

STOP CAMPUS HAZING ACT

FICURMA

ANNUAL CLERY ACT COMPLIANCE TRAINING INCLUDING STOP CAMPUS HAZING ACT

Joseph Storch
Senior Director of Compliance & Innovation
jstorch@grandriversolutions.com

FICURMA Conference
October 30, 2025

MEET YOUR FACILITATORS



Joseph Storch

Senior Director of
Compliance &
Innovation

Joseph Storch is the Senior Director of Compliance and Innovation for Grand River Solutions. He develops guidance and builds systems to simplify compliance and improve response, so we can invest in prevention. A nationally recognized expert on Title IX, the Clery Act, campus climate surveys, and state laws covering violence and harassment, he twice testified before the U.S. Senate (Armed Services, 2019; Health, Education, Labor, and Pensions, 2016), drafted legislation and regulations including New York's groundbreaking Education Law Article 129-b, and regularly provides guidance and analysis for national associations and institutions across the country. He is the author of over 85 articles and book chapters, regularly presents at conferences and on campuses, and has led development of innovations that are in use at institutions collectively serving millions of students. Joe is a graduate of SUNY Oswego, has a Masters of Public Policy from the University at Albany and a law degree from Cornell Law School. He received the First Decade Award from NACUA, the Unsung Hero Award from the One Love Foundation, the Straight But Not Narrow Award from the Pride Center of the Capital Region, and was selected by City and State in 2020 as one of the 40 Under 40.

REMINDER

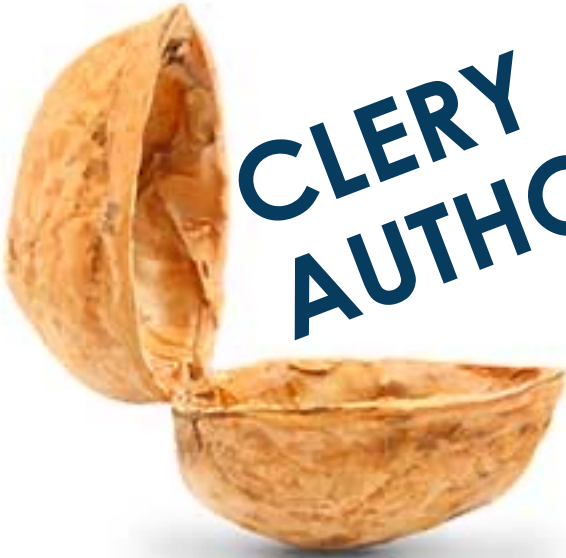
State laws and interpretations can differ.

This session is not legal advice and attendees are advised to consult with counsel.

