Comprehensive Clery Act Training Seminar (CATS)

SETTING THE STAGE

POST-COVID IN PERSON GATHERING

CATS *GROUP* NORMS

Embrace the Growth Mindset

- Flexibility
- Engagement
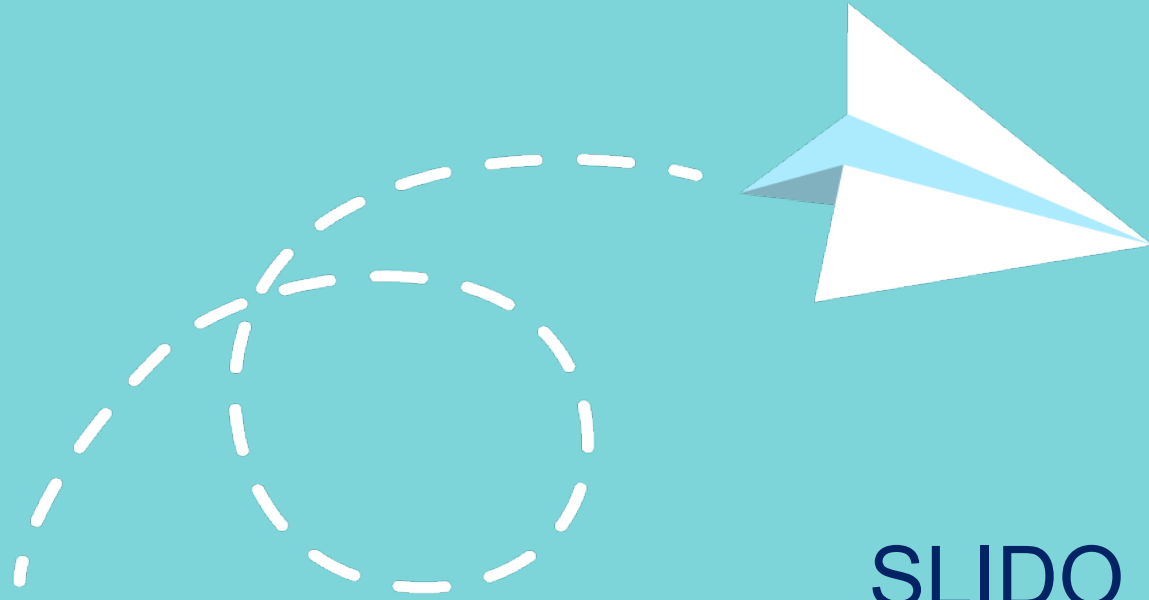- Participation
- Curiosity
- Support

CATS *INDIVIDUAL* NORMS

Put in what you hope to get out

- Be honest with yourself about what you hope to gain from this experience
- Identify your takeaways from this training
- Take responsibility for your part in the process

SLIDO POLLING PRACTICE

What foods do you like?

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slido

What is your favorite color?

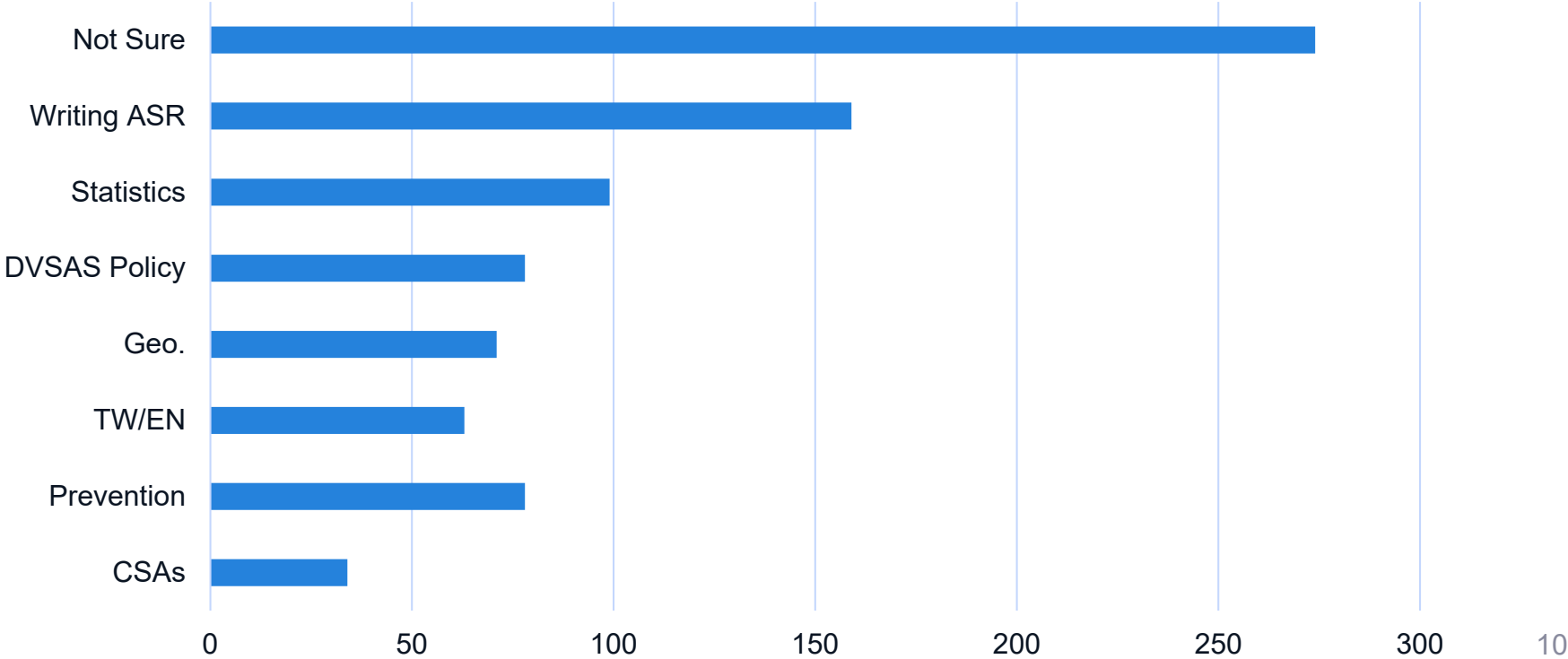ⓘ Start presenting to display the poll results on this slide.

