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Client Alert – Campus Safety and COVID-19: Clery Act Requirements in 2020

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The [Clery Act](#) requires colleges and universities that receive federal funding to issue annual security and fire safety reports and to provide timely notifications to students and staff of certain emergency situations. Although few students and faculty remain physically on campus, and many will remain remote through the fall semester, institutions of higher learning must continue to comply with Clery Act notification and reporting requirements.

Given the ongoing COVID-19 pandemic, the Department of Education (DOE) has extended the deadline for institutions to distribute their Annual Security Report (ASR) and Annual Fire Safety Report (AFSR) to December 31, 2020 from the usual October 1st deadline. The reporting requirements remain unchanged and ASR must include statistics of campus crime from the most recent 3 calendar years, details about efforts undertaken to improve campus security, and any policy statements relating to safety topics such as crime reporting, incidence of drug and alcohol use, and the prevention of or response to sexual assault, domestic or dating violence, and stalking.

The DOE has also issued [guidance](#) suggesting that COVID-19 is a significantly “dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus” as to warrant notification to the campus community. The guidance does not require institutions to provide ongoing updates on COVID-19. Rather, an institution may satisfy the emergency notification requirements of the Clery Act by either:

- (1) providing students and employees a single notification through the regular means of communicating emergency notifications informing them about COVID-19 and necessary health and safety precautions, as well as encouraging them to obtain information from health care providers, state health authorities, and the CDC’s COVID-19 website; or
- (2) creating a banner at the top of the institution’s homepage containing that same information, including a statement about the global pandemic and a link to the CDC’s website.