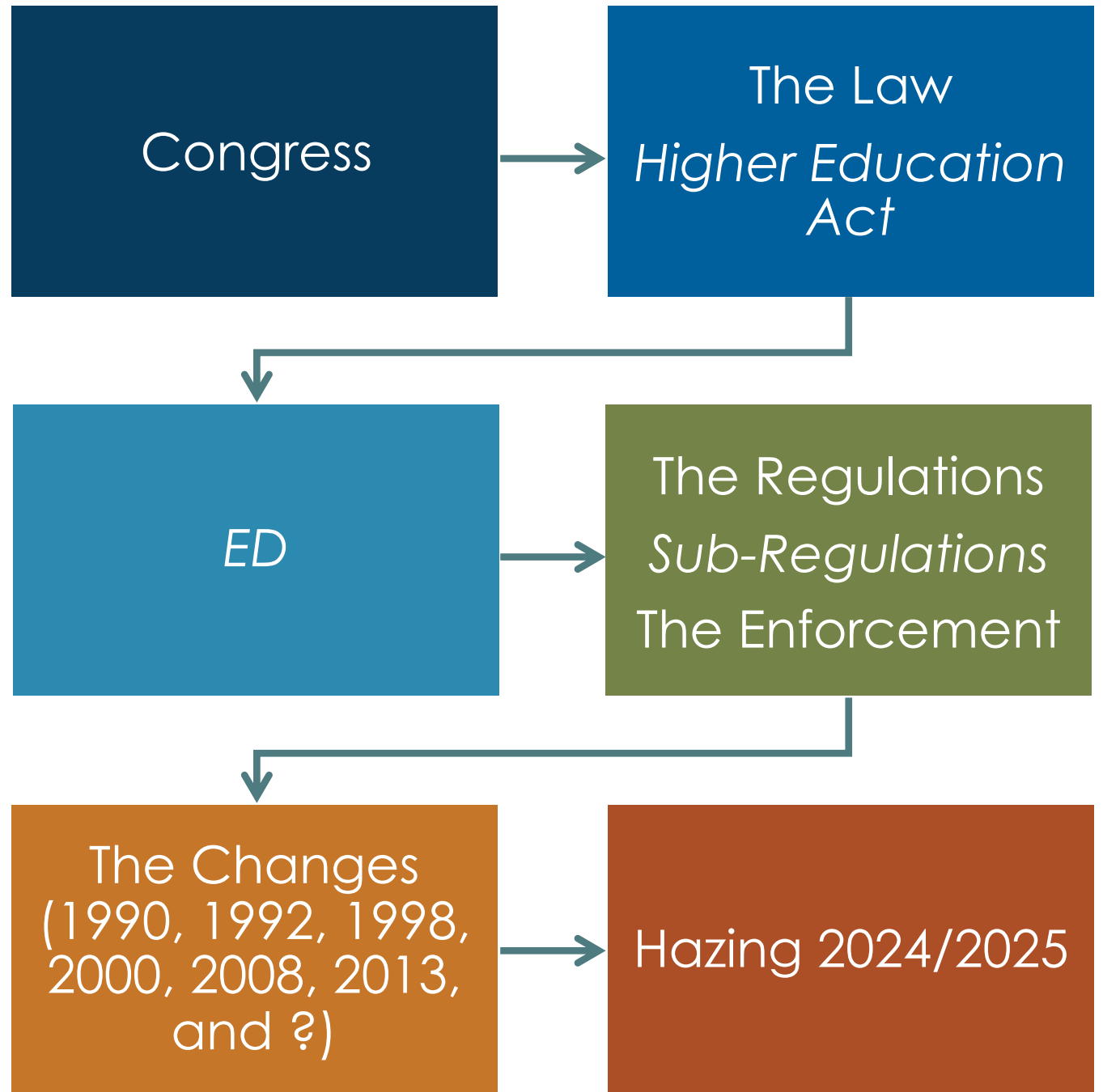
SOME THOUGHTS & BIGGER QUESTIONS

- There isn't time for a comprehensive training today, but some things to consider...
 - SCHAs as part of Clery
 - SCHAs in the wake of *Loper Bright*
 - SCHAs in a world of Title VI, Title VII, Title IX, VAWA, state law
 - Policy, response, prevention considerations-implementation and review time





**CLERY
AUTHORITY**



LET'S BUILD YOUR FOUNDATION

CLERY AND CHEVRON

01

LET'S TALK STATUTE/REGS

- These are the authoritative obligations under the Clery Act
- Statute (part of Higher Education Act): 20 U.S.C. §1092(f)
- Regulations: 34 C.F.R. § 668.46
 - Everything else is guidance (that doesn't mean we don't take it seriously)

IN THE COURTS

- *West Virginia et al. v. Environmental Protection Agency* (2022); *Biden v. Nebraska* (2023);
- *Loper Bright Enterprises v. Raimondo and Relentless v. Dept. of Commerce* (2024).
- *Loper Bright Enterprises v. Raimondo*



CHEVRON → LOPER BRIGHT

- Who *decides* now?
- **Expertise v. authority.**
- Factors:
 - Closer to statute;
 - Longer term of being interpreted;
 - Stability of interpretation; and
 - _____?_____
- What does this mean for the Department of Education?
 - Title IX/Title VI/ADA/504
 - Clery Act/VAWA/SCHA

STRENGTH OF SAFETY/EQUITY HIGHER ED REQUIREMENTS



Statutes

- Clery Act (part of Higher Education Act): 20 U.S.C. §1092(f)
- Title IX: 20 U.S.C. §1681
- Title VI: 42 U.S.C. §2000d

Regulations

- Clery Act: 34 C.F.R. § 668.46
- Title IX: 34 C.F.R. § 106
- Title VI: 34 C.F.R. § 100

Sub-Regulatory

- Guidance/Fact Sheets, Resolutions, Opinions, and Program Reviews

LET'S TALK STATUTE/REGS

- These are the authoritative obligations under the Clery Act
- Statute (part of Higher Education Act): 20 U.S.C. §1092(f)
- Regulations: 34 C.F.R. § 668.46
 - Everything else is guidance (that doesn't mean we don't take it seriously)
 - Rescinded but not repudiated
 - What this means...