8

slido

From where are you starting?

ⓘ Start presenting to display the poll results on this slide.

OUR COMMITMENT TO YOU

2019-2021 "Hope to Learn"

FOUNDATIONS

Understanding Clery Center and the Clery Act

FINDING THE WHY

What happened to Jeanne Clery was a tragedy.

But it inspired us to empower colleges and universities to create campuses that are safer for every student, every day.

OUR MISSION:
Working together with college & university communities to create safer campuses.

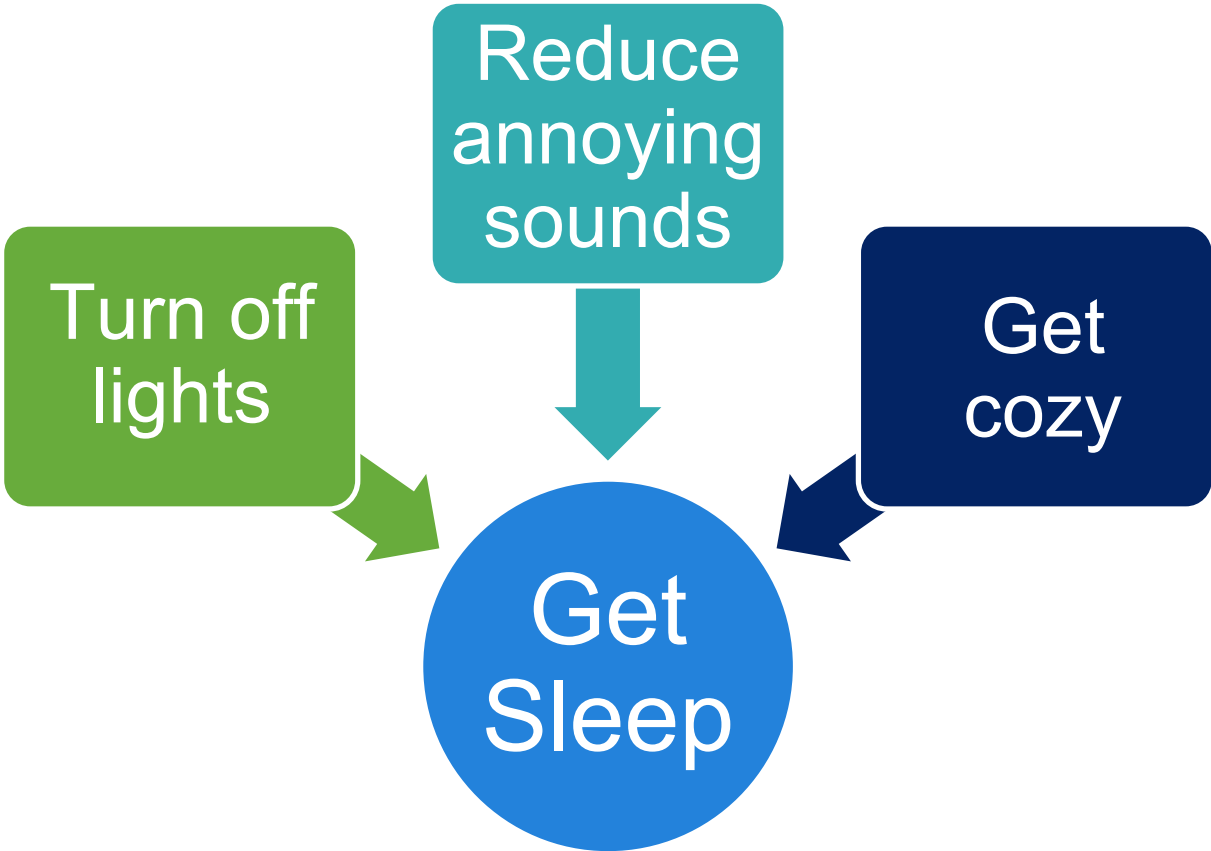OUR VALUES:
Expertise • Mission-driven
Collaborative • Authentic
Inclusive • Innovative

