



**From:** Mediarelations mediarelations@psu.edu  
**Subject:** Re: Clery Act compliance Summary Findings (Deadline 11/2/23)  
**Date:** November 3, 2023 at 11:24 AM  
**To:** Wyatt Massey wmassey@spotlightpa.org, Mediarelations mediarelations@psu.edu

see below...we are still looking into one aspect of your inquiry, but have answered or responded to areas where we deem appropriate. If we receive more information we will send it.

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**From:** Wyatt Massey <wmassey@spotlightpa.org>  
**Sent:** Thursday, November 2, 2023 4:41 PM  
**To:** Mediarelations <mediarelations@psu.edu>  
**Subject:** Re: Clery Act compliance Summary Findings (Deadline 11/2/23)

Received. Please pass along the information you have currently gathered. I can extend the deadline to 12 p.m. tomorrow, Nov. 3, 2023. Beyond that, I cannot ensure any information sent will be reviewed before the story is published.

Wyatt

**Wyatt Massey**  
Reporter, Spotlight PA  
Cell/Signal: 445-236-0562  
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On Nov 2, 2023, at 3:47 PM, Mediarelations <mediarelations@psu.edu> wrote:

Unfortunately, we will be late in our response to your many questions/statements below as we are seeking review from various offices.

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**From:** Wyatt Massey <wmassey@spotlightpa.org>  
**Sent:** Monday, October 30, 2023 9:04 AM  
**To:** Mediarelations <mediarelations@psu.edu>

There are two new pieces of information, provided in more detail below, in case the university would like to comment on it. Those are:

1. The university provided Rizzio with the data he sought on Oct. 23, 2023.
2. The United States Postal Service says Rizzio's certified letter was delivered to University Park and that there was an error with the tracking information.

As we finish our reporting process, we are presenting the university with a summary of our findings and offering Penn State the opportunity to comment on or explain any, all, or none of the information listed below.

We need a response from Penn State by **Thursday, Nov. 2, 2023 at 4 p.m. ET.**

#### **Nick Rizzio's request for data**

On Sept. 11, 2023, Penn State student Nick Rizzio sent a certified letter to the Compliance Coordinator requesting roughly four years of campus crime data. The letter was addressed to the Compliance Coordinator at Penn State Police, at 30 Eisenhower Parking Deck, University Park, PA 16802, the address that was on the bottom of the Campus Security Authority Incident Report Form. (The address on the online version of this form has since been updated to Clery Compliance, 184 University Park Support Building 1, University Park, PA 16802). The university did not respond to his request until Oct. 23, 2023. [https://www.absecom.psu.edu/CAMPUS\\_SECURITY/security-incident-form.cfm](https://www.absecom.psu.edu/CAMPUS_SECURITY/security-incident-form.cfm)

The address updates were made as the direct result of these incidents, in the hopes that future requests or reports will go directly to the Clery office as anticipated. The Records address was also added on the online University Police Crime Log webpage, to help make reports and requests easier for our community.

On Oct. 9, 2023, Rizzio notified the U.S. Department of Education, via email, of "repeated and ongoing violations of the Clery Act by The Pennsylvania State University." Rizzio's complaint included email evidence of the university denying access to historical crime data to two other students. In one example, a student asked for roughly four months of 2023 crime data. An unnamed Penn State police employee responded, "The crime logs are available for 60 days prior to the current date. Those are the only logs available to the public."

UPPS's Clery Compliance unit is dedicated to transparency and abiding by the requirements of the Clery Act. With an organization as large as Penn State, many of these requirements include multiple departments and offices, such as gathering information for the Clery unit and fulfilling records requests. Once the Clery Compliance unit learned of the denial of Mr. Rizzio's Crime Log request, it worked quickly with the Records unit to fulfill the request.

The Department of Education is reviewing Rizzio's allegations.

Rizzio said he did not flag Penn State's alleged non-compliance with the Clery Act internally because of the university's history of not following the law and because it appears the university is not interested in self-policing.