THE STOP CAMPUS HAZING ACT (SCHA)

- Part of the Higher Education Act's Clery Act (renamed the Jeanne Clery Campus Safety Act)
- Signed into law December 23, 2024 (First amendment to the Clery Act since the 2013 Violence Against Women Reauthorization Act)
- Obligations began January 1, 2025
- Annual Security Report Updates
 - Policies (statements)
 - Prevention
 - Statistics
- Campus Hazing Transparency Report (CHTR)



REPORTABLE PART I CRIMES

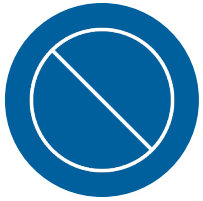
- **Criminal homicide**
 - Murder and non-negligent manslaughter
 - Negligent Manslaughter/Manslaughter by Negligence
- **Sex offenses**
 - Rape
 - Fondling
 - Incest
 - Statutory rape
- **Robbery**
- **Aggravated assault**
- **Burglary**
- **Motor vehicle theft**
- **Arson**

PART II ARRESTS/REFERRALS

Use:

Local definitions:

Must be an **actual violation** of local law



Illegal
Weapons
Possession



Drug Law



Liquor Law

PART III HATE CRIME REPORTING

All Part I crimes, plus four Hate Crimes counted as hate crimes if motivated by bias and recorded by category of bias.

1. Larceny-theft
2. Simple assault
3. Intimidation
4. Destruction, damage, or vandalism of property

CATEGORIES OF BIAS

Only count if it fits these groups.
The categories of bias were initiated in HEOA and changed by VAWA.

Race (2008 HEOA)

Gender (2008 HEOA)

Religion (2008 HEOA)

Sexual Orientation (2008 HEOA)

Ethnicity (2008) & National Origin (2011 Handbook)

Disability (2008 HEOA)

Gender Identity (2013 VAWA)

National Origin (2013 VAWA)

PART IV VAWA CRIME REPORTING

- 1.Domestic Violence
- 2.Dating Violence
- 3.Stalking

VAWA REPORTABLE INCIDENTS

Dating Violence

The term dating violence means “violence committed by a person—

- A. who is or has been in a social relationship of a romantic or intimate nature with the victim;
- B. the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of:
 - I. The length of the relationship;
 - II. The type of relationship; and
 - III. The frequency of interaction between the persons involved in the relationship”

VAWA REPORTABLE INCIDENTS

Domestic Violence (Regulations, Appendix A)

The term domestic violence is a “felony or misdemeanor crimes of violence committed

- A. by a current or former spouse of the victim,
- B. by a person with whom the victim shares a child in common,
- C. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- D. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the violence occurred, or
- E. by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

SEXUAL ASSAULT

“An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program and included in Appendix A of this subpart.”

VAWA REPORTABLE INCIDENTS

STALKING

- The term stalking means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - A. fear for the person’s safety or the safety of others; or
 - B. suffer substantial emotional distress.

HAZING DEFINED AND ADDED (LIKELY PART V)

- Need not be a crime
- Clery geography or (maybe) not

Hazing is defined as:

1. “An intentional, knowing, or reckless act
2. committed by a person, whether individually or in concert with other persons,
3. against a person, regardless of that person’s willingness to participate, that—
4. was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in a student organization (such as a club, society, association, athletic team, fraternity, sorority, or student government); and

HAZING DEFINED AND ADDED (LIKELY PART V) (CONT'D)

- Need not be a crime
- Clearly geography or (maybe) not

5. Causes or is likely to contribute to a substantial risk of physical or psychological injury beyond reasonable risk of participation in the institution of higher education or the organization

- a. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- b. causing, coercing, or otherwise inducing:
 - a. sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - b. Consumption of food, liquid, alcohol, drugs, or other substances;
 - c. sexual acts;
- c. Inducing reasonable fear of bodily harm through the use of threatening words or conduct;
- d. activity against another person that includes a criminal violation of local, state, tribal, or federal law; and
- e. activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law."

GEOGRAPHY

Where it matters,
Where it doesn't,
Where it's different.