WHAT WE DO:
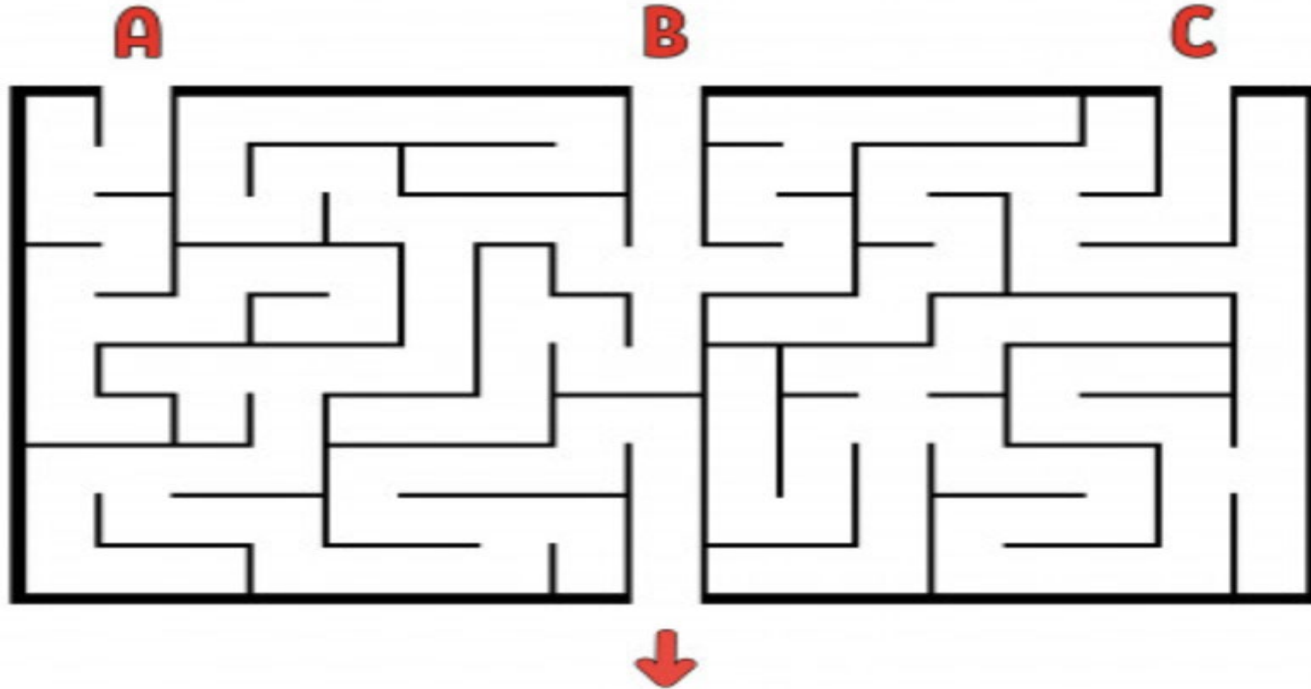Education & Training

Membership

Policy Advocacy

Initiatives:
Free topic-specific resources

CLERY CENTER

EQUIFINALITY

CLERY EQUIFINALITY

CLERY ACT COMPLIANCE AND CRIME PREVENTION AND RESPONSE
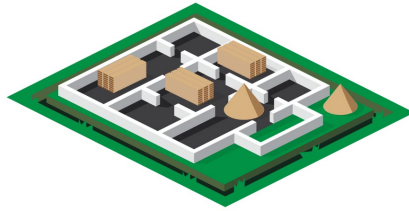
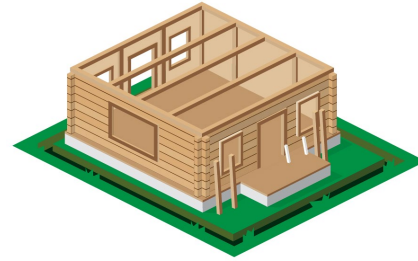# OUR STARTING POINT: CLERY STATISTICS

- Familiarity
- Components
    - Reporting parties—where you come in!
    - Geography – difficult and unique
    - Crime categories- specific to Clery Act

CLERY ACT TRAINING SEMINAR (CATS): BUILDING (SKILLS) FROM THE GROUND UP

4 W's

Ongoing Disclosures

Community Education

Intersections

Putting it All Together

TRAINING OVERVIEW

The 4Ws

Who

- Defining and identifying CSAs
- Training CSAs
- Discussing tips for collecting crime reports from CSAs and local law enforcement

Where

Clery Act geographic locations

What to Report (What & Which)

Reviewing counting and classifying Clery crime statistics

Ongoing Disclosures

Devise/implement policies for timely warnings and emergency notifications

Community Education &Intersections

- Assess compliance requirements and develop implementation strategies
- Expand collaborative approaches to support victims of dating violence, domestic violence, sexual assault, and stalking

Putting it All Together

- ASR assessment
- What to do with gathered crime reports and statistics

TAKE NOTE

Forums to Discuss Challenges & Questions | Training Workbook | Your Institution's Reference Materials | Supplemental Materials

WORKBOOK/TRAINING ICONS TO NOTE

These icons are used in the slides and in the Workbook to indicate:

Workbook activities incorporated into the training

Workbook activities or sections to be completed or reviewed "Back on Campus" (BOC)

Breakout groups designed to encourage small group conversation

Polls to gauge understanding and current practices

References online Clery Center supplemental materials website

Self reflection

CLERY ACT TIMELINE

1988 — College and University Security Act (PA)

1990 — Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542) — Amended the Higher Education Act of 1965 (HEA) (original Clery Act)

1992 — Buckley amendments (FERPA) and Campus Sexual Assault Victims' Bill of Rights amended HEA

CLERY ACT TIMELINE

1998 — Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

2008 — HEA is amended by the Higher Education Opportunity Act which amended the Clery Act

2013 — Violence Against Women Act Reauthorization Act (Section 304) amended the Clery Act

THE CLERY ACT

- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) federal **statute** codified at [20 U.S.C. § 1092](#)

- With implementing **regulations** in the U.S. Code of Federal Regulations at [34 C.F.R. 668.46](#)

- **Guidance**: Currently the Clery Act Appendix for the Federal Student Aid Handbook; formerly the Handbook for Campus Safety and Security Reporting

KEY RESOURCES

KEY PLAYERS

- Department of Education (ED) Clery Act Compliance Division
  - Fine Per Violation
- Westat
- Department of Education Office for Civil Rights (OCR)

RESOURCES

- The Clery Act – Statute and Regulations
- Clery Act Appendix for Federal Student Aid (FSA) Handbook
- ED Program Review Findings
- OCR Guidance

HANDBOOK FOR CAMPUS SAFETY AND SECURITY REPORTING TIMELINE

2005
- First Handbook published

2011
- Updated Handbook released to reflect HEOA (2008) updates

2016
- Updated Handbook released to reflect VAWA Amendments

2020
- Handbook rescinded, archived, and replaced with the Clery Act Appendix for the Federal Student Aid Handbook

If the Clery Act did not exist, what campus safety efforts would your institution implement to keep the campus community safe?