Our Clery Compliance unit is dedicated to maintaining compliance with the Clery Act. The Clery Act is an institutional responsibility and there is an interest in developing relationships where community members like Mr. Rizzio feel comfortable bringing concerns to the Compliance office, providing an opportunity for improvement.

The Clery Act has numerous requirements and UPPS performs self-audits each year for our university's geography, Campus Security Authority designations, and Incident Reports. The Clery Compliance unit has designated much of its time this past summer to training University Police Officers and other UPPS employees across the state to improve their understanding of the Clery Act.

A university spokesperson told Spotlight PA that requests for records made by students "should have been granted" and that university employees are working "to correct any misunderstandings related to such requests."

In a statement to Spotlight PA, a Penn State spokesperson said the university's Clery Office never received Rizzio's certified letter. The spokesperson wrote, "The request that was sent to the department from Mr. Rizzio via certified mail was never delivered to the university's Clery Office, and it is uncertain where the letter ended up, although it was tracked to having been signed for at the State College Post Office. Had that letter been received at [campus police], the request would have been accommodated at that time."

A spokesperson for the United States Postal Service reviewed the tracking information for Rizzio's letter and said the letter was delivered to University Park on Sept. 13 at 1:58 p.m.. The second delivery noted on the tracking information, at 2:16 p.m., from the State College post office was an error, the spokesperson said.

Spotlight PA provided Penn State with a copy of Rizzio's federal complaint on Oct. 20. The next business day, Oct. 23, a university employee emailed Rizzio with the crime data he had requested in September.

Penn State's daily crime log now includes an email address and mailing address for requesting historical data. However, the address provided does not register as being legitimate on the United States Postal Service site.

<https://tools.usps.com/zip-code-lookup.htm>

**You will have to ask the US Postal Service about this apparent glitch, as all buildings on campus (16802 specific zip code) DO receive mail on a daily basis during any given week and any information sent to the address listed will be received.**

#### **Freeh Report and Department of Education Report**

In November 2011, specialists with the U.S. Department of Education began a review of Penn State's compliance with the Clery Act, including a review of 13 years of emails, arrest reports, training materials, and university contracts.

The Department of Education investigation found that between 1998 and 2011, Penn State repeatedly failed to properly record crimes or notify the campus of crimes. The university actions, the report said, suggested "a severe administrative impairment" that "deprived the members of the Penn State campus community of vital safety information that would have empowered them to make informed decisions about their own safety."

The report said: "Many officials, including [Penn State Police] officers, tried to sound the alarm but were, for the most part, ignored."

The Department of Education investigation resulted in a \$2.4 million fine. Penn State did not contest the final report and paid the fine. The university was also subject to five years of monitoring by the Department of Education.

The Freeh Sporkin & Sullivan report, commissioned by the Board of Trustees and released in 2012, found that Penn State between 1991 and 2007 put Clery compliance responsibilities on a campus police employee who was not formally trained. The report also found that university leaders began drafting a Clery compliance policy in 2009 but the policy was still in draft form in November 2011.

In March 2012, Penn State hired Gabriel Gates as Clery Act compliance coordinator. In November 2012, Gates told university trustees that Penn State was going to "exceed the requirements" of the Clery Act.

**We do not intend to respond to reports that are more than a decade old.**

#### **Auditor General Report and Clery Compliance**

A 2017 report by former Pennsylvania Auditor General Eugene DePasquale found improvements at Penn State with Clery Act compliance, such as Penn State's emergency notification system and Clery-related hiring.

DePasquale told Spotlight PA that the recommendations offered in his report on Penn State, like standardizing crime reporting across various campuses, mirrored recommendations provided to other universities.

Spotlight PA asked Penn State's Office of Strategic Communications whether the university implemented the recommendations, specifically the standardized reporting system across Commonwealth Campuses or internal reviews of Clery Act compliance. A university spokesperson, in an email, responded, "We do not plan to continue to respond to a report that is now six years old. We provided a university response at the time and that has been previously shared with you." The university's response to the auditor general, dated May 2017, said Penn State was in the first steps of creating the standardized system and that after 2019 it would decide whether to continue doing Clery compliance audits.