03

GEOGRAPHY

Clery

Does not require
you to report
crimes based on
WHO, but
WHERE

SCHA

Expands
WHERE
beyond Clery

VAWA

Response is
different

LOCATION, LOCATION, LOCATION

Four Geographic Locations

1

On Campus

2

On Campus Residential

3

Public Property (adjacent to
AND accessible from)

4

Non-Campus

ON CAMPUS (A)

- Standard On Campus
- If institution owns/controls property adjacent to campus, count as on campus

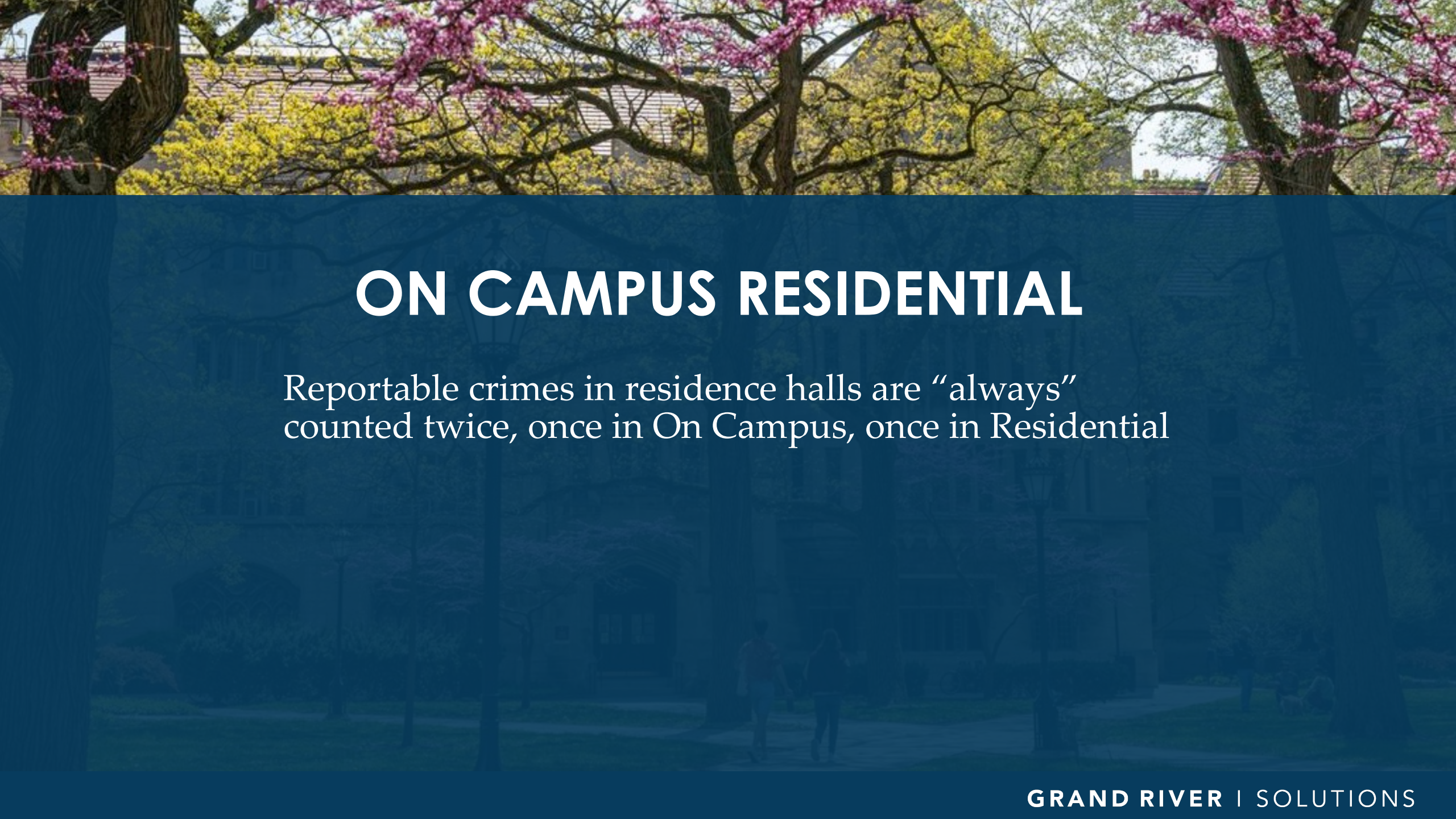


ON CAMPUS (B)

Branch and Separate Campuses (Handbook)

- Branch Campus Definition: useless; any branch campus is a separate campus
- Separate Campus Definition:
 - Organized Program of Study
 - Administrative Personnel on Site





ON CAMPUS RESIDENTIAL

Reportable crimes in residence halls are “always” counted twice, once in On Campus, once in Residential

PUBLIC PROPERTY (ADJACENT TO AND ACCESSIBLE FROM)

- Public Property
- **Statute:** “Public property. All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.”



PUBLIC PROPERTY (ADJACENT TO AND ACCESSIBLE FROM)

- Public Property (Handbook)
 - Sidewalk, Street, Sidewalk
 - One mile into the water (maybe)
- *But...*

NON-CAMPUS

- Applies whether 10 miles away or 1,000 miles away
- Two types of Non Campus property (that have nothing to do with each other). This is in the Regulations.
- *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.*



NON-CAMPUS: TWO TYPES

1

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

2

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.

