



**CLERY ACT SEMINAR**  
**HOSTED BY LIBERTY UNIVERSITY**  
NOVEMBER 9 & 10, 2023  
**PARTICIPANT GUIDEBOOK**



# CLERY ACT SEMINAR

## HOSTED BY LIBERTY UNIVERSITY

NOVEMBER 9 & 10, 2023

## PARTICIPANT GUIDEBOOK



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# TRAINING MATERIALS

## Agenda & Curriculum Overview

### THURSDAY, NOVEMBER 9, 2023

8:30 AM	Welcome & Program Overview
9:35 AM	Origins & Background
9:55 AM	Campus Security Authorities (CSAs)
10:40 AM	BREAK
10:50 AM	Clery Act Geography
11:45 AM	LUNCH
12:45 PM	Clery Act Crimes
2:00 PM	Counting Crimes
3:00 PM	BREAK
3:10 PM	Collecting & Reconciling Data
3:55 PM	Day 1 Debrief
4:00 PM	END Day One

### FRIDAY, NOVEMBER 10, 2023

8:30 AM	Preparing for Day 2
8:40 AM	Daily Crime Log
9:10 AM	Emergency Response & Evacuation Procedures
9:20 AM	Timely Warnings & Emergency Notifications
10:30 AM	BREAK
10:40 AM	Missing Residential Students
10:55 AM	Fire Safety
11:10 AM	Drug-Free Schools and Communities Act
11:45 AM	LUNCH
12:45 PM	Violence Against Women Act (VAWA) Amendments
1:00 PM	The Annual Security Report, Policies, & Policy Statements – Part 1
2:00 PM	BREAK
2:10 PM	The Annual Security Report, Policies, & Policy Statements – Part 2
2:45 PM	Final Group Exercise
3:45 PM	The Future of the Clery Act
4:00 PM	END Day Two

## Training PowerPoint Slides & Notes



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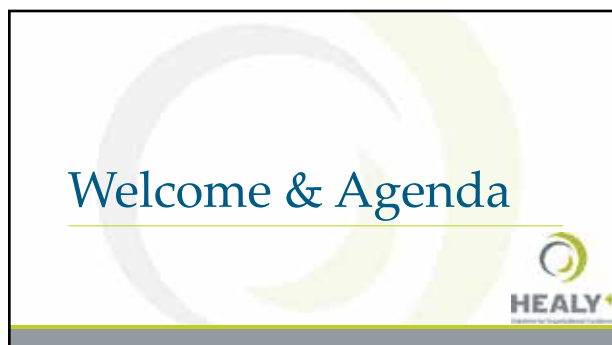
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## Opening Remarks



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## Facilitator Introductions



Kyle Norton, Director for Regulatory Compliance



Mike Webster, Senior Associate



Jenn Scott, Consultant for Regulatory Compliance



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## About The Healy+ Group (H+)

- Firm history & practice areas
- Team structure
- Services
- Cozen O'Connor (Institutional Response Group & COSECURE)



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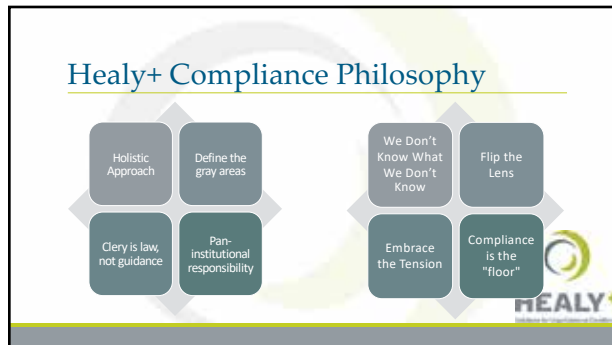
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### Ground Rules

- Understand & use proper terminology
- Leave room to learn
- Think comprehensively
- Ask questions
- Participate!
- Share feedback with us





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### Agenda

DAY 1	DAY 2
• Introductions	• Daily Crime Log
• Origin & Background	• Emergency Response/Evacuation
• Campus Security Authorities	• Timely Warnings and Emergency Notification
• Geography	• Missing students
• Crime definitions	• Fire Safety
• Counting Crimes	• Drug Free Schools & Communities Act
• Collecting & Reconciling Data	• VAWA
	• Policy Statements & ASR

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### Participant Introductions

- Name
- Role
- Institution
- Tenure with institution
- Clery Act responsibilities
- Biggest Clery Act compliance challenge




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### Welcome – Q&A




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### Origins & Background




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### The Jeanne Clery Act



- A person
- A tragedy
- A legacy



- An Act
- A set of regulations
- A compendium of sub-regulatory guidance




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### Law, Regulations, & Sub-Regulatory Guidance



Source for sub-regulatory guidance: <https://studentaid.gov/data-center/school/clery-act-reports>




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### Clery Act 101 – The “Seven Pillars”

- Publish & distribute an ASR w/ various policy statements, policies, procedures and statistics by 10/1
- Provide ASR to current students & employees & inform prospective students & employees about it
- Submit crime statistics to U.S. Dept. of Education
- Provide timely warnings and emergency notifications to the campus community
- Maintain a public, daily log of reported crimes
- Provide VAWA programming (on-going and initial)
- Fire Safety Report



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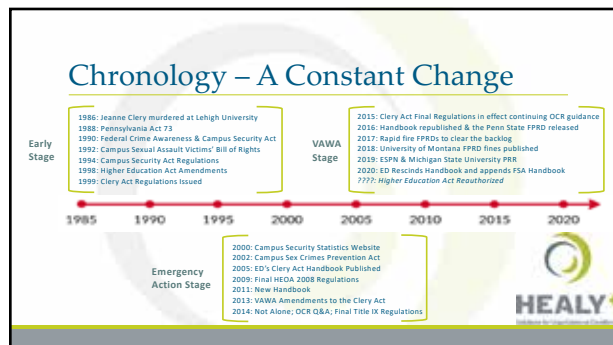
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### Enforcement

- ED Federal Student Aid Office, Clery Compliance Division (or the Clery Group), assesses compliance
  - Complaint / Media Event / Financial Aid Audit / State Review
  - Full Program Review/Compliance Assessment
  - Technical Assistance
  - State Auditors (Virginia, New York, California)
  - Office of Inspector General (OIG) Audit (North Georgia, UTSA)
  - Other federal agencies [i.e., DOJ (Montana), HHS (Michigan)]

HEALY+

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### How About Good Faith?

- There is only one "good faith" allowance
- Full compliance is expected with no margin for error
- "The correction of violations by institutions after the fact does not diminish the seriousness of not correctly including these incidents in campus crime statistics at the time they occurred"

HEALY+

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## Origins & Background - Q&A




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## Campus Security Authorities (CSAs)




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## Purpose of CSAs

- Campus community members may disclose crimes to different people and offices
  - Usually someone they have a level of comfort with
  - Students may tell a dean or director about an assault
  - Employees report incidents to supervisors or others




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## What CSAs Do

- Share their reporting responsibilities
- Ask questions that help classify the incident
- Submit reports promptly—timely warning assessment
- Respond with care
- Provide resources



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## What CSAs Don't Do

- Determine whether a crime occurred
- Investigate crimes
- Apprehend alleged perpetrators
- Convince folks to, or discourage them from, reporting to law enforcement
- Unfound crimes



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## CSA Responsibilities

- "CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner."



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- ### Identifying Your CSAs
- Official responsibilities and titles vary...
    - Consider function of the individual or office
    - Security functions can be broad and university-wide
    - Look at your policies. Where do you tell people to go for help?
    - Look for officials whose functions involve relationships with students or responsibility for campus activities
    - Individual's status as an employee not a factor
- HEALY+

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## Notifying Your CSAs

- Add the CSA designation to job descriptions
  - Not all CSAs will have HR-driven designations (for example, student org advisors)
- Annually notify all CSAs in writing of their status and training requirements
- Provide training
- Develop simple mechanisms for reporting




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## Training Your CSAs

- Purpose of CSAs
  - Safety of the campus community
  - Timely Warnings/Emergency Notifications
  - Resources and support
- Types of crimes they must report
- What is Clery geography? How does it impact reporting?
- How to navigate the reporting form
- CSA do's and don'ts
- How to handle disclosures with care and compassion




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## Group Exercise

As a group, review the job descriptions in your guidebook. For each job, determine if it meets the criteria for a CSA and provide a brief explanation why or why not.




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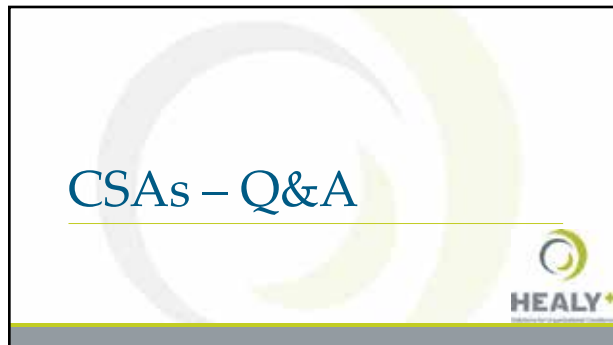
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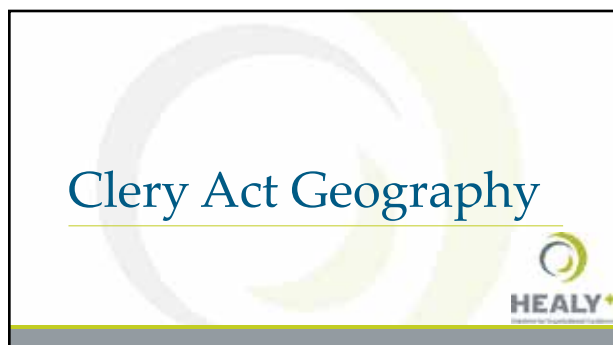
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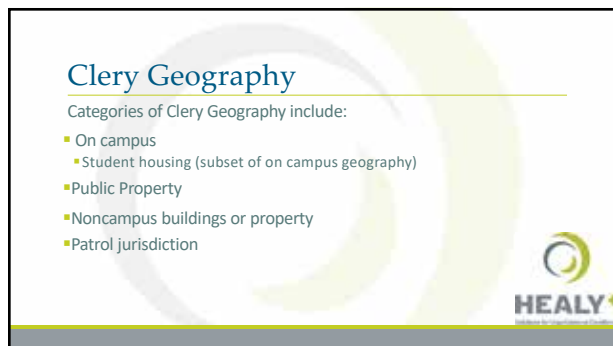
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## Definitions – On Campus #1

- 1) (i) Any building or property owned or controlled by an institution
- 2) within the same reasonably contiguous geographic area and
- 3) used by the institution in direct support of, or in a manner related to, the institution's educational purposes:
  - Residence halls
  - Athletic facilities
  - Academic buildings
  - Administrative and support buildings
  - On campus Greek letter orgs




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## Definitions – Controlling a Site

When the institution has a written agreement to rent, lease or otherwise use a space

- Agreement can be formal—a lease, or informal—an email
  - If you don't have a written agreement, you need one!
- No cost/payment requirement

A programmatic agreement, such as to send students to an internship site that does not grant use of space, does not establish control of a site

Property owned or controlled by an associated entity, like the college alumni association or athletics booster club, is considered owned or controlled by the institution




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## Definitions: Owned vs. Controlled

### OWNED LOCATIONS

Must disclose stats for crimes that occur:

- At any time
- 24/7/365
- Anywhere at the location

### CONTROLLED LOCATIONS

Must disclose stats for crimes that occur:

- During time specified in the written agreement
- In the spaces specified in the written agreement, and
- In any common spaces students can access—lobby, cafeteria, elevators, stairs, hallways

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## Definitions – On Campus Property #2

- (ii) Any building or property that is within or reasonably contiguous to the core campus, that is:
  - 1) owned by the institution but controlled by another person,
  - 2) is frequently used by students,
  - 3) supports institutional purposes (such as a food or other retail vendor)
    - Barnes and Noble branded bookstore
    - A chain fast food restaurant in the Student Center
    - A house two blocks from campus that's owned by your institution and which is used as an art studio for your students

Locations within one mile of your campus border are generally reasonably contiguous with your campus, but **evaluate on a case-by-case basis**




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## On Campus Property




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## Definitions – Noncampus Property

Any building or property owned or controlled by:

1. a student organization that is officially recognized by the institution

OR

Any building or property owned or controlled by:

1. an institution
2. that is used in direct support of, or in relation to, the institution's educational purposes
3. is frequently used by students, and
4. is not within the same reasonably contiguous geographic area of the institution.




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### Noncampus property



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### Noncampus property: repeated use

- Same location every year = noncampus property
- Example: the robotics club attends the same competition in CA every year. Must include crime statistics for rooms used by students and common areas—lobby, elevators, etc., for duration of the space agreement



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### Noncampus property: stay-away trips

- Duration/Frequency
- Used by students in support of educational purposes
- Controlled by institution during the trip
- May include:
  - Study abroad programs
  - Service trips domestically
  - Athletic travel for games or training
  - Others?



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## Definitions – 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



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## Definitions – Patrol Jurisdiction

Patrol jurisdiction is the entire area that is regularly provided service by the campus police or security department



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## Definitions – Separate Campus

- Your institution owns or controls the site
  - 1) It is not reasonably geographically contiguous with the main campus
  - 2) It has an organized program of study (ed. program leading to a degree)
  - 3) There is at least one person on site acting in an administrative capacity (need not be full time)
- EXAMPLES:
- A research facility that has an administrator on-site and that is used by students for recurring classes, recurring field trips, internships, student jobs or other regularly scheduled use
  - If student attendance at these locations is determined by individual research needs and student use is sporadic, it is not a separate campus.



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## Geography Documentation and Records Retention

- A Clery geography map of each campus
  - Save versions as geography changes
- A list of all buildings and property owned and controlled by the institution and by registered student orgs
  - Should include, and separate by, geography category
  - Include relevant jurisdiction as necessary
- A list of all public property locations— “from 100 block to 400 block” or from 139 E. Easy St to 751 Easy St




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## Geography – Group Exercise

- In teams of four, review crime reports in your Guidebook and determine Clery Geography
- You will have 15 minutes, then we will discuss as a group




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## Geography - Q&A




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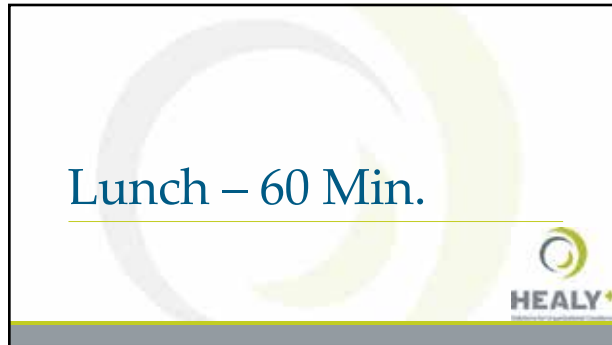
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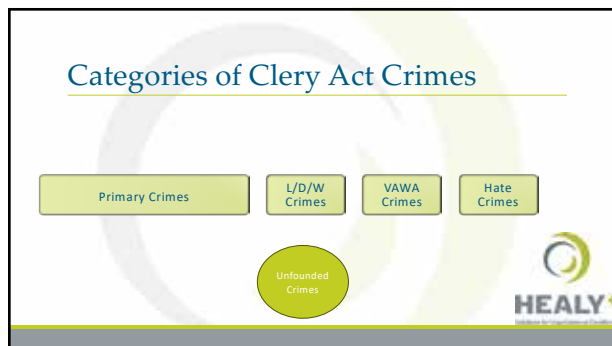
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## Group Exercise

As a group, review the definitions of the selected Clery Act crimes and identify the key elements/pieces of information you need to properly classify the crime

You'll share these out to the room at the end




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## Murder/Non-Negligent Manslaughter & Negligent Manslaughter

- **Murder and Non-negligent Manslaughter:** the **willful** killing of one human being by another.
  - Includes any death caused by injuries received in a fight, assault, or in the commission of a crime.
  - Does not include traffic fatalities, suicides, accidental deaths, or justifiable homicides.
- **Manslaughter by negligence:** the killing of another person through the **gross negligence of another**.
  - Does not include death from personal negligence, accidental deaths not resulting from gross negligence, and traffic fatalities.




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## "Sexual Assault"

- The Clery Act uses this as an umbrella term
- Never label one of the component crimes as sexual assault! Use the actual categorized offense:
  - Rape
  - Fondling
  - Statutory Rape
  - Incest
- Remember "The Ohio State Rule"




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## Rape

- Rape is the **penetration**, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, **without consent** of the victim




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## Fondling

- Fondling is the touching of the **private body parts** of another person **for the purpose of sexual gratification**, **without consent** of the victim
- Includes instances where the victim is incapable of giving consent because of their age or mental incapacity




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## Incest

Incest is **sexual intercourse** between **persons who are related to each other** within the degrees wherein marriage is prohibited by law




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## Statutory Rape

Statutory Rape is **sexual intercourse** with a person who is **under the statutory age of consent**




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## Robbery

- Robbery is the **taking** or attempting to take anything of value from the **care, custody, or control** of a person by **force, threat of force or violence and/or by putting the victim in fear**




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## Aggravated Assault

- Aggravated Assault is an **unlawful attack** by one person upon another **for the purpose of inflicting severe or aggravated bodily injury**
- Usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm




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## Burglary

Burglary is the **unlawful entry** of a **structure** to commit a **felony or theft**

Structure= 4 walls, a roof, and a door




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## Motor Vehicle Theft

- Motor Vehicle Theft is the **theft or attempted theft of a motor vehicle**
- Cars and trucks
- Golf carts
- Electric scooters
- Includes joyriding/unauthorized conveyance




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## Arson

Arson is any **willful or malicious burning** or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property (of another), etc.




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## Stalking

Stalking is engaging in a **course of conduct** directed at a **specific person** that would cause a **reasonable person to fear for their safety** or the safety of others; or suffer **substantial emotional distress**




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## Dating Violence

**Dating Violence** is **violence** committed by a person who is or has been in a social **relationship** of a **romantic or intimate nature** with the victim.

Relationship defined by: type, length and frequency of interaction




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## Domestic Violence

**Domestic Violence\*** is a felony or misdemeanor **crime of violence** committed by:

- a current/former spouse/intimate partner of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with (or has in the past) the victim as a spouse/intimate partner;
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- 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

\* (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another;  
(b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.




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## Hate Crimes

Any primary or VAWA crime that manifests evidence that the **victim was intentionally selected** because of the **perpetrator's bias** against the victim.

In addition to the primary & VAWA crimes, the following crimes must also be included as hate crimes:

- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property
  - Requires "destroy, damage, deface, or otherwise injure"




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## Hate Crimes – Classification

- Classifying an incident as a hate crime requires a thorough investigation
- Must have elements of bias beyond the victim's perception of that bias
  - Assumption by the offender that the victim is member of protected group
  - Location focused on a particular identity
  - Timing significant to a particular identity




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## Hate Crimes – Categories of Bias

- Race
- Religion
- Sexual Orientation
- Ethnicity
- Gender
- National Origin
- Gender Identity
- Disability




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## Arrests & Referrals

### ARRESTS

- Arrests for violations of state or local weapons, drug and liquor laws
- **Arrest** for Clery Act purposes is defined as persons processed by arrest, citation or summons

### REFERRALS

- The referral of any person to any campus official who **initiates a disciplinary action** of which a **record is kept and which may result in the imposition of a sanction.**
- Receiving official must:
  - Have the ability to impose of a disciplinary action
  - Keep record of referral
- Not necessary that referral:
  - Originate with police
  - Result in the imposition of a sanction

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## Arrest & Referrals

- Requires knowledge of state and local laws
- Your institution should have a list of current local/state weapon, alcohol, and drug laws and how to interpret them for Clery Act purposes
- Must maintain integrity of expunged documentation




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## Unfounded Crimes

- A crime can only be unfounded if it is:
  - **Fully investigated**
  - By sworn or commissioned law enforcement personnel; and
  - Based on the results of the investigation, they make a formal determination that the reported crime is **false or baseless.**
  - The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report




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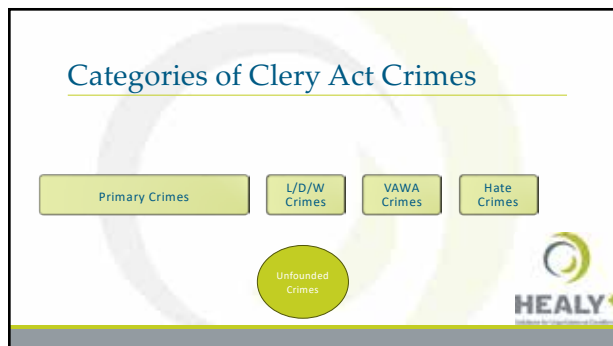
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## The Hierarchy Rule

When counting multiple offenses, you must use the FBI's UCR Hierarchy Rule.

Under this rule, when more than **one Primary Crime** was committed during a single incident **you should only count the most serious offense**.

A single incident means that the offenses were committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant.




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## The Hierarchy Rule

- Murder and Non-negligent Manslaughter
- Manslaughter by Negligence
- Rape/Fondling/Statutory Rape/Incest
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft




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## Hierarchy Exceptions: Arson

- Always count Arson regardless of the nature of any other offenses that were committed during the same incident.

- When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the Arson.

- Count incidents in which persons are killed as a direct result of Arson as Murder and Non-negligent Manslaughter and Arson




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## Hierarchy Exceptions: Rape, Fondling, Statutory Rape, & Incest

If Rape, Fondling, Incest, or Statutory Rape occurs in the same incident as Murder, count both the sexual assault and the Murder.