Spotlight PA asked Penn State's Office of Strategic Communications for the opportunity to interview a university employee about Clery Act compliance. The university declined this request.

Spotlight PA asked Penn State's Office of Strategic Communications for copies of Clery-related training materials over the past two academic years. This would provide insight into how staff are trained. The university declined this request.

**We again note that the university provided a response to this six-year-old report at**

<https://www.psu.edu/news/administration/story/penn-state-response-auditor-general-performance-audit-report/>

#### **Clery and Timely Warnings at Penn State**

Spotlight PA asked Penn State's Office of Strategic Communications to provide the total number of timely warnings issued at its University Park campus for 2018, 2019, 2020, 2021, 2022, and so far in 2023. The university declined this request.

However, emails obtained by Spotlight PA showed that Penn State sent more than 30 Timely Warnings at University Park in 2021. In 2022, the number dropped to 16. There have been 10 so far in 2023, according to Penn State's website and historical data gathered by Spotlight PA.

The university's 2022 annual security report shows that at University Park the number of reported cases of rape, fondling, aggravated assault, and burglary increased between 2021 and 2022.

The university's policy on Timely Warnings / Clery compliance has not changed, according to a statement from the university as well as a review of the policy for noted changes.

Rizzio told Spotlight PA, "We had all those timely warnings and, as far as I can tell, the only difference between then and now is that the university is not telling us. They're not actually fixing the problem. They're just trying to cover it up."

Penn State's timely warning system sends notifications via email and text message. Warnings are also printed on bright, lime green paper and hung near some building entrances.

In an email to Spotlight PA, a Penn State spokesperson wrote, "All reports of crimes are evaluated individually to determine whether a Timely Warning will be shared. Factors for consideration include: what has been reported and the information available, whether there is an ongoing threat to the community, the status of the investigation, and the safety and confidentiality of the victim(s)/survivor(s)."

### Sexual Violence Survey History

In 2015, then-President Eric Barron accepted all 18 recommendations of a special task force on sexual violence. This included surveys on sexual assault every three years and releasing annual data on the topic that Penn State claimed would be more comprehensive than the federally-required report.

Penn State conducted its first survey in fall 2015. The results from it were released in April 2016.

The university conducted a similar survey in fall 2018. At the start of September 2021, the results of the 2018 survey were not yet released. Penn State students met with university administrators about releasing the results. When those efforts did not lead to the data's release, students spoke out publicly.

Nearly 700 members of the Penn State community signed an open letter from the Gender Equity Coalition. The letter stated that the data delay "indicates that Penn State's 2015 commitments lacked the institutional support and long-term implementation plan to make them more than a positive-publicity effort."

Penn State released the survey data later that month, in September 2021, attributing the release delay to "staffing limitations" and the COVID-19 pandemic.

In October 2021, more than 100 students protested the university's handling of sexual violence and the timely warning system. The students marched through campus. The rally was intended to create university action, a former student said. "The university only moves under pressure, and especially under public pressure," she said.

The 2018 climate survey results for University Park students showed that 1 in 3 undergraduate women and 1 in 4 undergraduates overall reported being a victim of unwanted touching, penetration, or attempted penetration. These results were similar to those in the 2015 survey. The 2022 survey results were slightly worse. (Pgs 21-22)  
[https://studentaffairs.psu.edu/sites/default/files/University\\_Park\\_SMCS\\_2018\\_Summary\\_Report\\_Final.pdf](https://studentaffairs.psu.edu/sites/default/files/University_Park_SMCS_2018_Summary_Report_Final.pdf)

The 2022 climate survey found that nearly half of undergraduate women, nearly two-thirds of undergraduate men, and half of undergraduate gender diverse students did not tell anyone about their experience with stalking, domestic violence, or non-consensual sexual contact. (Pg. 31)  
[https://studentaffairs.psu.edu/sites/default/files/SMCS\\_UP\\_2022.pdf](https://studentaffairs.psu.edu/sites/default/files/SMCS_UP_2022.pdf)

In the 2022 survey, among undergraduates who told someone about their non-consensual experience, less than 3% of the students told any of the following groups: university health services, the Office of Student Conduct, or campus police. Just over 3% of undergraduates told Penn State's Office of Sexual Misconduct Prevention and Response (It appears the office was renamed to the Office of Sexual Misconduct Reporting and Response).