SCHA: POLICIES AND ASR POLICY STATEMENTS

- Statement of current policies
- How to report hazing
- Investigation process
- Relevant information on local/state/tribal hazing laws



SCHA: STUDENT ORGANIZATION DEFINED

- When **relevant** (CHTR), when **not relevant** (ASR)
- **Relationship to institution**
 - Established
 - Recognized

Student organization is defined as:

“an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.”



ANNUAL AND ONGOING REQUIREMENTS



05

WE HAVE TO DO WHAT...WHEN?

- Policy Development and Revision
- Annual Security Report and Crime Reporting
- Campus Hazing Transparency Report
- Other?
 - State Law requirements



SCHA: POLICIES AND ASR POLICY STATEMENTS

- Statement of current policies
- How to report hazing
- Investigation process
- Relevant information on local/state/tribal hazing laws



SCHA: PREVENTION AND AWARENESS

Prevention and awareness programs must be

- Research informed, campus-wide, and designed to reach students, faculty, and staff. They must include current institutional policies related to hazing, how to report hazing, the process for investigating it, and information on applicable laws.
- Programs must also include primary preventions strategies intended to stop hazing before it occurs, such as:
 - Research-based or evidence-informed education and training;
 - Development of strategies to break barriers related to reporting hazing;
 - Addressing the bystander effect and updating campus education programs to include hazing;
 - Creating a campus-wide effort for employees and students to identify warning signs of hazing, understanding how to report, and taking action.



SCHA: STUDENT ORGANIZATION DEFINED

- When **relevant** (CHTR), when **not relevant** (ASR)
- **Relationship to institution**
 - Established
 - Recognized

Student organization is defined as:

“an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.”



CAMPUS HAZING TRANSPARENCY REPORT

Plain language reading, but...

(A) Each institution ...shall develop...a report...summarizing findings concerning any student organization (except that this shall only apply to student organizations that are established or recognized by the institution) found to be in violation of an institution's standards of conduct relating to hazing, as defined by the institution, (hereinafter referred to in this paragraph as a 'hazing violation') that requires the institution to—

(i) beginning July 1, 2025, collect information with respect to hazing incidents at the institution;

(ii) not later than 12 months after the date of the enactment of the Stop Campus Hazing Act, make the Campus Hazing Transparency Report publicly available on the public website of the institution; and

(iii) not less frequently than 2 times each year, update the Campus Hazing Transparency Report to include, for the period beginning on the date on which the Report was last published and ending on the date on which such update is submitted, each incident involving a student organization for which a finding of responsibility is issued relating to a hazing violation, including—

*** (name of org., dates, info and description of the violation)



CAMPUS HAZING TRANSPARENCY REPORT (2)

(B) The Campus Hazing Transparency Report may include—

(i) ...information that—(I) is included as part of a report published by the institution; and (II) meets the requirements of the Campus Hazing Transparency Report; and (ii) any additional information— (I) determined by the institution to be necessary; or (II) reported as required by State law.

(C) No PII



SCHA CHTR LOCATION CONSIDERATIONS

- Campus Hazing Transparency Reports (CHTR) are not (we think) bound by **geography**
- Defined hazing, *wherever*, by **established** or **recognized organizations**



CAMPUS HAZING TRANSPARENCY REPORT

(F) For purposes
of this
paragraph, the
definition of
'campus' under
paragraph
(6)(A)(ii) shall
not apply.

POLICY BEST PRACTICE

10

SCHA POLICY REQUIREMENTS

1

Reporting Options

2

Investigation Procedures

3

Hearing Procedures

4

Education and Prevention



POLICY CONSIDERATIONS

Expanded Definitions

Student Organization – an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Suggested Definitions:

Established: a group created by the institution, which is in existence but does not have to register as a student organization (including but not limited to athletic teams, musical or theatrical ensembles, and academic or administrative units).

Recognized: an organization that consists of a number of persons who are associated with each other (two or more of whom are enrolled students) and have registered with the institution as a student organization (such as clubs, club sports, or fraternities and sororities)

Unrecognized: a club or organization that consists of a number of persons who are associated with each other (two or more of whom are enrolled students) and have not registered, have not had their registration approved, or have had their registration or recognition removed.