Fondling is recognized as an element of the other Sexual Assaults. Include a Sexual Assault as Fondling only if it is the only Sexual Assault. If Fondling occurs in the same incident as Murder, count both the Fondling and the Murder.




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## Rules for Counting Crimes

- Incidents are counted in the year they are reported, not the year they occurred
- Be alert for multiple crimes in a report/incident
  - Time and Distance
  - Supplemental info in investigation
- Moving Crimes




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## Rules for Counting Crimes

- Crimes counted by incident:
  - Robbery
  - Burglary
- Crimes by victim:
  - Murder/Negligent/Non-Negligent Manslaughter
  - Rape, Fondling, Incest, Statutory Rape
  - Aggravated Assault




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## The Rules for Counting Burglaries

In individual student rooms: the Burglary of each room is a separate offense. If an offender unlawfully enters five dorm rooms on one floor of a student housing facility for the purpose of taking something, you should count this as five Burglaries.

Burglaries in suites: Each bedroom in a student housing facility suite is considered a separate dwelling. Count the Burglary of four bedrooms and the common room in a suite during a single incident as five Burglaries.




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## The Rules for Counting Burglaries

Count the Burglary of an academic structure as one offense, regardless of the number of interior rooms entered or items stolen if the rooms were all burglarized during the same time frame.

If, however, the rooms were burglarized within different time frames, for example one office on Monday and a second office the following day, count this as two Burglaries.




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## Rules for Counting Arrests

- Count arrests:
  - Within required geographic areas
  - Only for weapons, drug, and liquor law violations
- Multiple violations within an incident: institution can create the hierarchy
- Have a policy about which offense of these three you will count
- Be consistent




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## Rules for Counting Referrals

- Count referrals (take care to apply local laws for referrals):
    - Within required geographic areas
    - Weapons, drug, and liquor law violations separately
    - Educational & counseling sanctions count\*
  - Multiple violations within an incident: institution can create the hierarchy
  - Have a policy about which offense of these 3 you will count
  - Be consistent
  - Do not combine statistics for arrests & referrals, only count arrests over referrals for the same person
- \*Amnesty exception



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## Group Exercise

Using the same reports from the Geography exercise, review and determine how you would count each report, both in terms of crime and count

- You will have 15 minutes, then we will discuss as a group



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## Counting Crimes - Q&A



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## Collecting and Reconciling Data




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### Collecting Data

- All CSAs
- ALL local and state LEAs w/Clery geography
  - All means all (park rangers, transit police, ABC, etc.)
- IHEs must make a request of local LEAs for Clery Act crime data, even if the IHE has access to the LEA's records management system.




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### Data Reconciliation – Why & Who

- Purpose
  - Counts, crimes, & geography
  - De-duplicate
  - Produce data
  - Crosscheck ASR & CSSDACT
  - Follow hierarchies
- Participants




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CLERY ACT  
STAKEHOLDERS

Clery Act Compliance  
Administrator (CACA)

Diagram illustrating the Clery Act Compliance Administrator (CACA) as a central hub, connected to various stakeholders including the President, Vice President, Dean, and various departments.

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CLERY ACT  
STAKEHOLDERS

Data Assurance Working  
Group (DAWG)

Diagram illustrating the Data Assurance Working Group (DAWG) as a central hub, connected to various stakeholders including the President, Vice President, Dean, and various departments.

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CLERY ACT  
STAKEHOLDERS

Clery Act Compliance  
Committee (CACC)

Diagram illustrating the Clery Act Compliance Committee (CACC) as a central hub, connected to various stakeholders including the President, Vice President, Dean, and various departments.

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## Data Reconciliation – How

- Meet regularly and have an agenda
- Assign tasks
- Come prepared with List of incidents that may contain elements of Clery Act crimes
- Complex cases should be reviewed in advance with Clery Coordinator
- Keep meeting minutes/notes for compliance purposes
- Group deliverable = an audit trail




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## Sample Agenda

- Review cases by date reported
- Participants should have maximum amount of information (ideally real-time access to RMS)
- Agree on the count(s) and geography for each report, de-duplicating along the way
  - Each partner office may need to update its internal records, especially the safety agency as additional information may:
    - Trigger new timely warning/emergency notification considerations
    - Noting this may point to failure of the CSA process to provide near-real-time compliance under the Clery Act for these requirements
    - Trigger daily crime log considerations




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## Audit Trail

- |   |                                    |
|---|------------------------------------|
| • Source                                      | • Specific location(s) of Incident |
| • Source Reference #                          | • Category of Clery geography      |
| • Date/Time Reported                          | • Incident crime type(s)           |
| • Date/Time Occurred From/To                  | • Crime Count(s)                   |
| • Related Source & Related Source Reference # | • Justification/Rationale notes    |
| • Name(s) of parties                          | • Was a TW/EN issued?              |
|   | • TW/EN notes                      |




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### Group Exercise

- Review the sample audit trail provided.
- De-duplicate the offenses
- Edit/update the audit trail to include all of the information we have discussed
- You will have 15 minutes, then we will discuss as a group



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### Collecting and Reconciling Data – Q&A



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### Day 1 Debrief



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## Day 1 Debrief

- Clery compliance requires pan-institutional participation
- Training your CSAs is necessary, even if not required
- Detailed documentation is critical across all areas—particularly documentation that codifies institutional interpretations and practices




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# CLERY ACT SEMINAR

## BUILDING COMPLIANCE EXCELLENCE

November 10, 2023

Hosted by Liberty University




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## Day 1 Recap and Day 2

### DAY 1

- Introductions
- Origin & Background
- Campus Security Authorities
- Geography
- Crime definitions
- Counting Crimes
- Collecting & Reconciling Data

### DAY 2

- Daily Crime Log
- Emergency Response/Evacuation
- Timely Warnings and Emergency Notification
- Missing students
- Fire Safety
- Drug Free Schools & Communities Act
- VAWA
- Policy Statements & ASR

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## Daily Crime Log




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### Daily Crime Log – Purpose

- To record all criminal incidents and **alleged** criminal incidents that are reported to the campus police or security department (that occur within geography/patrol jurisdiction)
- The log is designed to provide crime information on a more regular basis than the annual statistical disclosures
- **All** means **all**, not just Clery Act crimes, not just LUPD
- May also be combined with Fire Log if your institution has any on-campus student housing facilities




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### Daily Crime Log – Required Elements

- The **date** the crime was reported
- The **date** and **time** the crime occurred
- The **nature of the crime**
- **General location** of the crime
- **Disposition** of the complaint




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### Daily Crime Log – LEA Reports

Crime reports received from local law enforcement agencies (for example, in response to your request for annual statistics) that cannot be matched to other crimes already in the crime log should be entered into the log by the date your campus police or security department received the report from the local law enforcement agency.




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### Daily Crime Log – Maintenance

- Additions to the log, including change in disposition, must be recorded **within two business days** of the report of information to campus police/security
- Two exceptions:
  - If the disclosure is prohibited by law; or
  - If the disclosure would jeopardize the confidentiality of the victim
- You are *not* required to update dispositions for entries in your log beyond 60 days




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### Daily Crime Log – Withholding Info

- An institution can temporarily withhold information only if there is clear and convincing evidence that the release of information would:
  - Jeopardize an ongoing investigation;
  - Jeopardize the safety of an individual;
  - Cause a suspect to flee or evade detection; or
  - Result in the destruction of evidence.




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## Daily Crime Log – Availability

- Format: hard or electronic copy
  - On-site at each campus
- Publicize availability
  - Website, security office, student/employee handbook, etc.
- Most recent 60 days, open to public inspection (anyone), free of charge, upon request, during normal business hours
- Requests for archived copies must be provided within two business days



## Group Exercise

A	B	C	D	E	F
1	Case Number	Date Reported	Date Occurred	Offense(s)	Disposition
2	PD 12345	10/14/2023	10/12/2023	Dating Violence	Victim Declined to Prosecute
3	PD 12456	10/14/2023	10/10/2023	Pier (accidental)	Closed
4	PD 14567	10/14/2023	10/12/2023	Stolen 24C	Open
5	PD 45678	10/15/2023	10/11/2023	Aggravated Assault	Inactive
6	PD 56789	10/16/2023	10/14/2023	Motor Vehicle Theft	Charged by arrest
7	PD 67890	10/17/2023	10/15/2023	Possession of Marijuana	Charged by arrest
8	MA0001 (20001)	10/18/2023	10/16/2023	Underage Consumption	Unfounded
9	MA0002 (20002)	10/19/2023	10/17/2023	Stalking	Inactive
10	PD 78901	10/20/2023	10/18/2023	Burglary	Charged by arrest
11	PD 78902	10/21/2023	10/19/2023	Burglary	Charged by arrest

## Group Exercise

A	B	C	D	E	F
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## Daily Crime Log – Q&A

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## Emergency Response & Evacuation (ERE)




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### ERE Procedures

An IHE must have procedures to annual test the emergency response and evacuation system

- Scheduled, publicized in coordination with at least 1 distribution of access of Emergency Plan, documented for date, time, description, and whether or not announced
- Contain drills of multiple systems (i.e. the ENS)
- Contain exercises involving coordination of response
- Contain follow-through (AAR)
- Outcomes Assessment (gap identification and remediation)
- Applicable to the emergency plans




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### ERE Procedures

- A variety of options for testing
  - ENS system test activations
  - Tabletop exercises
  - Topic specific drills
- Involve people/groups that would have a role in an actual emergency
  - Police/Public Safety
  - Community first responders
  - University leadership
  - Communications



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### Timely Warnings (TW) & Emergency Notifications (EN)



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### Timely Warnings

- The Clery Act requires an IHE to alert the campus community when:
  - A Clery Act crime that occurred on Clery geography was reported to LEA or a CSA and poses a (serious or continuing) threat to students and employees
  - Message should be sent as soon as pertinent info is available



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## Timely Warning Content Requirements

- Message should describe:
  - Type of crime,
  - general location,
  - date/time
- Alert should include:
  - Information that promotes safety & allows individuals to protect themselves
    - safety tips and prevention strategies
    - Contact info for PD or security
- Alert should NEVER include details that identify the victim




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## TW Decision Matrix




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## Avoiding Bias and Blame

Avoid using vague suspect descriptions that create fear and suspicion

- “Black male wearing a hoodie”
- “Appeared to be middle Eastern, Latino”, etc

More descriptive details = more helpful, less bias

Avoid victim blaming language

- “despite the delayed report”




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## TW Exemptions

- Crimes reported to pastoral or professional counselor
- Information revealed in state-privileged situation that includes direct or indirect personally-identifying-information
- Before you do this, get a second opinion




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## Emergency Notifications

An IHE is required to:

- immediately notify\* the campus community
- upon confirmation
- of a significant emergency or dangerous situation
- occurring on campus
- that involves an immediate threat to the health or safety of students and employees

\*must send at least one follow up to initial message (all clear)




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## Emergency Notifications

• Examples include:

- Active shooter
- Bomb threat/explosion/suspicious packages
- Hazardous material incident
- Weather-related situations
- Earthquake/volcanic eruption
- Power outages
- Water emergencies
- Pandemic/disease outbreak




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Important Information on “Opt-In”

- Institutions must ensure they can quickly transmit notifications and warnings to all students and employees (and in some cases, the larger community)
- An institution would not be able to rely solely on a text messaging system if all members of the campus community are not required to participate in that system
- Similarly, relying on an e-mail would not be adequate for institutions that do not establish an e-mail account for all students and employees, or require each member of the campus community to register an e-mail address with the institution



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TW & EN – Compare & Contrast

	Emergency Notifications	Timely Warnings
Scope	Significant emergency or dangerous situation	Clery crimes, reported to C&A
Triggered by?	Event that is currently occurring on or immediately surrounding campus	Crimes that occurred and represent an ongoing threat
Where event occurs?	Only on campus	Anywhere on Clery Geography
How soon to issue?	Immediately upon confirmation of situation	As soon as information is available

Source: 2020 FSA Clery Act Appendix, U.S. Department of Education



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Group Exercise

For each of the following scenarios, decide:

1. If an alert message is required
2. If yes, which type of message is required
3. Why that message type is required (use your decision matrix)



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## Scenario 1

Campus police receive a report of a rape that occurred after hours in the Hoover School of Social Work. The suspect approached the student as he was leaving and asked for help finding another room in the building. The student walked with the suspect to the room previously asked about, and which point the suspect pulled the student into the room, closed the door, and raped him. The suspect then fled the building, and the student called campus police.

Should you send a message? If so, a TW or EN?




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## Timely Warning: Which to send?

### OPTION A

Campus police are investigating the sexual assault of a male grad student that occurred around 7pm tonight in the Hoover building. The suspect approached the victim, asking for help locating a room in building, then pushed the victim into the room and sexually assaulted him. The suspect is described as a white male in his early 20's with blond hair and a green baseball cap.

Your safety is important. Please choose well lit walking paths, don't walk alone after dark, and be aware of campus blue light emergency phones.

### OPTION B

Campus police are investigating a sexual assault that occurred around 7pm tonight in the Hoover building. The suspect approached the victim, asking for help locating a room in building, then pushed the victim into the room and sexually assaulted them. The suspect is described as a white male, early 20's, approx. 6ft with blond hair and a spider tattoo on his upper arm. He was wearing a green baseball cap, a dark blue shirt and jeans.

Your safety is important to us. Please report all suspicious activity to HUPD. Travel/stay in groups when possible. Campus Police provide safety escorts 24/7.

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## Scenario 2

An employee calls at 4:35pm to report that their vehicle has been broken into and their laptop stolen. The employee parked the vehicle in the campus' East Parking Lot at about 8:15 am today. They returned to the vehicle at 4:30pm to find the front passenger window shattered and their messenger bag and laptop missing. A fairly large rock was found near the vehicle, likely used to break the window.

Should you send a message? If so, a TW or EN?




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### Scenario 3

At 10am Tuesday morning, dispatch receives a call from a faculty member in the Chemistry building. He reports that a fire has started in his lab after he spilled some flammable chemicals across a large workspace area. Students and employees have begun evacuating the building because the fire is growing and the sprinkler system has activated. The Chemistry building is attached to the Biology building where students are also attending classes.

Should you send a message? If so, a TW or EN?




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### Scenario 4

At approximately 1am Saturday morning, two students who are members of a recognized fraternity report that they were accosted across the street from their fraternity house by two other men they did not know. They were walking home from a pickup basketball game when they were approached by the two suspects, who each pulled a knife from their pocket and demanded that the students hand over their wallets and their cell phones. The students began to protest and one of the suspects began moving closer, so the students ran quickly across the street into the fraternity house and locked the door behind them before calling police.




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### Emergency Notification—Which to send?

Emergency Notification! Fire in Graham Communications Building. Evacuate building. Avoid south campus. Updates will be sent via email/text.

Fire in Comms bldg. Evacuate the bldg and avoid area. Fire and Emergency personnel on scene




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## Documentation and Records Retention

- Consider drafting templates for crime types that include relevant safety tips and prevention info
- Keep copies of all policies and SOPs related to sending TWs and ENs
- Keep copies of all Timely Warnings and Emergency Notification messages.
- Keep copies of the assessments/decision document that resulted in notices being sent. Attach to incident report




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## TW & EN – Q&A




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## Break – 10 Min.




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# Missing Residential Students



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## Missing Student Notification

- An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report.



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## Missing Student Notification

- The Statement must:
  - Indicate a list of where individuals should report that a student has been missing for 24 hours
  - Require that any missing student report must be referred immediately to the institution's police or campus security (and if none, to the local LEA)
  - Contain an option for each student to identify a contact whom the institution shall notify within 24 hours of the determination by LEA/security that the student is missing



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## Missing Student Notification

- Advise students that their contact information:
  - Will be registered confidentially
  - Will be accessible only to authorized campus officials
  - May not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation
- Advise students that if they are under 18, and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student




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## Missing Student Notification

- Advise students that, the institution will notify LEA within 24 hours of the determination that the student is missing, unless the LEA was the entity that made the determination that the student is missing
- The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include




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## Missing Student Notification

- If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing;
- If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing;
- And regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing




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## Missing Residential Students – Q&A




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## Fire Safety




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## Fire Safety Requirements

- Annual Fire Safety Report on student housing, including statistics on:
  - # of fires and cause
  - # of injuries that result in treatment at a medical facility
  - # of deaths related to a fire
  - Value of property damaged by a fire




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Fire Safety Requirements

- Description of on-campus student housing facility fire safety system
- # of mandatory supervised & evaluated fire drills. Policies or rules on electrical devices, smoking, and open flames, & fire safety education program
- Future improvements planned



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Fire Safety Requirements

- Current Information to Campus Community
  - Fire Safety Log
    - All fires in on-campus student housing, including nature, date, time, and general location
    - Annual report to the community on such fires
    - You may combine the Fire Safety Log with the Daily Crime Log



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Fire Safety Requirements

	A	B	C	D	E	F
1	FIRE SAFETY FEATURES					
2	Building/Property Name	Sprinkler System	Smoke Detectors	Evacuation Signage	Fire Extinguishers	Fire Drills per Year
3	Stearns Hall	YES	YES	NO	YES	1
4	Stearns Hall	YES	YES	NO	YES	2
5	Crandall Hall	YES	YES	YES	YES	1
6	Kiss Hall	YES	YES	YES	YES	2
7	Heath Hall	YES	YES	NO	YES	1
8	Soto Hall	YES	YES	YES	YES	2
9						
10						



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## Fire Safety – Q&A




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## Drug Free Schools & Communities Act (DFSCA)




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## What Does DFSCA Require?

- Annually notify each employee and student, in writing, of:
  - Standards of conduct;
  - A description of appropriate sanctions for violation of federal, state, and local law and campus policy;
  - A description of health risks associated with AOD use; and
  - A description of available treatment programs.
- Develop a sound method for distributing annual notification information to every student and employee each year.
- Prepare a biennial report on the effectiveness of its AOD programs and the consistency of sanction enforcement.




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### Annual Distribution

- Written distribution of all components of the DAAPP to each student and employee, and
- Ensure new students and employees that join the campus community after the annual distribution date still receive the document



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### DAAPP

- Drug & Alcohol Awareness & Prevention Programming (DAAPP)
  - Standards of conduct
  - Legal Sanctions
  - Health Risks
- Description of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students
- Disciplinary Sanctions for students and employees



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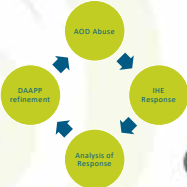
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### Biennial Review

- What is it?
  - A self-assessment of the efficacy of the program element in the DAAPP
- What are the objectives of the review?
  - Gap analysis and remediation plans
- Who should be involved in the review?
  - Pan-institutional
- The report must contain outcomes assessments and refinements based upon the outcomes assessments



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## Group Exercise

### DFSCA Status Check

Look online for your institution and answer the following questions in small groups:

- Is this being done on your campus?
- Who leads this initiative on your campus?
- Do you have a committee? Who's on this committee?
- How do you distribute your report?



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## DFSCA – Q&A



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## Violence Against Women Act (VAWA) Amendments



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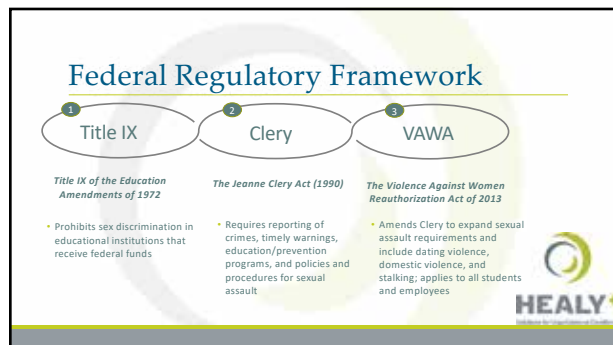
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### VAWA: Overview

- Violence Against Women Reauthorization Act of 2013 passed in March 2013
- Expands Clery requirements to dating violence, domestic violence and stalking, and adds additional requirements related to sexual assault
- Applies to students and employees
- Expands training requirements and requires statement of policy re: programs to prevent domestic violence, dating violence, sexual assault and stalking
- Details prescriptive processes to respond to dating violence, domestic violence, stalking, and sexual assault, which overlap but are not precisely aligned with Title IX

The HEALY+ logo is visible in the bottom right corner of the slide.

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### VAWA: Overview

- Requires incidents of sexual assault, domestic violence, dating violence, and stalking be disclosed in annual campus crime statistic reports
- Expands definition of reportable hate crimes to include bias based on a victim's national origin or gender identity
- In timely warning, must withhold the names of victims as confidential
- Institution may not retaliate, intimidate, threaten, coerce, or discriminate against any individual for exercising rights or responsibilities

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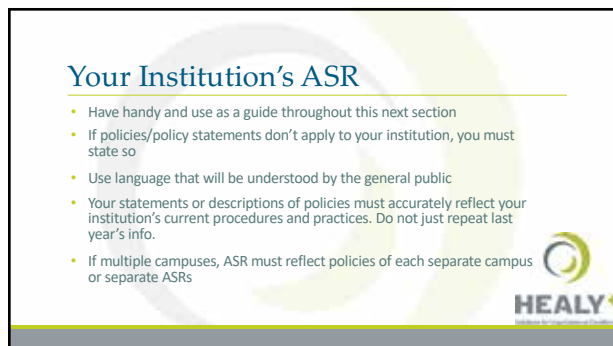
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## Policies & Policy Statements in the ASR

- Language – use language that will be understood by the general public
- Accuracy – your statements or descriptions of policies must accurately reflect your institution's current procedures and practices. Do not just repeat last year's info.
- If multiple campuses, ASR must reflect policies of each separate campus or separate ASRs




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## About the Policies

- Policies re: Prep of ASR, access to campus, reporting crimes
- Policies re: campus law enforcement, security awareness, & crime prevention programs
- DFSCA Policies
- VAWA policies (including Sex offender information) policies, etc.
- Emergency Response & Evacuation Procedures
- Missing Student Notification Procedures
- Daily Crime Log preparation & maintenance
- Fire Safety Report & associated policies




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## The Annual Security Report

- An institution must prepare an annual security report reflecting its current policies that contains, at a minimum, the following information:
  - The crime statistics for previous 3 calendar years
  - Policies for preparing the annual disclosure of crime report statistics
    - How and from whom did you gather the data that makes up the crime stats?




