their heads and focused on “doing it right” and being “in compliance,” they will inevitably make more mistakes and likely not be as focused on the human element of the situation as highlighted by Ethan, a service provider,

I just wish we would think more about the impact beyond fines or lawsuits and think more about the human element . . . I think that gets left out of almost every conversation I've been in around Clery. There's no human element to it, it's all a response to an act that was written 40 years ago that in some ways is doing more harm than good to a lot of people.

Even students noted the way that alerts gave a feeling of being “required” which resulted in them questioning the purpose and effectiveness of the alerts. Eliza noted that she often wonders,

Is this just reported because it's a formality? I feel like it's like, oh this is an administrative thing, they just have to do this. Do they actually care about it? Is it actually an issue my friends need to be worried about, I need to be worried about? Just answering some of those questions even if it's more vague . . . so then I'm not overthinking it the whole time.

The hyperfocus on compliance likely contributes to ineffectiveness of the Clery Act highlighted in the literature review. Jessica, Ethan, and Eliza, among other students and service providers all give examples of the compliance focus interfering with the intended impact of Clery. Further, as exemplified by Eliza's comments, people also felt some anxiety and fear when timely warnings were issued.

Retraumatization, fear and anxiety

Every group of participants named that timely warnings frequently created increased anxiety among campus community members, especially in instances of sexual assault. Students, decision-makers, and service providers all noted that the vast majority of sexual assaults

happen between two people who know each other, with a known perpetrator making the issue of “imminent threat” irrelevant in those cases; yet, sometimes decision-makers may still make the call of sending a timely warning, usually as a result of fearing non-compliance, not because they actually believed there was a safety risk. John, a decision-maker, shared that in his 10 years of experience, the vast majority of sexual assaults

... are acquaintances. Those are people you’ve met. Those are people you know. And with Tinder and all these other dating apps or with the activity on Greek Row with parties ... At a party, there’s a lot of people there. They report a victim on a report, but know the person and do not want to give up their name or not want to further the investigation ... We have to put those out, right?

These alerts are typically sent without a lot of context, which significantly increases anxiety among students, as evidenced by Eliza above. Participants in all three groups also discussed the retraumatization, fear, and anxiety that comes after a timely warning goes out. As highlighted above, decision-makers and service providers indicated significant anxiety related to alerts based on a fear that they would be out of compliance with the law, or “screw something up” or “get fired” or fined.

Students and service providers also discussed the feelings of anxiety that alerts sometimes created among students, wondering if the anxiety created was worth the potential mitigation of crime. One survivor, Eliza, we interviewed gave a particularly harrowing description of the ways that the most recent timely warning about sexual assault impacted her. She noted that she kept going back to the alert, wanting more information and that she felt “unsettled” by alerts. She shared,

Normally when I see it, that physical feeling I get is like butterflies or it’s unsettling, you know? I read it and it’s just so much unknown from it too. I think that it makes me feel a little bit unsettled. I have some issues with, when I do see these things, sexual assault or things of that matter, it’s very easy for me to dissociate right when I see it because I don’t really want to think too much into it. So I’m, when I’m reading it, unsettled, dissociated, but curious because I want to know why I’m getting this message and know what happened to warrant me getting this message. But also it’s just, I don’t know, it’s just unsettling, I see it and I’m like, “Oh my gosh, what’s happening? Could this happen to me? Who’s next? How many more are there?”

Minisa, a student, shared that her friend asked her to let her know what was in the alerts because she didn’t want to be traumatized by reading them herself,

I have a friend that has been sexually assaulted, and she just doesn’t read the safety emails anymore. And she just has her friends like, “If there’s something that’s not sexual assault related, then you can tell me about it after the fact.” But she doesn’t want the chance of that popping up.

Similarly, service providers shared with us that they were often left to support the students' anxiety in the aftermath of a timely warning, yet they were not provided with enough information to do so, as described by Ethan,

I get notified that they're probably going to get out, but I'm not in the meetings where the conversations about what will be written, what it will say, how it will say it, and when it will go out are made. But the hard part of that is I'm the one that deals with the aftermath. I'm the one that has students banging on my door asking why these are going out. I'm the one that has to answer the questions of, why was there a timely warning in January about an assault in September?

Given concerns about jeopardizing investigations and privacy, service providers have little context of the incident that created the need for the alert, yet students come to them with myriad questions and concerns for their safety. Because service providers do not have enough information, students may also begin to distrust them and not seek support for the trauma they are experiencing, as explored in the next section.

