



Clery Center's Policy Synergy: Title IX & the Clery Act Training

NOTICE OF APPROVED USE

As a way to support institutions in their efforts to comply with section 106.45 of the final Title IX Rules, Clery Center has compiled all relevant Title IX training materials from Policy Synergy: Title IX & the Clery Act into one comprehensive document.

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Clery Center embraces a multi-disciplinary approach to Clery Act compliance and recognizes there are areas wherein the Clery Act and Title IX intersect. However, we believe that only some training content could be interpreted as Title IX training. As such, institutions requesting materials used in the training of “Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process” are only permitted to download and share this document in the format provided, with Clery Center logo and branding intact and unchanged. Individuals and/or institutions are not authorized to alter, copy, adapt, crop, or otherwise change the materials in any way, nor may they use the materials for training or for any commercial purpose unless expressly provided to the institution by Clery Center for that purpose.



Policy Synergy: Title IX & the Clery Act

April 8, 2025

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Our Mission: Working together with college & university communities to create safer campuses.

Our Values:
Expertise • Mission-driven
Collaborative • Authentic
Inclusive • Innovative

What We Do:

- Education & Training
- Membership
- Policy Advocacy
- Initiatives:
Free topic-specific resources

Welcome & Introduction

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Training Presenters:

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Learning Objectives:

- Understand the relationship between annual security report policy statements and institutional policy.
- Identify the distinctions between statute, regulation, and guidance.
- Analyze the dating and domestic violence, sexual assault, and stalking response and disciplinary procedures requirements under the Clery Act and Title IX.
- Apply the understanding of federal requirements to the development of institutional policy.

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Title IX Overview

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Who: Officials with authority to institute corrective measures

Where:	Education programs or activities in the United States
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What and How: Federal civil rights law prohibiting discrimination on the basis of sex in federally funded education programs

Requires recipients of federal funds for education programs or activities to adequately respond to and address the effects of such discrimination when it has actual knowledge of its occurrence

Institutions must provide and hold grievance procedures when such actual knowledge is provided

Enforcement:	U.S. Department of Education (ED) Office of Civil Rights
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Title IX Timeline Highlights

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1972

Title IX is passed through the Education Amendments of 1972

Updated Title VII of the Civil Rights Act of 1964

2001

Revised Sexual Harassment Guidance Published

2011 &
2014

Dear Colleague Letter & Questions and Answers on Title IX and Sexual Violence Guidance published

Title IX Timeline Highlights

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2017

Dear Colleague Letter and Q & A Document
Rescinded

2018

Title IX Notice of Proposed Rulemaking
(NPRM) Published

2020

Title IX Regulations Published and
Enacted

Title IX Timeline Highlights

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2022

Notice of Proposed Rulemaking (NPRM)

2024

New Title IX Regulations Published

2025

2024 Regulations Vacated;
2020 Regulations Reinstated

Clery Act Overview

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Who: Campus security authorities (CSAs) and local law enforcement

Where:	Clery Act geography
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What and How: **Annual**

- Annual security report (statistics, policy statements)
- Statistics to Department of Education

Ongoing

- Disclosures (timely warnings, emergency notification, daily crime log)
- Rights and options for victims of dating violence, domestic violence, sexual assault, and stalking

Enforcement:	U.S. Department of Education (ED) Clery Compliance Group
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Clery Act Timeline

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1988

College and University Security Act (PA)

1990

Crime Awareness and
Campus Security Act of 1990
(Title II of Public Law 101-542)

Amended
HEA

1992

Buckley amendments (FERPA) and
Campus Sexual Assault Victims' Bill of
Rights amended HEA

Clery Act Timeline

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1998

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

2008

HEA is amended by the Higher Education Opportunity Act which amended the Clery Act