BECAUSE OF CLERY…

- Standardization of campus safety policies and procedures
- Professionalization of emergency and evacuation procedures
- Rights and options for survivors of dating violence, domestic violence, sexual assault, and stalking
- Increased transparency between campuses and community members

WHO: Campus Security Authorities

Understanding the 4Ws of Crime Statistics

PERFORMANCE OBJECTIVES

- Define campus security authorities under the Clery Act

- Practice identifying CSAs based on their function

- Share strategies for standardizing CSA identification

"Chris" Case Study

"CHRIS"

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
- Chris tells the RA, "I think Sam raped me."
- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam's room before blacking out and shares all of this with the RA.
- Chris is scared and wants to figure out what really happened but doesn't want to make Sam mad or upset.
- Chris wants help understanding what happens when something like this is reported but Chris does not want "one of those warning emails" to go out to the entire campus.
- Chris doesn't know what to do next.

CAMPUS SECURITY AUTHORITIES

- Campus police/security department
- Individuals responsible for security
    - Access monitor
    - Resident assistant
- Individual or offices designated to receive crime reports
- Officials with significant responsibility for student and campus activities

CAMPUS SECURITY AUTHORITY TRAINING VIDEO

- Important to have formal system for identifying who is required to report (campus security authorities)
- While watching video:
  - Consider what CSAs need to know to meet the requirements
  - Consider tone/strategy for informing CSAs of that role

NIKHITH KALKUNTE
Resident Advisor

*Person's **function** determines if **CSA**.*

CAMPUS SECURITY AUTHORITY EXAMPLES

- Dean of students who oversees student housing, a student center, or student extracurricular activities
- Director of athletics, all athletic coaches (including part-time employees and graduate assistants)
- Faculty advisor to a student group
- Student resident advisor or assistant
- Student who monitors access to residence halls or buildings that are owned by recognized student organizations
- Coordinator of Greek affairs
- Title IX Coordinator

CSA EXAMPLES (cont'd)

- Ombudsperson (including student ombudspersons)
- Director of a campus health or counseling center
- Victim advocates or others who are responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.
- Members of a sexual assault response team (SART) or other sexual assault advocates
- Officers from local law enforcement who are contracted by the institution to provide campus safety-related services

WHO IS NOT A CAMPUS SECURITY AUTHORITY?

- Faculty without responsibility for student or campus activities outside the classroom
- Support staff
  - Clerical
  - Food service workers

WHO IS EXEMPT?

- Pastoral counselors
- Professional counselors
  - Applies to mental health counselors employed or under contract by the institution
- Person uncertified but acting under the supervision of an exempt counselor

CONDITIONAL CSAS

- If your institution directs students or employees to report crimes to other individuals, those individuals are CSAs, including:
  - Physicians in a campus health center
  - Counselors, including peer counselors (except for professional or pastoral counselors)
  - Health educators
- Some roles might not meet the definition of a CSA but also might not be exempt

IDENTIFICATION OF CSAs

- Designate an individual or office to oversee CSAs

- Engage key stakeholders

- Consider function

- Be consistent

- Document process

CSA IDENTIFICATION

- The next slides include descriptions of roles on campus.

- You will have a few minutes to read the descriptions and write down your answers.

- Reference *CSA Questions to Ask* in the workbook, when answering. Based on the description of the role, indicate whether the roles are CSAs (yes/no/maybe).

WB 12

45

slido

Would this person be a CSA?

ⓘ Start presenting to display the poll results on this slide.

46

slido

Would this person be a CSA?

ⓘ Start presenting to display the poll results on this slide.

47

slido

Would this person be a CSA?

ⓘ Start presenting to display the poll results on this slide.

48

slido

Would this person be a CSA?

ⓘ Start presenting to display the poll results on this slide.

49

slido

Would this person be a CSA?

ⓘ Start presenting to display the poll results on this slide.

50

slido

Would this person be a CSA?

ⓘ Start presenting to display the poll results on this slide.

BACK ON CAMPUS: WORKBOOK ACTIVITY

CSA Diagramming

- Analyze which roles at the institution are definitely CSAs based on their function and put those in the Y column.

- Determine which roles are not CSAs based on their function and write those in the N column.

- List all those for whom you need more information about their function in the "?" column.

WB 73

A CAMPUS SECURITY AUTHORITY'S PRIMARY RESPONSIBILITY IS...

to report allegations of Clery Act crimes reported to them to the official or office designated by the institution to collect crime report information.

CSAs ARE NOT RESPONSIBLE FOR….

Investigating or reporting incidents

- Overheard from students talking in a hallway or mentioned during an in-class discussion
- A victim mentions during a speech, workshop, or any other form of group presentation
- Learned indirectly

NAVIGATING POTENTIAL ROADBLOCKS

When addressing pushback on CSA role consider:

- Role and responsibility clarification
- Streamlining information sharing
- Inviting groups to engage in training their departments
- Train the trainer

Other ideas?

CSA VITAL ROLE TO COMPLIANCE

Recommended practices:

- Make sure that CSAs know who they are
- Provide job training/description
- Give CSAs crime definitions and geographic areas
- Provide reporting materials/forms
- Emphasize the importance of timely reports

WORKBOOK ACTIVITY: CSA TRAINING PLANS

Go to the *CSA Training Plans: Questions to Consider Activity*

Depending on the audience consider:

- Training mode and venue most efficient
- Specific instructional methods to use
- Most ideal time to train
- Amount of time needed
- Anticipated challenges

4WS: TRAINING CSAS AND COLLECTING CRIME REPORTS

CSA TRAINING PLANS: QUESTIONS TO CONSIDER

In the below chart, begin to develop a CSA training plan, or enhance your existing plan, for two training audiences (e.g., campus police/security and resident assistants) by answering these questions:

- What training mode (in-person, video conference, online, etc.) and venue (during employee orientation/in-service meetings, RA training, police/security roll call, etc.) would be most efficient in facilitating learning for this audience?
- Are there specific training methods (to address their varying learning styles) that would likely work/not work for this audience?
- When would it be ideal to train this CSA audience (annually, on a rolling basis as new employees come on board, etc.)? How much time do you need to train this audience?
- Who can help you coordinate or facilitate this training with this audience? Who will be the trainer(s)?
- What might be challenging in training this audience?

