



Fourth Edition

# CAMPUS CRIME

Legal, Social, and Policy Perspectives

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BONNIE S. FISHER

JOHN J. SLOAN, III

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**Legal, Social, and Policy Perspectives**

*Edited by*

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## PREFACE

In 2025, thirty-five years will have passed since Congress passed and President George H.W. Bush signed into law what is now known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092[f]) (hereafter, the Clery Act) in 1990. Over that period, Charles C Thomas will have published four editions of *Campus Crime: Legal, Social and Policy Perspectives* that chronicled the legal, social, security, and perhaps most importantly, the policy contexts of campus crime and the change the passing of time has generated in each context. The previous three editions chronicled that change, as does this fourth edition. As readers will learn, some of the contextual changes have been marginal, while others have been groundbreaking, whose effects continue to reverberate. These changes heavily influenced the current (and future) campus climate our contributors describe in the chapters that follow.

Looking back, one sees that changes occurring in the contexts of campus crime were the result of several activities. For example, policy makers and postsecondary administrators, victim advocates and service providers, have expended much energy and effort to develop and implement better policies that prevent, mitigate the impact of, and enhance responses, to campus crime. Additionally, researchers have devoted much critical thinking to better understand the different contexts of campus crime. These efforts have included developing better measures that provide more accurate estimates of the prevalence and incidence of campus crime, recognizing the predictors and correlates of campus crime and testing theories that incorporate them, not to mention identifying the consequences of campus crime for institutions of higher education (IHEs) and the members of campus communities including students, faculty members, staff, or visitors.

Even after 30 years, interest in campus crime remains high and the chapters that follow chronicle the scope, magnitude, and specifics of that interest. For example, Congress—and to a lesser extent state legislatures—have maintained their interest in campus crime as evidenced by passage of new legislation or amendments to existing legislation (e.g., the Clery Act, the Violence Against Women Act) aimed at “doing something” about campus



crime and or campus security. Interdisciplinary—and even multidisciplinary—scholarship continues to produce published papers in peer-reviewed journals as well as reports that examine the full spectrum of issues relating to campus crime, including estimates, correlates and/or predictors, consequences, and prevention efforts (e.g., bystander intervention training). Campus security officials, including campus police, continue confronting not only challenges relating to the physical security of college and university campuses, but new challenges posed by threats to the digital security of colleges and universities as various threat actors attempt to breach networks and access the valuable data stored on them.

In assembling this fourth edition, our desire is to once again share with readers advancements that have been made in understanding campus crime. For the sake of continuity with previous editions, we have again divided the volume into three sections: Part I: The Legal Context of Campus Crime, Part II: The Social Context of Campus Crime, and Part III: The Security Context of Campus Crime. Chapters in each section review aforementioned changes while also addressing current—and even future—crime and security issues confronting IHEs. Some of these chapters address long-standing topics such as the sexual victimization of college women and the role of campus police departments in securing IHEs. Other chapters address new issues in campus crime such as drugging victimization, concealed carrying of firearms on campus, and “technology-based” security issues such as the challenges posed by cybercriminals, as well as activities like cyberstalking and identity theft that involve campus community members both as victims and offenders.

Although we have added new topics and contributors to this edition, we have also updated several chapters previously covered in earlier editions. We remain committed to providing as timely a compilation of topics as possible for an audience of students, parents, academicians, practitioners, service providers, and IHE administrators. In organizing the chapters, we brought together contributors who could provide both a current picture and critical analysis of issues concerning the legal, social, security, and policy contexts of campus crime. The chapters that follow review topics at hand, offer substantive, critical analyses, thought-provoking discussion, and raise relevant policy issues, questions, and answers. This fourth edition combines seasoned campus crime experts with those relatively new to the study of campus crime they represent the next generation of scholars and practitioners in the field and bring with them the passion that comes with beginning to address what they see as the issues, explanations, solutions for, and responses to campus crime. Their collective contributions to this volume remind us that campus crime and security is a social problem that continues to affect millions

of current and prospective students and their parents, thousands of faculty members and staff, and IHEs themselves on a daily basis, year after year.

