

105TH CONGRESS
1ST SESSION

H. R. 715

To amend the Higher Education Act of 1965 to revise the campus security reporting provisions to provide for a more complete, timely, and accurate disclosure of crime reports and statistics, and to provide for specific methods of enforcement of the campus security provisions of such Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1997

Mr. DUNCAN (for himself, Mr. SCHUMER, Mr. SHAYS, Mr. MEEHAN, Mr. QUINN, Mr. GREENWOOD, Mr. HILLEARY, Mr. FOLEY, Mr. FATTAH, Mr. KLUG, Mr. MARKEY, Mr. FOX of Pennsylvania, Mr. MCHALE, Mr. LIPINSKI, Mr. HASTINGS of Florida, Mr. MATSUI, Mr. PAYNE, and Mr. ANDREWS) introduced the following bill; which was referred to the Committee on Education and Workforce

A BILL

To amend the Higher Education Act of 1965 to revise the campus security reporting provisions to provide for a more complete, timely, and accurate disclosure of crime reports and statistics, and to provide for specific methods of enforcement of the campus security provisions of such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; REFERENCES.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Accuracy in Campus Crime Reporting Act of 1997”.

4 (b) REFERENCES.—Except as otherwise provided
5 therein, whenever in this Act an amendment or repeal is
6 expressed in terms of a section or other provision, such
7 amendment or repeal shall be considered to be made to
8 a section or other provision of the Higher Education Act
9 of 1965 (20 U.S.C. 1001 et seq.).

10 **SEC. 2. DISCLOSURE OF CRIMES REPORTED AND DAILY
11 CRIME LOG.**

12 (a) ANNUAL STATISTICS.—Section 485(f)(1)(F) (20
13 U.S.C. 1092(f)(1)(F)) is amended—

14 (1) by striking “campus security authorities or
15 local police agencies” and inserting “campus security
16 or law enforcement; other campus officials (including
17 administrators, deans, disciplinary officers, athletic
18 department officials, housing officials, and coun-
19 selors) to whom crimes are reported; or local law en-
20 forcement”;

21 (2) by striking clauses (i) through (vi) and in-
22 serting the following:

23 “(i) homicide, including—

24 “(I) murder or nonnegligent man-
25 slaughter; or

26 “(II) negligent manslaughter;

1 “(ii) sex offenses, forcible or nonforcible;
2 “(iii) robbery;
3 “(iv) aggravated assault;
4 “(v) burglary;
5 “(vi) larceny;
6 “(vii) motor vehicle theft;
7 “(viii) arson;
8 “(ix) simple assault; and
9 “(x) vandalism.”.

10 (b) ANNUAL STATISTICS.—Section 485(f)(1)(H) (20
11 U.S.C. 1092(f)(1)(H)) is amended by striking “arrests
12 for” and inserting “incidents of”.

13 (c) ANNUAL SUBMISSION.—Paragraph (4) of section
14 485(f) (20 U.S.C. 1092(f)(4)) is amended to read as fol-
15 lows:

16 “(4)(A) Each institution participating in any pro-
17 gram under this title shall annually submit to the Sec-
18 retary a copy of the statistics required to be made avail-
19 able pursuant to paragraphs (1)(F) and (1)(H).

20 “(B) The Secretary shall collect such statistics and
21 report each set in its entirety, with each institution and
22 campus clearly identified, to the Committee on Education
23 and the Workforce of the House of Representatives, the
24 Committee on Labor and Human Resources of the Senate,
25 each participating institution, and the public via printed

1 and electronic means as the Secretary shall determine.
2 This report shall be issued on or before February 1 of
3 each year.”.

4 (d) COMPILATION METHOD.—Paragraph (6) of sec-
5 tion 485(f) (20 U.S.C. 1092(f)(6)) is amended to read as
6 follows:

7 “(6)(A) The statistics described in paragraphs (1)(F)
8 and (1)(H) shall be compiled in accordance with the stand-
9 ards and definitions used in the uniform crime reporting
10 system of the Department of Justice, Federal Bureau of
11 Investigation, and the modifications in such standards and
12 definitions as implemented pursuant to the Hate Crime
13 Statistics Act (28 U.S.C. 534, note).