2013

Violence Against Women Reauthorization Act (Section 304) amended the Clery Act

Clery Act Timeline

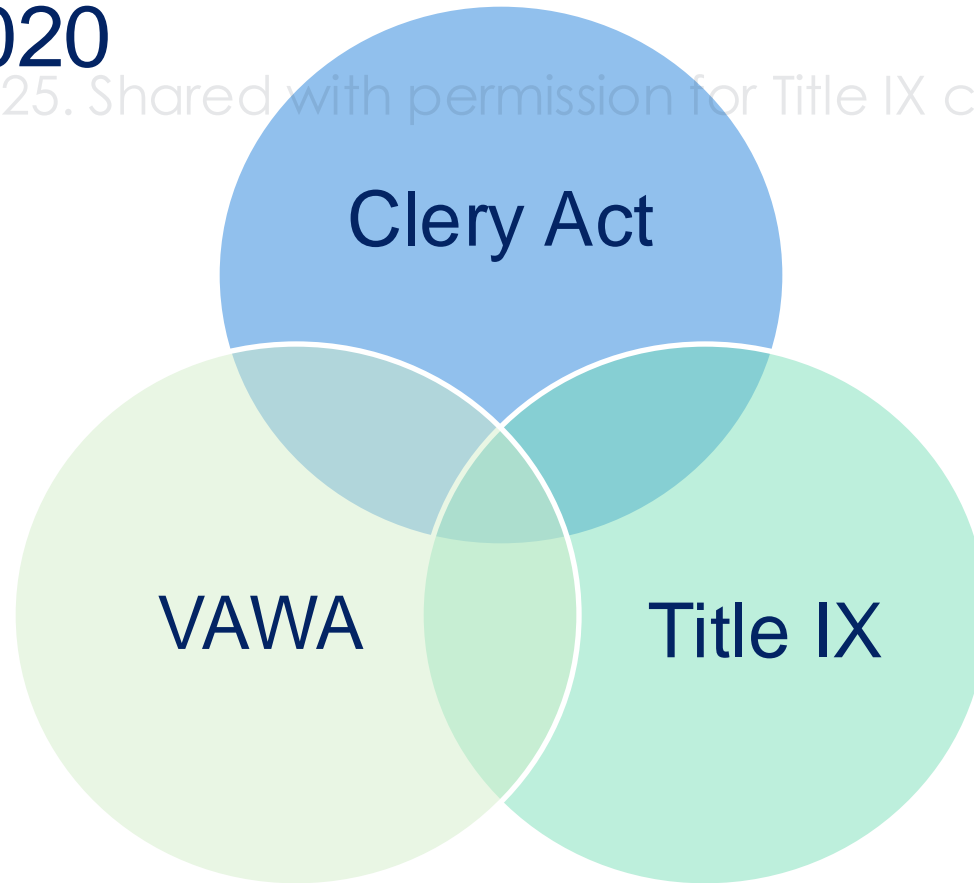
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2024

Stop Campus Hazing Act (SCHA) enacted on December 23rd amending the Clery Act to include hazing

As of May 2020

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**DOMESTIC
VIOLENCE**

**DATING
VIOLENCE**

DVSAS

**SEXUAL
ASSAULT**

STALKING

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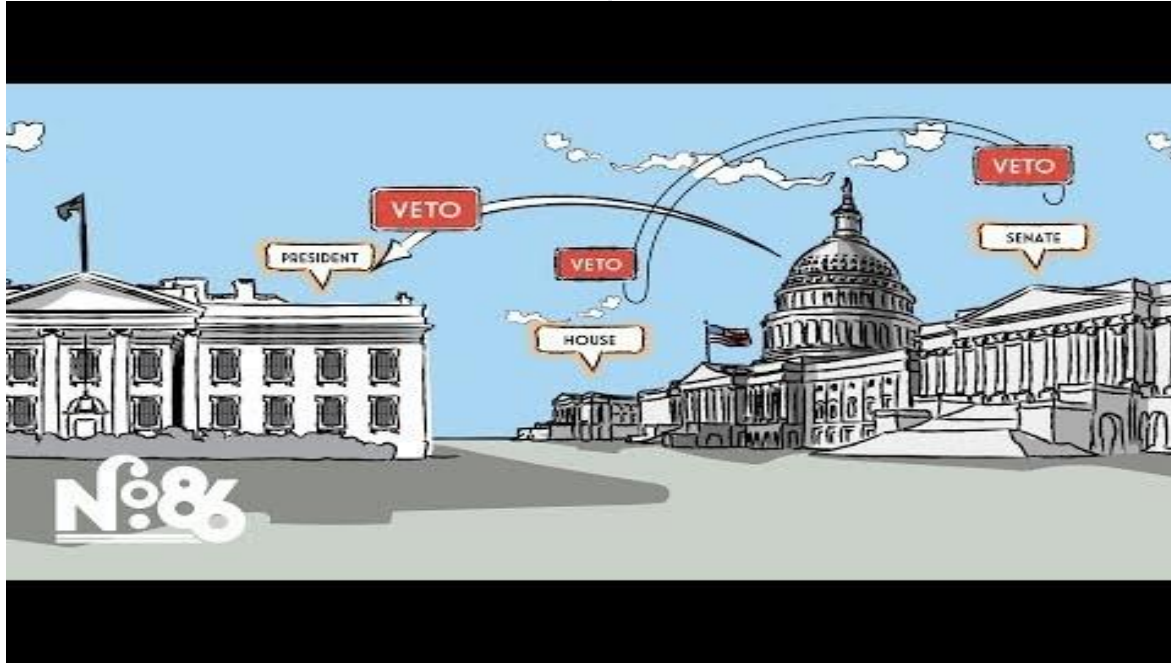
Part I:

Statute vs. Regulation vs. Guidance

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Statute vs. Regulations

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Terms Explained

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Law: Principles and rules governing the affairs or behavior of society or a community. Often passed by the dominant socio-economic, ethnic group in an area.

*May have underlying bias or promote inequity

Statute: A written law passed by a legislative body

Regulations: Official rules made by an agency responsible for enforcing a law

Terms Explained

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Guidance: Administrative guidance is non-binding advice given by an administrative agency to the public regarding how best to comply with a law.

Policy: Guiding principles that dictate the parameters for how your institution interprets and implements regulations, laws, or a course of action.

- May be informed by the institution's culture, goals, mission, size, location, or other factors.

Procedures: How policies are carried out by responsible divisions, departments, or offices. Where policy often serves as the “Why,” procedures serve as the “How”.

Title IX

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- Title IX of the Education Amendments of 1972 federal **statute** codified at [20 U.S.C. §1681 – 1688](#)
- Implementing **regulations** in the U.S. Code of Federal Regulations at [34 C.F. R. Part 106](#)
- **Guidance:**

The Clery Act

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- Jeanne Clery Campus Safety Act federal **statute** codified at [20 U.S.C. § 1092](#)
- With implementing **regulations** in the U.S. Code of Federal Regulations at [34 C.F.R. 668.46](#)
- **Guidance:** Clery Act Appendix for the Federal Student Aid Handbook

Intent of Guidance

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- Departmental interpretation to assist with implementation
- Used by Department program reviewers responsible for evaluating compliance
- Statute and regulations take precedence if there are any differences between them and guidance
- Institutions are never found out of compliance for not adhering to actions only found in guidance

Virtual Tour of Regulations

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Large Group Activity: Seek and Find

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Using the regs find answers to the following questions:

- Does the Clery Act dating violence definition include emotional or psychological abuse?
 - ☐ Yes ☐ No
 - What explanation did you find to support your answer?
- Does the Clery Act define what is meant by business day?
 - ☐ Yes ☐ No
 - If yes, what does it say?

Large Group Activity: Seek and Find

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- Using the regs find answers to the following questions
 - Does Title IX define sexual harassment?
☐ Yes ☐ No
 - What explanation did you find to support your answer?
 - Does Title IX require a certain standard of proof or evidence for grievance procedures?
☐ Yes ☐ No
 - What explanation did you find to support your answer?

Part II:

Response & Disciplinary Procedures Requirements

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Annual Security Report

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- The institution's annual security report includes policy statements of an institution's campus safety and security policies (including domestic violence, dating violence, sexual assault, and stalking policies)



Intersections between the Clery Act and Title IX

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The Clery Act

- Reporting requirements
- All Clery crimes*
- Accommodations
- Disciplinary procedures

Title IX

- Reporting requirements
- Sexual harassment
 - Including dating violence, domestic violence, sexual assault, and stalking (DVSAS) as *defined in the Clery Act
- Measures
- Grievance procedures

Clery Geography vs. Title IX Application

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The Clery Act

- **Geography**, broken down into 4 categories:
 - On-campus
 - On-campus student housing
 - Noncampus
 - Public property
- Expands to “on and off campus” for response to DV/SAS

Title IX

- **Educational programs and activities**
 - Substantial control of respondent and context
 - May be on or off campus
 - Includes properties owned or controlled by recognized student organizations
 - Must be in the United States

Reporting

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The Clery Act

- Broader scope of reporting responsibility
 - Brought to the attention of CSAs and local law enforcement
- May come from:
 - Victim, Witness, Offender, or Third Party

Title IX

- Higher threshold for an incident to be considered reported: **Actual Knowledge**
- Individuals who establish Actual Knowledge include:
 - Title IX Coordinator
 - **Officials with Authority** to institute corrective measures on behalf of the recipient.

What is considered a report to the institution under Title IX?