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### Policy Statement: Reporting Crimes

- **A statement** that encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, including when the victim of a crime elects to or is unable to make such a report



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### Policy Statement: Reporting Crimes

- **Policies or procedures** for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics



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### Policy Statement: Reporting Crimes

- **Describes procedures**, if any, that encourage pastoral counselors and professional counselors, if and when they deem appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics



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### Policy Statement: Reporting Crimes

A list of the titles of each person or organization to whom students and employees should report Clery crimes for the purpose of making timely warning reports and the annual statistical disclosure

This statement must also disclose whether the institution has any policies or procedures that allow victim or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, and, if so, a description of those policies and procedures.



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### Policy Statement: Reporting Crimes

- A statement of current campus policies regarding procedures for students and others to report crimes or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including...
- Policies for making timely warning reports to members of the campus community regarding the occurrence of crimes described in para (c) (1) of this section



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### Policy Statements: Reporting Crimes

- Procedures for students and others to report criminal actions and other emergencies
- Timely Warning Reports
- Policies for preparing the Annual Report
- List of titles where people should report for the purposes of TW & annual disclosure
- Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis



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## Policy Statement: Security of and Access to Campus

- A statement of current policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities
  - Access to residence halls and other buildings
  - Lighting
  - Cameras
  - Building maintenance
- Must do this for each campus covered by the ASR




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## ERE Policy Statement

- IHEs must include a statement of policy regarding its ERE procedures in the ASR, including:
  - Description of process for testing ERE procedures on at least an annual basis, including
    - Publicizing ERE procedures in conjunction with at least one test per calendar year (not fire drills)
    - Whether tests are announced/unannounced
  - For each test, document the description of exercise, date/time, and whether announced or unannounced (after action review)




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## Policy Statement: Law Enforcement

- A statement of current policies concerning campus law enforcement that:
  - Addresses the enforcement authority and jurisdiction of security personnel;
  - Addresses the working relationship of campus security personnel with State and local police agencies,
  - Whether those security personnel have the authority to make arrests;
  - Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.




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### Policy Statement: Security Awareness Programs

- A **description** of the type and frequency of programs designed to inform students **and employees** about campus security procedures and practices and to encourage students and employees to be responsible for **their own security and the security of others**.
- A description of programs designed to inform students **and employees** about the prevention of crimes.




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### Policy Statement: Monitoring & Recording Noncampus Organizations

- A statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at noncampus locations of student organizations officially recognized by the institution, including student organizations with noncampus housing facilities




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### Policy Statements: Drug & Alcohol

- A statement of policy regarding the possession, use and sale of alcoholic beverage and enforcement of State underage drinking laws
- A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws
- A description of any drug or alcohol-abuse education programs, as required by the DFSCA. This is the only section in your ASR where you may cross-reference existing materials instead of explicitly describing them in your ASR.




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## Policy Statement: VAWA Requirements

- Policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, and procedures the institution will follow when one of those crimes is reported, including:
  - Descriptions of educational programs and campaigns for students and employees
  - Procedures for victims of VAWA crimes to follow including written information about:
    - Importance of preserving evidence
    - How and to whom to report
    - Option to notify or decline to notify law enforcement
    - No-contact orders, restraining orders, or the like




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## Policy Statement: VAWA Requirements

- Information about how the institution will protect the confidentiality of victims by:
  - Not publicly disclosing personally identifying information
  - Maintaining confidentiality of accommodations or protective measures implemented, to the extent possible
- Written notice about existing supports and resources
- Written notice to victims about interim measures and their availability regardless of participation
- Explanation of procedures in reports of VAWA crimes
- Written explanation of rights and options for those who report VAWA crimes




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## Policy Statement: VAWA Requirements

"A statement that the institution will provide written notification to students and employees about:

1. Counseling services
2. Health/medical care
3. Mental Health care
4. Victim Advocacy
5. Legal Assistance
6. Visa and Immigration Assistance
7. Other services available for victims within the institution and in the community




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## Policy Statement: VAWA Requirements

"A statement that the institution will provide written notification to students and employees about options for, available assistance in, and how to request changes to:

1. Academics
2. Living arrangements
3. Transportation
4. Work environment
5. Protective measures

The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;"




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## Policy Statement: VAWA Prevention Programs

- The ASR must include a statement of policy related to the institution's programs to prevent VAWA crimes, which must include:

- Primary prevention and awareness programs for all incoming students and new employees
- Ongoing prevention and awareness programs for students and employees




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## Policy Statement: VAWA Prevention Programs

- Both primary and ongoing prevention and awareness programs must include:

- Prohibition against VAWA crimes
- Definitions of VAWA crimes in the applicable jurisdiction
- Definition of consent in the applicable jurisdiction
- Description of safe and positive options for bystander intervention
- Information on risk reduction, and
- Applicable procedures, available resources, reporting options, and procedural protections




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## Policy Statement: VAWA Procedures

- Procedures institution will follow once incident has been reported:
  - Standard of evidence
  - Possible sanctions or protective measures
  - Procedures victim should follow
  - Procedures for disciplinary action
  - Information about how institution will protect the confidentiality of victims
  - Written notice of resources
  - Written notice of accommodations




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## Policy Statement: VAWA Procedures

- An institution must include in its ASR a clear statement of policy that addresses the; procedures for institutional disciplinary action and:
  - (I) (i) Describes **each type of disciplinary proceeding used** by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;




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## Policy Statement: VAWA Procedures

- (ii) Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;
- (iii) Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding, and
- (iv) Describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking;




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## Policy Statement: VAWA Procedures

- (2) Provides that the proceedings will—
  - (i) Include a prompt, fair, and impartial process from the initial investigation to the final result;
  - (ii) Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
  - (iii) Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;




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## Policy Statement: VAWA Procedures

- (iv) Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and
- (v) Require simultaneous notification, in writing, to both the accuser and the accused, of
  - (A) The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
  - (B) The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;
  - (C) Any change to the result; and
  - (D) When such results become final.




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## Policy Statement: VAWA Procedures

- (i) A prompt, fair, and impartial proceeding includes a proceeding that is—
  - (A) Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;
  - (B) Conducted in a manner that—
    - ◆ (1) Is consistent with the institution's policies and transparent to the accuser and accused;
    - ◆ (2) Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
  - ◆ (3) Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
  - (C) Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.




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## Policy Statement: Emergency Notifications

1. A description of the procedures you'll use to:

- Confirm the emergency
- Determine what segment(s) of the IHE will get the notification
- Determine the content of the notification
- Initiate the notification system

2. A list of titles of the people or organizations who will carry out the above




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## Policy Statement: Emergency Notifications

3. A statement that immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students and employees

- and how follow up info will be shared

4. A statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency




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## Policy Statement: Emergency Notifications

5. Procedures for disseminating to the "larger community"

- Area surrounding the campus
- Interested parties who may be distant, such as parents, trustees, etc.

6. Information on how to sign up for the emergency notification system if it's opt-in




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### Policy Statement: Timely Warnings

- Policies for making timely warning reports to members of the campus community regarding the occurrence of Clery Act crimes, including:
  - The circumstances for which a warning will be issued
  - The person/office responsible for drafting the warning—who writes it?
  - The person/office responsible for sending the warning
  - How the message is distributed to the campus community




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### Policy Statement: Timely Warnings

A statement that Timely Warnings will:

- be sent in a timely manner
- withhold the names of victims as confidential
- Aid in the prevention of similar crimes

A statement that the University is not required to issue Timely Warnings for crimes that were reported to a professional or pastoral counselor




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### Policy & the ASR – Q&A




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## The Future of the Clery Act

HEALY+

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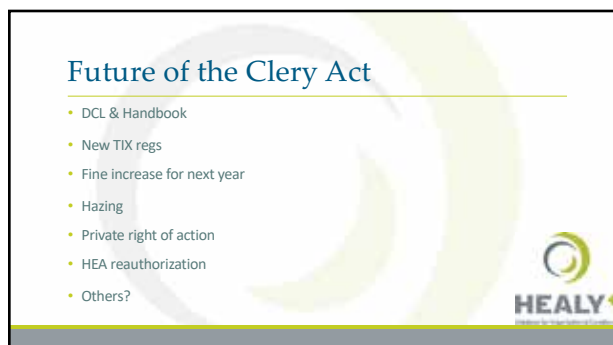
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## Future of the Clery Act

- DCL & Handbook
- New TIX regs
- Fine increase for next year
- Hazing
- Private right of action
- HEA reauthorization
- Others?

HEALY+

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## Final Group Exercise

HEALY+

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**Final Group Exercise**

Clery Act Trivia

Go to: [https://www.slido.com/?experience\\_id=22-z](https://www.slido.com/?experience_id=22-z) and enter code **41951083**

Scan QR code


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**Wrap-up and Q&A**




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**Wrap-Up and Q&A**

- Questions/Comments
- Evaluation (via email)
- Future support




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## BASIC MATERIALS

### 01. The Clery Act Statute as amended by VAWA (see section (f))

In order to reduce the size of the Guidebook, and provide the information in an easily searchable format, we have provided some of these lengthy documents as links.

[The Clery Act Statute as amended by VAWA \(see section \(f\)\)](#)



## 02. Clery Act Regulations

### COLLECTION OF INFORMATION

Regulatory section	Information collection	OMB control number and estimated burden [change in burden]	Estimated costs
§ 668.46(b) Annual security report .....	Revises and expands existing language and adds new requirements for items to be reported annually.	OMB 1845–0022. We estimate that the burden will increase by 18,076 hours.	\$660,677.80
§ 668.46(c) Crime statistics .....	Revises and expands existing language and adds new reporting requirements for items to be reported in the annual crime statistics report.	OMB 1845–0022. We estimate that the burden will increase by 10,846 hours.	396,421.30
§ 668.46(j) Programs to prevent dating violence, domestic violence, sexual assault, and stalking.	Specifies the elements of the required statement of policy on and description of the institution's programs and ongoing campaigns about prevention and awareness regarding these crimes that must be included in the institution's annual security report.	OMB 1845–0022. We estimate that the burden will increase by 28,920 hours.	\$,057,026.00
§ 668.46(k) Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking.	Implements the statutory changes requiring an institution that participates in any title IV, HEA program to include a statement of policy in its annual security report addressing the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.	OMB 1845–0022. We estimate that the burden will increase by 19,883 hours.	726,723.65

#### Assessment of Educational Impact

In the NPRM we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov).

Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

(Catalog of Federal Domestic Assistance Number does not apply.)

#### List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Aliens, Colleges and universities, Consumer protection, Grant programs—education, Loan programs—education, Reporting and recordkeeping requirements, Selective Service System, Student aid, Vocational education.

Dated: October 7, 2014.

**Arne Duncan,**  
Secretary of Education.

For the reasons discussed in the preamble, the Secretary of Education amends part 668 of title 34 of the Code of Federal Regulations as follows:

#### PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

■ 1. The authority citation for part 668 continues to read as follows:

**Authority:** 20 U.S.C. 1001, 1002, 1003, 1070g, 1085, 1088, 1091, 1092, 1094, 1099c, and 1099c–1, unless otherwise noted.

■ 2. Revise § 668.46 to read as follows:

#### § 668.46 Institutional security policies and crime statistics.

(a) *Definitions.* Additional definitions that apply to this section:

*Business day.* Monday through Friday, excluding any day when the institution is closed.

*Campus.* (i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

*Campus security authority.* (i) A campus police department or a campus security department of an institution.

(ii) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.

(iii) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

(iv) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial

proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

**Clery geography.** (i) For the purposes of collecting statistics on the crimes listed in paragraph (c) of this section for submission to the Department and inclusion in an institution's annual security report, Clery geography includes—

(A) Buildings and property that are part of the institution's campus;

(B) The institution's noncampus buildings and property; and

(C) Public property within or immediately adjacent to and accessible from the campus.

(ii) For the purposes of maintaining the crime log required in paragraph (f) of this section, Clery geography includes, in addition to the locations in paragraph (i) of this definition, areas within the patrol jurisdiction of the campus police or the campus security department.

**Dating violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

(iii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic violence.** (i) A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner 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 crime of 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.

(ii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR)**

**program.** A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

**Hate crime.** A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Hierarchy Rule.** A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

**Noncampus building or property.** (i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(ii) 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.

**Pastoral counselor.** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

**Professional counselor.** A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

**Programs to prevent dating violence, domestic violence, sexual assault, and**

**stalking.** (i) Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that—

(A) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and

(B) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

(ii) Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees, as defined in paragraph (j)(2) of this section.

**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.

**Referred for campus disciplinary action.** The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**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.

**Stalking.** (i) 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.

(ii) For the purposes of this definition—

(A) **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

(C) **Substantial emotional distress** means significant mental suffering or anguish that may, but does not



necessarily, require medical or other professional treatment or counseling.

(iii) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

*Test.* Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

(b) *Annual security report.* An institution must prepare an annual security report reflecting its current policies that contains, at a minimum, the following information:

(1) The crime statistics described in paragraph (c) of this section.

(2) A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including—

(i) Policies for making timely warning reports to members of the campus community, as required by paragraph (e) of this section, regarding the occurrence of crimes described in paragraph (c)(1) of this section;

(ii) Policies for preparing the annual disclosure of crime statistics;

(iii) A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in paragraph (c)(1) of this section for the purposes of making timely warning reports and the annual statistical disclosure; and

(iv) Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

(3) A statement of policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(4) A statement of policies concerning campus law enforcement that—

(i) Addresses the enforcement authority and jurisdiction of security personnel;

(ii) Addresses the working relationship of campus security personnel with State and local police agencies, including—

(A) Whether those security personnel have the authority to make arrests; and

(B) Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.

(iii) Encourages accurate and prompt reporting of all crimes to the campus

police and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report; and

(iv) Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

(5) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(6) A description of programs designed to inform students and employees about the prevention of crimes.

(7) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at noncampus locations of student organizations officially recognized by the institution, including student organizations with noncampus housing facilities.

(8) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.

(9) A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.

(10) A description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA, otherwise known as the Drug-Free Schools and Communities Act of 1989. For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with section 120(a) through (d) of the HEA.

(11) A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of procedures that the institution will follow when one of these crimes is reported. The statement must include—

(i) A description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as required by paragraph (j) of this section;

(ii) Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about—

(A) The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;

(B) How and to whom the alleged offense should be reported;

(C) Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to—

(1) Notify proper law enforcement authorities, including on-campus and local police;

(2) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

(3) Decline to notify such authorities; and

(D) Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution;

(iii) Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will—

(A) Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and

(B) Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures;

(iv) A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;

(v) A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;

(vi) An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required by paragraph (k) of this section; and

(vii) A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in paragraphs (b)(11)(ii) through (vi) of this section.

(12) A statement advising the campus community where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(13) A statement of policy regarding emergency response and evacuation procedures, as required by paragraph (g) of this section.

(14) A statement of policy regarding missing student notification procedures, as required by paragraph (h) of this section.

(c) *Crime statistics*—(1) *Crimes that must be reported and disclosed.* An institution must report to the Department and disclose in its annual security report statistics for the three most recent calendar years concerning the number of each of the following crimes that occurred on or within its Clery geography and that are reported to local police agencies or to a campus security authority:

(i) Primary crimes, including—

(A) Criminal homicide;

(1) Murder and nonnegligent manslaughter; and

(2) Negligent manslaughter.

(B) Sex offenses:

(1) Rape;

(2) Fondling;

(3) Incest; and

(4) Statutory rape.

(C) Robbery.

(D) Aggravated assault.

(E) Burglary.

(F) Motor vehicle theft.

(G) Arson.

(ii) Arrests and referrals for disciplinary actions, including—

(A) Arrests for liquor law violations, drug law violations, and illegal weapons possession.

(B) Persons not included in paragraph (c)(1)(ii)(A) of this section who were

referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

(iii) Hate crimes, including—

(A) The number of each type of crime in paragraph (c)(1)(i) of this section that are determined to be hate crimes; and

(B) The number of the following crimes that are determined to be hate crimes:

(1) Larceny-theft.

(2) Simple assault.

(3) Intimidation.

(4) Destruction/damage/vandalism of property.

(iv) Dating violence, domestic violence, and stalking as defined in paragraph (a) of this section.

(2) *All reported crimes must be recorded.* (i) An institution must include in its crime statistics all crimes listed in paragraph (c)(1) of this section occurring on or within its Clery geography that are reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or disclosing personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)).

(ii) An institution may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar noncampus official.

(iii) An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

(A) An institution must report to the Department and disclose in its annual security report statistics the total number of crime reports listed in paragraph (c)(1) of this section that were “unfounded” and subsequently withheld from its crime statistics pursuant to paragraph (c)(2)(iii) of this section during each of the three most recent calendar years.

(B) [Reserved]

(3) *Crimes must be recorded by calendar year.* (i) An institution must record a crime statistic for the calendar year in which the crime was reported to local police agencies or to a campus security authority.

(ii) When recording crimes of stalking by calendar year, an institution must follow the requirements in paragraph (c)(6) of this section.

(4) *Hate crimes must be recorded by category of bias.* For each hate crime recorded under paragraph (c)(1)(iii) of this section, an institution must identify the category of bias that motivated the crime. For the purposes of this paragraph, the categories of bias include the victim's actual or perceived—

(i) Race;

(ii) Gender;

(iii) Gender identity;

(iv) Religion;

(v) Sexual orientation;

(vi) Ethnicity;

(vii) National origin; and

(viii) Disability.

(5) *Crimes must be recorded by location.* (i) An institution must specify whether each of the crimes recorded under paragraph (c)(1) of this section occurred—

(A) On campus;

(B) In or on a noncampus building or property; or

(C) On public property.

(ii) An institution must identify, of the crimes that occurred on campus, the number that took place in dormitories or other residential facilities for students on campus.

(iii) When recording stalking by location, an institution must follow the requirements in paragraph (c)(6) of this section.

(6) *Recording reports of stalking.* (i) When recording reports of stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a campus security authority.

(ii) An institution must record each report of stalking as occurring at only the first location within the institution's Clery geography in which:

(A) A perpetrator engaged in the stalking course of conduct; or

(B) A victim first became aware of the stalking.

(7) *Identification of the victim or the accused.* The statistics required under paragraph (c) of this section do not include the identification of the victim or the person accused of committing the crime.

(8) *Pastoral and professional counselor.* An institution is not required



to report statistics under paragraph (c) of this section for crimes reported to a pastoral or professional counselor.

(9) *Using the FBI's UCR program and the Hierarchy Rule.* (i) An institution must compile the crime statistics for murder and nonnegligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and illegal weapons possession using the definitions of those crimes from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program, as provided in Appendix A to this subpart.

(ii) An institution must compile the crime statistics for fondling, incest, and statutory rape using the definitions of those crimes from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program, as provided in Appendix A to this subpart.

(iii) An institution must compile the crime statistics for the hate crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property using the definitions provided in the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program, as provided in Appendix A to this subpart.

(iv) An institution must compile the crime statistics for dating violence, domestic violence, and stalking using the definitions provided in paragraph (a) of this section.

(v) In counting crimes when more than one offense was committed during a single incident, an institution must conform to the requirements of the Hierarchy Rule in the "Summary Reporting System (SRS) User Manual."

(vi) If arson is committed, an institution must always record the arson in its statistics, regardless of whether or not it occurs in the same incident as another crime.

(vii) If rape, fondling, incest, or statutory rape occurs in the same incident as a murder, an institution must record both the sex offense and the murder in its statistics.

(10) *Use of a map.* In complying with the statistical reporting requirements under this paragraph (c) of this section, an institution may provide a map to current and prospective students and employees that depicts its campus, noncampus buildings or property, and public property areas if the map accurately depicts its campus, noncampus buildings or property, and public property areas.

(11) *Statistics from police agencies.* (i) In complying with the statistical

reporting requirements under paragraph (c) of this section, an institution must make a reasonable, good-faith effort to obtain statistics for crimes that occurred on or within the institution's Clery geography and may rely on the information supplied by a local or State police agency.

(ii) If the institution makes such a reasonable, good-faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.

(d) *Separate campus.* An institution must comply with the requirements of this section for each separate campus.

(e) *Timely warning and emergency notification.* (1) An institution must, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)), and that will aid in the prevention of similar crimes, report to the campus community on crimes that are—

(i) Described in paragraph (c)(1) of this section;

(ii) Reported to campus security authorities as identified under the institution's statement of current campus policies pursuant to paragraph (b)(2) of this section or local police agencies; and

(iii) Considered by the institution to represent a threat to students and employees.

(2) An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

(3) If there is an immediate threat to the health or safety of students or employees occurring on campus, as described in paragraph (g)(1) of this section, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

(f) *Crime log.* (1) An institution that maintains a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred within its Clery geography, as described in paragraph (ii) of the definition of *Clery geography* in paragraph (a) of this section, and that is reported to the campus police or the campus security department. This log must include—

(i) The nature, date, time, and general location of each crime; and

(ii) The disposition of the complaint, if known.