POLICY & PROCESS VS. SOPS

Policy & Process

- Covered conduct
- Definitions
- Rights of parties
- Process for review and adjudication
- Potential outcomes

Public Facing

Standard Operating Procedures

- Breaking down processes into steps
- Determining ownership of process components
- Ensuring consistency of review and resolution

Internal Use

CAMPUS HAZING TRANSPARENCY REPORT

Plain language reading, but...

(A) Each institution ...shall develop...a report...summarizing findings concerning any student organization (except that this shall only apply to student organizations that are established or recognized by the institution) found to be in violation of an institution's standards of conduct relating to hazing, as defined by the institution, (hereinafter referred to in this paragraph as a 'hazing violation') that requires the institution to—

(i) beginning July 1, 2025, collect information with respect to hazing incidents at the institution;

(ii) not later than 12 months after the date of the enactment of the Stop Campus Hazing Act, make the Campus Hazing Transparency Report publicly available on the public website of the institution; and

(iii) not less frequently than 2 times each year, update the Campus Hazing Transparency Report to include, for the period beginning on the date on which the Report was last published and ending on the date on which such update is submitted, each incident involving a student organization for which a finding of responsibility is issued relating to a hazing violation, including—

*** (name of org., dates, info and description of the violation)



CAMPUS HAZING TRANSPARENCY REPORT (2)

(B) The Campus Hazing Transparency Report may include—

(i) ...information that—(I) is included as part of a report published by the institution; and (II) meets the requirements of the Campus Hazing Transparency Report; and (ii) any additional information— (I) determined by the institution to be necessary; or (II) reported as required by State law.

(C) No PII



SCHA CHTR LOCATION CONSIDERATIONS

- Campus Hazing Transparency Reports (CHTR) are not (we think) bound by **geography**
- Defined hazing, *wherever*, by **established** or **recognized organizations**



SCHA: PREVENTION AND AWARENESS

- Prevention and awareness programs must be
 - Research informed, campus-wide, and designed to reach students, faculty, and staff. They must include current institutional policies related to hazing, how to report hazing, the process for investigating it, and information on applicable laws.
- Programs must also include primary preventions strategies intended to stop hazing before it occurs, such as:
 - Research-based or evidence-informed education and training;
 - Development of strategies to break barriers related to reporting hazing;
 - Addressing the bystander effect and updating campus education programs to include hazing;
 - Creating a campus-wide effort for employees and students to identify warning signs of hazing, understanding how to report, and taking action.



EXISTING CLERY OVERLAPS WITH SCHA



06

CRIME LOG

Record of all crimes and allegations of crimes

- Maintained by the institution
- May include reportable fires in residence halls and other related items
- Includes crimes that are not Clery reportable
- Enter within two days of when reported to Public Safety
- More specific information and location + disposition (where known)
- Clery geography and “patrol jurisdiction” (where applicable)
- Certain cases can be excluded for a time

MISSING PERSONS POLICIES

- Must provide on-campus residential students with the opportunity to register **a confidential emergency contact**.
- **Within 24 hours** of a report of a res. student missing for >24 hours:
 - Refer reports to University Police/local police, etc.
 - Contact the confidential contact if registered
 - Contact the parents of a student under 18 years old



TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

- Two methods of notifying college community about events that impact their safety
- Significant technical and policy differences



HANDBOOK EXAMPLES

Incidents Necessitating Emergency Notification

Civil unrest
or rioting

Approaching
tornado,
hurricane or other
extreme weather
conditions

Nearby
chemical or
hazardous
waste spill

Gas leak

Armed intruder

Terrorist incident

Bomb threat

Explosion

COVID Guidance

Outbreak of
meningitis,
norovirus or
other serious
illness

Earthquake

TIMELY WARNING

Issue a Timely Warning for

1. Any Clery Act crime (threat to person or property);
2. That occurs in your Clery geography;
3. That is reported to local police or campus security authority; and
4. Is considered by the institution to represent a serious and continuing threat to students and employees.

***Exception** for reports to pastoral and professional counselors.



OVERLAPS AND INCONSISTENCIES

Title VI, Title VII, Title IX,
Clery Act crimes, and state law

RELEVANT OFFICES AND ROLES

07

THE OVERLAPS: KEY CONSIDERATIONS

- Who is issue spotting?
- What offices have jurisdiction (and are they siloed)?
- Which policy/process "goes first?"
- How are distinction in the process being explained, and who explains them?
- Are sanctions held in abeyance pending the other process finding? Are sanctions considered in the sanction for latter processes?
- Where and how are records maintained and for how long?