Bonnie S. Fisher  
John J. Sloan III  
March 1, 2022



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We thank Charles C Thomas, Publisher, Ltd. for publishing another edition of our edited volume. We also thank our editor, Michael Thomas, with whom we have had a collaborative relationship for over 25 years, for being such a great partner. Additionally, we thank our contributors. Their hard work and dedication is much appreciated and resulted in thoughtful chapters that not only critically examined issues salient to the current state of knowledge about the legal, social, security, and policy contexts of campus crime but suggested what the future might look like for each. And despite all the formatting changes necessitated by the APA 7th edition, they were, individually and collectively, a joy to work with. Finally, we thank all the undergraduate and graduate students who have listened to our ideas about campus crime, attended our lectures inside and outside the classroom, read our published works, and (perhaps unknowingly) contributed to the passion that has driven us to study campus crime for over 30 years. We are grateful not only for their understanding, but their willingness to share in our enthusiasm! Individually, Bonnie thanks Nick for his unwavering support (while sharing a home office for over 30 years and during the COVID pandemic). Bonnie also thanks her daughters Olivia and Camille for giving her continued feedback on her campus crime research and sharing their critical insights and ideas about her thinking from *both* their undergraduate and graduate students' perspectives! John thanks Tavis for her support though yet *another* book project during his so-called retirement, and Savannah, *un bon chien et un fidèle compagnon*.



## CONTENTS

	<i>Page</i>
<i>Preface</i> .....	xiii
 <i>Chapter</i>	
1. The Legal, Social, Security and Policy Contexts of Campus Crime: Introduction and Overview .....	3
<i>Bonnie S. Fisher and John J. Sloan III</i>	
 <b>Part I: The Legal Context of Campus Crime</b>	
Introduction .....	37
2. The <i>Clery Act</i> : An Evolving Focus .....	41
<i>Dennis E. Gregory, Michael M. DeBowes, William L. Nuckols, and Kim E. Bullington</i>	
3. The Making and Remaking of Title IX as a Tool Against Sexual Violence .....	56
<i>Michelle Hughes Miller</i>	
4. Mandatory Reporting of Campus Sexual Assault: Trends and Controversies .....	81
<i>Christina Mancini</i>	
5. State Laws for Carrying Concealed Guns on Campus: History, Status, and Impacts .....	98
<i>Jennifer McMahon-Howard, James A. Purdon, Heidi L. Scherer, and James T. McCafferty</i>	



6. Holding Institutions of Higher Education Liable for Civil Wrongs:  
 Surveying the Legal Landscape . . . . . 115  
*John J. Sloan III*

### **Part II: The Social Context of Campus Crime**

- Introduction . . . . . 145
7. The Role of Alcohol in Campus Crime and Misconduct . . . . . 149  
*George W. Dowdall*
8. Drugging Victimization . . . . . 174  
*Olivia R. Agustin, Nicole V. Lasky, and Suzanne C. Swan*
9. A Case Study of the Spatial Distribution of Property Crime  
 on an Urban University Campus . . . . . 189  
*Shelly A. McGrath and Jessica Abbott*
10. Fear of Victimization on College Campuses . . . . . 217  
*Nicole Rader and Sarah Rogers*
11. Cybervictimization Among College Students . . . . . 234  
*Billy Henson and Bradford Reynolds*
12. Victimization of Vulnerable College Students: Extent,  
 Nature, Prevention Strategies, and Policy Implications . . . . . 254  
*Katelyn A. Golladay, Jamie A. Snyder, and Heidi L. Scherer*

### **Part III: The Security Context of Campus Crime**

- Introduction . . . . . 273
13. The Evolution of Campus Policing: Through Pandemic  
 and Protests . . . . . 277  
*Nicholas Perez and Max Bromley*
14. Campus Police Legitimacy . . . . . 299  
*Michael F. Aiello*

15. Cybersecurity in Institutions of Higher Education: Challenges, Improvisations, and Successes . . . . .	313
<i>Sarah Turner</i>	
16. The Impact of Cyber Security Attacks on Colleges and Universities: Who, How, and Why . . . . .	333
<i>John Chapman and David Maguire</i>	
<i>Postscript</i> . . . . .	355
<i>Name Index</i> . . . . .	357
<i>Subject Index</i> . . . . .	359



# **CAMPUS CRIME**



## Chapter 1

# THE LEGAL, SOCIAL, SECURITY AND POLICY CONTEXTS OF CAMPUS CRIME: INTRODUCTION AND OVERVIEW

*Bonnie S. Fisher and John J. Sloan III*

### Introduction

Since publication of the first edition of *Campus Crime: Legal, Social and Policy Contexts* in 1995, the nearly 4,000 degree granting institutions of higher education (IHEs) in the United States (U.S.) continue confronting crime and security-related issues on their campuses. Despite the fact “violence, vice, and victimization” (Sloan & Fisher, 2010) have existed at IHEs since their creation during the 17th and 18th centuries (see Lucas, 2006), it was not until the late 1980s that campus crime became a socially constructed “new” social problem demanding immediate attention from state and federal policy makers (Sloan & Fisher, 2010).