(2) The institution must make an entry or an addition to an entry to the log within two business days, as defined under paragraph (a) of this section, of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

(3)(i) An institution may withhold information required under paragraphs (f)(1) and (2) of this section if there is clear and convincing evidence that the release of the information would—

(A) Jeopardize an ongoing criminal investigation or the safety of an individual;

(B) Cause a suspect to flee or evade detection; or

(C) Result in the destruction of evidence.

(ii) The institution must disclose any information withheld under paragraph (f)(3)(i) of this section once the adverse effect described in that paragraph is no longer likely to occur.

(4) An institution may withhold under paragraph (f)(2) and (3) of this section only that information that would cause the adverse effects described in those paragraphs.

(5) The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

(g) *Emergency response and evacuation procedures.* An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include—

(1) The procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus;

(2) A description of the process the institution will use to—

(i) Confirm that there is a significant emergency or dangerous situation as described in paragraph (g)(1) of this section;

(ii) Determine the appropriate segment or segments of the campus community to receive a notification;

(iii) Determine the content of the notification; and

(iv) Initiate the notification system.

(3) A statement that the institution will, without delay, and taking into

account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;

(4) A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in paragraph (g)(2) of this section;

(5) The institution's procedures for disseminating emergency information to the larger community; and

(6) The institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including—

(i) Tests that may be announced or unannounced;

(ii) Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and

(iii) Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

(h) *Missing student notification policies and procedures.* (1) An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must—

(i) Indicate a list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours;

(ii) Require that any missing student report must be referred immediately to the institution's police or campus security department, or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area;

(iii) Contain an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the student has been determined missing by the institutional police or campus security department, or the local law enforcement agency;

(iv) Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation;

(v) Advise students that if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student; and

(vi) Advise students that the institution will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

(2) The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include—

(i) If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing;

(ii) If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing; and

(iii) Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.

(i) [Reserved]

(j) *Programs to prevent dating violence, domestic violence, sexual assault, and stalking.* As required by paragraph (b)(11) of this section, an institution must include in its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking.

(1) The statement must include—

(i) A description of the institution's primary prevention and awareness programs for all incoming students and new employees, which must include—

(A) A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in paragraph (a) of this section;

(B) The definition of "dating violence," "domestic violence," "sexual assault," and "stalking" in the applicable jurisdiction;

(C) The definition of "consent," in reference to sexual activity, in the applicable jurisdiction;

(D) A description of safe and positive options for bystander intervention;

(E) Information on risk reduction; and

(F) The information described in paragraphs (b)(11) and (k)(2) of this section; and

(ii) A description of the institution's ongoing prevention and awareness campaigns for students and employees, including information described in paragraph (j)(1)(i)(A) through (F) of this section.

(2) For the purposes of this paragraph (j)—

(i) *Awareness programs* means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

(ii) *Bystander intervention* means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

(iii) *Ongoing prevention and awareness campaigns* means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in paragraph (j)(1)(i)(A) through (F) of this section.

(iv) *Primary prevention programs* means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

(v) *Risk reduction* means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

(3) An institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking must include, at a minimum, the

information described in paragraph (j)(1) of this section.

(k) *Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.* As required by paragraph (b)(11)(vi) of this section, an institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in paragraph (a) of this section, and that—

(1)(i) Describes each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;

(ii) Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;

(iii) Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and

(iv) Describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking;

(2) Provides that the proceedings will—

(i) Include a prompt, fair, and impartial process from the initial investigation to the final result;

(ii) Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

(iii) Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;

(iv) Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions

regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and

(v) Require simultaneous notification, in writing, to both the accuser and the accused, of—

(A) The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;

(B) The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;

(C) Any change to the result; and

(D) When such results become final.

(3) For the purposes of this paragraph (k)—

(i) A prompt, fair, and impartial proceeding includes a proceeding that is—

(A) Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;

(B) Conducted in a manner that—

(1) Is consistent with the institution's policies and transparent to the accuser and accused;

(2) Includes timely notice of meetings at which the accuser or accused, or both, may be present; and

(3) Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and

(C) Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.

(ii) *Advisor* means any individual who provides the accuser or accused support, guidance, or advice.

(iii) *Proceeding* means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, factfinding investigations, formal or informal meetings, and hearings. *Proceeding* does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

(iv) *Result* means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20

U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

(l) Compliance with paragraph (k) of this section does not constitute a violation of FERPA.

(m) *Prohibition on retaliation.* An institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this section.

3. Revise Appendix A to Subpart D to read as follows:

#### **APPENDIX A TO SUBPART D OF PART 668—CRIME DEFINITIONS IN ACCORDANCE WITH THE FEDERAL BUREAU OF INVESTIGATION'S UNIFORM CRIME REPORTING PROGRAM**

The following definitions are to be used for reporting the crimes listed in § 668.46, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The definitions for *murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations* are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program. The definitions of fondling, incest, and statutory rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program. The definitions of *larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property* are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

#### **Crime Definitions From the Summary Reporting System (SRS) User Manual From the FBI's UCR Program**

##### *Arson*

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

##### *Criminal Homicide—Manslaughter by Negligence*

The killing of another person through gross negligence.

##### *Criminal Homicide—Murder and Nonnegligent Manslaughter*

The willful (nonnegligent) killing of one human being by another.

##### *Rape*

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.



**Robbery**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**Weapons: Carrying, Possessing, Etc.**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments,

explosives, incendiary devices, or other deadly weapons.

**Drug Abuse Violations**

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Liquor Law Violations**

The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Crime Definitions From the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program****Sex Offenses**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. *Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

B. *Incest*—Sexual intercourse between persons who are related to each other within

the degrees wherein marriage is prohibited by law.

C. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

**Crime Definitions From the Hate Crime Data Collection Guidelines and Training Manual From the FBI's UCR Program****Larceny-Theft (Except Motor Vehicle Theft)**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property**

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

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### 03. The Handbook for Campus Safety and Security Reporting 2016 Edition

In order to reduce the size of the Guidebook, and provide the information in an easily searchable format, we have provided some of these lengthy documents as links.

[Link to THE HANDBOOK FOR CAMPUS SAFETY AND SECURITY REPORTING 2016 EDITION](#)



## The Handbook for Campus Safety and Security Reporting 2016 Edition



## 04. The Handbook Appendix C: Checklist for Campus Safety and Security Compliance

### Appendix C

#### Checklist for Campus Safety and Security Compliance

### Checklist for the Various Components of Campus Safety and Security Compliance

This list is designed to help you determine if you are meeting the various components of campus safety and security compliance. It is not a substitute for reading this handbook, as it provides only a brief description of the activities to be undertaken by an institution. Remember, if your institution has any separate campuses (see bullet no. 6 under “Other On-campus Considerations” in Chapter 2), the requirements must be met for each one individually.

#### I. Geography (Chapter 2) Mandatory for all institutions.

Office/Individual responsible	
Location where documentation is kept	
Date information was last updated	

Your institution must disclose statistics for *Clery Act* crimes that occur on campus, in or on noncampus buildings or property and on public property.

Do you have an up-to-date list of the buildings and properties that your institution owns or controls and addresses for those buildings/properties? ..... ☐

Have you identified the appropriate geographic categories to which the buildings and property belong? ..... ☐

Have you identified public property that is within your campus or immediately adjacent to and accessible from your campus? ..... ☐

#### II. Crime Statistics (Chapter 3) Mandatory for all institutions.

Office/Individual responsible	
Location where documentation is kept	

Your institution must collect statistics for reported crimes on your *Clery* geography. You must disclose the statistics in your annual security report and provide the statistics to the Department through the annual Web-based data collection.

Do you have all records associated with your institution’s statistics? ..... ☐

#### III. Campus Security Authorities (Chapter 4) Mandatory for all institutions.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

In addition to any campus police or security personnel, your institution must identify other individuals or offices with significant responsibility for student and campus activities. Alleged crimes reported to these campus security authorities are then reported by these campus security authorities to someone designated by the institution to collect such reports, such as the campus police or security department.

## Appendix C

- Have you identified all of your institution's campus security authorities? ..... ☐
- Have you provided your campus security authorities with the information and materials they need to document reported crimes? ..... ☐
- Do you have a procedure in place for collecting and reviewing crime reports from your campus security authorities? ..... ☐

**IV. Statistics From Local Law Enforcement Agencies** (Chapter 4) Mandatory for all institutions.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

Your institution must make a good-faith effort to collect crime statistics for all *Clery Act* crimes committed in applicable geographic locations from all law enforcement agencies with jurisdiction for your institution.

- Have you made a good-faith effort to obtain the crime statistics from all of the law enforcement agencies with jurisdiction for your *Clery* geography? ..... ☐
- Have you requested statistics for *all* of your *Clery* geography? ..... ☐
- Have you documented your institution's efforts to obtain the statistics and, if applicable, documented any nonresponse on behalf of an agency (or agencies)? ..... ☐

**V. The Daily Crime Log** (Chapter 5) Mandatory for all institutions with a campus police or security department.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

Your institution must record all alleged criminal incidents, including non-*Clery Act* crimes, reported to the campus police or security department regardless of how much time has passed since the alleged incident occurred. Crimes are recorded in the crime log by the date they are reported. The log must be available for review by the public.

Do you have a hard copy or electronic crime log that includes information on all reported crimes, including

- the nature of the crime? ..... ☐
- the date and time the crime occurred? ..... ☐
- the general location of the crime? ..... ☐
- the disposition of the complaint, if known? ..... ☐

- If you maintain an electronic log, do you have a back-up log in case there are technical problems accessing the log? ..... ☐
- Do you have more than one person trained to maintain the log? ..... ☐



Do you notify the public how they can review the log? ..... ☐

**VI. Emergency Response and Evacuation Procedures** (Chapter 6) Mandatory for all institutions.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

Your institution must immediately notify the campus community (or a segment or segments of the campus community) upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

Does your institution have written emergency response and evacuation procedures that include the following?

The procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus?..... ☐

A description of the process the institution will use to

- a) confirm that there is a significant emergency or dangerous situation as described above? ..... ☐
- b) determine the appropriate segment or segments of the campus community to receive a notification? ..... ☐
- c) determine the content of the notification? ..... ☐
- d) initiate the notification system? ..... ☐

A statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency?..... ☐

A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in (a) through (d) above?..... ☐

The institution's procedures for disseminating emergency information to the larger community?..... ☐

The institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including

- tests that may be announced or unannounced? ..... ☐
- publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year? ..... ☐

## Appendix C

documenting, for each test, a description of the exercise, the date and time and whether it was announced or unannounced? ..... ☐

Has your institution communicated with local police requesting their cooperation in informing the institution about situations reported to them that may warrant an emergency response? ..... ☐

### VII. Timely Warnings (Chapter 6) Mandatory for all institutions.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

Your institution must alert the campus community regarding any *Clery Act* crime that is reported to campus security authorities or local police agencies and is considered to represent a serious or continuing threat to students and employees.

Does your institution have a written timely warning policy? ..... ☐

Does your institution have an individual or office responsible for issuing timely warnings? ..... ☐

Does your institution have one or more methods of disseminating timely warnings? .... ☐

Has your institution communicated with local police requesting their cooperation in informing the institution about crimes reported to them that may warrant timely warnings? ..... ☐

### VIII. Annual Security Report (Chapters 7–9) Mandatory for all institutions.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

Your institution is required to publish and distribute an annual security report by Oct. 1 to all enrolled students and all employees. You must provide notice of the availability of the report to all prospective students and employees. The report must contain crime statistics and various policy statements. The statements must accurately reflect how your institution's policies are currently implemented.

#### Policy statements

Does your annual security report have statements addressing the following?

Current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus? Does this statement include your institution's policies concerning its response to these reports, and does it specifically address the following areas?

Policies for making timely warning reports to members of the campus community regarding the occurrence of *Clery Act* crimes? ..... ☐

Policies for preparing the annual disclosure of crime statistics? ..... ☐

- A list of titles of each person or organization to whom students and employees should report criminal offenses described in the law for the purpose of making timely warning reports and the annual statistical disclosure? This statement also must disclose the institution's policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual security report..... ☐
- Current policies concerning the following:
- Security of and access to campus facilities, including campus residences? ..... ☐
- Security considerations used in the maintenance of campus facilities? ..... ☐
- Current policies concerning campus law enforcement, including the following:
- The law enforcement authority and jurisdiction of campus security personnel? ..... ☐
- The working relationship of campus security personnel with state and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses?..... ☐
- Policies that encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies?..... ☐
- A description of procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics?..... ☐
- A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others? ..... ☐
- A description of programs designed to inform students and employees about the prevention of crimes?..... ☐
- A policy concerning the monitoring and recording, through local police agencies, of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities? ..... ☐
- A policy regarding the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws? ..... ☐
- A policy regarding the possession, use and sale of illegal drugs and enforcement of federal and state drug laws? ..... ☐

## Appendix C

A description of any drug or alcohol abuse education programs as required under Section 120(a) through (d) of the *HEA*. For the purpose of meeting this requirement, an institution may cross-reference the materials it uses to comply with Section 120(a) through (d) of the *HEA*? ..... ☐

A statement that the institution will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense? If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.. ..... ☐

A statement regarding your institution's emergency response and evacuation procedures? (See this checklist's no. VI for details.) ..... ☐

A statement regarding your missing student notification procedures? (See this checklist's no. X for details.) ..... ☐

Does your annual security report have a statement addressing your institution's program to prevent dating violence, domestic violence, sexual assault and stalking? Does your statement specifically include the following?

A description of educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault and stalking, including the following?

A description of the primary prevention and awareness programs for all incoming students and new employees? ..... ☐

A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the *Clery Act*? ..... ☐

The definition of "dating violence," "domestic violence," "sexual assault" and "stalking" as those terms are defined in the applicable jurisdiction? ..... ☐

The definition of "consent" in reference to sexual activity in the applicable jurisdiction? ..... ☐

A description of safe and positive options for bystander intervention? ..... ☐

Information on risk reductions? ..... ☐

A description of the ongoing prevention and awareness campaigns for students and employees that provide the same information as above? ..... ☐

Procedures students should follow in the case of alleged dating violence, domestic violence, sexual assault, or stalking, including:

Written information about the importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order? ..... ☐

How and to whom the alleged offense should be reported? ..... ☐

- Options about the involvement of law enforcement authorities and campus authorities, including notification of the victim's option to
- Notify proper law enforcement authorities, including on-campus and local police? ..... ☐
  - Be assisted by campus authorities in notifying law enforcement authorities if the victim chooses? ..... ☐
  - Decline to notify such authorities? ..... ☐
- Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no contact" orders, restraining orders or similar lawful orders issued by a criminal, civil or tribal court, or by the institution? ..... ☐
- Procedures your institution will follow in the case of alleged dating violence, domestic violence, sexual assault, or stalking, including the following?
- Information about how the institution will protect the confidentiality of victims and other necessary parties? Does your statement specifically address how your institution will do the following?
    - Complete publicly available recordkeeping, including *Clery Act* reporting and disclosures, without inclusion of personally identifying information about the victim? ..... ☐
    - Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures? ..... ☐
  - A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community? ..... ☐
  - A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures? The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. .... ☐
  - A clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking and that includes the following?

- Describes each type of disciplinary proceeding used by the institution; the steps, anticipated timelines and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault or stalking? ..... ☐
- Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault or stalking? ..... ☐
- Lists all the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault or stalking? ..... ☐
- Describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault or stalking? ..... ☐
- Provides that the proceeding will accomplish the following?
- Include a prompt, fair and impartial process from the initial investigation to the final result? ..... ☐
  - Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability? ..... ☐
  - Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice? ..... ☐
  - Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding? ..... ☐
  - Require simultaneous notification, in writing, to both the accuser and the accused of the following?
    - The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault or stalking? ..... ☐
    - The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available? ..... ☐
    - Any change to the result? ..... ☐
    - When such results become final? ..... ☐

A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options? .....

☐

Have you provided a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained, such as the law enforcement agency with jurisdiction for the campus or a computer network address? .....

☐

### Crime statistics

Does your annual security report contain statistics reported by year and geographic location for the following crimes?

#### Offenses

Murder and Non-negligent Manslaughter? .....  
 Manslaughter by Negligence? .....  
 Rape? .....  
 Fondling? .....  
 Incest? .....  
 Statutory Rape? .....  
 Robbery? .....  
 Aggravated Assault? .....  
 Burglary? .....  
 Motor Vehicle Theft? .....  
 Arson? .....

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#### Hate Crimes

Murder and Non-negligent Manslaughter? .....  
 Rape? .....  
 Fondling? .....  
 Incest? .....  
 Statutory Rape? .....  
 Robbery? .....  
 Aggravated Assault? .....  
 Burglary? .....  
 Motor Vehicle Theft? .....  
 Arson? .....  
 Larceny-Theft? .....  
 Simple Assault? .....  
 Intimidation? .....  
 Destruction/Damage/Vandalism of Property? .....

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#### VAWA Offenses

Domestic Violence? .....  
 Dating Violence? .....  
 Stalking? .....

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**Arrests and referrals for disciplinary action**

- Weapons: Carrying, Possessing, Etc.? ..... ☐
- Drug Abuse Violations? ..... ☐
- Liquor Law Violations? ..... ☐

**IX. Report to the Department via the Web-based Data Collection** (Chapter 9) Mandatory for all institutions.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

Your institution is required to submit the crime statistics from the annual security report to the Department via an annual Web-based data collection. If your institution has one or more on-campus student housing facilities, you must submit the fire statistics from the annual fire safety report as well.

Have you completed the Web-based data collection? ..... ☐

**X. Missing Student Notification Procedures** (Chapter 10) Mandatory for all institutions with on-campus student housing facilities.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

If a student who lives in on-campus student housing is determined to have been missing for 24 hours, you have only 24 hours after receiving the report in which to initiate specific notification procedures. You must include your missing student notification policy and procedures in your annual security report.

Does your policy statement do the following?

Indicate a list of titles of the persons or organizations to which students, employees or other individuals should report that a student has been missing for 24 hours? ..... ☐

Require that any missing student report must be referred immediately to the institution's police or campus security department, or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area? ..... ☐

Contain an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the student has been determined missing by the institutional police or campus security department, or the local law enforcement agency? ..... ☐



Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation? ..... ☐

Advise students that if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student? ..... ☐

Advise students that the institution will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing? ..... ☐

Do your procedures include the following?

If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing? ..... ☐

If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing? ..... ☐

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing? ..... ☐

**XI. Fire safety log** (Chapter 12) Mandatory for all institutions with on-campus student housing facilities.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

Your institution must maintain a written, easily understood fire log that records, by the date reported, any fire that occurs in an on-campus student housing facility. Fires are recorded by the date they are reported.

Do you have a hard copy or electronic fire log that includes the following?

the date the fire was reported? ..... ☐  
the nature of the fire? ..... ☐  
the date and time of the fire? ..... ☐  
the general location of the fire? ..... ☐

Do you notify the public how they can review the log? ..... ☐

**XII. Fire Safety Statistics** (Chapter 13) Mandatory for all institutions with on-campus student housing facilities.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

Your institution must collect statistics for reported fires in on-campus student housing facilities. You must disclose the statistics in your annual fire safety report and provide the statistics to the Department through the annual Web-based data collection.

Do you have statistics for each on-campus student housing facility for the following?

- the number of fires and the cause of each fire? ..... ☐
- the number of persons with fire-related injuries for each fire? ..... ☐
- the number of fire-related deaths for each fire? ..... ☐
- the value of property damage caused by each fire? ..... ☐

**XIII. Annual Fire Safety Report** (Chapter 14) Mandatory for all institutions with on-campus student housing facilities.

Office/Individual responsible	
Location where documentation is kept	
Date policy and procedure were last updated	

Your institution is required to publish and distribute an annual fire safety report by Oct. 1 to all enrolled students and all employees. You must provide notice of the availability of the report to all prospective students and employees. The report must contain fire statistics and various policy statements. The statements must accurately reflect how the policies are currently implemented by your institution.

**Policy statements**

Does your annual fire safety report have statements addressing the following?

- A description of each on-campus student housing facility fire safety system? ... ☐
- The number of fire drills held during the previous calendar year? ..... ☐
- Policies or rules on portable electrical appliances, smoking and open flames in a student housing facility? ..... ☐
- Procedures for student housing evacuation in the case of a fire? ..... ☐
- Policies regarding fire safety education and training programs provided to the students and employees? In these policies, the institution must describe the procedures that students and employees should follow in the case of a fire..... ☐
- For purposes of including a fire in the statistics in the annual fire safety report, a list of the titles of each person or organization to which students and employees should report that a fire occurred?..... ☐
- Plans for future improvements in fire safety, if determined necessary by the institution? ..... ☐

**Fire statistics**

Does your annual fire safety report contain the required fire statistics?..... ☐

## 05. Clery Act Appendix for FSA Handbook

### Clery Act Appendix for FSA Handbook

In 1990, Congress passed the Crime Awareness and Campus Security Act (CACSA) amendments to the Higher Education Act of 1965 (HEA). Amendments to CACSA in 1998 renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in memory of a student who was murdered in her dorm room. In 2013, Congress passed the Violence Against Women Reauthorization Act (VAWA), which included additional amendments to the Clery Act.

The Clery Act requires that all postsecondary institutions participating in title IV student financial assistance programs disclose campus crime statistics and other security information to students and the public. The VAWA amendments added requirements that institutions disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault, and stalking, among other changes.