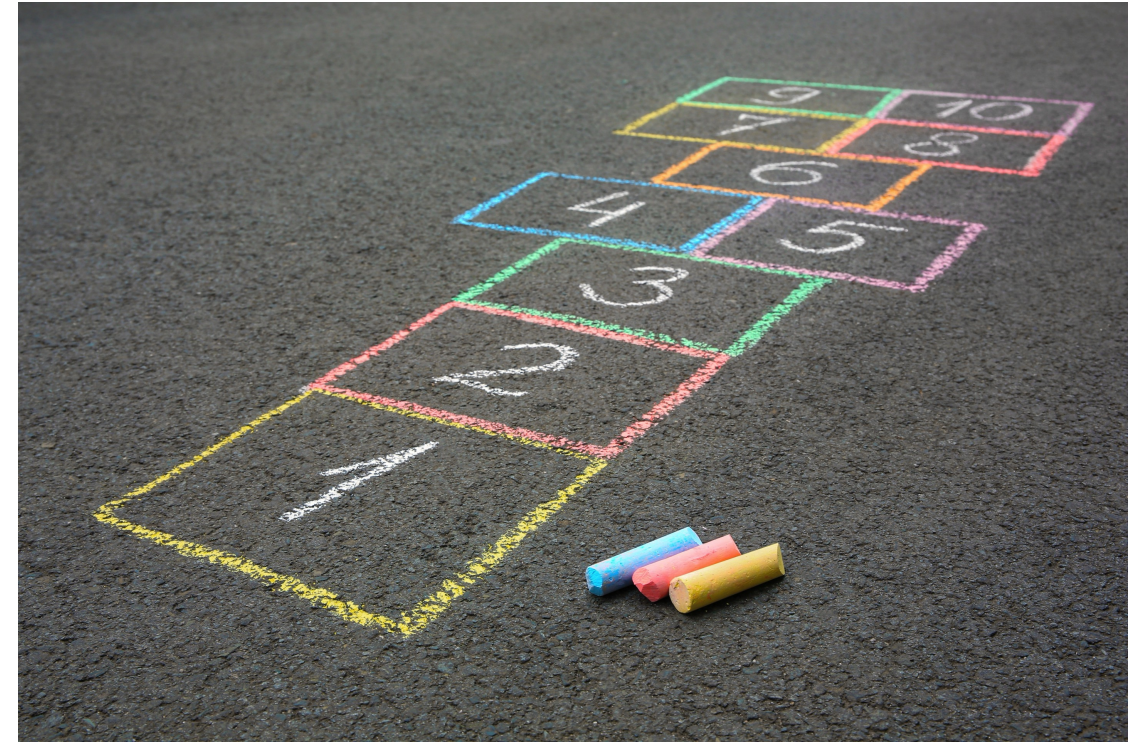


WRAPPING UP

13

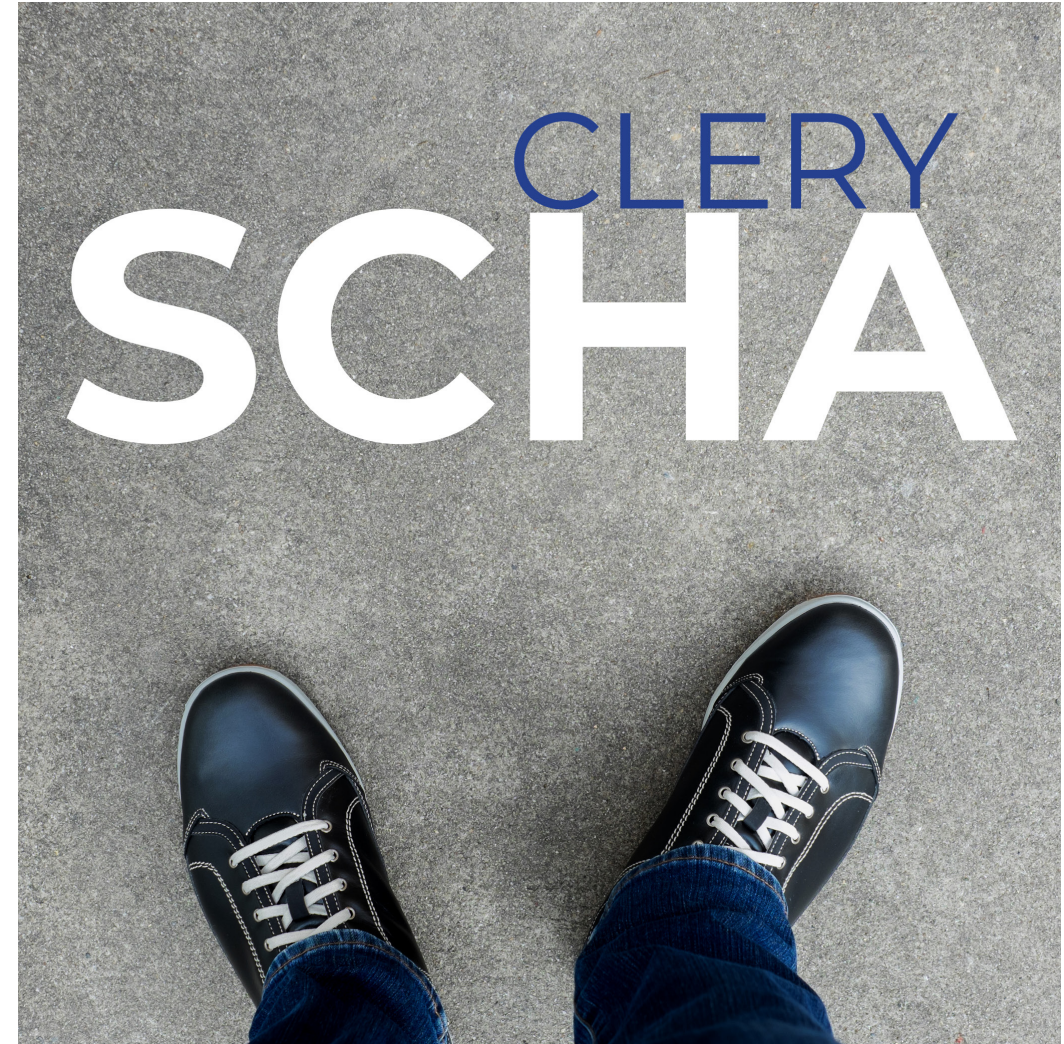
PLAN YOUR NEXT STEPS

- 1) **Begin conversations with campus stakeholders**, especially Orientation, Fraternity and Sorority Life, Athletics, Club Sports, Student Activities, on your campus so they are preparing for training and education of their students and staff.
- 2) **Request an employee list from Human Resources to revise and identify any staff that may be a Campus Security Authority.** Update their training and reporting requirements.
- 3) **Assign roles and ownership for compliance efforts.** We support a committee approach; however, one person should maintain final decision-making authority and keep everyone on track with deadlines.
- 4) **Consider who may need to be added to your Clery Act Compliance Committee** and offer training to any staff that may be new to Clery.
- 5) **Review data collection procedures.** Campus Security Authorities should be reporting crime as they become aware of it. Consider implementing monthly emails soliciting reports from CSAs to make sure nothing is missed.



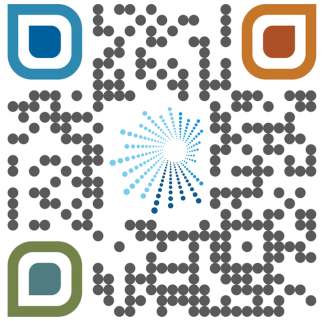
PLAN YOUR NEXT STEPS CONTINUED