Impact on reporting environment

Decision-makers and service providers noted that timely warnings led to an increase in survivors seeking services, yet formal reports did not go up, indicating a potential "chilling effect" on reporting. Although we do not agree that increased reporting should be a goal of violence prevention work, many campus administrators use increased reporting as a measure for addressing campus climate related to sexual violence (Moylan et al., 2018). Some decision-makers speculated that timely warnings may chill reporting because a survivor may be afraid that their report will trigger a timely warning, potentially compromising their privacy, as John described,

When [the victim] finds out . . . that there's going to be a timely warning on something very brutal and very personal happening to them, it does have a negative impact on them because as soon as it goes out, the media picks up on it . . . I can't even imagine how a victim feels knowing that her very traumatizing and very personal incident is now . . . public and I have a serious ethical problem with that . . . The second impact . . . is the suspect or the perpetrator also receives that alert and that gives that person heads up and time to craft alibis, it gives them time to come up with a story, it gives them time to sterilize a crime scene. But it's something that we're mandated to do under federal law for purposes of safety.

Aria, a service provider, echoed John's points, describing how the timely warning process is not trauma-informed. Trauma-informed responses allow time and space for survivors to be in charge of their own response to the violence they experienced, and a timely warning requirement removes this time and space for response. Aria explained,

I have to call them on my terms instead of their own terms. With trauma-informed care, you try to do it when they're ready, giving them some time to rest . . . So Clery creates an

artificial crisis, where i'm like, "I'm really sorry I have to talk to you right now." . . . I have to connect with them as quickly as possible so that we can get this timely warning out without surprising them so it's more of a burden . . . for the survivor.

Students did not directly indicate a chilling effect on reporting, but they did question what made something worthy of sending a timely warning, which we explore in the next section.

Confusion

Timely warnings also contributed to confusion among community members. In addition to managing the compliance aspect of Clery timely warnings, decision-makers wrestled with the disparate needs of community members related to safety, contributing to confusion about communication. Students questioned what made something worthy of a timely warning and questioned what they were supposed to do with the information provided in timely warnings.

Disparate needs related to safety

All three groups discussed the varying needs of campus community members related to safety and awareness, with students providing very specific examples of the variety of needs among students. Decision-makers noted that "every situation is different," requiring a different response every time, and contributing to confusion from community members about the purpose of alerts.

Students primarily believed that the purpose of timely warnings were to "make them aware" and to promote transparency from the institution but struggled with what they were to do with the information. Morgan shared his perspective,

Sometimes I wonder what the purpose of them is . . . I sometimes like having the alerts because I like to know what's happening and what has happened on campus. But, yeah, I definitely often wonder why are they always alerts or warnings? What are they warning me of? What are they warning students of that maybe are not impacted by that specific social circle?

Eliza echoed this concern about what to do with the information, "I mean for me, I think having a little bit more detail on why that alert is being put out because I feel like when I read it, it's like a formality when it's explaining it, 'This is required . . .'" She continued, wanting more specific information about what to do, ". . .so there could just be a section that says . . . 'This was a stranger so travel in groups.' or, 'This was an interpersonal conflict, this was within a relationship or this was within a friendship.'"

Ray, one of the service providers, discussed students' confusion with what to do with the information. He noted that students have reached out to him asking him what they should do with the information in safety alerts,

So that communication I think was beneficial to some, but then we also got calls where those folks were upset because they felt more scared to be on campus and they weren't sure, should I not come to campus? Obviously that's a personal choice. People have agency and if they want to come here and be here, they can. If they don't, they don't have to . . . we let them know, we'll be happy to reach out to your faculty and you always err on the side of taking care of yourself and your safety . . . and we'll support you. But that answer wasn't good enough. They wanted us to help . . . make the decisions.

Mindy, another service provider, echoed some of what Beth, Morgan, and Ray said, noting the significance of lack of follow-up on students' anxiety,

I think the information they leave out is usually a bigger problem. I think they leave out when will we get an update about this, or what is being done? Or sometimes they include really victim-blaming information, like what you can do to keep yourself safe. I think it also feels really confusing for students to get these alerts more than a couple days after something has happened. Or if there isn't a clear pattern of perpetration, if it seems like a one-time incident. I know that I also felt frustrated, before I was staff here when I was only an undergrad student, because we would get a report of a stranger assault happening, and it didn't seem reflective of the fact that so much violence happens within relationships that we definitely don't hear about. So why are we hearing about this one subset? If there doesn't seem to be a risk to other students, which sometimes happens in these alerts that go out, I don't understand why we receive them.