Consistent with the statutory and regulatory framework, and interpretive principles, the Department will continue to apply the plain meaning of terms contained within each Clery requirement. The Department will accept an institution's reasonable interpretation of terms as long as those terms are defined clearly to individuals who review the campus' Clery Act reports. In the event that the Department believes that more specific definitions are required, it will engage in future negotiated rulemaking to ensure that institutions and the public have an opportunity to comment on those definitions.

The Clery Act requires institutions to develop and implement specific campus safety and crime prevention policies and procedures. Previous versions of the Department's Clery guidance created additional requirements or expanded the scope beyond what is strictly required by statute or regulation. Despite the fact that guidance does not have the force of law or regulations, institutions felt pressured to satisfy requirements found in the guidance or risk serious financial and reputational consequences. This Appendix provides simple, plain-language explanations of Clery Act requirements found in, and adherent to, relevant statutory and regulatory authority.

Clery Act Requirements – The Basics	
<ul style="list-style-type: none"> <li>Collect, classify, and count crime reports and statistics</li> </ul>	
<ul style="list-style-type: none"> <li>Issue campus alerts and warning notices</li> </ul>	<ul style="list-style-type: none"> <li>Publish an Annual Security Report (Due date: October 1)</li> </ul>
<ul style="list-style-type: none"> <li>Disclose missing student notification procedures, when applicable</li> </ul>	<ul style="list-style-type: none"> <li>Submit crime and fire statistics to the Department, when applicable</li> </ul>
<ul style="list-style-type: none"> <li>Disclose procedures for institutional disciplinary actions</li> </ul>	<ul style="list-style-type: none"> <li>Provide educational programs and campaigns</li> </ul>
<ul style="list-style-type: none"> <li>Keep a daily crime log, when applicable</li> </ul>	<ul style="list-style-type: none"> <li>Disclose fire safety information, when applicable</li> </ul>

The Department is committed to ensuring institutional compliance with the Clery Act and providing guidance to institutions that will enable them to maintain a safe and secure campus environment. This Appendix is intended to assist institutions in satisfying the statutory and regulatory requirements.

Other than the statutory and regulatory requirements included in this document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

As appropriate, this Appendix is effective for the reporting year following publication. The Appendix describes and incorporates the above basic requirements into the following sections: I) Clery Crimes and Reporting; II) Clery Geography; and III) Reporting, Procedures, Policy, and Notification Requirements.

## Part I: Clery Crimes and Reporting –

Under the Clery Act, a school must report to the Department and disclose in its Annual Security Report statistics for the three most recently completed calendar years. Institutions also must submit their crime statistics to the Department as part of the annual data collection and survey, including the number of each of the following crimes – listed in the box below – that occurred on or within its Clery Geography and that are reported to local police agencies or to another official (as determined by the institution) campus security authority (CSA). As outlined in 34 CFR 668.46(c)(2), Clery Act reporting does not require the institution to initiate an investigation or disclose personally identifiable information (PII) about the victim.

The following chart provides a list of the crimes that must be reported and resources for where definitions for each Clery Crime can be found.

Clery Crime Definitions by Source:				
Summary Reporting System User Manual:		National Incident-Based Reporting System:		
Murder	Rape	Fondling	Incest	Statutory Rape
Robbery	Aggravated Assault	Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual:		
Burglary	Motor Vehicle Theft			
Arson	Drug Abuse Violations	All Hate Crimes		
Liquor Law Violations	Weapons Carrying, Possessing, etc. Law Violations			
<b>Note:</b> The FBI has announced that it will retire the SRS and transition to using only the NIBRS in January 2021.		Violence Against Women Act of 1994:		
		Domestic Violence		Dating Violence
		Stalking		

Note: Per 34 CFR 668.46 (c)(1)(iii)B), institutions must disclose hate crime statistics for all Clery-reportable offenses and the crimes of larceny-theft, simple assault, intimidation, and vandalism/destruction of property that are determined to be hate crimes.

### Campus Security Authorities: 34 CFR 668.46(a) –

While not defined in statute, regulations provide that CSAs include: campus police or security department personnel; individuals or organizations identified in institutional security policies; and individuals with security-related responsibilities. The definition at § 668.46(a)(iv) states that a CSA also includes an official “who has significant responsibility for student and campus activities.”

The Department will defer to an institution’s designation of CSAs as authoritative and provide any technical assistance necessary to work with institutions to help ensure proper identification and notification of CSAs consistent with the regulations. The regulations do not require that an employee with minimal responsibilities for student and/or campus activities *necessarily* be considered CSAs. On a case by case basis, institutions may apply the regulations to not designate CSA responsibilities for Clery Act reporting purposes to an individual. Individuals determined not to have significant responsibility for student and campus activities, which may, in some cases, include those individuals who, for example, have irregularly scheduled duties or duties that are not part of an employee’s primary job description. If paragraphs (i)-(iii) of the definition of CSAs are not applicable, institutions should focus on the “significant responsibilities” of an employee when determining whether that employee is a CSA for Clery purposes. Note that a CSA for Clery purposes may or may not include employees who meet the definition of “any official...who has the authority to institute corrective measures” for Title IX purposes under 34 CFR 106.30(a).

## Part II: Clery Geography –

In the Annual Security Report, institutions are required to record crimes by location. Explained below, the three categories of locations subject to reporting are: 1) on-campus; 2) noncampus building or property; or 3) public property.

- 1) “Campus” is defined in 34 CFR 668.46(a) as “(i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).”

The Department does not apply any specific or measurable distance definition to “reasonably contiguous geographic area.” Many institutions employ an approach that any property included on a campus map or designated by signage as a campus facility is considered to be included in the definition of “reasonably contiguous geography area.” If an additional location, branch campus, school within the institution, or an administrative location is not within a reasonably contiguous area, such location would be considered a separate campus for reporting purposes.

- 2) “Noncampus building or property,” as defined in 34 CFR 668.46(a), means “(i) [a]ny building or property owned or controlled by a student organization officially recognized

### *The Purpose of Clery Geography –*

Clery Geography requirements are intended to inform the campus community of crimes and keep them aware and safe. In the past, institutions have struggled with the complexities of Clery Geography and, as a result, have taken an unnecessarily expansive view to ensure compliance. However, too much information could be detrimental because information overload may prevent a student or parent from identifying the most significant or serious threats. For institutions seeking to avoid findings of underreporting, the result was an overwhelming amount of statistics and information that could often cause students, employees, and their families to tune out, which is especially troubling with certain Clery requirements, such as timely warnings. The Department understands that institutions want to keep their communities safe. For Clery Geography reporting purposes, remember these principles:

- 1) Consistent with the regulatory framework, institutions should determine which buildings, facilities, parking lots, and real estate are included in the definition of the “campus.”
- 2) Too much information can be just as detrimental as too little information.
- 3) When in doubt, apply the plain meaning of regulatory and statutory requirements.

by the institution; or (ii) [a]ny 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."

Institutions have asked questions about what is meant by the term "officially recognized." Regulations do not define this term; therefore, institutions should determine how they identify recognized organizations. Some institutions, for example, limit the list of officially recognized organizations to those that receive financial support from the institution.

Examples of noncampus buildings or property that satisfy the first part of the definition include, but are not limited to, officially recognized fraternity and sorority-owned chapter houses, institution-owned campus bookstores that are located off-campus, apartment buildings that are owned and controlled by the university, or campus-owned event facilities that support activities that include students who work in or utilize the facility.

To satisfy the second part of the definition, the property must: 1) be owned or controlled by the institution (e.g., leased by the institution); 2) be used in direct support or in relation to the institution's educational purposes; 3) be frequently used by students; and 4) not within a reasonably contiguous geographic area of the institution. Examples of this type of property would include, but not be limited to, institution-owned, off-campus apartment units that are rented to students, ancillary research or athletic facilities utilized by students and faculty, and event facilities located off-campus and utilized for campus activities.

- 3) "Public Property" is defined in statute as "all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes." The regulatory definition of "public property" in 34 CFR 668.46(a) includes "all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus."

In order for this definition to apply, the property in question must satisfy all three conditions: 1) public (e.g., publicly-owned); 2) within or adjacent to campus; and 3) accessible from campus. This definition excludes any private property, and may in some cases exclude areas such as property divided by a fence or wall, or property with clearly posted signs indicating that it is not part of the campus or that trespassing is prohibited. Private property where students have established regular usage – whether legal, illegal, open, or inconspicuous – that is not otherwise campus or noncampus property, is not public property for Clery reporting purposes. The Department applies no specific measurable distance definition into adjacent public property. When the campus is adjacent to a public park, that does not otherwise meet the definition of a public property, some institutions have employed the practice of clearly designating campus boundaries through posted

signage, such as warnings that individuals are entering a “non-campus area” or through “no trespassing” signs, where applicable.

*Clery Geography and Title IX –*

Under Title IX, an institution’s obligations to address sexual harassment in a recipient’s “education program or activity” is a separate inquiry from an institution of higher education’s obligations with respect to Clery Geography. While the two concepts may overlap, they are not coterminous and the two laws (Clery Act and Title IX) serve separate purposes and have separate obligations for entities covered by both laws.

When an institution has officially recognized a student organization, and sexual harassment occurs in an off-campus location *not* owned or controlled by the student organization but involving members of the officially recognized student organization, the recipient’s Title IX obligations depend upon whether the recipient exercised substantial control over the respondent and the context of the harassment, or whether the circumstances may otherwise be determined to have been part of the “operations of” the institution. Sexual harassment, under Title IX and as defined in 34 CFR 106.30(a), covers a wider range of misconduct than the sex offenses covered under the Clery Act.

At 34 CFR 106.44(a), the Title IX regulations cover incidents in an institution’s “education program or activity,” which includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. The 2020 Title IX regulations do not impose a geographical limit on an institution’s responsibilities, with the exception of the limitation of Title IX’s scope to incidents that occur “against a person in the United States.”



### Part III: Reporting, Procedures, Policy, and Notification Requirements –

Institutions must publish and disseminate an Annual Security Report by October 1<sup>st</sup> of each year. Institutions that have on-campus residential facilities must also publish, by that same date, a Fire Safety Report. The required contents of those reports, along with related notification, procedures, and policy requirements, are discussed in this section.

Each year, the Department sends a letter to presidents or chief executive officers of institutions with information on accessing the Campus Safety and Security Survey website (*See*: <https://surveys.ope.ed.gov/security>), where schools submit Clery Act crime statistics for the three most recent calendar years for which there is available data. The website explains how to tabulate these statistics. The letter explains any changes to the survey, the collection dates for the survey, the name of the person who completed the reporting at the school the previous year, and a new ID and password for completing the survey.

Schools with on-campus student housing facilities must also submit an annual Fire Safety Report to the Department. The report must include statistics on the number of fires and causes of each fire, as well as fire-related injuries, deaths, and/or fire-related property damage for each on-campus student housing facility. The Fire Safety Report is due at the same time as the Annual Security Report.

#### The Annual Security Report 34 CFR 668.46(b) and Crime Statistics 34 CFR 668.46(c) –

Each institution's Annual Security Report must include a list of titles of each person or organization to whom students and employees should report Clery Act crimes for the purpose of making both timely warning reports and the annual statistical disclosure. The Annual Security Report must also include institutional policies and procedures for victims or witnesses to report Clery Act crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Additionally, institutions must include current policies concerning the security of, and access to, campus facilities and residencies, as well as security considerations in the maintenance of campus facilities.

An institution is not required to include (or may remove) a reported crime from its statistics when sworn or commissioned law enforcement personnel have fully investigated the reported crime and have made a formal determination that the crime report is false or baseless and, therefore, "unfounded." Institutions must report to the Department and disclose in their Annual Security Report statistics that include the total number of crime reports that were "unfounded" and subsequently withheld from its crime statistics during each of the three most recently completed calendar years.

The following are the required contents of the Annual Security Report. Note that this chart is not intended to be all-inclusive and institutions must review the statute and regulations to identify all the information that must be included in their Annual Security Report.

<ol style="list-style-type: none"> <li>1) Policies regarding alcoholic beverages and underage drinking laws</li> <li>2) Policies regarding illegal drugs and applicable federal and state drug laws</li> <li>3) Programs on substance abuse</li> <li>4) Programs to prevent dating violence, domestic violence, sexual assault and stalking, and the procedures institutions will follow when such crimes are reported</li> <li>5) Information regarding sex offenders</li> <li>6) Descriptions of emergency response and evacuation procedures</li> <li>7) Policies regarding missing student notifications</li> </ol>	<ol style="list-style-type: none"> <li>8) Campus crime statistics</li> <li>9) Policies regarding procedures for reporting criminal actions or other emergencies on campus</li> <li>10) Policies on security of and access to campus facilities</li> <li>11) Policies on enforcement authority of security personnel; working relationship of campus security personnel with State and local police agencies; accurate and prompt reporting of crimes; pastoral and professional counselors</li> <li>12) Programs on campus security procedures and practices</li> </ol>
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Policies Regarding Campus Law Enforcement 34 CFR 668.46(b) and Statements Regarding Disciplinary Proceedings 34 CFR 668.46(k)(2)(v) –

The HEA and the Department’s regulations require that institutions include, in the Annual Security Report, several statements of policy. These policies cover a range of campus safety and crime prevention topics, including the law enforcement authority and jurisdiction of security personnel, including their working relationship with state and local law enforcement agencies. Institutions must also publish their current institutional policies that encourage accurate and prompt reporting of all crimes to the campus police or safety offices, other campus security authorities and local law enforcement officials. Schools must also provide a description of any procedures that exist that encourage pastoral and professional counselors, when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. The Annual Security Report must include a description of programs designed to inform students and employees about the prevention of crimes, the types and frequency of programs designed to inform the campus community of security procedures as well as practices to encourage students and employees to be responsible for their own security and the security of others.

Policies concerning the monitoring and recording, through local police agencies, of criminal activity by students at noncampus locations of officially recognized student organizations must also be included in the Annual Security Report.

Institutions must include policies regarding the possession, use, and sale of alcoholic beverages and illegal drugs, as well as policies regarding the enforcement of State underage drinking laws and Federal and State drug laws. Such policies must provide a description of any drug or alcohol abuse education programs required by § 120(a) – (d) of the HEA and the Department’s regulations at 34 CFR Part 86.

The institution must provide a statement that it will simultaneously provide in writing to both the accused and accuser: the results of any disciplinary proceeding conducted by such institution against a student accused of dating violence, domestic violence, sexual assault, or stalking. The institution must also provide the institution’s procedures for the accused and accuser to appeal the result of the institutional disciplinary hearing, if such procedures are available; any changes to the result; and when the results become final.

#### The Daily Crime Log: 34 CFR 668.46(f) –

Any institution that has a campus police or security department must create, maintain, and make available an easily understood daily crime log. The daily crime log must include the nature, date, time, general location of each crime that occurs within the institution’s Clery Geography, and the disposition of the complaint, if known. Entries must be made within two business days of the report of the information, unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim. An institution may withhold this information if there is clear and convincing evidence that releasing it would jeopardize an ongoing criminal investigation or safety of the individual, cause the suspect to flee or evade detection, or result in the destruction of evidence. The school must disclose any withheld information once the adverse effect is no longer likely to occur. An institution is required to make the crime log for the most recent 60-day period open to public inspection during normal business hours. The school must make any portion of the log older than sixty days available within two business days of a request for public inspection.

#### Statement of Policy and Procedures for Specific Offenses: 34 CFR 668.46(b)(11) –

Each institution’s Annual Security Report must include a statement of policy that addresses institutional programs to prevent dating violence, domestic violence, sexual assault, and stalking, as well as the procedures the institution will follow when one of these crimes is reported.

The statement of policy must include the following components:

- 1) A description of the institution’s educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking. The statement must describe the institution’s primary prevention and awareness programs for all incoming students and new employees. Primary prevention and awareness programs must define said crimes, state that the institution prohibits such crimes, provide a definition of “consent” in reference to sexual activity, in the applicable

- jurisdiction, describe safe and positive options for bystander intervention, and information on risk reduction.
- 2) The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about:
    - a. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order
    - b. How and to whom the alleged offense should be reported
    - c. Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to:
      - i. Notify proper law enforcement authorities, including on-campus and local police;
      - ii. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
      - iii. Decline to notify such authorities
    - d. Rights of victims and institutional responsibilities for orders of protections or similar lawful orders

The statement must also include information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will complete publicly available recordkeeping, while maintaining the confidentiality of any accommodations or protective measures provided. Written notification about existing counseling, health, advocacy, and other services available for victims, both on- and off-campus must be provided. Institutions must include that they will notify victims about options for requests for changes to academic, living, transportation, and working situations or protective measures.

An institution must include a clear policy statement that addresses procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, including: 1) descriptions of types of proceedings (and how determined), the steps, timelines, decision-making processes, and how to file a complaint; 2) the standard of evidence; 3) the list of possible sanctions; 4) the range of protective measures; 5) a requirement that the proceedings – conducted by trained officials – will include a prompt, fair, and impartial process; 6) assurance that the accuser and accused will have the same opportunities to have others present, including an advisor of the individual's choosing, in any disciplinary-related meeting; and 7) the requirement of simultaneous written notification to both parties of the result of the proceedings, process for appeal, and when such findings become final.

#### Annual Fire Safety Report: 34 CFR 668.49(b) –

As stated above, if an institution maintains an on-campus student housing facility, it must also publish an Annual Fire Safety Report. The report must contain the following:

- 1) Fire statistics submitted to the Department
- 2) Description of on-campus housing facilities fire safety systems
- 3) Number of fire drills during the previous calendar year
- 4) Policies on portable electrical appliances, smoking, and open flames in housing facilities

- 5) Procedures for evacuation due to fires in student housing
- 6) Policies on fire safety education and training programs
- 7) List of titles of persons to report fires on campus, for purposes of inclusion in statistics
- 8) Plans for future improvement in fire safety, if necessary

### The Fire Log: 34 CFR 668.49(d) –

Any institution that maintains on-campus housing facilities must maintain a fire log. The fire log must be a written and easily understood record of any fire that occurred in an on-campus student housing facility. The log must include the nature, date, time, and general location of each fire. Fires must be recorded in the log within two business days. Institutions must make the fire log for the most recent 60-day period open to public inspection, and any portion of the log older than 60 days available within two business days of a request for public inspection.

### Notice and Distribution of Reports –

Institutions must provide notice of the availability of the Annual Security Report and the Annual Fire Safety Report (if applicable) to all current and prospective students and employees. This notice must include: 1) a statement of the report's availability; 2) a statement that a paper copy will be provided upon request and how to obtain one; 3) a brief description of the contents; and 4) the exact electronic address of the report. The two reports may be published together or separately. If separate, each report must contain information on how to directly access the other report.

Appropriate publications and mailings of the Annual Security Report and the Annual Fire Safety Report include:

- Direct mail to each individual through the post office, campus mail, or e-mail
- Publications provided directly to individuals
- Posting on an Internet or intranet website (subject to specifications in 34 CFR 668.41(e)(2) and (3))

### Missing Persons Policies and Procedures: 34 CFR 668.46(h) –

If an institution maintains on-campus housing, the institution must establish a missing student notification policy and include a description of the policy in its Annual Security Report.

In short, the policy must include the following:

- 1) List of titles of persons to which individuals should report that a student has been missing for 24 hours
- 2) Require that any missing student report be referred immediately to campus security or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area
- 3) Include an option for each student to identify a contact person, whom the institution will notify within 24 hours upon a determination that the student is missing

Each student must be advised that: their contact information will be kept confidential (except to authorized campus officials and law enforcement); if they are under 18 years of age and not emancipated, the institution must notify, within 24 hours, a custodian, parent, or guardian that the student is missing; and the institution will notify law enforcement within 24 hours that the student is missing.

#### Emergency Response, Evacuation Notifications, and Timely Warnings: 34 CFR 668.46(g) –

Each institution must develop emergency response and evacuation procedures, and include a description of its procedures in its Annual Security Report. The statement must include the procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. At a minimum, an institution must have procedures to: (1) confirm significant emergencies or dangerous situations; (2) determine the appropriate community to notify and the content of the notification; and (3) initiate the notification system. The institution must also compile a list of persons or organizations responsible for these activities. In addition, the institution must have procedures for disseminating emergency information to the larger community and must test emergency and evacuation procedures on at least an annual basis.

In an emergency or a dangerous situation, an institution must, without delay and accounting for the safety of the community, determine the content of the notification and initiate the notification system, unless such notification will compromise efforts to assist a victim or contain, respond to, or mitigate the emergency.

An institution must develop procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

Institutions are required to provide emergency notifications or timely warnings based upon the circumstances. Emergency notifications are required to provide immediate notification to the campus community upon confirmation of a significant emergency or dangerous situation occurring

on campus that involves an immediate threat to the health or safety of students or employees. Timely warnings are required for all Clery Act crimes that occur on Clery Geography that are reported to CSAs or local police agencies and are considered by the institution to represent a serious or continuing threat to students and employees.

The following chart identifies the differences between emergency notifications and timely warnings:

	<b>Emergency Notifications</b>	<b>Timely Warnings</b>
Scope	Significant emergency or dangerous situation	Clery crimes, reported to CSAs
Triggered by?	Event that is currently occurring on or imminently threatening campus	Crimes that occurred and represent an ongoing threat
Where event occurs?	Only on campus	Anywhere on Clery Geography
How soon to issue?	Immediately upon confirmation of situation	As soon as information is available

## 06. Healy+ AFSSR Timeline



### Clery Tasks for the Month of \_\_\_\_\_

The guide below provides suggested timing for Clery tasks. Review of this project plan should be a regular agenda item at each Clery Compliance Committee Meeting.