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- Institutions must respond when the institution has *actual knowledge*, meaning a notice of or allegations of sexual harassment (as previously defined) to:
 - The institution's Title IX coordinator; or
 - Any official...who has the authority to institute corrective measures on behalf of the recipient

What must an institution do when it receives a report?

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The Clery Act

- A report of a Clery crime to a CSA leads to institutional actions required under Clery, including:
 - Determining whether there is a serious or ongoing threat that would require **a timely warning**

Title IX

- The institution must respond promptly in a manner that is not deliberately indifferent:
 - The Title IX Coordinator must promptly contact the complainant to discuss:
 - The availability of supportive measures
 - The individual's wishes with respect to supportive measures

What must an institution do when it receives a report? (cont'd)

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The Clery Act

- Providing the individual with a written explanation of their rights and options, regardless of whether the incident took place on or off campus
- Determining whether information must be added to the daily crime log or in next year's annual security report

Title IX

- The availability of supportive measures with or without the filing of a formal complaint
- The process for filing a formal complaint

Formal Complaint Under Title IX

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Formal Complaint (document filed by complainant or signed by TIXC alleging harassment and requesting investigation)

- Complainant must be participating in or attempting to participate in education program or activity at time of complaint
- Filed with TIXC in person, by mail, e-mail, or other methods of contact
- Physical or digital signature or otherwise indicates complainant is person filing.

Procedures Victims Should Follow Under DVSAS as Defined Under the Clery Act

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Procedures to Follow: Preserving Evidence

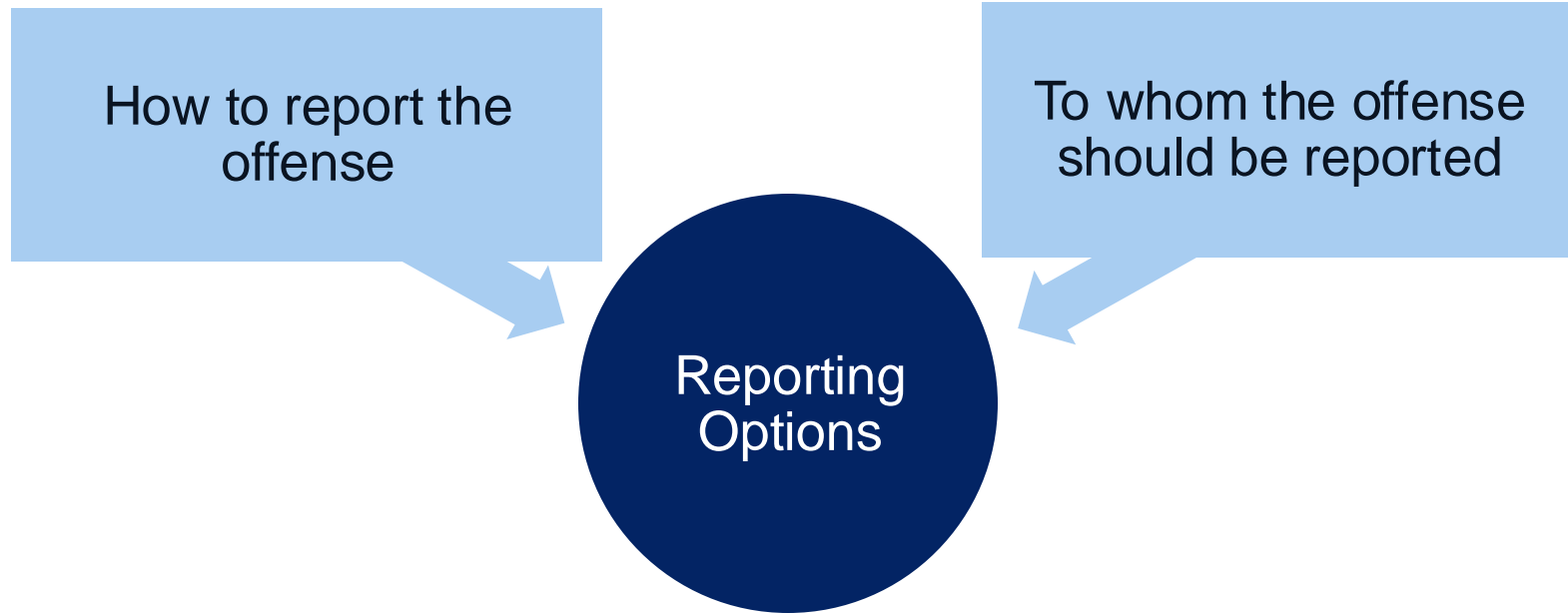
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Importance of Preserving Evidence