Use the same process to consider other key CSA audiences for which you need to develop a training plan.

CSA Training Audience:	CSA Training Audience:
Training mode and venue most efficient in facilitating learning for this audience?	Training mode and venue most efficient in facilitating learning for this audience?
Specific instructional methods to use with this audience?	Specific instructional methods to use with this audience?

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WB 13

57
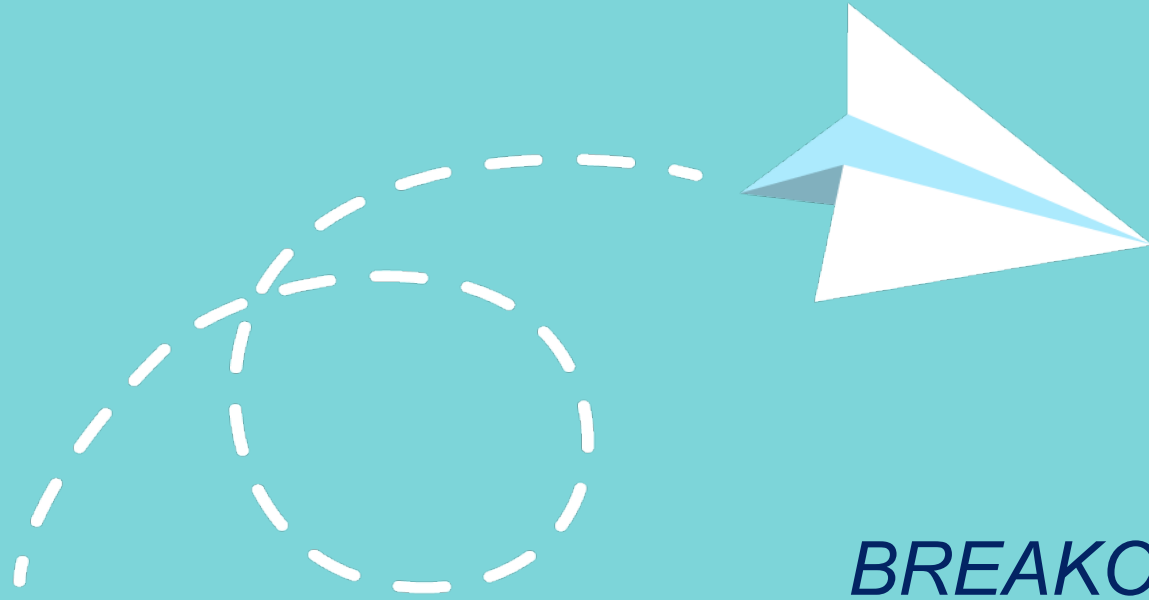
BREAKOUT GROUP:

Clery City

WB 15

BACK ON CAMPUS: CSA TRAINING SLIDES

Plan: CSA Training Slides

- Use this activity as a skill builder for yourself or a subcommittee/team focused on training CSAs
- Practice prioritizing training points based on time allotted

PLAN: CSA TRAINING SLIDES

Consider if you had 10 minutes to train a specific CSA audience (start with campus police/security or what to include in an orientation for resident assistants). What key presentation slide points and activities would you use? What would you add/change if you had 30 minutes, 60 minutes, or whatever time you think you will be able to secure for training? Repeat this activity to develop training plans for additional CSA audiences.

Key Presentation Slide Points/Activities for CSA Training

10 minutes (Key points/activities)	30 minutes (Key points/activities)	60 minutes (Key points/activities)

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WB 81

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INADEQUATE SYSTEM FOR COLLECTING CRIME STATISTICS

FAST FACTS

- Didn't gather reports in manner likely to result in accurate reporting
- Lack of coordination and communication between offices
- Lack of training (including on proper documentation)

ACTION ITEMS

- Established policies and procedures for gathering and compiling incidents of crimes reported to CSAs
- Revised reporting forms and report-writing resources
- Updated method of CSA notification

"CHRIS"

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
- Chris tells the RA, "I think Sam raped me."
- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam's room before blacking out and shares all of this with the RA.
- Chris is scared and wants to figure out what really happened but doesn't want to make Sam mad or upset.
- Chris wants help understanding what happens when something like this is reported but Chris does not want "one of those warning emails" to go out to the entire campus.
- Chris doesn't know what to do next.

- Did Chris disclose to any campus security authorities?

SELF REFLECTION

Take a moment to note:
- Three questions
- Three takeaways from today's session

WB 16

MESSAGING TO YOUR CAMPUS

Take a minute on your own to note on your Reminders that you would like to share with your campus community:

WB 17

- *Reminders: CSAs* page: a few key messages about CSA requirements.