TASK	DUE DATE	RESPONSIBLE PARTY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	NOTES	% COMPLETE
Reconcile crime data	Monthly	Clery Compliance/ PD /HR/ Conduct/ TIX /ATH/ ROTC/Others?														
Request Information about travel that creates "noncampus" locations	On-going	Clery Compliance Coordinator with appropriate cabinet level VP or VC assistance														
Verify "notice of availability" is placed on all Admissions and Employment	On-going	Clery Compliance Coordinator with appropriate department heads														
Review campus properties to ensure completeness	Semi-annually, leading to each semester break	Clery Committee/ Real estate/ Academic travel/ Student Activities travel/ Intl. Programs/ Provost or Registrar for remote campuses													Non-campus properties	
Review list of CSAs, training verified & (re) notify them	Semi-annually, prior to each semester	Clery Committee & Department Heads													Provided by HR/ Student Activities/Others?	
Request Data from CSAs	Quarterly	Clery Compliance Coordinator														
Provide Training to CSAs who lack it	First 2 weeks of each semester	Clery Coordinator assisted by Clery Committee (HR, Student Affairs)														
Ensure all Clery compliance documentation is filed for current year	31-Jan	Clery Coordinator assisted by Clery Committee														
Request information on programs	1-Mar	Clery Compliance Coordinator														
Request Data from Local LEAs	1-May	Clery Compliance Coordinator														
Review Prior Year AFSSR for changes	1-Jun	Clery Compliance Coordinator														
Dept. Review AFSSR	1-Jul	All key stakeholder departments														
Clery Comm Review AFSSR	1-Aug	Clery Committee														
AFSSR to Communications	1-Sep	Communications Department														
Upload Crime Stats to the ED website (Clery Act requires no later than 10/1)	15-Sep	Clery Compliance Coordinator and 2 "reviewers"													2 knowledgeable real-time reviewers should observe data entry in the CSDDACT to ensure it matches the AFSSR	
AFSSR web published & Notice of Availability Verified	15-Sep	Info. Technology & HR/ Admissions													publish on web, ensure all permits work & Admissions/ HR Notice is posted	
Distribute notice of availability	20-Sep	Info. Technology & Clery Compliance														
Collect programming spreadsheets	Semi-annually	Clery Coordinator and affected departments (HR/ Student Life (multiple depts./ TIX/ Women's Center/ ATH/ )													Assuming there is no electronic recordkeeping. May be in real-time.	
Conduct annual Emergency Response & Evacuation Exercise	Discretionary	Clery Coordinator & appropriate emergency resources (on and off campus as appropriate)													In conjunction with distribution of emergency procedures info	

\*Tasks with all month cells shaded are recurring monthly tasks. If a task is done in another month, the cell should be marked for that month.



## POLICY MATERIALS

## 07. Healy+ Clery Act Policy Requirements

## CLERY ACT POLICY REQUIREMENTS



	POLICY	REFERENCE	WHAT?	OFFICE RESPONSIBLE
	<b>Annual Security Report</b>	668.46(b)		
	An institution must prepare an annual security report that contains, at a minimum, the following information:		Annual Security Report or Annual Fire Safety & Security Report	Office charged with preparing the ASR
	<b>The crime statistics described in para c of this section. (See Section 668.46(c), below)</b>	668.46(b)(1)		Campus Public Safety
<b>Policies Concerning the Preparation of the Annual Report and the Annual Disclosure of Crime Statistics</b>				
1	A statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including--	668.46(b)(2)	Statement of Policy	Campus Public Safety
2	Policies for making timely warning reports to the campus community. <b>(See Section 668.46(e) below)</b>	668.46(b)(2)(i)	Policy or Statement of Policy	CPS, but may be another office
3	Policies for preparing the annual disclosure of crime statistics; and	668.46(b)(2)(ii)	Policy	Campus Public Safety
	A list of the titles of each person or organization to whom students and employees <b>should</b> report the criminal offenses described in para (c)(1) of this section for the purpose of making timely warning reports and the annual statistical disclosure;	668.46(b)(2)(iii)	List of titles; limit to no more than 3 - 5 offices	This is essentially your CSA process, although there is no requirement to list all CSAs.
4	Policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.	668.46(b)(2)(iv)	Policies or procedures	Generally, this is a team decision including CPS, TIX, etc.
<b>Statement of Policy Concerning Security of &amp; Access to Campus</b>				
5	A statement of policies concerning security of and access to campus facilities, including campus residences, and security considerations used in maintenance of campus facilities.	668.46(b)(3)	Statement of Policy	Campus Public Safety
6	<b>Policies Concerning Campus Law Enforcement, Security Awareness, &amp; Crime Prevention</b>			
	A statement of current policies concerning campus law enforcement that-	668.46(b)(4)	Statement of Policy	
	Addresses the enforcement authority <b>and jurisdiction</b> of security personnel;	668.46(b)(4)(i)	Component	Campus Public Safety
	Addresses the working relationship of campus security personnel with State and local police agencies, including--	668.46(b)(4)(ii)	Component	Campus Public Safety
	Whether those security personnel have the authority to make arrests; and	668.46(b)(4)(ii)(A)	Component	Campus Public Safety
	Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.	668.46(b)(4)(ii)(B)	Statement of Agreements	Campus Public Safety; general counsel; others
	Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to or is unable to make such a report; and	668.46(b)(4)(iii)	Policy	Campus Public Safety

	POLICY	REFERENCE	WHAT?	OFFICE RESPONSIBLE
7	Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.	668.46(b)(4)(iv)	Description of Procedures	Multiple offices, including counseling center, TIX, CPS, etc.
8	A description of the type and frequency programs to inform students and employees about campus security procedures and practices.	668.46(b)(5)	Description and frequency	Generally CPS, but may also include other offices involved in prevention programming
9	A description of programs to inform students and employees about prevention of crime.	668.46(b)(6)	Description - ensure it is inclusive	Generally CPS, but may also include other offices involved in prevention programming
10	A statement of policy concerning the monitoring and recording through local police agencies of criminal activity engaged in by students at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.	668.46(b)(7)	Statement of Policy	Campus Public Safety
<i>Policies Concerning Illegal Drugs and Alcohol (please also see DFSCR)</i>				Office responsible for AOD policies - ensure HR and student affairs engagement
11	A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws.	668.46(b)(8)	Statement of Policy	
12	A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws.	668.46(b)(9)	Statement of Policy	
13	A description of programs for drug or alcohol abuse education.	668.46(b)(10)	Description of programs	
<i>Drug-Free Schools and Campuses Regulations</i> <a href="http://www.ed.gov/policy/fund/reg/edgarReg/edlite-part86a.html">www.ed.gov/policy/fund/reg/edgarReg/edlite-part86a.html</a>				
	Does the institution maintain a copy of its drug prevention program? If yes, where is it located?			
	Does the institution provide annually to each employee and each student, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?	Part 86, Subpart B, 86.100 (a)		
	a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities	Part 86, Subpart B, 86.100 (a) (1)		
	b. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol	Part 86, Subpart B, 86.100 (a) (2)		
	c. A description of applicable legal sanctions under local, state, or federal law	Part 86, Subpart B, 86.100 (a) (3)		
	d. A description of applicable counseling, treatment, or rehabilitation or re-entry programs	Part 86, Subpart B, 86.100 (a) (4)		
	e. A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions	Part 86, Subpart B, 86.100 (a) (5)		
	Are the above materials distributed to students in one of the following ways?			
	a. Mailed to each student (separately or included in another mailing)			
	b. Through campus post offices boxes			

	POLICY	REFERENCE	WHAT?	OFFICE RESPONSIBLE
	c. Class schedules which are mailed to each student			
	d. During freshman orientation			
	e. During new student orientation			
	f. In another manner (describe)			
	Does the means of distribution provide reasonable assurance that each student receives the materials annually?			
	Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution?			
	Are the above materials distributed to staff and faculty in one of the following ways?			
	a. Mailed			
	b. Through campus post office boxes			
	c. During new employee orientation			
	d. In another manner (describe)			
	Does the means of distribution provide reasonable assurance that each staff and faculty member receives the materials annually?			
	Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?			
	In what ways does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?	Part 86, Subpart B, 86.100 (b)		
	a. Conduct student alcohol and drug use survey			
	b. Conduct opinion survey of its students, staff, and faculty			
	c. Evaluate comments obtained from a suggestion box			
	d. Conduct focus groups			
	e. Conduct intercept interviews			
	f. Assess effectiveness of documented mandatory drug treatment referrals for students and employees			
	g. Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees			
	Who is responsible for conducting these biennial reviews?			
	If requested, has the institution made available, to the Secretary and the public, a copy of each requested item in the drug prevention program and the results of the biennial review?	Part 86, Subpart B, 86.103 (a)		
	Where is the biennial review documentation located?			
<i>Policies Regarding the institution's programs to prevent dating and domestic violence, SA, and stalking</i>				
14	<b>A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of procedures that the institution will follow when one of these crimes is reported. The statement must include--</b>	668.46(b)(11)	Statement of Policy	TIX Office, others?

	POLICY	REFERENCE	WHAT?	OFFICE RESPONSIBLE
	A description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as required by paragraph (j) of this section;	668.46(b)(11)(i)	Description	
15	Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about--	668.46(b)(11)(ii)	Procedure	
15a	The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;	668.46(b)(11)(ii)(A)	Procedure	
15b	How and to whom the alleged offense should be reported;	668.46(b)(11)(ii)(B)	List of offices to where offenses should be reported	
15c	Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to--	668.46(b)(11)(ii)(C)	Policy	
15d	Notify proper law enforcement authorities, including on-campus and local police;	668.46(b)(11)(ii)(C)(1)	Policy	
15e	Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and	668.46(b)(11)(ii)(C)(2)	Policy	
15f	Decline to notify such authorities; and	668.46(b)(11)(ii)(C)(3)	Policy	
15g	Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution.	668.46(b)(11)(ii)(D)	Policy	
15h	Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will--	668.46(b)(11)(iii)	Policy	
15i	Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and	668.46(b)(11)(iii)(A)	Policy	
15j	Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures;	668.46(b)(11)(iii)(B)	Policy	
	TITLE 20 > CHAPTER 28 > SUBCHAPTER IV > Part F > § 1092 § 1092. Institutional and financial assistance information for students; (10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.	FYI re: privileged information protected	NOTE from Clery Act Statute	
16	A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;	668.46(b)(11)(iv)	Statement	

	POLICY	REFERENCE	WHAT?	OFFICE RESPONSIBLE
17	A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;	668.46(b)(11)(v)	Statement	
18	An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required by paragraph (k) of this section; and	668.46(b)(11)(vi)	Description of Procedures	
19	A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in paragraphs (b)(11)(ii) through (vi) of this section.	668.46(b)(11)(vii)	Statement	
20	<b>Programs to prevent dating violence, domestic violence, sexual assault, and stalking. As required by paragraph (b)(11) of this section, an institution must include in its annual security report a statement of policy that addresses the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking.</b>	668.46(j)	Description of programs	Violence Prevention Office; CARE; Programming Office; TIX, etc.
	The statement must include--	668.46(j)(1)		
20a	A description of the institution's primary prevention and awareness programs for all incoming students and new employees, which must include--	668.46(j)(1)(i)	Description	
20b	A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in paragraph (a) of this section;	668.46(j)(1)(i)(A)	Statement	
20c	The definition of "dating violence," "domestic violence," "sexual assault," and "stalking" in the applicable jurisdiction;	668.46(j)(1)(i)(B)	Definitions	
20d	The definition of "consent," in reference to sexual activity, in the applicable jurisdiction;	668.46(j)(1)(i)(C).	Defintion	
20e	A description of safe and positive options for bystander intervention;	668.46(j)(1)(i)(D)	Description	
20f	Information on risk reduction; and	668.46(j)(1)(i)(E)	Descrption	
	The information described in paragraphs (b) (11) and (k)(2) of this section; and	668.46(j)(1)(i)(F)	Description	
20g	A description of the institution's ongoing prevention and awareness campaigns for students and employees, including information described in paragraph (j)(1)(i)(A) through (F) of this section.	668.46(j)(1)(ii)	Description	
	For the purposes of this paragraph (j) --	668.46(j)(2)		
	Awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.	668.46(j)(2)(i)	Definitions	

	POLICY	REFERENCE	WHAT?	OFFICE RESPONSIBLE
	Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.	668.46(j)(2)(ii)	Definitions	
	Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in paragraph (j)(1)(i)(A) through (F) of this section.	668.46(j)(2)(iii)	Definitions	
	Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.	668.46(j)(2)(iv)	Definitions	
	Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.	668.46(j)(2)(v)	Definitions	
	An institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking must include, at a minimum, the information described in paragraph (j)(1) of this section.	668.46(j)(3)	Definitions	
21	<b><i>Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. As required by paragraph (b)(11)(vi) of this section, an institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking and that--</i></b>	668.46(k)		TIX Office, Student Conduct; HR; Faculty governance
21a	Describes each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking;	668.46(k)(1)(i)	Description	
21b	Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking;	668.46(k)(1)(ii)	Description	

	POLICY	REFERENCE	WHAT?	OFFICE RESPONSIBLE
21c	Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and	668.46(k)(1)(iii)	List	
21d	Describes the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking;	668.46(k)(1)(iv)	Description	
21e	Provides that the proceedings will--	668.46(k)(2)		
21f	Include a prompt, fair, and impartial process from the initial investigation to the final result;	668.46(k)(2)(i)	Policy and Practice	
21g	Be conducted by officials who at a minimum receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;	668.46(k)(2)(ii)	Policy and Practice	
21h	Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;	668.46(k)(2)(iii)	Policy and Practice	
21i	Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and	668.46(k)(2)(iv)	Policy and Practice	
21j	Require simultaneous notification, in writing, to both the accuser and the accused, of--	668.46(k)(2)(v)	Policy and Practice	
21k	The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;	668.46(k)(2)(v)(A)	Policy and Practice	
21l	The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;	668.46(k)(2)(v)(B)	Policy and Practice	
21m	Any change to the result; and	668.46(k)(2)(v)(C).	Policy and Practice	
21n	When such results become final.	668.46(k)(2)(v)(D)	Policy and Practice	
	For the purposes of this paragraph--	668.46(k)(3)	Policy and Practice	
	A prompt, fair, and impartial proceeding includes a proceeding that is--	668.46(k)(3)(i)		
21o	Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay;	668.46(k)(3)(i)(A)	FYI - must be included in your policy	
	Conducted in a manner that--	668.46(k)(3)(i)(B)		
21p	Is consistent with the institution's policies and transparent to the accuser and accused;	668.46(k)(3)(i)(B)(1)	FYI - must be included in your policy	
21q	Includes timely notice of meetings at which the accuser or accused, or both, may be present; and	668.46(k)(3)(i)(B)(2)	FYI - must be included in your policy	

	POLICY	REFERENCE	WHAT?	OFFICE RESPONSIBLE
21r	Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and	668.46(k)(3)(i)(B)(3)	Definitions	
21s	Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.	668.46(k)(3)(i)(C).	Policy and Practice	
21t	Advisor means any individual who provides the accuser or accused support, guidance, or advice.	668.46(k)(3)(ii)	Definitions	
	Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, factfinding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.	668.46(k)(3)(iii)	Definitions	
	Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanction.	668.46(k)(3)(iv)	Definitions	
	<b>Compliance with paragraph (k) of this section does not constitute a violation of FERPA.</b>	668.46(l)	FYI	
22	<b>Prohibition on retaliation. An institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this section.</b>	668.46(m)	Policy	
<b>Campus Sex Crime Prevention Act</b>				
23	A statement advising the campus community where law enforcement agency information provided by a State under 42 U.S.C. 16921, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.	668.46(b)(12)	Statement	Campus Public Safety
	<b>Policies Regarding Campus Emergency Response and Evacuation Procedures</b>	668.46(b)(13)		
	<b>Timely Warning and Emergency Notification</b>	668.46(e)		
24	An institution must, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, as defined in 42 U.S.C 13925(a)(20), and that will aid in the prevention of similar crimes, report to the campus community on crimes that are--	668.46(e)(1)	Policy - should be included in Timely Warning Policy	Campus Public Safety, generally
24a	Described in paragraph (c)(1) of this section;	668.46(e)(1)(i)		
24b	Reported to campus security authorities as identified under the institution's statement of current campus policies pursuant to paragraph (b)(2) of this section or local police agencies; and	668.46(e)(1)(ii)	Procedure - ensure it's included in your CSA reporting process	
24c	Considered by the institution to represent a threat to students and employees.	668.46(e)(1)(iii)	Procedure - ensure it's included in your CSA reporting process	



	POLICY	REFERENCE	WHAT?	OFFICE RESPONSIBLE
24d	An institution is not required to provide a timely warning with respect to crime reported to a pastoral or professional counselor.	668.46(e)(2)	Policy - should be included in Timely Warning Policy	
24e	If there is an immediate threat to the health or safety of students or employees occurring on campus, as described in paragraph (g)(1) of this section, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.	668.46(e)(3)	Procedure	CPS; Emergency Mgt; EHS; etc.
25	<b>Emergency response and evacuation procedures.</b> An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include -	668.46(g)	Statement of Policy	CPS; Emergency Mgt; EHS; etc.
25a	A statement of the procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.	668.46(g)(1)	Statement of Procedures	
25b	A description of the process to confirm that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.	668.46(g)(2)(i)	Description	
25c	A description of the process the institution will use to determine the appropriate segment or segments of the campus community to receive a notification.	668.46(g)(2)(ii)	Description	
25d	A description of the process the institution will use to determine the content of the notification.	668.46(g)(2)(iii)	Description	
25e	A description of the process the institution will use to initiate the notification system.	668.46(g)(2)(iv)	Description	
25f	A statement that the institution will, without delay, determine the content of the notification and initiate the notification system, unless issuing a notification will compromise efforts to assist a victim or respond to an emergency.	668.46(g)(3)	Statement of Policy	
25g	A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described previously.	668.46(g)(4)	List	
25h	A statement of the institution's procedures for disseminating emergency information to the larger community.	668.46(g)(5)	Statement of Procedures	
26	<b>A statement of the institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including:</b>			
26a	Advising that tests of response and evacuation procedures may be announced or unannounced.	668.46(g)(6)(i)	Policy and Practice	CPS; Emergency Mgt; EHS; etc.
26b	Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year.	668.46(g)(6)(ii)	Policy and Practice	
26c	The institution's procedures for documenting each test and whether it was announced or unannounced.	668.46(g)(6)(iii)	Procedures	

	POLICY	REFERENCE	WHAT?	OFFICE RESPONSIBLE
<i>Missing Student Notification Procedures</i>				
27	A statement of policy regarding missing student notification procedures, as described in paragraph (h) of this section.	668.46(b)(14)	Statement of Policy	CPS; registrar; Res. Life; etc.
27a	An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must --	668.46(h)(1)	Statement of Policy	
27b	Indicate a list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours;	668.46(h)(1)(i)	List	
27c	Require that any missing student report must be referred immediately to the institutions' police or campus security department, or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area;	668.46(h)(1)(ii)	Policy	Registrar; Res Life
27d	Contain an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the student has been determined missing by the institutional police or campus security department, or the local law enforcement agency;	668.46(h)(1)(iii)	Policy	Registrar; Res Life
27e	Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation;	668.46(h)(1)(iv)	Policy	
27f	Advise students that if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student; and	668.46(h)(1)(v)	Policy and Procedure	
27g	Advise students that, the institution will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.	668.46(h)(1)(vi)	Policy and Procedure	
27h	The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include --	668.46(h)(2)	Procedure	CPS; registrar; Res. Life; etc.
27i	If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing;	668.46(h)(2)(i)	Policy and Procedure	CPS; registrar; Res. Life; etc.
27j	If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing; and	668.46(h)(2)(ii)	Policy and Procedure	CPS; registrar; Res. Life; etc.
27k	Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.	668.46(h)(2)(iii)	Policy and Procedure	CPS

NOTES

NOTES

# CSA MATERIALS

## 08. Healy+ Sample CSA Reporting Form

### Sample CSA Reporting Form With Instructions

#### MY INSTITUTION

#### Campus Security Authority (CSA) Incident Report Form

Date form completed \_\_\_\_/\_\_\_\_/\_\_\_\_

Date incident was reported to you \_\_\_\_/\_\_\_\_/\_\_\_\_

Was this incident reported to local police or NAME OF CAMPUS SAFETY AGENCY?