Beginning in 1990, a repetitive cycle of how policy makers have addressed campus crime has occurred (see Fisher et al., 2021). The cycle begins with victim advocates and student activists identifying new instances of “violence, vice, and victimization” occurring at IHEs. Policy makers and/or IHE officials then design and implement one or more policy solutions to the problem(s). Following this are efforts by policy makers/IHE officials to “tweak” or supplement the policies. By then, there is even more (or different types of) “violence, vice, and victimization” occurring at IHEs that have to be addressed. This is followed by policy makers’ and IHEs’ responses, a tweaking of them, and so on. Whether this cycle has resulted in substantial change in the legal, social, security, and policy contexts of campus crime is open to debate (see Chapter 2, this volume).

This chapter presents a revised and updated (from the third edition of this volume) introduction to, and overview of, the legal, social, security, and



policy contexts of campus crime for the period 1990 through early 2022. Although 1990 as the starting point may seem arbitrary, that year Congress passed and President G.H.W. Bush signed into law, the Student Right-to-Know and Campus Security Act (1990; hereafter, the Campus Security Act), widely regarded as pathbreaking. Seeking to achieve the twin policy goals of forcing IHEs to be transparent about crimes occurring on their campuses and holding them accountable for their response, the Campus Security Act succeeded on both counts, with a little help from subsequent amendments and new legislation. In fact, transparency and accountability characterize much of not only the legislative response to campus crime the past 30+ years, especially at the federal level—the primary focus of the chapters in this volume, but the executive and judicial branches of government as well (Fisher et al., 2021).

The chapter begins by defining our terms, namely what campus crime is and what constitute its legal, social, security, and policy contexts. The chapter then chronologically reviews and discusses key issues arising in each of the contexts during the 1990s, 2000s, 2010s, and early 2020s. The issues and policies presented here are then covered in greater detail in the chapters that follow.

### **Campus Crime and Its Contexts**

Readers may be asking themselves to what is being referred when one speaks of “campus crime” and its “legal, social, security, and policy contexts?” Below, the terms are defined/explained for the purpose of creating a shared understanding with readers of what is meant by each.

#### ***Campus Crime***

“Campus crime” is found in the title of this volume, but what does the term *mean*? Campus crime first involves *behavior*, whether overt (i.e., those done purposely, knowingly, or negligently—see Chapter 6, this volume) or failing to act but for which one may be held legally culpable.<sup>1</sup> The behavior also occurs *within state recognized, legally demarcated physical boundaries* of a two- or four-year, degree-granting, postsecondary educational institution (with primary attention paid to the latter). Inside those boundaries is considered “on campus,” while outside the boundaries is “off campus.” IHEs then typically mark the boundaries using signage, fencing, walls, or some combination to clearly identify the beginning/end of the campus. Finally, campus crime involves *harm* to person or property ranging from the relatively minor (e.g., scrawling graffiti on a residence hall exterior wall) to major (e.g., death of a person, massive destruction of property due to a fire deliberately set). Beyond physical harm, the harm caused can also be psychological (e.g., loss,

fear, depression, anxiety, etc.) or monetary (e.g., lost wages). The harm is either directed at or directly affects members of the *campus community*—students, faculty members, and staff—who generally share common values/beliefs, routinely interact with one another, and do so within a bounded geographic territory (Neal, 2020).

### ***The Legal Context of Campus Crime***

The legal context of campus crime consists of actions taken by the three branches of government (legislative, judicial, and executive) at the state and federal level to address campus crime. The three branches individually and collectively create, mandate, and, in some cases, evaluate campus crime policy.

#### ***The Legislative Component***

As the label implies, the legislative component of the legal context of campus crime involves legislatures, particularly Congress, and the statutes created to address campus crime (see Chapters 2 and 4, this volume). For example, since 1990 Congress has passed and/or amended multiple campus crime-related statutes. State legislatures also created campus crime statutes that (in many cases) mirror federal legislation like the Campus Security Act (Burke & Sloan, 2013) or focus on issues Congress has not considered such as concealed carrying of firearms at public IHEs (see Chapter 5, this volume).

#### ***The Judicial Component***

The legal context of campus crime also involves state and federal courts (see Chapter 6, this volume). They determine the constitutionality/legality of campus crime-related statutes or regulations promulgated by executive branch agencies such as the U.S. Department of Education (hereafter, ED). The courts also revise existing or establish new procedural rules for determining civil and/or criminal liability in cases arising from campus crime incidents.