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WHERE: Clery Act Geography

Understanding the 4Ws of Crime Statistics

PERFORMANCE OBJECTIVES

- Accurately describe the geographic locations from where crime data is collected

- Evaluate location descriptions to determine whether a location falls within Clery geography
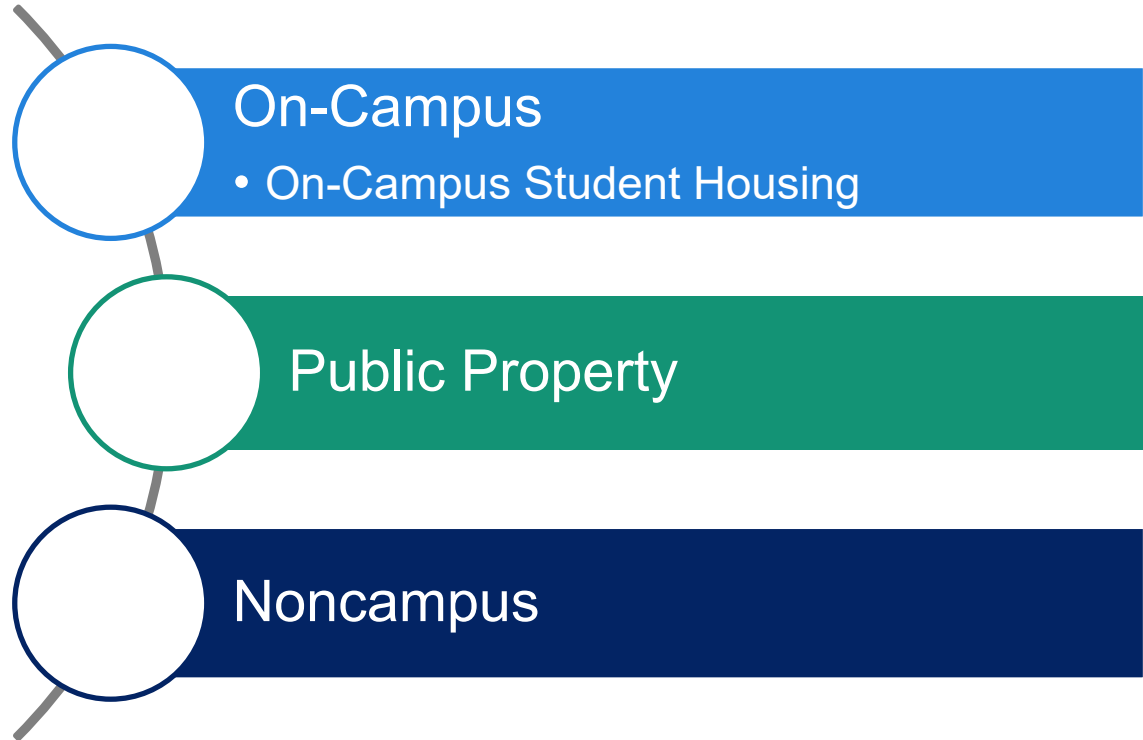
slido

Share your institution's position on the understanding and documentation of your Clery geography?

ⓘ Start presenting to display the poll results on this slide.

Failure to Properly Report Crimes Based on Geography

CLERY GEOGRAPHY

- Accurate picture

- Update annually

- Separate maps/lists for each campus

On-Campus
- On-Campus Student Housing

Public Property

Noncampus

ON-CAMPUS

WHAT IS ON-CAMPUS?

- Owned or controlled by the institution
- Within the same reasonably contiguous geographic area, and
- Used to meet or support the institution's educational purposes:
  - Residence halls
  - Administrative buildings
  - Buildings that house classrooms/labs
  - Fraternity & sorority houses

REASONABLY CONTIGUOUS

The Department of Education does not apply any specific or measurable distance definition to "reasonably contiguous geographic area."

Ex.: Any property included on a campus map or designated by signage as a campus facility is considered to meet "reasonably contiguous geographic area."

SUPPORTS OR RELATES TO EDUCATIONAL PURPOSES REFERS TO...

The function of the building or property.

For example: Residence halls on campus that house students.

ON-CAMPUS ALSO INCLUDES

Any building or property on campus:

- Owned by the institution but controlled by another person

- Frequently used by students, and

- Used to support institutional purposes:

  - Food vendors

  - Book stores

  - Other retail vendors

ON-CAMPUS STUDENT HOUSING FACILITIES

STUDENT HOUSING FACILITIES

In essence, institutions are required to "report" occurrences in student residential facilities **twice** – one for on-campus and one in on-campus student housing facilities.

STUDENT HOUSING FACILITIES INCLUDE

- Undergraduate, graduate, or married student housing
- Single-family houses used for student housing
- Summer school student housing
- Buildings housing students and faculty, staff, and/or other individuals
- Buildings owned by a third party with written agreement to provide student housing – doesn't matter who pays rent, i.e., institution or student
- Fraternity or sorority houses that are owned or controlled or are located on property owned or controlled by the institution

GREEK HOUSES

- Are On-Campus only If…
- Owned or controlled by the institution OR
- Building is owned by the institution but controlled by the fraternity or sorority OR
- Property (land) is owned by the institution, but building is controlled by the fraternity or sorority

SEPARATE CAMPUSES

According to the Clery Act Appendix:

- "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."

Each campus, whether main, branch or satellite, **must comply separately with Clery Act** requirements.

Includes U.S.-owned foreign institutions and branches of domestic institutions located abroad.

Includes institutions that **share a campus**, if both are Title IV institutions.

A BRANCH

Considered independent if it…

- Is permanent
- Offers programs leading to a degree or other recognized educational credential, and
- Has its own:
  - faculty
  - administrative body (at least one person on site)
  - budgetary and hiring authority

SCHOOL

A division that:

- Offers instruction of a defined type

- Not contiguous to the main campus

- May include:

  - Business

  - Law

  - Medical

QUESTIONS TO CONSIDER

- Does the location have significant managerial authority and autonomy?

- Are there administrative personnel on site?

- Does the location have significant budgetary and hiring authority?

STUDY ABROAD MAY BE:

SEPARATE	NONCAMPUS	NOT REPORTABLE
Example:	Example:	Example:
• Branch Campus	• Own/control • Frequently used by students • Not part of core campus or separate campus	• Do not own or control buildings or property

PUBLIC PROPERTY

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.
- No specific measurable distance definition into adjacent public property.