- **Proof in a criminal or campus disciplinary proceeding**
- **May be helpful in obtaining a protection order**
- Knowledgeable of what may be preserved and for how long
- Recent/fresh complaints
- Basic preservation instructions/tips

Procedures to Follow: Reporting Options

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Procedures to Follow (cont'd)

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Involvement of law enforcement and campus authorities, including notification of the victim's option to:

- **Notify** proper law enforcement authorities, including on-campus and local police
- **Be assisted** in notifying law enforcement authorities if victim so chooses
- **Decline** to notify authorities
- **Rights of victim and institution's responsibilities** for orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal court or by the institution

Procedures to Follow: Confidentiality

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Information about how the institution will protect the confidentiality of victims and other necessary parties

- Publicly available record-keeping (ex: timely warnings, daily crime log)
- Without the inclusion of personally identifying information about the victim
- **Any accommodations or protective measures provided to the victim (to the extent it will not impair institution's ability to provide them)**



Confidentiality when providing accommodations is required under the Clery Act and current Title IX regulations

Accommodations & Measures

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The Clery Act

- Accommodations
- Must be provided in writing
- Options for, available assistance in, and how to request changes to:
 - Academic
 - Living
 - Transportation
 - Working
 - Protective Measures
- If requested by the victim
- If reasonably available
- Regardless of whether the victim chooses to report to campus police or local law enforcement

Title IX

- Supportive Measures
- Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge
- To the complainant or the respondent
- Before or after the filing of a formal complaint or where no formal complaint has been filed

Written Information vs. Written Explanation of Rights & Options

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To Students & Employees

- Notification of on- and off- campus services
- Counseling
- Health
- Mental Health
- Victim Advocacy
- Legal assistance
- Visa and immigration assistance
- Student financial aid
- Other services available for victims

To Victims After a Report

- Accommodations
- Rights & options



at the heart of campus safety

GUIDE TO CREATING A WRITTEN NOTIFICATION

BEFORE YOU BEGIN

Under the Clery Act, when a student or employee reports they have experienced dating violence, domestic violence, sexual assault, or stalking, the institution must provide them with a **written explanation** of their rights and options, whether the offense occurred on or off campus.

Effectively creating this resource may be difficult. That's not to say that it can't be done – in fact, we know it can be done well, and encourage you to look at this guidance as well as other samples from other colleges and universities as you create your own.

Creating this document also requires institutions to **look carefully at their own processes and consider how the network of people, offices, and activities all come together to support survivors** – not just within this document, but in the practical application of these services.

With that in mind, this guide is **not a template**. Every campus is different – your written notification should reflect this diversity and your own institution.

If you've created a document you're proud of and would be willing to share it with the broader campus community, please share it with us!

Written Notification

Guide to Creating a Written Notification

- Use this resource to carefully assess processes and consider how a network of people, offices, and activities all come together to support survivors
- Look at this guidance, as well as other samples from other colleges and universities as you create your own

Initial Questions to Consider:

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- ☐ Do these documents exist?
- ☐ Are they provided to the right audiences?
- ☐ Does the policy say what is provided and when?
- ☐ Is it clear what information is provided in the written explanation of rights and options?



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Disciplinary Process

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The Clery Act

- Prompt, fair, and impartial
- Describe the standard of evidence
- Be conducted by officials who receive annual training
- Advisor of choice
- Simultaneous notification of results

Title IX

- Prompt and equitable
- Regulations inform standard of evidence
- Annual training requirements
- Advisor of choice with role in cross-examination
- Simultaneous notification of results

Procedures to Follow: Institutional Disciplinary Action

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- Explanation of procedures, including:
 - Type of **proceeding**
 - Steps involved
 - How institution determines which type to use
- How to file a disciplinary complaint

The Clery Act

Describe:

- Each type of disciplinary proceeding used by the institution
- Steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding

Title IX

For example, under current regulations

- Written notice of allegations
- Investigation
- Investigative report
- Live hearing
- Determination regarding responsibility
- Appeal

They also require *reasonably prompt timeframes*

How to File a Disciplinary Complaint

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The Clery Act

- Communicate how to file a disciplinary complaint
- If processes or contacts vary based on type of proceedings, make sure to include all relevant procedures
- Ex: contact information, forms, links, etc.