#### ***The Executive Component***

Finally, the legal context of campus crime includes efforts by the executive branch of government to establish rules/regulations that address campus crime. For example, the executive (whether the President or governor) may issue an order relating to campus crime. Various federal/state agencies are then mobilized to create a new rule/regulation, implement the rule, and enforce it. In other cases, executive branch agencies such as the ED may

themselves propose new rules or regulations to address campus crime as part of the President's or governor's political agenda. A good example of executive branch involvement with campus crime is the Clinton, Bush II, Obama, Trump, and Biden administrations' efforts to use Title IX of the Education Amendments of 1972 to address the sexual victimization of women while on campus (see Chapter 3, this volume).

### ***The Social Context of Campus Crime***

A second context of campus crime is the social context, which refers to research-identified correlates<sup>2</sup> of campus crime uncovered by various scholars using quantitative (e.g., surveys) and qualitative (e.g., semi-structured interviews) methodologies<sup>3</sup> whose focus is IHEs, individuals, or both. Examples of the social context of campus crime include researchers:

- Examining how binge-drinking by college students is related to offending/victimization among them (see Chapter 7, this volume);
- Exploring how the routines that characterize campus life and students' lifestyles affect the magnitude and nature of criminal victimizations they experience (see Chapters 8, 11, and 12, this volume);
- Using campus police incident reports to examine variability in auto theft and auto break-ins by factors such as time of day, day-of-the-week, or specific location of the incident (see Chapter 9, this volume);
- Gathering data on students' fear and perceived risk of victimization while on campus for purposes of examining racial and gender-based differences (see Chapter 10, this volume); and
- Using survey data collected from students about their cybervictimization experiences to identify risk factors associated with their victimization (see Chapter 11, this volume).

### ***The Security Context of Campus Crime***

The security context of campus crime involves efforts to protect IHEs' physical and digital assets and preserve the safety and security of students, employees, and visitors. These efforts often involve campus police or security guards (see Chapter 13, this volume) who work to protect person and property and maintain order using various tactics (e.g., random patrol of the campus), some of which are controversial (see Chapter 14, this volume). Increasingly, these efforts also involve personnel who work to protect the *digital* assets of IHEs and end-users of these assets (e.g., students and faculty members) and respond to breaches of these assets (see Chapters 15 and 16, this volume).

### ***The Policy Context of Campus Crime***

The policy context of campus crime refers to “courses of action adopted by formal organizations” such as IHEs that “prescribe, govern, and routinize the activities of these organizations” as a way of enhancing institutional efficiency and facilitating goal attainment (Midgley, 2009, p. 3). Policy can be informal, that is, “the way things are done” at a particular IHE and thus represent internally sanctioned but unwritten rules governing internal processes (see Chapter 6, this volume). Policy can also be formal, as represented by codified rules or regulations created internally or imposed from external sources like regulatory agencies or legislatures (see Chapter 6, this volume). Because policy typically involves rules, it is shaped or influenced by all three branches of government—and their political agendas—found at the state and federal levels. For example, when Congress passed the original Campus Security Act and then amended it multiple times over the next 15 years, IHEs were forced to adopt new internal rules or procedures that enhanced their transparency and accountability in addressing the harm associated with campus crime and enhanced campus security. Each of the chapters that follow present and discuss one or more policy aspects of the topic being analyzed.

### ***The Legal, Social, Security and Policy Contexts of Campus Crime: 1990–2022***

The remainder of the chapter presents a more detailed discussion of campus crime and its contexts from 1990 to early 2022. As mentioned, the discussion that follows provides an overview of the issues, describes what they involved and their significance, and examines not only their policy implications but whether/how policy makers addressed them.

### ***The Legal Context of Campus Crime***

As mentioned above, in 1990 with passage of the Campus Security Act, Congress forced IHEs to be more transparent with, and accountable for, their (non)responses to campus crime. But its passage did not occur in a vacuum. Rather, its passage was the culmination of grassroots efforts arising from the tragic death of Jeanne Clery, brutally raped and murdered in her dorm room at Lehigh University in 1986 by another Lehigh student she did not know. Her parents, Connie and Howard Clery, used the settlement of a civil lawsuit they brought against Lehigh University for Jeanne’s death to create the non-profit Security on Campus, Inc. (now the Clery Center). They also began a lobbying effort that first targeted the Pennsylvania state legislature, then other states’ legislatures, and eventually Congress that resulted in