PUBLIC PROPERTY

Examples:

- Thoroughfares, streets, sidewalks, bike paths
  - Standard practice: "sidewalk, street, sidewalk"
- Public parking facilities
  - on campus or immediately adjacent
  - accessible from the campus
- A public park or waterway
  - if adjacent to and accessible from the campus for the period of time that is accessible
- Public transit stops
  - on campus or immediately adjacent
  - point where rider is required to pay a fare

Incidents that occur on institutionally owned roads or bike paths should be reported under the on-campus category.

NOT PUBLIC PROPERTY

- Private homes or businesses not owned or controlled
- Privately owned parking facility/lot that borders or runs through the campus
- Area surrounding noncampus property or buildings
- Property separated from campus by man-made barriers or fences
- Fenced in public parks or waterways that are adjacent to and inaccessible from the campus

NONCAMPUS

WHAT IS NONCAMPUS?

Any building or property not part of the main campus nor a separate campus and is:

- Owned or controlled by the institution
- Used in support of or in relation to the institution's educational purposes, and
- Frequently used by students

NONCAMPUS EXAMPLES

- Research boats/ships/vans or other mobile classrooms
- Space rented or leased for the purpose of offering classes for set periods of time
- Off-campus housing units owned or controlled by the institution

A NONCAMPUS BUILDING
OR PROPERTY MAY ALSO BE...

"owned or controlled by a student organization that is officially recognized by the institution such as fraternity and sorority houses"

NONCAMPUS CONTROL CONSIDERATIONS

- Count crimes committed during times institution controls space
  - time
  - dates
  - space
- Regardless of whether students are present
- Include common areas
  - stairway
  - hallway
  - lobby
- Do not include statistics for an incident that occurred in a noncampus location outside of the time the institution leases/controls it
- Do not include statistics in a non-controlled portion of a leased building even if the incident involved a student

NONCAMPUS CONTROL CONSIDERATIONS (CONT'D)

- Noncampus locations do not have a public property reporting requirement

- A location's geographic identity can shift as the function of that property shifts

OTHER NONCAMPUS CONSIDERATIONS

LIKELY INCLUDE	LIKELY DO NOT INCLUDE
• Corporate offices owned/controlled & not on main campus if frequented by students	• Prisons, military, hospitals without agreements
• Third party agreements that give control	• Owned by institution but controlled by third party and not frequently used by students or supporting educational purposes
• Locations shared with other institutions if both maintain control over the space	• Student housing recommendations

STUDY ABROAD MAY BE:

SEPARATE	NONCAMPUS	NOT REPORTABLE
Example:	Example:	Example:
• Branch Campus	• Own/control • Frequently used by students • Not part of core campus or separate campus	• Do not own or control buildings or property

EVALUATING SCHOOL-SPONSORED STUDENT TRIPS

Trip

Field trip with no ownership or control over property	Overnight trip at location not frequently used by students	Repeated use of location for school sponsored trip (overnight trip every year staying in same hotel)	Short-stay "away" trips (more than one night with controlled locations used by students and used to support educational purposes)
Not reportable	Not reportable	Noncampus property	Noncampus property

REVIEW: DETERMINING GEOGRAPHY

DETERMINING CLERY GEOGRAPHY

Based on the information provided:

Is the location within Clery geography?

If yes, where does it fall?
- On-campus
- On-campus student housing
- Noncampus
- Public property

WB 18

slido

This fast food vendor, is this location within Clery geography?

ⓘ Start presenting to display the poll results on this slide.

slido

This fraternity house is located three miles from campus. The Greek organization owns and controls the building. The fraternity is officially recognized by the institution. Is this location within Clery geography?

ⓘ Start presenting to display the poll results on this slide.

slido

This convenience store is located two blocks from campus. Students go there frequently to buy snacks. It is not run by the institution.

ⓘ Start presenting to display the poll results on this slide.

slido

This building is two miles from campus. The institution does not own the building but has an agreement to host classes at this location from 12:00 PM to 5:00 PM on Mondays and Wednesdays.

ⓘ Start presenting to display the poll results on this slide.

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FAILURE TO PROPERLY DEFINE CAMPUS IN ACCORDANCE WITH FEDERAL REGULATIONS; FAILURE TO OBTAIN CRIME STATISTICS FOR ADDITIONAL LOCATIONS

FAST FACTS

- Didn't report for noncampus locations
- No collection of statistics from CSAs at noncampus locations
- No good faith effort to obtain statistics from local law enforcement

ACTION STEPS

- Identification/list of Clery geography by category (on-campus, on-campus student housing, noncampus, public property, separate campuses)
- Documentation of request to law enforcement and CSAs for statistics
- In some reviews, campus submitted copies of property list and policy and procedures manual to demonstrate compliance – finding not sustained

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BACK ON CAMPUS: CLERY GEOGRAPHY

- Clery Geography Working Group
- Sample spreadsheets
- Planning checklist

WB 85

GROUP DISCUSSION

- Review the three case studies in your breakout groups.

- Determine:

  - Does the incident fall in Clery geography?

  - If yes, where does it fall?

GROUP DISCUSSION

- Case Study 1: Jessie is studying for the semester in Paris through a program out of another American university. She was sexually assaulted while walking from the metro to her host family home.

- Case Study 2: Professor Graham sends students from his Political Science 101 class to the county courthouse to view proceedings from a criminal trial. A student's purse is stolen while she attends the trial.

- Case Study 3: Tina is being treated for a broken leg at the University hospital emergency department after being injured during a robbery at the bank in the student union center.