(Yes, no, unknown, If yes, which agency?) \_\_\_\_\_

#### *Your Contact Information*

Last Name \_\_\_\_\_ First Name \_\_\_\_\_

Campus Address \_\_\_\_\_ City/Town \_\_\_\_\_

State \_\_\_\_\_ Campus department \_\_\_\_\_

Email \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Date and Time of incident: From: \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ To: \_\_\_\_/\_\_\_\_/\_\_\_\_

#### *Involved Parties::*

Name \_\_\_\_\_

Email \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Affiliation: (Student, Faculty, staff,  
other) \_\_\_\_\_

Role in incident: (victim offender, witness, other) \_\_\_\_\_

\*note: include the ability for CSAs to list as many involved parties as needed"

#### *Location of incident (choose one):*

on campus ☐ on campus student housing ☐ noncampus property ☐

public property ☐

Specific Location (campus building, street address, etc) \_\_\_\_\_

*Type of Crime:*

- ☐ Murder: Unlawful killing of another
- ☐ Manslaughter: Killing of another through gross negligence
- ☐ Rape: Penetration, however slight
- ☐ Fondling: Touching of the private body parts without consent and for the purpose of sexual gratification
- ☐ Statutory Rape: Sexual intercourse with a person under the age of consent
- ☐ Incest: Sexual intercourse between people who are related wherein marriage is prohibited by law
- ☐ Aggravated Assault: Unlawful attack upon another with intent to inflict severe injury or great bodily harm.
- ☐ Robbery: Taking or attempting to take something by force, violence, threat, or by putting victim in fear
- ☐ Burglary: Unlawful entry of a structure with intent to commit a felony or theft
- ☐ Arson: willful or malicious burning of a structure, vehicle, or the personal property of another
- ☐ Motor Vehicle Theft: theft of a motorized vehicle, including 'joyriding'
- ☐ Stalking: course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.
- ☐ Dating Violence: violence or threats of violence by a person who is/has been in a relationship of a romantic or intimate nature with the victim
- ☐ Domestic Violence: Felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person similarly situated as a spouse or intimate partner, or 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.
- ☐ Liquor law violation
- ☐ Drug law violation
- ☐ Weapons Law Violation

*Hate crimes (only include if the offense was committed based on a bias against the victim):*

- ☐ Larceny/Theft: Unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another
- ☐ Intimidation: Unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct; but without displaying a weapon or subjecting the victim to actual physical attack
- ☐ Simple Assault: unlawful physical attack not involving a weapon and not resulting in severe bodily injury
- ☐ Vandalism: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

Hate Crimes — Were any of the above crimes motivated by bias [was the victim targeted because of prejudice (indicate yes or no)]? \_\_\_\_ If yes, indicate what type(s) of bias were involved: Race \_\_\_\_ Gender \_\_\_\_ Religion \_\_\_\_ Sexual Orientation \_\_\_\_ Ethnicity \_\_\_\_ Disability \_\_\_\_ National Origin \_\_\_\_ Gender Identity \_\_\_\_

Please share any additional details you have about the incident:

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Was this incident reported to any other individuals or offices on campus? \_\_\_\_\_

If yes, please list \_\_\_\_\_

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# TIMELY WARNING MATERIALS

## 09. Healy+ Timely Warning Decision Matrix

### TIMELY WARNING DECISION MATRIX

Instructions: You are required by the US Department of Education to follow your policy for the determination of whether to issue a warning and its distribution methods. Please use this form to document the analysis of whether or not this incident warranted sending a Timely Warning

Date/Time of incident: on / /  at  :

Date/Time campus safety agency became aware of incident: on / /  at  :

Case number: \_\_\_\_\_

Type of Clery defined crime (indicate by checking **all** that apply):

#### Primary Crimes

- ☐ Murder or Non-negligent manslaughter
  - ☐ Hate crime
- ☐ Negligent manslaughter
  - ☐ Hate crime
- ☐ Rape
  - ☐ Hate crime
- ☐ Fondling
  - ☐ Hate crime
- ☐ Incest
  - ☐ Hate crime
- ☐ Statutory Rape
  - ☐ Hate crime
- ☐ Robbery
  - ☐ Hate crime
- ☐ Aggravated Assault
  - ☐ Hate crime
- ☐ Burglary
  - ☐ Hate crime
- ☐ Motor Vehicle Theft
  - ☐ Hate crime
- ☐ Arson
  - ☐ Hate crime

#### VAWA Crimes

- ☐ Domestic Violence
  - ☐ Hate crime
- ☐ Dating Violence
  - ☐ Hate crime
- ☐ Stalking
  - ☐ Hate crime

#### Hate Crimes

I. Indicate which of the previous offenses (there may be more than one crime indicated):

- ☐ Vandalism
- ☐ Intimidation
- ☐ Theft
- ☐ Assault
- ☐ Other bodily injury crimes

II. Indicate category of bias for any primary, VAWA, or hate crime(s), (there may be more than one category of bias indicated):

- ☐ Race
- ☐ Gender
- ☐ Gender Identity
- ☐ Religion
- ☐ Sexual Orientation
- ☐ Ethnicity
- ☐ National Origin
- ☐ Disability

Location of crime. Be as specific as possible:

Did the incident occur in Clery geography? ☐ Yes, (If Yes, specific below) ☐ No, ☐ Unknown

- ☐ On Campus Student Housing
- ☐ On Campus Student Housing
- ☐ Non-Campus property
- ☐ Public Property



## 1. Factors to consider when determining a serious or continuing threat to students and employees.

	<u>Select One</u> Yes/No		<u>Select One</u> Yes/No
a. Has the suspect been identified?	<input type="checkbox"/> <input type="checkbox"/>	• If yes what was the substance? _____	
• If yes: suspect(s) name(s) _____		i. Did the victim use/abuse a substance?	<input type="checkbox"/> <input type="checkbox"/>
• Affiliation (check all that apply): student <input type="checkbox"/> , employee <input type="checkbox"/> , other <input type="checkbox"/> , unknown <input type="checkbox"/>		• If yes what was the substance? _____	
b. Are there multiple suspects?	<input type="checkbox"/> <input type="checkbox"/>	j. Could this crime be part of a pattern of similar crimes?	<input type="checkbox"/> <input type="checkbox"/>
c. Is there a discernable pattern related to the location, incident type, or offender? If yes, explain	<input type="checkbox"/> <input type="checkbox"/>	k. Has the suspect(s) been arrested?	<input type="checkbox"/> <input type="checkbox"/>
		• If yes, is suspect still in custody?	<input type="checkbox"/> <input type="checkbox"/>
d. Does the suspect have a student conduct record that increases concerns?	<input type="checkbox"/> <input type="checkbox"/>	l. Has the campus issued a no-contact or stay-away administrative notice to the suspect?	<input type="checkbox"/> <input type="checkbox"/>
e. Does the suspect have a criminal record that increases concerns?		m. The victim is a (check all that apply): Student <input type="checkbox"/> Employee <input type="checkbox"/> 3rd Party <input type="checkbox"/>	
f. Was a weapon used or threatened by the suspect?	<input type="checkbox"/> <input type="checkbox"/>	n. The suspect(s) is a (check all that apply): Student <input type="checkbox"/> Employee <input type="checkbox"/> 3rd Party <input type="checkbox"/>	
• If yes, what was the weapon _____			
g. Was a weapon used or threatened by the victim	<input type="checkbox"/> <input type="checkbox"/>		
• If yes, what was the weapon _____			
h. Did the suspect use/abuse a substance?	<input type="checkbox"/> <input type="checkbox"/>		

## 2. Please use this box to provide an additional context or information needed: \_\_\_\_\_

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## 3. Based on the above, do you believe, to a reasonable degree of certainty, that the incident represents a serious or ongoing threat to students and employees?"

Yes ☐ No ☐

## 4. Considering the potential impact on various law enforcement operations, will issuing a Timely Warning compromise efforts to:

- Assist/protect a victim? Yes ☐ No ☐
- Contain the emergency? Yes ☐ No ☐
- Respond to the emergency? Yes ☐ No ☐
- Otherwise mitigate the emergency? Yes ☐ No ☐

If you answered yes to any of the questions above, please provide an explanation why:

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**Examples of crimes that could constitute a continuing threat include, but are not limited to:**

- A serial crime that targets certain campus populations in which the perpetrator has not been apprehended;
- A crime in which there is no apparent connection between perpetrator and victim and the perpetrator has not been apprehended.

**Examples of crimes that may not constitute a continuing threat include, but are not limited to:**

- Crimes in which the perpetrator has been apprehended, thereby neutralizing the threat;
- Crimes in which identified perpetrators target a specific individual to the exclusion of others, such as domestic violence.

**Timely Warning Issued: Yes ☐ or No ☐**, If yes, it was issued on / /  at  :

The Timely Warning should include:

- a. A brief description of the incident.
- b. Possible connection to previous incidents, if applicable.
- c. Physical description of the suspect, if sufficiently detailed (beyond sex, race, and age)
- d. Composite drawing or photo of the suspect, if available.
- e. Date and time the warning was released.
- f. Other relevant and important information including prevention tips.
- g. Information on who and how to provide information about the crime.

**If a Timely Warning has been issued, please check all of the resources used to disseminate:**

*Timely Warning dissemination must be reasonably likely to reach the entire campus community.*

☐ Posters/Fliers

☐ Mass Email

☐ Text Alert

☐ Media (radio/television/newspaper(s))

Other: \_\_\_\_\_

☐ College/University Website

☐ Police/Public Safety Website

☐ Vocal (intercoms/loudspeakers/etc.)

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**Completed By:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date/Time

**Supervisor Approval:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date/Time

**Attach copy of Timely Warning Notification to the incident report**

**Attach a copy of this form to the incident report**

## DFSCA MATERIALS

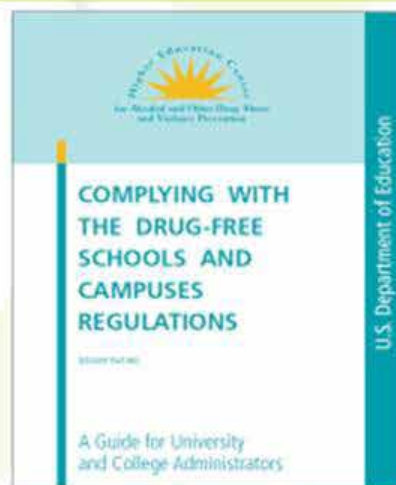
### 10. DFSCA Compliance Manual

In order to reduce the size of the Guidebook, and provide the information in an easily searchable format, we have provided some of these lengthy documents as links.

<https://files.eric.ed.gov/fulltext/ED514322.pdf>

## DFSCA Compliance Manual

- Complying with the Drug-Free Schools and Campuses Regulations: A Guide for University and College Administrators (1997/2006)
- To access, visit:  
<http://files.eric.ed.gov/fulltext/ED514322.pdf>
- It's in your Guidebook, although dated still strictly applied by ED



## 11. Drug-Free Schools and Campuses Regulations Compliance Checklist

*The compliance checklist developed by the Department's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention highlights the legal requirements of the Drug-Free Schools and Campuses Regulations. Completing this checklist will ensure that your campus has a sense of what has been done to satisfy the minimum requirements. To read the exact letter of the law, visit [www.ed.gov/policy/fund/reg/edgarReg/edlite-part86a.html](http://www.ed.gov/policy/fund/reg/edgarReg/edlite-part86a.html).*

### Appendix 2 PART 86 COMPLIANCE CHECKLIST

#### Part 86, Drug-Free Schools and Campuses Regulations Compliance Checklist

1. Does the institution maintain a copy of its drug prevention program? Yes ☐ No ☐  
If yes, where is it located? \_\_\_\_\_  
\_\_\_\_\_
  
2. Does the institution provide *annually* to *each employee* and *each student*, who is taking one or more classes for any type of academic credit except for continuing education units, written materials that adequately describe and contain the following?
  - a. Standards of conduct that prohibit unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as a part of its activities  
Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐
  - b. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol  
Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐
  - c. A description of applicable legal sanctions under local, state, or federal law  
Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐
  - d. A description of applicable counseling, treatment, or rehabilitation or re-entry programs  
Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐
  - e. A clear statement of the disciplinary sanctions the institution will impose on students and employees, and a description of those sanctions  
Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐
  
3. Are the above materials distributed to students in one of the following ways?
  - a. Mailed to each student (separately or included in another mailing)  
Yes ☐ No ☐
  - b. Through campus post offices boxes  
Yes ☐ No ☐
  - c. Class schedules which are mailed to each student  
Yes ☐ No ☐
  - d. During freshman orientation  
Yes ☐ No ☐
  - e. During new student orientation  
Yes ☐ No ☐

- f. In another manner (*describe*) \_\_\_\_\_  
 \_\_\_\_\_
4. Does the means of distribution provide reasonable assurance that each student receives the materials annually?  
 Yes ☐ No ☐
5. Does the institution's distribution plan make provisions for providing these materials to students who enroll at some date after the initial distribution? Yes ☐ No ☐
6. Are the above materials distributed to staff and faculty in one of the following ways?
- a. Mailed  
 Staff: Yes ☐ No ☐ Faculty: Yes ☐ No ☐
- b. Through campus post office boxes  
 Staff: Yes ☐ No ☐ Faculty: Yes ☐ No ☐
- c. During new employee orientation  
 Staff: Yes ☐ No ☐ Faculty: Yes ☐ No ☐
- d. In another manner (*describe*) \_\_\_\_\_  
 \_\_\_\_\_
7. Does the means of distribution provide reasonable assurance that each staff and faculty member receives the materials annually?  
 Staff: Yes ☐ No ☐ Faculty: Yes ☐ No ☐
8. Does the institution's distribution plan make provisions for providing these materials to staff and faculty who are hired after the initial distribution?  
 Staff: Yes ☐ No ☐ Faculty: Yes ☐ No ☐
9. In what ways does the institution conduct biennial reviews of its drug prevention program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced?
- a. Conduct student alcohol and drug use survey  
 Yes ☐ No ☐
- b. Conduct opinion survey of its students, staff, and faculty  
 Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐
- c. Evaluate comments obtained from a suggestion box  
 Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐
- d. Conduct focus groups  
 Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐
- e. Conduct intercept interviews  
 Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐

f. Assess effectiveness of documented mandatory drug treatment referrals for students and employees  
 Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐

g. Assess effectiveness of documented cases of disciplinary sanctions imposed on students and employees  
 Students: Yes ☐ No ☐ Staff and Faculty: Yes ☐ No ☐

h. Other (*please list*)

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10. Who is responsible for conducting these biennial reviews?

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11. If requested, has the institution made available, to the Secretary and the public, a copy of each requested item in the drug prevention program and the results of the biennial review? Yes ☐ No ☐

12. Where is the biennial review documentation located?

Name 

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Title 

---

Department 

---

Phone 

---

 E-mail 

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13. Comments

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# VAWA MATERIALS

## 12. Healy+ Notice of Rights & Options Template

[Name of Institution]

Resources for Students and Employees who have Experienced Sexual Violence, Dating or Domestic Violence or Stalking

For more information contact: [Include point of contact, Title IX Coordinator, etc.]

The [Name of Institution] is committed to providing a safe learning and working environment for every member of our community. Sexual violence of any type, including sexual assault, dating violence, domestic violence, and stalking, is not tolerated. We encourage students, and employees who have been affected by any of these offenses, whether on or off campus, to access the support services described here, and consider taking action through the institutional conduct process and/or pursuing options available through the criminal justice system.

### ASSISTANCE AND ACCOMMODATIONS

The [College/University] can provide students and employees who report an incident of sexual violence, dating violence, domestic violence or stalking with important assistance and accommodations, regardless of whether the victim report the incident to police or participate in an investigation or resolution process through the University. Options may include: (List and describe all that apply for your institution):

- Assistance in reporting to on or off-campus Law Enforcement
- Assistance navigating the University/college resolution process
- Assistance in obtaining a no-contact order through the University and/or criminal justice system - To prevent contact with the accused
- Interim Protective Measures – Such as limiting the accused from participating in an activity, being present in a particular area or building, or imposing an interim suspension
- Academic Accommodations - Such as changing class sections
- Referral to Legal Assistance - on campus and in the community
- Immigration and Visa Assistance – Such as when changes in status, due to the incident, affect visa status
- Housing Accommodations - Living Arrangements - Such as changing residence halls
- Transportation Accommodations - Such as being allowed to park in a different location
- Change in Working Situation - Such as being relocated to a more private or secure location

To request changes, contact the following:

For Students - list appropriate office and contact information for your institution

For Employees - list appropriate office and contact information for your institution

## CONFIDENTIALITY

When a student or employee reports an incident to the [College/University] their privacy will be respected to the fullest extent possible. The report will be shared with only those members of the campus community who have a need to know in order to provide assistance/accommodations or facilitate the College/University's resolution process, and the student or employee will be apprised of all actions taken. Reports to the criminal justice system may create public records [cite state law concerning extent of disclosure of police and court documents]. Requests for confidentiality may limit the institution's ability to respond to a report.

## RESOURCES (list as many as applicable for your institution)

Emergencies: Dial 911

Campus [Police/Security]: XXX-XXX-XXXX, Address

Local Law Enforcement: XXX-XXX-XXXX

24 Hour Hotline: XXX-XXX-XXXX

Student Affairs: XXX-XXX-XXXX, Address

Human Resources: XXX-XXX-XXXX, Address

Student Conduct Complaints: [Name of Contact, Title] XXX-XXX-XXXX, Address

Employee/Faculty Conduct Complaints: [Name of Contact, Title] XXX-XXX-XXXX, Address

Title IX Coordinator: [Name of Contact, Title] XXX-XXX-XXXX, Address

Victim Advocacy/Services: XXX-XXX-XXXX, Address

## CONFIDENTIAL RESOURCES

These resources are available to students and employees. Disclosing an experience to them will not result in any action being taken by the College/University.

[Name of Institution] Counseling Center

List hours of operation and contact information

[Name of Institution] [Health Center/Clinic]

List hours of operation and contact information

[Name of Institution] Employee Assistance Program

List hours of operation and contact information



## OFF-CAMPUS CONFIDENTIAL RESOURCES

List the names, hours of operation and contact information in this section for:

Off campus hospitals and medical facilities

Rape Crisis Centers

Domestic/Dating Violence shelters and assistance agencies

Community based counseling options

## FILING A FORMAL COMPLAINT WITH THE [NAME OF INSTITUTION]

To file a complaint against a student please contact [Name of Contact, Title] at XXX-XXXX- XXXX, Address.

To file a complaint against an employee please contact [Name of Contact, Title] at XXX-XXX- XXXX, Address.

To file a complaint against a visitor please contact [Name of Contact, Title] at XXX-XXX-XXX, Address.

The [Name of Institution] strictly prohibits all acts of sexual assault, dating violence, domestic violence, and stalking. When a complaint involving on or off campus conduct is made the [College/University] will investigate, and may initiate disciplinary action against the accused. The conduct process shall-

- Provide a prompt, fair and impartial investigation and resolution.
- Be conducted by officials who have received annual training on how to conduct an investigation, and conduct a proceeding in a manner that protects the safety of victims and promotes accountability.
- Be conducted within 60 days or less, unless there are mitigating circumstances, in which case both the accuser and accused shall be notified and provided with an explanation.
- Have responsibility determined by the preponderance of the evidence, standard.

Both the accused and accuser shall have the same right to-

- The same opportunities to have others, such as advisors and witnesses, present.
- To be accompanied by an advisor of their choice to all related meetings.
- To be simultaneously informed in writing of the outcome of any disciplinary action.
- To be informed of the procedures and deadline for appealing the outcome.
- To be informed of any change to the results that occurs prior to the time they become final. – To be informed of when such results become final.

The specific procedures can be found at [insert URL] or [list the procedures]

Related [University/College] Policies

[Name of Institution] Student Code of Conduct  
[Insert URL]

[Name of Institution] Employee Code of Conduct  
[Insert URL]

## FILING A REPORT WITH LAW ENFORCEMENT

Reports may be made to the [Name of Institution] [Police/Security] Department at XXX-XXX- XXX, Address, or to the Police Department in the jurisdiction where the incident occurred. Law enforcement can initiate a criminal investigation and provide assistance in obtaining no-contact orders from a court of law which will be honored both on and off-campus.

The [Name of Institution] will provide assistance in reporting to law enforcement, and such assistance can be arranged by contacting (insert appropriate resources/contact info here) and employees also have a right to decline to report to law enforcement, and will still be entitled to any and all available resources provided by the [College/University].

Students and employees are encouraged to file a report as soon as possible.

When an incident occurs it is important to preserve evidence even if you don't wish to participating in a university or law enforcement process at this time. The evidence may be helpful if you decide to pursue these options later.

You may wish to consider:

Not showering or brushing teeth prior to a medical exam

Not changing or washing clothes worn during the incident

Taking photos of any bruises or other injuries

Keeping copies of any communications related to the incident(s)--text messages, social media messages, emails, etc.

## ADDITIONAL RESOURCES

### Sample Crime Reports for Group Exercises

#### REPORT #1

On April 25, 2023, at approximately 1815, I was patrolling campus when I spotted an individual walking on Campus Drive. This individual was staggering from side to side and screaming loudly, indicating possible intoxication. I exited my patrol vehicle and approached the individual, identified as student Kaden Wexler, DOB 2/3/2003. Based on my training and experience, I could smell alcohol emitting from Wexler's breath. I asked Wexler if he had any contraband in his backpack, to which he responded "no." I asked Wexler to open his backpack and when he did, I found two unopened bottles of Sam Adams beer and 1 half empty bottle of Smirnoff vodka, along with a small plastic baggie filled with a leafy green substance that resembled and smelled like marijuana, based on my experience and training. I also found a grinder and small smoking device known as a "bowl" – both of which contained marijuana residue. Wexler began to cry at that point, saying that his "life was over." Wexler did not appear to be a danger to himself, so I decided to not cite him and only write him a warning, and escorted him back to his apartment. This report is filed as HPPD 12345.