Participants discussed the "timeliness" and "imminent threat" aspects at length, often noting the challenges associated with being timely vs. being accurate. Strikingly, students and decision-makers were closely aligned in their perspectives on this. Beth, a student, shared,

A lot of times there's not actually going to be anything happening, but it's great for the people to take precautions. But with that getting sent out, I think it can become a distraction from people's days and can maybe cause anxiety. But I think it's hard with things happening in a timely manner but then also happening where it's not going to spread hysteria. They think that the more information that people get, the less hysteria there will be, but in order to get more information, it takes more time, and so then it's not as timely.

Along the lines of timeliness, students also discussed the medium by which alerts go out in great detail, making reference to Amber Alerts that go out in the larger community, asking why this wasn't something that could be done on campus as well. The system is set up so that everyone receives an e-mail with an alert, but students must opt into the text alerts.

Worthiness of timely warnings

Participants from all three groups also expressed confusion about what warrants an alert. The decision-makers were clear in that three primary questions guided their thinking about whether or not something met the requirements of being in compliance with Clery, but sometimes struggled with what made something an "active" or "imminent" threat. For instance, John noted that sexual assaults rarely rise to this threshold,

If we had somebody at large . . . If we don't know who a suspect is, but something horrific happened on campus, I think we would have to push that . . . And here's my experience with sex assault and rape going back at least the last 10 years: Those are acquaintances. Those are people you've met. Those are people you know.

Students (echoed by service providers) questioned what made something “worthy” of an alert. In particular, several students noted that they knew sexual assault happened (and was even reported) more often than they received a timely warning e-mail, leading them to wonder what made something “worthy” of an alert, as illustrated by Beth,

One thing that's kind of been on my mind is what makes something worthy of a safety alert? Because I know I've only gotten one safety alert about sexual assault happening and it was off campus, but involved this university student. I'm glad that there was a safety alert, but I personally know people who have been sexually assaulted since coming to school . . . I don't think that everything should be sent out as an alert because I think that there are ways of dealing with things more privately . . . and less triggering to survivors . . . but I wonder where the decisions come from, and how do they assess what's really possible harm?

Scarlett, a service provider, echoed that she hears similar concerns from students,

There's also been people that have shared through our office that they were angry that what happened to them was not sent in a timely warning, but then other people it was. And so the inconsistency has been a thing too . . . I've heard that from several clients as well of, “I'm feeling invalidated that was it because of me? Was it parts of my identity? Was what happened to me not as bad as what happened to them?”

Discussions with students, service-providers, and decision-makers illustrated the complexity of complying with the Clery Act, including the effectiveness of timely warning alerts. In particular, campus stakeholders noted confusion about what constitutes sending an alert, which results in compromising the reporting environment and trust between campus administrators and students. We explore the implications of these findings in the following section.

Discussion and implications

Responding to recent calls for more research on the impact of the Clery Act (see Sulzer et al., 2022), this study illustrates in greater depth issues raised in previous scholarship about the ineffectiveness of Clery. Participants illustrated that alerts related to sexual violence were often confusing and unnecessary, given that administrators felt compelled to send alerts in acquaintance assault situations to comply with Clery. Students, in turn, questioned whether the assault they reported was “real” or “enough” since it did not generate an alert in the same ways that other reports did. Sending alerts in acquaintance situations causes confusion for students about what they should do and

contributes to a victim-blaming culture in which students wonder why some alerts are sent out and not others. Similarly, sending alerts in these situations also potentially compromises the investigation by giving the perpetrator a heads up that it is happening.

In addition to being confusing, alerts also increased students and staff members' fear and anxiety, albeit in different ways. Students, in particular survivors of sexual violence, report feeling retraumatized by the alerts. Eliza gave a particularly harrowing description of her experience in the aftermath of an alert being sent. Staff in our study report anxiety around the fear of doing it wrong or being fined for being out of compliance with the law. This level of fear and anxiety among staff likely distracts from their ability to focus on students coming to them for assistance and to make decisions they are charged with making. When staff are more focused on "doing it right" than on what is a good response in a particular situation, they are spending energy, time, and resources focused on compliance, rather than effective practice. This is consistent with previous research with Clery compliance officers feeling as though they spend the majority of their time focused on compliance over prevention (Gregory et al., 2016; Jackson, 2023).