14 “(B) The accuracy of the statistics described in para-
15 graphs (1)(F) and (1)(H) shall be certified by each official
16 charged with compiling statistics for inclusion.”.

17 (e) CRIME LOGS.—Section 485(f) is further amend-
18 ed—

19 (1) by redesignating paragraphs (4) through
20 (7) as paragraphs (5) through (8), respectively; and
21 (2) by inserting after paragraph (3) the follow-
22 ing new paragraph:

23 “(4)(A) Each institution participating in any pro-
24 gram under this title which maintains either a police or
25 security department of any kind shall make, keep, and

1 maintain a daily log, written in a form that can be easily
2 understood, recording in chronological order all crimes re-
3 ported to such police or security department, including—

4 “(i) the nature, date, time, and general location
5 of each crime;

6 “(ii) the disposition of the complaint, if known;
7 “(iii) if citations have been issued or charges
8 made, the names and addresses of all persons cited
9 or charged, and the charges against them; and

10 “(iv) if an arrest has been made, the names and
11 addresses of all persons arrested and the charges
12 against such persons arrested.

13 “(B) Unless otherwise required by law, each institu-
14 tion may, but is not required to, identify in its log the
15 alleged victim or victims, witnesses, or suspects who have
16 not been arrested or cited, relating to any investigation
17 of a crime.

18 “(C)(i) All entries which are required pursuant to
19 this paragraph shall, except where disclosure of such infor-
20 mation is prohibited by law, be open to public inspection
21 within 24 hours of the initial report being made to the
22 department, a campus security authority, or other campus
23 official.

24 “(ii) Where there is clear and convincing evidence
25 that the release of such information would jeopardize an

1 ongoing criminal investigation or the safety of an individ-
2 ual, cause a suspect to flee or evade detection, or result
3 in the destruction of evidence, such information may be
4 withheld until that damage is no longer likely to occur
5 from the release of such information. Under no cir-
6 cumstances, however, shall this exception permit the non-
7 reporting of the nature, date, time, and general location
8 of a reported crime.

9 “(iii) All exceptions to the reporting provisions of this
10 paragraph are to be construed as narrowly as possible.
11 Only that information which is protected from release by
12 law shall remain confidential. All other information relat-
13 ing to each report shall be public.

14 “(D) Reports may be disseminated by electronic
15 media, including computer networks, where it is reason-
16 ably assured the information will reach most of the cam-
17 pus population in a timely fashion.”.

18 (f) VICTIMS’ RIGHTS.—Paragraph (8) of section
19 485(f) (as redesignated by subsection (e) of this section)
20 is amended by striking subparagraph (C).

21 (g) DISCIPLINARY PROCEEDINGS.—Section 485(f) is
22 further amended by adding at the end the following new
23 paragraph:

24 “(9)(A) Each institution of higher education partici-
25 pating in any program under this title shall develop and

1 distribute as part of the report described in paragraph (1)

2 a statement of policy regarding—

3 “(i) such institution’s on-campus disciplinary
4 practices in cases of alleged infractions of the insti-
5 tution’s code of conduct, or other policies, resulting
6 from an act or series of acts that would constitute
7 a crime or crimes within the meaning of local, State,
8 or Federal law, whether or not those acts have actu-
9 ally resulted in criminal charges, prosecution, or
10 conviction; and

11 “(ii) the procedures followed once a crime has
12 occurred.

13 “(B) The policy described in subparagraph (A) shall

14 include a clear statement that—

15 “(i) all students reporting an offense shall be
16 informed of their options to notify proper law en-
17 forcement, including on-campus and local police;

18 “(ii) the accuser and the accused are entitled to
19 the same opportunities to have others present during
20 a campus disciplinary proceeding;

21 “(iii) both the accuser and the accused shall be
22 informed of the outcome of any campus disciplinary
23 proceeding brought alleging criminal misconduct;

1 “(iv) any campus disciplinary proceeding
2 brought alleging criminal misconduct shall be open;
3 and

4 “(v) all records of any such campus disciplinary
5 proceeding brought alleging criminal misconduct
6 shall be open to public inspection during the regular
7 business hours of the custodian of such records, ex-
8 cept for previously created education records not re-
9 lated to criminal allegations which are used during
10 the course of the proceeding.”.