#### REPORT #2

On January 19, 2023, at 1130, I was dispatched to Crandall Hall to take a report of a sexual assault that had taken place the night prior. When I arrived on the scene, I met with the student complainant, Zachary McAndrews, who described the following. McAndrews stated that on the night of January 18, 2023, at approximately 2130, he took an Uber downtown to meet with someone he met on the dating app Bumble named Patrick Jenkins (non-student). McAndrews said he had been talking to Jenkins for several weeks and that the pair considered themselves a couple, though they had not yet met in person. McAndrews said he first met at Jenkins' apartment at 13th and Locust Streets in Anytown, PA, as Jenkins had arrived home late from work and still needed to shower and change before going to a restaurant nearby for dinner. McAndrews said while he was waiting in the living room at Jenkins' apartment, Jenkins came out in a towel and said to McAndrews, "You know you want to see what's under this towel." McAndrews said he did not respond and instead "awkwardly laughed it off." McAndrews said Jenkin's demeanor seemed to instantly change at that moment, causing Jenkins to get angry with McAndrews and start screaming things like, "What's so funny? You think all I want is sex?" McAndrews said Jenkins removed his towel and "aggressively got on top of him" and started "sexually assaulting him." McAndrews tried to fight Jenkins off, but McAndrews said Jenkins was physically much larger and that Jenkins punched

McAndrews in the face with a closed fist “multiple times,” causing McAndrews to bleed from the mouth and nose. McAndrews said that once Jenkins “finished,” we went to get changed, at which point McAndrews managed to escape Jenkins’ apartment, and hailed an Uber back to his room at Crandall Hall. This report is filed as HPPD12347.

### REPORT #3

On May 3, 2022 at 1404, I was dispatched to Stearns Hall for a report of a burglary of a student residence hall room. Upon arrival, I met with the student, Kelly Beaumont, who told me the following. On May 2, 2022, Beaumont said she was the only one in her room as her roommate was away on vacation with her family. Beaumont said she left her room at approximately 1100 to get lunch with her friends. She said she locked her door and double checked that it was locked before she left. Beaumont returned at approximately 1400 and noticed there was damage to the locking mechanism on the door. Upon entering her room, she discovered that several items in her room were out of place, and that \$200 in cash was missing from her desk drawer. While speaking with Beaumont, another student in the residence hall, Patricia Hanley, approached me to report that it appeared her room had been broken into.

After finishing my conversation with Beaumont, I went with Hanley to her room which was located two doors down from Beaumont’s room. It appeared that Hanley’s door had the same damage to her locking mechanism that Beaumont’s door had. Hanley said that multiple items in her room were knocked over and misplaced, but it didn’t appear that anything had been taken. Hanley said that she had been gone from her room since April 30, 2022 visiting her family and returned to her residence hall room on May 3, 2022 at approximately 1300. Hanley had no roommate and did not give permission for anyone to be in her room. A single report was also filed with the RA on duty, Daniella Sanchez, as report #2022-5-3-1.

At approximately 1505, I was dispatched to Graham Hall to take a report of several offices being broken into. I met with Abby Taylor, Chair of the Communications Department, who reported that she and approximately four other staff members’ offices had been broken into. All five staff members’ offices were locked prior to going out to lunch at approximately 1130, and upon returning at approximately 1245, found their locking mechanisms to be tampered with. Upon inspection of the locking mechanisms, the damage appeared to be consistent with the damage to the residence hall room door locks in Stearns Hall, which was located nearby.

I was able to review security footage of both Graham Hall and the lobby of Stearns Hall during the period when these break-ins occurred. I noticed an unidentified male individual in a dark grey hoodie, blue jeans, red sneakers, and a black backpack who appeared in both locations during the time frame, and the footage from Graham Hall revealed that individual using a small crowbar taken from his

backpack to attempt to forcibly enter the offices in question. Based on my training and experience, it appeared this was the same individual that entered Stearns Hall. This report is filed as HPPD 12346.

#### REPORT #4

On February 2nd, 2023, I was dispatched to the first floor of Norton Student Services Building to take a report of a possible stalking of sophomore student Sofia Vallas. Vallas had just met with the Title IX office (Report # TIX 1005) and had requested to file a report with Healy+ Police Department as well. Vallas told us the following. In the fall of her freshman year (October 2022), Vallas was dating fellow student Vince DiGennaro. Vallas said she and DiGennaro got along really well and had a lot of similar interests. One day, toward the end of October, Vallas said she found texts on DiGennaro's phone of him talking to another girl and so she confronted him. DiGennaro said he was "only messing around" and that he "wasn't interested in anyone else" but Vallas did not believe him and told him she wanted to break up. She said they attempted to "try again" because DiGennaro was very upset and did not want to break up, but after two or three weeks, Vallas said she just was no longer interested or attracted to DiGennaro. She said she blocked him on social media and also blocked his number. Vallas said in early November 2022, DiGennaro began sending her texts from unknown phone numbers, saying things like, "please take me back. I can't be without you. I'll kill myself if you don't take me back." Vallas said these messages made her uncomfortable, but had been through a similar situation before in high school, so she was "used to it." Vallas tried to ignore the messages, but the situation escalated when DiGennaro began showing up outside her apartment and classes, and following her around. Vallas said she became extremely uncomfortable and started fearing for her safety. Vallas said she tried changing the route she would walk to classes to try to avoid DiGennaro but he would still sometimes find her. This behavior continued until finals in early December 2022, at which point Vallas went home for break.

Vallas said when she returned to campus in mid-January 2023, she had not seen or heard from DiGennaro since she left campus and assumed things had resolved themselves. However, after approximately one week of being back on campus, Vallas said she found a note on her car windshield that appeared to be DiGennaro's handwriting. The note said, "I hope you don't think this is over. I left you alone over break to give you some time to make the right decision. I will not relent. We belong together and one day, hopefully sooner rather than later, you'll realize that." After talking with friends and family, she decided she wanted to report DiGennaro's behavior because she was having panic attacks and didn't know what DiGennaro might do to her. This report is filed as HPPD 13359.

**REPORT #5**

On May 5th, 2023, I was patrolling the corner of Main Street And Healy at approximately 1450, when I noticed graffiti on one of the brick columns at that intersection. Upon further inspection, the graffiti appeared to read, “F—k the beaners here, go back to Mexico, or else.” I attempted to remove the graffiti but it looked like it was drawn using a permanent-type spray paint and so I was unable to do so. I canvassed the area to ask if anyone had seen anyone vandalizing the brick column, but yielded negative results. This report is filed as HPPD 12550.

## Sample Job Descriptions for CSA Group Exercise

**Job Description #1:** This position serves as the primary contact for the departments regarding processing of immigration documents for all international scholars within the Pharmacy School under the Human Resources team. The HR Specialist will coordinate the timely submission and tracking of all immigration documents, working in conjunction with the University's International Student and Scholar Services (ISSS) department. This person also provides HR support for processing graduate students. Additionally, this position serves as the Time Keeping Administrator (TIM).

**Job Description #2:** The Population Center is an interdisciplinary research and training center under the Vice Provost for Research. The Center's goals are to create new knowledge, develop new sources of data to support population research, promote the development and use of innovative methodologies, build skills and capacity, and disseminate data and findings to population professionals, policy makers, and the public. The center's operating budget is derived from grants, cooperative agreements, and contracts awarded by federal agencies and private foundations, as well as from state funds. TPC conducts research in the United States and in more than fifty foreign countries. This position manages the financial and reporting activities of a portfolio of sponsored projects. Responsibilities include project accounting, budget management, financial reporting, reconciling monthly payroll and other grant expenditures, monitoring sub-awards, managing the award set-up and close out processes, and ensuring compliance with sponsor and university guidelines.

**Job Description #3:** The Public Communications Specialist is responsible for all public information management functions for the Center for Black Culture and History. The position has direct responsibility for working with on-campus and local media to publicize our work and initiatives. The Public Communication Specialist also manages all Center digital activities on all applicable platforms, manages and updates the Center's website, organizes and implements social media outreach campaigns and organizes the production of in-house publications, and all graphics and design work associated with exhibitions and other programs. This position also works with the Assistant Director/Development Officer to prepare solicitation materials that for fundraising activities.

**Job Description #4:** The Financial Aid Office seeks a creative, enthusiastic, and organized individual for the position of Senior Assistant Director for Counseling. This is a full-time, permanent EHRA Non-Faculty position which will report to the Senior Associate Director and will coordinate with the Senior Assistant Director of Communications and the Office of Undergraduate Admissions. The person in the position will supervise a team of Financial Aid counselors who provide direct service to students and parents, process aid applications, and will be responsible for exercising authority to independently commit the University to scholarship

and financial aid awards. The person in the position will work closely with the Senior Associate Director of Processing and Compliance to carry out day-to-day processing operations, serving as a resource to the processing staff which includes Counselors and Assistant Directors. The Senior Assistant Director will also be responsible for developing and implementing a comprehensive strategy for outreach, publicizing, and promoting the office and its financial aid programs to prospective students and parents. The person in the position will coordinate with key staff in the office, Undergraduate Admissions and other campus partners to develop and execute this plan.

**Job Description #5:** The Office of Undergraduate Education seeks a passionate, committed professional to join one of the Campus Hubs, comprised of teams dedicated to providing student-centered, holistic and seamlessly delivered support to students from acceptance through graduation. Reporting to a Hub Director, Assistant Directors assist with the overall management and delivery of services of a Hub unit, in addition to providing direct student support. During each academic year, Assistant Directors will also teach up to 4 sections of a 1-credit hour course, First-Year Success, and therefore will need to meet the minimum SACS Accreditation requirements for instruction. Hub staff are expected to bring positive energy and a collaborative mindset to their everyday work, partnering with campus staff, faculty and one another to eliminate barriers to student success and ensure all students thrive. Regular, reliable, and non-disruptive attendance is an essential job duty, as is the ability to create and maintain collegial, harmonious working relationships with others. The successful candidate will have a strong commitment to the Liberal Arts, a desire to engage employees and build teams, and demonstrated experience utilizing an intersectional framework to support students holistically through individual interactions and programming efforts.

**Job Description #6:** The Director of Online Services provides mission-driven, service-oriented, dynamic, entrepreneurial, and data-informed leadership and strategy for the Digital and Lifelong Learning Services unit, which manages service units that support programs administered through Digital and Lifelong Learning as well as direct service to programs across campus. Service units currently include Learning Technology, Instructional Design, Student Services, and Conference Services. The Director role serves on the Leadership Team in Digital and Lifelong Learning, helping develop strategy for credit programs, representing efforts with faculty and program leaders, and serving on committees that support work and programs across the University.

**Job Description #7:** The Events Coordinator oversees and executes all elements of a comprehensive events program consisting of on and off campus events. The Events Coordinator will plan, manage, and execute high quality events that are designed to engage key audiences. This role will collaborate to ensure purchases are made in compliance with university policy, plan for menu, communication of



logistics, facilities, seating, and technology needs, and provide event attendance reports and follow-up as needed. The Events Coordinator will be responsible for creating a standard process and procedure guide for event planning, and will help facilitate those standardized processes to ensure consistent communication, scheduling, travel, and experience for faculty candidates. Maintain a welcoming presence among students, staff, and faculty - assisting with inquiries as it relates to IE initiatives and events.

## Instructor Biographies

### KYLE C. NORTON | DIRECTOR, REGULATORY COMPLIANCE



Kyle Norton joins Healy+ with an extensive higher education and auditing background. He served as a consultant for large banking corporations, through which he developed process mapping, identified gaps, analyzed risk, audited and re-wrote policies and procedures, and worked with internal stakeholders to re-train employees on best practices. In higher education, Kyle has served as an Assistant Director of Undergraduate Programs and Recruitment through which he led university-wide recruitment initiatives, developed student leadership programs, spearheaded summer camp programs for high school students, and served as a student conduct board hearing member. Kyle also served as a Managing Director and full-time clinical professor, and oversaw the academic advising team, teaching faculty, curriculum development, and strategic growth for his division. Additionally, Kyle aided Cozen O'Connor's Institutional Response Group as the Chief of Staff and Institutional Response Coordinator, focusing on Title IX, VAWA, and Clery-related policy work and investigations, data audits, national trainings, client relationship development, and overall project management.

The various roles in Kyle's career thus far have allowed him to develop a unique, holistic understanding of the inner-workings and connectivity within higher education and the nuances that exist throughout institutions nation-wide. With Healy+, Kyle has developed a niche for Clery Act compliance work, having provided assistance on several substantial Clery Act data audits. He also provides interim support services for our clients, most recently serving as Interim Deputy Clery Coordinator for a Clery department and Project Support Specialist for an Internal Audit department.

Kyle is a Philadelphia native and graduated from Drexel University in 2013 with a Bachelor's in Business Administration, and again in 2017 with a Master's in Higher Education Administration & Leadership.

#### PRACTICE AREAS

- Higher Education
- K-12 Education
- Corporate
- Non-Profit

#### EXPERIENCE & QUALIFICATIONS

- Associate & Project Coordinator, Margolis Healy
- Managing Director, First-Year Exploratory Studies Program at Drexel University
- Institutional Response Coordinator/ Chief of Staff, Institutional Response Group at Cozen O'Connor
- Assistant Director, Undergraduate Programs & Recruitment at Drexel University
- Consultant, Bridgeforce LLC
- Criminal Justice Information System Security & Awareness Training Certificate

#### EVENT & SEMINARS

- Margolis Healy Clery Act Seminars, Faculty Member presenter Chicago, IL: 2019
- Open House/Admitted Students Day Recruiting Events, Organizer and Speaker, Philadelphia, PA: 2014-2017
- Camp Business Summer Conference, Managing Director, Philadelphia, PA: 2014-2017
- TASS (Teaching Academic Survival Skills) Conference, Presenter: "How to Make a Learning Community Thrive" Ft. Lauderdale, FL: 2016

**MICHAEL N. WEBSTER | SENIOR ASSOCIATE**

Michael Webster was appointed the Director for Regulatory Compliance at Healy + in January 2015, where he served until his retirement in 2021. He then made the transition to Senior Associate, assisting on various projects. His focus is in the areas of the Clery Act and Title IX, and also contributing to teams delivering Public Safety Management Studies™. Since joining Healy + in 2010 as an Associate, and as a Senior Associate in 2013, Mike has provided consultation to clients representing the spectrum of higher education institutions including: Swarthmore College, Penn State University, Seattle University, the University of Alabama, Huntsville, Emerson College, the University of North Carolina System, Claremont McKenna College, the University of Texas-Pan American, Wilkes University, California Western School of Law and Baylor University.

From 1991 to 2014, Mike served as the Director of Campus Safety at McDaniel College in suburban Baltimore, Maryland. Before that Mike worked as the Assistant Director of Public Safety at Emerson College and the Operations Manager, Campus Police Sergeant at Wentworth Institute of Technology both of which are in Boston, Massachusetts. Each of these agencies was a broadly missioned public safety agency with multiple roles including uniformed sworn law enforcement and non-sworn security, emergency medical services, fire prevention, community education, crime prevention and physical security technology. These private campuses were: urban and suburban, liberal arts, and specialized, largely commuter and residential, four-year undergraduate and master's degree-granting, and armed and unarmed.

Webster holds a Bachelor of Science degree in Criminal Justice from Northeastern University, and a Master of Science degree in Human Resource Development from McDaniel College, where his graduate research focused on two problems plaguing campus law enforcement agencies: recruitment and retention, and morale and motivation.

He also has served as an adjunct lecturer at McDaniel College in the Sociology Department where he authored and taught "Practical Applications in Law Enforcement." He enjoys

**EXPERIENCE**

- Director of Campus Safety, McDaniel College
- Assistant Director of Public Safety, Emerson College
- Operations Manager, Campus Police Sergeant, Wentworth Institute of Technology
- Adjunct lecturer, Sociology Department, McDaniel College
- Served as the Government Relations Chair for the International Association of Campus Law Enforcement Administrators (IACLEA).
  - Represented campus safety interests both on Capitol Hill and to the U.S. Dep't. of Education
  - Participated in all 3 Clery Act Negotiated Rulemaking Committees.

**EDUCATION**

- Northeastern University, B.S. in Criminal Justice
- McDaniel College, Master of Science in Human Resource Development

**PUBLICATIONS**

- [Common Clery Challenges](#)
- [Concurrent Criminal and Title IX Investigations](#)

teaching in a variety of capacities and has served as a presenter at numerous conferences for several professional organizations and state criminal justice training authorities. For many years, he served as the Government Relations Chair for the International Association of Campus Law Enforcement Administrators (IACLEA). Mike has participated in all three Negotiated Rulemaking sessions hosted by the United States Department of Education for the Clery Act, the most recent being the Violence Against Women Act amendments of 2013. Mike also served as a content reviewer for 2005 and 2011 versions of the Handbook, published by the US Department of Education to facilitate compliance with the Clery Act requirements. He has authored "[Common Clery Challenges](#)."

In 2015, Mike completed the National Center for Campus Public Safety's "Trauma-Informed Sexual Assault Investigation and Adjudication" course, and in 2010 attended U.S. Department of Justice, Office of Violence Against Women / International Association of Chiefs of Police – National Law Enforcement Leadership Institute on Violence Against Women. He frequently presents on topics related to Title IX and issues around institutional management and the prevention of gender violence. He recently authored "[Concurrent Criminal and Title IX Investigations](#)."

In 2014, Mike was named a Campus Safety Magazine Director of the Year finalist. Mike was a Certified Protection Professional (CPP) by the American Society for Industrial Security (ASIS) International from 1987 to 2014, a member of the IACLEA since 1984, the International Association of Chiefs of Police (IACP) since 2004, and the Association of Campus Law Enforcement Administrators – Chesapeake Region since 1991. Mike has ensured a comprehensive program of personal professional growth in a variety of areas through attending multiple professional development courses from varied government sources including the US Departments of Justice, Education, Homeland Security and State, as well as the Federal Emergency Management Agency, Federal Bureau of Investigation, and a broad array of professional associations and private groups.

**JENNIFER SCOTT | CONSULTANT, CLERY ACT COMPLIANCE**

Jenn Scott joins Healy+ with a strong higher education and compliance background. She served as the Clery Compliance specialist at the University of North Carolina at Chapel Hill, where she developed policies and processes across the institution, audited existing compliance structures and created new training programs for various University stakeholders.

She has also worked extensively in gender-based violence prevention and response on campuses and in community-based organizations. As the Title IX Coordinator at UNC Chapel Hill, she oversaw campus-wide training for Responsible Employees and served as an Assistant Director of the North Carolina State University Women's center, coordinating the peer education program, 24-hour hotline, and direct support services for students and employees.

Her experience in both Clery Act and Title IX compliance allow her to assist Healy+ clients with all aspects of their compliance programs, including data audits, training, and policy development

Jenn graduated from the University of Illinois at Urbana Champaign with a master's degree in Kinesiology.

**PRACTICE AREAS**

- Higher Education
- Non-Profit

## Healy+ Background and Information

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### FIRM BACKGROUND

Healy+ and Associates is a professional services firm specializing in safety, security, emergency preparedness, and regulatory compliance for all types of communities and workplaces. Though historically known for our work as national thought leaders in the field of higher education and K-12 safety and security, Healy+ and Associates serves a broad client base, including private companies, health care, government, and non-profit entities, as well as higher education and K-12.

### SERVICES AT A GLANCE

At Healy+, we strive to provide you, our clients, with personalized service that is tailored to your particular needs. We provide a variety of specialized services that include, but are not limited to, safety and security program assessments; enterprise risk assessments; emergency preparedness and crisis plans, response systems, and exercises; implementation of lethal and less-than-lethal force options; litigation consultation; and special investigations/independent reviews.



#### Emergency Preparedness

- Emergency Operations Plans
- Business Continuity Plans
- Active Threat Training
- Exercise Design and Facilitation
- Risk Assessment

#### Organizational Assessment

- Public Safety Management Study®
- Bi-Dimensional Staffing Analysis®
- Interim Leadership Services
- Policy Review

#### Physical Security

- Physical Security Assessments
- Security Systems and Technology
- Crime Prevention Through Environmental Design
- Security Master Planning

#### Regulatory Compliance

- Clery Act Program Reviews
- Annual Security Report Development
- Clery Act Training
- Clery Act Data Audits

### OUR CORE VALUES

#### INTEGRITY

We guide our clients in matters of safety, security, emergency preparedness and regulatory compliance through adherence to the highest industry standards and straightforward, actionable recommendations.

#### INNOVATION

As industry thought leaders, we provide cutting edge insight, advice and recommendations that respond to an evolving environment of threats facing public and private schools.

#### CREDIBILITY

Our staff and associates are selected from the best and brightest in their field of expertise having decades of experience serving in campus safety and security, law enforcement, and emergency management.

#### COMMITMENT

At Healy+ we treat our clients as our partners, and we are proud of the long-lasting relationships we have developed.



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## Institutional Response Group

Cozen O'Connor's Institutional Response Group delivers holistic responses to institutions confronting sexual and gender-based harassment and violence, child abuse, safety and security issues, and other forms of misconduct. We represent colleges, universities, K-12 educational and other child-serving institutions, as well as corporations, hospitals, religious institutions, and not-for-profit organizations, in connection with policy, compliance, investigations, and governance issues.

Our Institutional Response attorneys have decades of experience conducting high-profile investigations into sexual and gender-based harassment and violence, child abuse, and other forms of misconduct, and assisting institutions in implementing trauma-informed, fair and impartial prevention and resolution processes.

Cozen O'Connor's Institutional Response Group is led by recognized thought leaders in the field and features 10 pillars of practice:

- Policy development and audit;
- Design of infrastructure, systems and protocols;
- Investigations;
- Training and education;
- Title IX, Clery, and other regulatory compliance;
- Coordination with law enforcement in parallel investigations;
- Counseling and advice;
- Institutional governance;
- Community engagement; and
- Public service.

Our Institutional Response attorneys have been at the helm of high-profile investigations and engagements at major public and private educational institutions, including both secular and religious institutions, throughout the country. In addition, members of the Institutional Response Group have a long-standing investigative practice in the white collar, government and regulatory, and pharmaceutical arenas.



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### RELATED PRACTICE AREAS

- Health Care & Life Sciences
- Higher Education

### INDUSTRY SECTORS

- Health Care & Life Sciences
- Higher Education





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