These survey results have led some students and former students to believe the crime data contained in Penn State's annual security report represent an undercount of the actual levels of sexual violence happening at the university.

We are aware that sexual violence is a vastly underreported crime across the nation and particularly on college campuses. For context, please visit: [The Criminal Justice System: Statistics I RAINN](#) . RAINN indicates that more than 2 out of 3 assaults go unreported nationally.

Penn State is committed to fostering a safe environment for all students that is free of sexual misconduct and gender-based harassment or violence. We encourage all students to learn more about these crimes and urge individuals who are victims or bystanders to report immediately. The university provides sexual misconduct prevention programming, various reporting options and counseling and support resources for impacted students.

One important fact to note is that Title IX statistics and Clery statistics do not align. We will try to explain this complex concept. There are three categories for reporting, some of which overlap, but have varying requirements: **Title IX sexual misconduct** (includes sexual assault, dating violence, domestic violence, stalking: all on campus or part of an educational program or activity; involve at least one affiliated party); **non-Title IX sexual misconduct** (can happen off or on campus; includes the aforementioned categories and other categories such as sexual exploitation and gender-based harassment; involve at least one affiliated party). **Clery reportable crimes** (sexual assault, dating violence, domestic violence, and stalking; happen on affiliated geography; parties can have no relation at all to the university).

It is for this reason that these numbers are never going to fully align for any university.

#### Wyatt Massey

Reporter, Spotlight PA  
Cell/Signal: 445-236-0562

Here are ways you can [share information securely](#).

On Oct 25, 2023, at 12:51 PM, Mediarelations <[mediarelations@psu.edu](mailto:mediarelations@psu.edu)> wrote:

This link has been fixed. Thanks, again, for letting us know.

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**From:** Wyatt Massey <[wmassey@spotlightpa.org](mailto:wmassey@spotlightpa.org)>  
**Sent:** Wednesday, October 25, 2023 11:11 AM  
**To:** Mediarelations <[mediarelations@psu.edu](mailto:mediarelations@psu.edu)>  
**Subject:** Re: Clery Act compliance (Deadline 10/23/23)

Just fyi, the university's response to the 2017 Auditor General's report is a broken link, making the response no longer publicly accessible.  
[http://www.psu.edu/ur/newsdocuments/2017.05.25\\_FTG\\_PA\\_Dept\\_of\\_the\\_Auditor\\_General\\_Ltr\\_Re\\_The\\_PA\\_State\\_University\\_Response\\_to\\_Performance\\_Audit\\_Report.pdf](http://www.psu.edu/ur/newsdocuments/2017.05.25_FTG_PA_Dept_of_the_Auditor_General_Ltr_Re_The_PA_State_University_Response_to_Performance_Audit_Report.pdf)

The university links to it in its news story: <https://www.psu.edu/news/administration/story/penn-state-response-auditor-general-performance-audit-report/>

[The link currently redirects to your main news site.](#)

**Wyatt Massey**

Reporter, Spotlight PA

Cell/Signal: 445-236-0562

Here are ways you can [share information securely](#).

On Oct 25, 2023, at 10:01 AM, Mediarelations <[mediarelations@psu.edu](mailto:mediarelations@psu.edu)> wrote:

Thank you for your flexibility.

University Police and Public Safety is currently in the process of fulfilling the records requests sent to the department by Mr. Rizzio. The email request that had been received by the Records department should have been granted at that time it was received, and the department's Clery Compliance team is working with Records staff to correct any misunderstandings related to such requests.

The request that was sent to the department from Mr. Rizzio via certified mail was never delivered to the university's Clery Office, and it is uncertain where the letter ended up, although it was tracked to having been signed for at the State College Post Office. Had that letter been received at UPPS, the request would have been accommodated at that time.

To rectify this in the future, our Clery Compliance team is working with Records staff and will be included on any future communications for Daily Crime Log requests. The team is also working on improving the ways in which the Daily Crime Logs may be requested to avoid further issues.