11 (h) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on January 1, 1998.

13 **SEC. 3. EXEMPTION OF ALLEGATIONS OF CRIMINAL ACTIV-
14 ITY FROM EDUCATION RECORDS DEFINITION.**

15 (a) AMENDMENT.—Section 444(a)(4)(B) of the Gen-
16 eral Education Provisions Act (20 U.S.C. 1232g(a)(4)(B))
17 is amended—

18 (1) by redesignating clauses (iii) and (iv) as
19 clauses (iv) and (v), respectively; and
20 (2) by inserting after clause (ii) the following
21 new clause:

22 “(iii) records which are made or maintained by
23 any officer, office, department, or individual em-
24 ployee of an educational agency or institution
25 about—

1 “(I) individuals accused of committing or
2 participating in any criminal activity as defined
3 in local, State, or Federal law alleged to have
4 occurred while the individual was a student in
5 attendance, including audit or noncredit, at an
6 educational agency or institution, whether or
7 not those acts have actually resulted in criminal
8 charges, prosecution, or conviction which are
9 relative to the alleged misconduct;

10 “(II) the accused in subsequent internal
11 disciplinary proceedings of any kind resulting
12 from, or related to, the alleged activity, regard-
13 less of the terminology or nature of the institu-
14 tional infraction or policy violation alleged;

15 “(III) the time, duration, attendance pol-
16 icy, and location or locations of any such dis-
17 ciplinary proceedings;

18 “(IV) the findings relative to the accused
19 of any such disciplinary proceedings;

20 “(V) the current disposition or status of
21 the case, the sanctions incurred (if any), and
22 any subsequent findings or amendments to such
23 sanctions;

1 “(VI) accusations of criminal misconduct
2 and related sanctions from any previously at-
3 tended educational agencies or institutions
4 where such records were created on or after
5 September 1, 1998, and which are maintained
6 by the institution currently or most recently at-
7 tended by the individual; and

8 “(VII) any criminal acts required to be re-
9 ported under paragraph (1)(F), (1)(H), or (4)
10 of section 485(f) of the Higher Education Act
11 of 1965 (20 U.S.C. 1092(f)).”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on September 1, 1998.

14 **SEC. 4. ENFORCEMENT.**

15 (a) ENFORCEMENT.—Section 485(f) (20 U.S.C.
16 1092(f)) (as amended by section 2) is further amended
17 by adding at the end the following new paragraph:

18 “(10)(A) If any participating institution of higher
19 education fails or refuses to comply with any provision of
20 this subsection, the Secretary shall forthwith terminate all
21 assistance to the institution under the applicable program
22 affected, or issue such other orders as specified below as
23 the Secretary may deem appropriate to achieve such com-
24 pliance.

1 “(B) For each separate count of noncompliance
2 found, the Secretary shall suspend not less than 1 percent
3 of the financial assistance provided by the Department to
4 such institution.”.

5 (b) RETALIATION.—Section 485(f) (as amended by
6 subsection (a)) is further amended by adding at the end
7 the following new paragraph:

8 “(11) No participating institution or other person
9 shall intimidate, threaten, coerce, or otherwise discrimi-
10 nate against any individual for the purpose of interfering
11 with the implementation of any provision of this sub-
12 section, or any rights or privileges accorded under this
13 subsection, or because the individual has complained, tes-
14 tified, assisted, or otherwise participated in any aspect of
15 an investigation, proceeding, or hearing.”.

16 (c) PROGRAM PARTICIPATION AGREEMENT RE-
17 QUIREMENTS.—Section 487(a)(12) (20 U.S.C.
18 1094(a)(12)) is amended—

19 (1) by striking “and” at the end of subpara-
20 graph (A);

21 (2) by striking the period at the end of sub-
22 paragraph (B) and inserting “; and”; and

23 (3) by adding at the end the following new sub-
24 paragraph:

1 “(C) the policies and crime statistics dis-
2 closed under section 485(f) are comprehensive
3 and accurate.”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on September 1, 1998.

○