- 6) **Raise awareness about the SCHA with student groups** and engage student leaders in task forces or workgroups that might influence campus education and prevention strategies.
- 7) **Review policy implementation timelines** to understand how and when policy updates must be submitted for approval from leadership. Make the appropriate amendments to the Code of Conduct.
- 8) **Attend training and ask questions!** Any question is a good one when a change like this occurs.
- 9) Upon a future finding of responsibility for an organization, **prepare to issue (and keep up to date) the Transparency Report.**
- 10) **Provide a briefing to your President's cabinet and other leadership roles on-campus**, to encourage a campus culture that embraces the importance of the SCHA and recognizes that it is something all community members should be aware of and working toward raising awareness about.

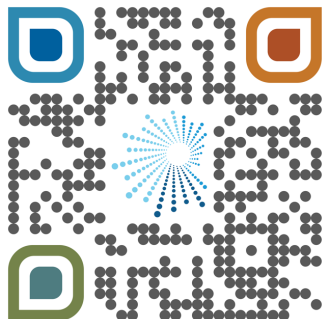


SCHA Full Analysis

[Analysis \(Ettell Irvine, Stagg, Storch\)](#)



[Redlined Excerpt of 20 U.S.C. 1092\(f\)
as amended by the Stop Campus
Hazing Act](#)





info@grandriversolutions.com



/Grand-River-Solutions



/GrandRiverSolutions



/GrandRiverSolutions



/GrandRiverSolutions.com

CONNECT WITH US