As highlighted in previous scholarship, making the community aware of ongoing crime is just good public safety practice, and most campus safety personnel would provide alerts about ongoing threats to campus even without Clery (Jackson, 2023). Our participants illustrated how the focus on complying with Clery distracted them from focusing on making good decisions relevant to the specific case and campus context and unnecessarily compromised investigations related to sexual assault.

Given the current focus on trauma-informed practices among college and university administrators, it is particularly striking that both John and Aria (a decision-maker and service provider, respectively) pointed out just how un-trauma-informed Clery is because it removes the power from the victim-survivor to make decisions about how and when to move forward. While there are certainly instances of imminent, ongoing, in-process crime that require an alert to the community regardless of the victim's desires, instances of acquaintance sexual assault likely do not fall in this category. However, acquaintance assaults sometimes fall into the realm of a Clery timely warning alert because a victim chooses not to disclose the name or identity of the perpetrator, resulting in the assault falling into the category of "unknown perpetrator" requiring a timely warning under Clery.

Our study also provided a new contribution to the scholarship: the unintended consequence of chilling the reporting environment for sexual assault. While we are not advocating that reporting is necessarily the answer to addressing sexual assault, most campuses use increased reporting of sexual assault as a primary goal and measurement of effectiveness of their response

practices (Moylan et al., 2018). As illustrated by our service providers and decision-makers, Clery timely warnings actually have the opposite impact on reporting. In fact, requests for service from confidential resources goes up because of re-traumatization in the aftermath of a Clery timely warning, but official reporting to police or the Title IX coordinator does not increase, illustrating the chilling effect on official reporting.

Students' confusion about "what to do" in the aftermath of an alert is particularly striking from a developmental perspective. Clery was written with the intention or belief that awareness results in decreased crime (Kulbaga & Spencer, 2019), but students' perceptions in this case did not support this idea. Our findings illustrate previous research demonstrating that Clery requirements, because they are focused on compliance over safety, are written for and by administrators, not students (Griffin et al., 2017). Further, the fact that students want someone to tell them exactly what to do with the information likely illustrates a change in the culture since the 1990s when the law was written or a developmental issue. For whatever reason, college students in our study did not feel empowered to make decisions about their own safety, illustrating that the alerts, as currently used and written are ineffective for preventing crime by focusing on potential victims, and are written from a place of compliance, rather than prevention. Future research could examine what messages are developmentally appropriate for college students and the factors that contribute to college students feeling confident in making decisions about their safety.

Discussion about the racialized nature of timely warnings and crime did not come up among the participants in this study. However, we choose to leave this discussion about the racialized nature of crime in our introduction and literature review for the study because it is a salient part of understanding compliance culture and crime alerts on college campuses. We recommend that future research specifically examine the ways that students of color experience timely warning alerts on their campuses.

Currently, Clery is one of three federal laws that attempts to guide campus administrators' responses to sexual misconduct. Clery, along with the Campus SaVE Act, and the interpretation of Title IX as a sexual misconduct law, contributes to a fear-based compliance culture on college campuses (Hurtado et al., 2023). Compliance culture forces administrators to focus more on avoiding "getting in trouble" than on addressing the problem at hand. Ultimately, campus administrators spend exorbitant amounts of money each year attempting to comply with Clery, yet see little change in campus culture. Participants in this study and previous studies indicated that it is just "good policing practice" to share alerts with a community when an active, ongoing threat is present and that attempting to comply with a complicated policy likely *inhibits* communication related to crime because

administrators are spending time and energy determining whether something is “in compliance” rather than if something is a safety threat.

Reviewing these findings through a critical lens prompts one to conclude that, regardless of intent, Clery timely warnings may now be doing more harm than good. This, combined with previous research indicating that students do not know about nor use annual security reports in their decision-making processes (Janosik, 2004; Janosik & Gregory, 2003), leads us to believe that the Clery Act has likely outlived its usefulness. The ineffectiveness, combined with the exorbitant expense of complying with Clery, leads us to believe that the best course of action is likely to repeal the Clery Act and focus our energy and resources engaging in culture shifts related to violence prevention, rather than complying with an outdated law. Many people ask us about policy or practice shifts we could employ in the meantime to address the challenges with Clery, but we struggle to come up with interim recommendations. Attempting to make something fit that no longer addresses the problem it was designed to address is a poor use of resources and compromises the hard work of administrators attempting to eradicate violence on their campuses. Honoring the legacy of Jeanne Clery would be to acknowledge the importance of the law in raising the public’s consciousness about sexual violence in 1990s and letting it go when it no longer serves victim-survivors of violence, nor prevents people from experiencing crime.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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