Title IX

- *Under current regulations:*

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator and by any additional method designated by the institution

How Institution Determines Which Type of Proceeding to Use

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- Under the Clery Act, your policy has clearly state how the institution determines which proceedings apply under what circumstances

Questions to Consider:

- What is the jurisdiction of your policy?
 - Does it extend to incidents that occur off-campus? To incidents that fall outside of Title IX?
 - If so, do you use the same proceedings or are there different proceedings?
 - Does the identity of the respondent influence which type of proceeding the institution uses?

Standard of Evidence

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The Clery Act

- Must describe the standard of evidence that will be used

Title IX

- Must state whether institution uses preponderance of the evidence or clear and convincing
- Must be same standard for formal complaints against students as for formal complaints against employees
- Must apply same standard of evidence to all formal complaints of sexual harassment

Sanctions & Remedies

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The Clery Act

- Must list all possible sanctions
- Must describe range of protective measures

Title IX

- Must describe range of sanctions, but...
- Must describe range of remedies

Provide that Proceedings Will

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The Clery Act

- Include a prompt, fair, and impartial process from the initial investigation to the final result

Title IX

- Must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints

Training

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The Clery Act

- Proceedings must be conducted by officials who receive annual training on:
 - Issues related to dating violence, domestic violence, sexual assault, and stalking
 - How to conduct an investigation and hearing process that protects the safety of victims and promotes accountability

Title IX

- Individuals involved in process must receive training on specific topics listed in regulations
- Must make training materials publicly available on the institution's website (or if no website, available upon request for inspection)

Annual Training Components

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- Definitions in policy and scope of educational program or activity
- **Relevant evidence and how it should be used during a proceeding**
- **Proper techniques for interviewing witnesses**
- How to serve impartially
- **Basic procedural rules for conducting a proceeding**
- Training on technology to be used at a live hearing
- **Avoiding actual and perceived conflicts of interest**

Other Possible Training Components

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- Effects of trauma
- Cultural awareness training
- Any others to highlight here?

Advisor of Choice

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The Clery Act

- Both parties must have same opportunities to be accompanied by an advisor of choice
- May not limit choice of advisor
- Allows institutions to establish restrictions on how the advisor may participate as long as applied equally to both parties

Title IX

- Both parties notified that they may have an advisor of choice who may, but is not required to be, an attorney
- Responsible for conducting cross-examination (directly, orally, and in real time)
- Must be included in party's receipt of evidence and investigator's report
- May also serve as witness
- If no advisor, institution must provide one to conduct cross-examination (institution's choice, does not have to be an attorney, but...)

Notice of Outcome

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The Clery Act

- Simultaneous notification in writing of:
 - Result of any institutional disciplinary proceeding
 - Procedures for accused and victim to appeal the result, if such procedures are available
 - Any change to the result
 - When such results become final
- Must include rationale for the results and the sanctions

Title IX

- Simultaneous written determination, including:
 - Allegations potentially constituting sexual harassment
 - Procedural steps taken
 - Findings of fact supporting determination
 - Conclusions regarding application of code of conduct to the facts
 - Statement of, and rationale for, the results as to each allegation

Part III:

Policy Analysis

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Annual Security Report Overview