With regard to Timely Warnings and when those are disseminated, all reports of crimes are evaluated individually to determine whether a Timely Warning will be shared. Factors for consideration include: what has been reported and the information available, whether there is an ongoing threat to the community, the status of the investigation, and the safety and confidentiality of the victim(s)/survivor(s).

There have been no changes to policies related to Timely Warnings since 2020. Evaluating each case individually is important so that each report is being handled in the best way possible, for both the community and the impacted party(ies).

University Police and Public Safety at all campus locations have the primary responsibility for issuing Timely Warnings. The department has three employees dedicated to the Clery Act Compliance, who work out of University Park.

Regarding your last two questions, we do not plan to continue to respond to a report that is now six years old. We provided a university response at the time and that has been previously shared with you.

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**From:** Wyatt Massey <[wmassey@spotlightpa.org](mailto:wmassey@spotlightpa.org)>  
**Sent:** Tuesday, October 24, 2023 3:53 PM  
**To:** Mediarelations <[mediarelations@psu.edu](mailto:mediarelations@psu.edu)>  
**Subject:** Re: Clery Act compliance (Deadline 10/23/23)

Yes, that is fine. Thank you for letting me know.

Wyatt

**Wyatt Massey**

Reporter, Spotlight PA

Cell/Signal: 445-236-0562

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On Oct 24, 2023, at 3:31 PM, Mediarelations <[mediarelations@psu.edu](mailto:mediarelations@psu.edu)> wrote:

Apologies for the last-minute email, but we are still looking into this. Can we get back to you tomorrow morning? 10 a.m. work?

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**From:** Wyatt Massey <[wmassey@spotlightpa.org](mailto:wmassey@spotlightpa.org)>  
**Sent:** Friday, October 20, 2023 5:08 PM  
**To:** Mediarelations <[mediarelations@psu.edu](mailto:mediarelations@psu.edu)>  
**Subject:** Re: Clery Act compliance (Deadline 10/23/23)

Moving the deadline to Oct 24 at the same time of day is fine.

Attached is the complaint. This is the version of the complaint that will be made publicly available.

**Wyatt Massey**

Reporter, Spotlight PA

Cell/Signal: 445-236-0562

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On Oct 19, 2023, at 11:11 AM, Mediarelations <[mediarelations@psu.edu](mailto:mediarelations@psu.edu)> wrote:

Wyatt

We will not be able to make your Monday deadline, as our main Clery Compliance specialist is out of the office until next week and would need to find/review the information you are seeking. We will attempt to respond by Tuesday, Oct. 24.

Also, additional information related to question 1 and 2 would be helpful. If there was meant to be an attachment of some sort in your previous email, there was not.

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**From:** Wyatt Massey <[wmassey@spotlightpa.org](mailto:wmassey@spotlightpa.org)>  
**Sent:** Tuesday, October 17, 2023 5:15 PM  
**To:** Mediarelations <[mediarelations@psu.edu](mailto:mediarelations@psu.edu)>  
**Subject:** Re: Clery Act compliance (Deadline 10/23/23)

Received. I am now looking for the university to provide information on the questions below. My deadline is **Monday, October 23, 2023 at 4 p.m. ET.**