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Required Policy Statements

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graph TD; A[Required Policy Statements] --> B[Crime Statistics]; B --> C[Distribution to Current and Prospective Students/Employees];
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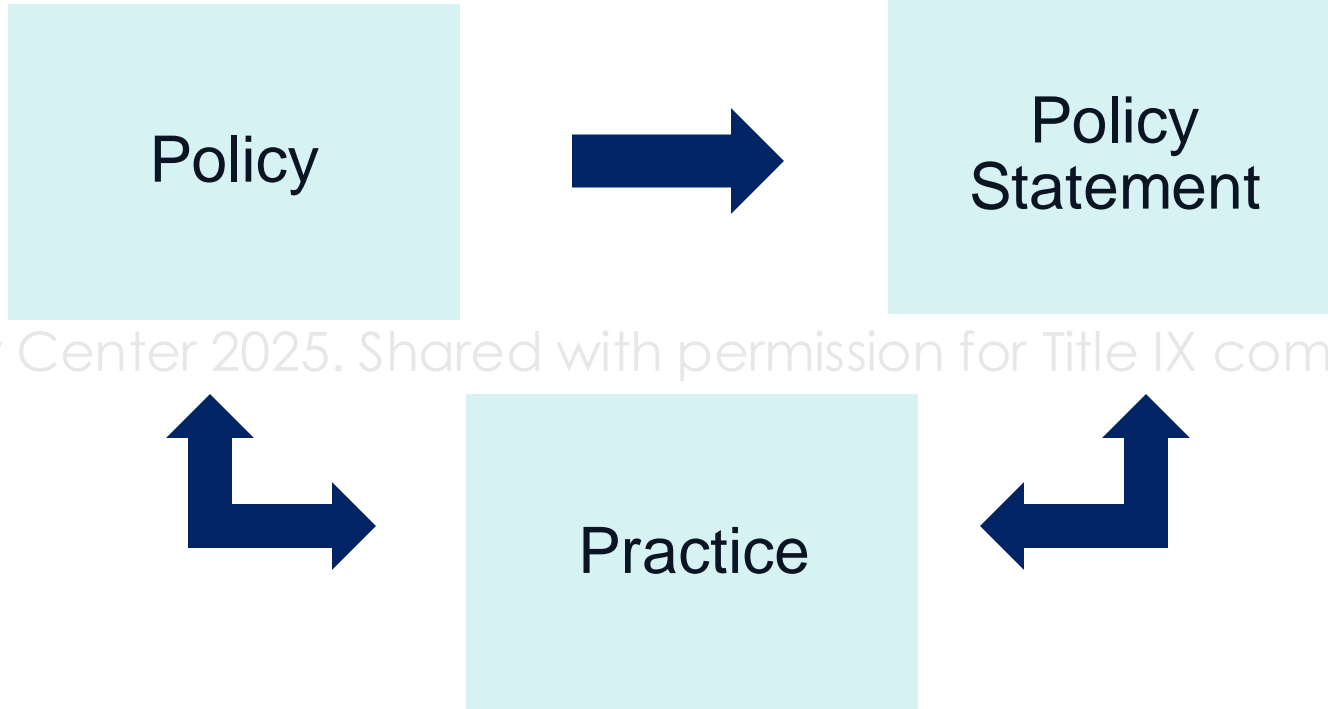
Crime Statistics

Distribution to Current and Prospective
Students/Employees

ASR Things to Remember

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- Summary of current, existing policies and procedures as well as three previous calendar years of Clery crime statistics
- Creation of ASR ensures policies and processes are in place
- “Say what you do; do what you say.”
- Ask: “Who is at the table?” “Is it a useful document?”



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Clery Act DVSAS Policy Statement Requirements

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- Requires a description of all procedures used to address cases of DVSAS
- All required policy statement elements must be in place for all proceedings used to address cases of DVSAS

Title IX Bifurcated Policies

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- Potential return of multiple policies and procedures in place to address DVSAS
 - One that captures all Title IX requirements, including a live hearing with cross-examination
 - One or more that address DVSAS that fall outside of the jurisdiction of Title IX (outside of education programs or activities in the U.S.) in order to avoid subjecting individuals to a live hearing with cross-examination

As a Result...

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- Campuses must describe multiple disciplinary proceedings within their ASRs in order to represent all the different procedures that take place and meet Clery requirements

This. Is. Hard.

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Policy Analysis Practice

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Part IV:

Integrating Title IX & Clery Act

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Policy Structure Options

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1. One policy for all DVSA cases incorporating all Title IX requirements
2. One policy for Title IX cases that applies to both students and employees and then a separate policy (or separate procedures under singular policy) for non-Title IX DVSA cases that applies to students and employees

Policy Structure Options

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3. Separate Title IX policies for students and employees; separate non-Title IX policies for students and employees
4. Additional, separate procedures for other circumstances due to state law requirements
 - Ex: CA requires live cross-examination for any case where the potential sanction could result in separation from the University

Additional Considerations

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- Clery-required response and prevention programming requirements could be incorporated
 - OR -
- Separate policies could exist for just prevention, just response, or prevention and response

Policy Structure Benefits & Drawbacks

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- + One policy for everything makes processes and descriptions clear and easy to understand and apply
- One policy for everything causes all DVSA cases to undergo a live hearing with cross-examination

Policy Structure Benefits & Drawbacks

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- + One overall Title IX policy and one overall non-Title IX policy streamlines practices without requiring unnecessary involvement in steps that might cause or perpetuate trauma
- Administering two policies can be difficult to manage and also explain to the campus community

Policy Structure Benefits & Drawbacks

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- ✚ Having separate student and employee Title IX and non-Title IX policies allows for the most intentional development and application of strategies that apply to each type of situation and role
- Administering four policies can be difficult to manage and also explain to the campus community

Policy Creation Best Practices

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- Remember that each of the Clery requirements must be in place for each and every policy that guides procedures for disciplinary action for DVSAS cases
- Ensure that the policy and resulting policy statement in an ASR accounts for each of these elements
- Consider utilizing visuals like charts or infographics to show the relationship between policies or to demonstrate the qualities each policy has or shares
- Focus on creating the most equitable procedures and the clearest, streamlined descriptions of those procedures



Policy Analysis 2.0: If/Then

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Closing

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Become a Member!

Clery Center offers two Membership tiers, each providing resources, strategies, and unparalleled expertise to support you in understanding and implementing the provisions of the Clery Act.

Institutional

- ASR review
- Free training
- In-depth compliance calls
- CSA training video
- Welcome kit
- All Individual Membership benefits
- and more!

Individual

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- and more!

Learn more at clerycenter.org/membership

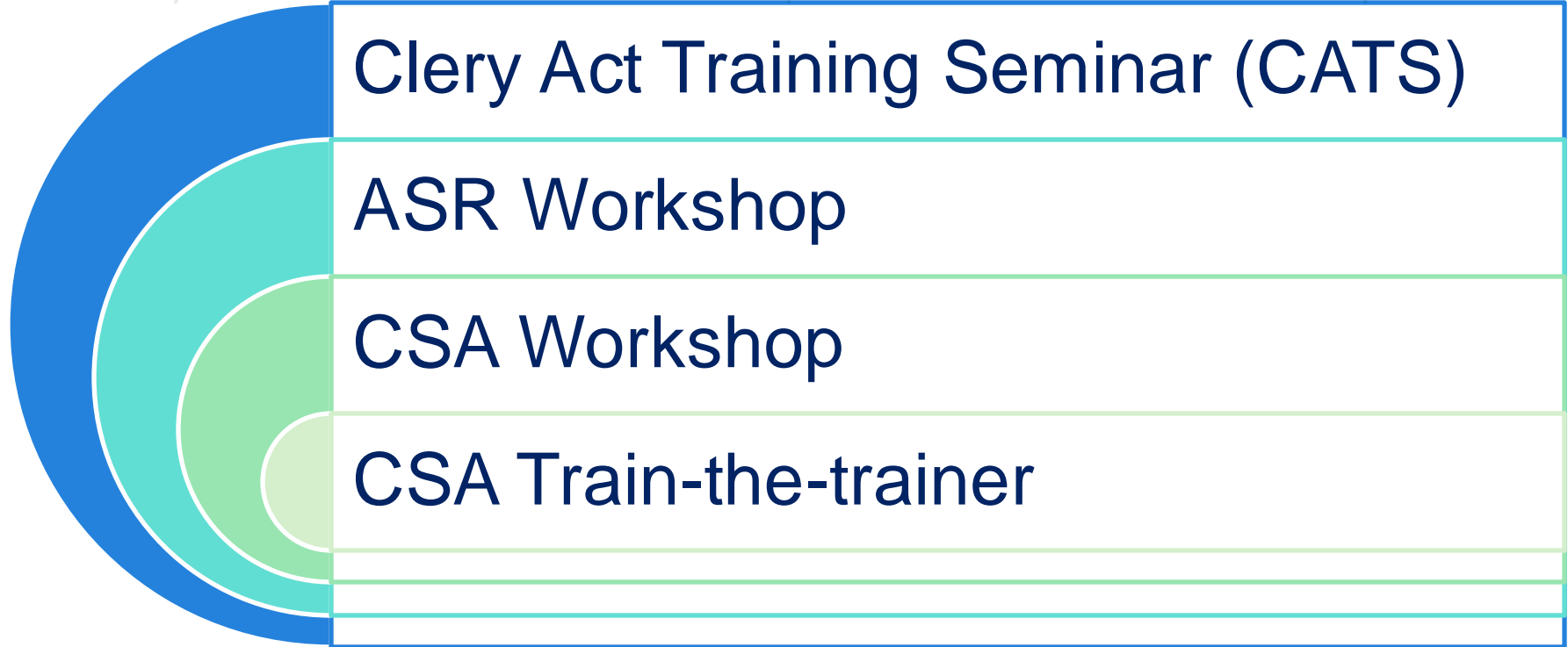
Clery Center Membership Can Help With Common Compliance Challenges

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Clery Center *Training On Request* Options

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Learn more: clerycenter.org/on-demand-training



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