1. On October 9, 2023, Penn State student Nicholas Rizzio notified the U.S. Department of Education via email of "repeated and ongoing violations of the Clery Act by The Pennsylvania State University." Rizzio attached two emails from 2023 of the university denying two students access to historical crime records/data and a certified letter he sent to the UPPS compliance coordinator in September 2023 requesting similar data that went unanswered. The department confirmed receipt of the allegations on October 10, 2023. Does the university want to offer comment on the allegations?
2. Similarly, does the university want to address the responses via email denying students access to historical crime records? (The Clery Act states, "The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.")
3. Could the university please provide the total number of Timely Warnings it issued at University Park for the following years: 2018, 2019, 2020, 2021, 2022, and to date in 2023. Please let me know if the university documents these totals in other time measures, such as by academic year or by semester.
4. According to Penn State's University Park annual security reports, the number of Clery-reportable crimes at University Park has remained relatively steady since 2020 (especially for the number of rape, fondling, and assault reports). Would the university like to offer any comment about why the number of timely warnings issued may change year-to-year while the number of reportable crimes remains relatively steady?
5. Has the university changed any of its policies or practices around issuing timely warnings since 2020? If so, could you detail those changes or point me to where those changes are documented for the public?
6. Who or which offices determine when to issue a timely warning at University Park? Are decision-making responsibilities different at Penn State's Commonwealth Campuses. Has responsibilities for these decisions changed at any of Penn State's Campuses since 2020?
7. According to the 2017 Auditor General's special report on Penn State (see pg 36), the university had hired two people and was looking to hire a third "dedicated specifically for Clery Act compliance. As of today, how many Penn State employees are "dedicated specifically to Clery Act compliance"?
8. According to the 2017 Auditor General's special report on Penn State (see pgs 37-38), the university did not have a standardized reporting system for Clery-related crimes across commonwealth campuses. As of today, does the university have such a system as described in the Auditor General's report? Why or why not? (As noted in the AG's report, the Clery Act does not require such a system.)
9. According to the 2017 Auditor General's special report on Penn State (see pg 39), between 2013 and 2016 the university conducted no internal audits related to Clery compliance. At the time, the university stated it had not done so because of the U.S. Department of Education investigation. Given that the department's investigation is over, has Penn State conducted internal audits of its compliance to the Clery Act? If so, could you please detail how often these audits occur and whether related findings are available to the public? If not, could you please state why.

I am happy to speak with anyone from Penn State about these questions for the story if that is easier, especially given that some of these topics are complex and may require additional context.

Again, my deadline for the above questions is **Monday, October 23, 2023 at 4 p.m. ET.** If the university feels that it cannot meet this deadline, please notify me ahead of time and we can see if the deadline can be adjusted.

Thank you.  
Wyatt

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**Wyatt Massey**  
Reporter, Spotlight PA  
Cell/Signal: 445-236-0562  
Here are ways you can [share information securely](#).

On Oct 13, 2023, at 3:30 PM, Mediarelations <[mediarelations@psu.edu](mailto:mediarelations@psu.edu)> wrote:

Publicly available information related to the Clery Act and Penn State's compliance with the federal law can be found on the University Police and Public Safety website at [www.police.psu.edu/clery](http://www.police.psu.edu/clery).

From this page, and specifically at [police.psu.edu/annual-security-reports](http://police.psu.edu/annual-security-reports), you may also access Penn State's 2023 Annual Security Reports and Fire Safety Reports, which were released on September 28.

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**From:** Wyatt Massey <[wmassey@spotlightpa.org](mailto:wmassey@spotlightpa.org)>  
**Sent:** Wednesday, October 11, 2023 2:24 PM  
**To:** Mediarelations <[mediarelations@psu.edu](mailto:mediarelations@psu.edu)>; DuBois, Wyatt <[wed112@psu.edu](mailto:wed112@psu.edu)>; Powers, Lisa Marie <[lmr8@psu.edu](mailto:lmr8@psu.edu)>; Pell, Rachel A <[rpell@psu.edu](mailto:rpell@psu.edu)>  
**Subject:** Clery Act compliance

Good afternoon,

I'm working on a story related to possible non-compliance by Penn State with the Clery Act, the federal law related to transparency about campus crime.

I will have more information about the specifics of the situation soon, and will reach out about that then, but in the meantime I wanted to inquire about speaking with the university's coordinator for Clery compliance. I am interested in speaking with them about how Penn State handles compliance with the law, training, and other reforms taken since the 2012 Free Report and the 2016 U.S. Department of Education report on Penn State compliance.

Also, could the university please provide electronic copies of all Clery-related training materials for the 2022-23 and 2023-24 academic years? If the training materials are the same for both of the requested academic years, please note so. I do not need duplicates.

Please let me know what is possible by Friday, October 13, 2023 at 4 p.m. ET.

Thank you.  
Wyatt

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**Wyatt Massey**  
Reporter, Spotlight PA  
Cell/Signal: 445-236-0562