WB 21
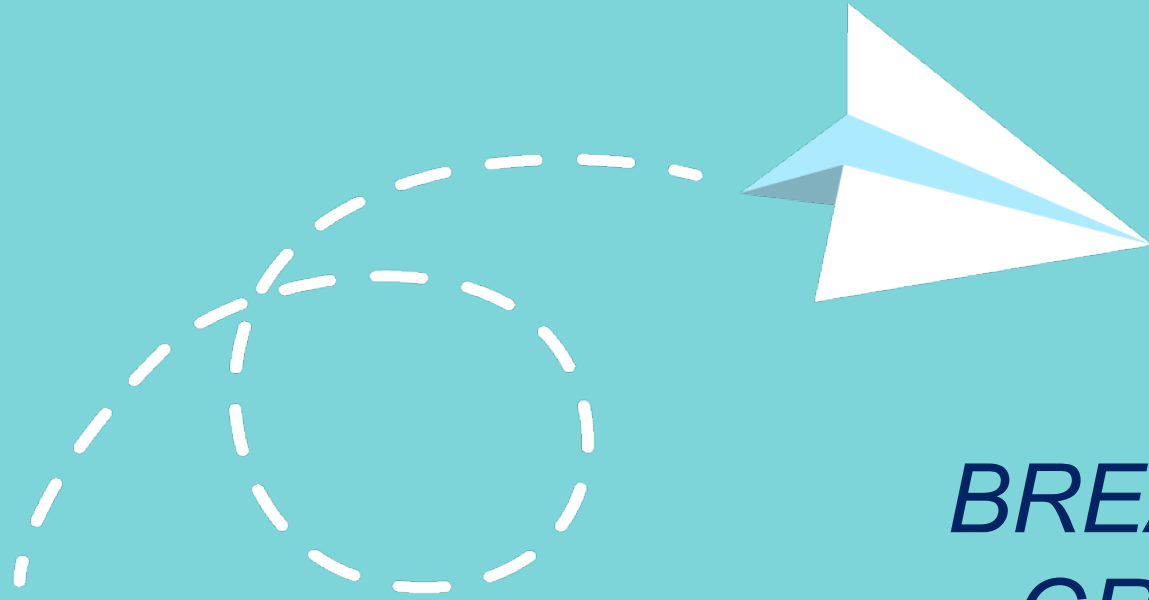
BREAKOUT GROUPS:

Case Studies

SELF REFLECTION

WB 23

- Take a moment to note:
- Three questions
- Three takeaways from today's session

MESSAGING TO YOUR CAMPUS

WB 24

After this session, take a minute on your own to note on your *Reminders: Geography* page a few key messages about Clery geography that you would like to share with your campus community.

WHAT TO REPORT: Counting and Classifying Crime Statistics

Understanding the 4Ws of Crime Statistics

PERFORMANCE OBJECTIVES

- Understand which definitions to use to count Clery Act crimes
- Identify resources for classifying Clery Act crimes
- Practice classifying and counting Clery Act crimes using the Hierarchy Rule

FAILURE TO REPORT ACCURATE CRIME STATISTICS AND PROVIDE CLEAR AUDIT TRAIL; FAILURE TO PROPERLY CLASSIFY AND DISCLOSE CRIME STATISTICS

FAST FACTS

- Documentation from police department and student conduct office, but documentation from other CSAs insufficient or nonexistent
- Housing reports shredded
- No clear audit trail
- Misclassification of crimes

ACTION ITEMS

- For review itself, submitted information to the Department of Education to show incidents were classified properly and included in disclosure
- In some instances, finding was sustained, in others, it was not
- Established documentation systems and revisited application of crime definitions and record retention strategies

CLERY ACT CRIMES

Criminal Offenses

Homicide • Sex Offenses • Robbery • Aggravated Assault
Burglary • Motor Vehicle Theft • Arson

Hate Crimes

Crimes within the Criminal Offenses Category (see above)
Plus: Larceny-theft • Simple Assault • Intimidation
    Destruction, Damage, or Vandalism of Property

VAWA Offenses

Dating Violence • Domestic Violence • Stalking

Arrests & Disciplinary Referrals

Weapons Law, Drug Abuse, & Liquor Law Violations

Hate Crime Bias Categories

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

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THE HIERARCHY RULE

- Used for the Criminal Offenses category

- Only most serious offense should be counted

- Used when:

  - Offenses are committed at the same time and place
  - Time interval and distance between offenses is insignificant

OFFENSE HIERARCHY

1. Murder & Non-Negligent Manslaughter
2. Manslaughter by Negligence
3. Sex Offenses
4. Robbery
5. Aggravated Assault
6. Burglary
7. Motor Vehicle Theft

HIERARCHY RULE EXCEPTIONS

Sexual Assault

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

HIERARCHY RULE EXCEPTIONS

Dating Violence, Domestic Violence, & Stalking

- Dating violence, domestic violence, and stalking are not listed in the hierarchy in the final regulations for the VAWA amendments to the Clery Act

HIERARCHY RULE EXCEPTIONS

Arson

- Arson is always counted

- Multiple offenses – report most serious along with arson

- Incidents in which persons are killed as a direct result of arson - classified as a homicide and arson

HIERARCHY RULE EXCEPTIONS

Hate Crimes

- Disclose all of the offenses committed in a multiple offense incident that are bias-motivated

- In a multiple-offense incident, only the crimes that are bias-motivated should be classified as hate crimes

*Remember that the Hierarchy Rule **doesn't** apply to the Daily Crime Log*

EXCLUDED CRIMES

- Non-Clery Act crimes (vandalism, theft, disorderly conduct, drunk driving, etc.)

- Crimes outside Clery geographic area

- Unfounded crimes

UNFOUNDED CRIMES

Investigated by law enforcement

Found to be false or baseless – no offense occurred or was attempted

"Unfounded" – not included in statistics
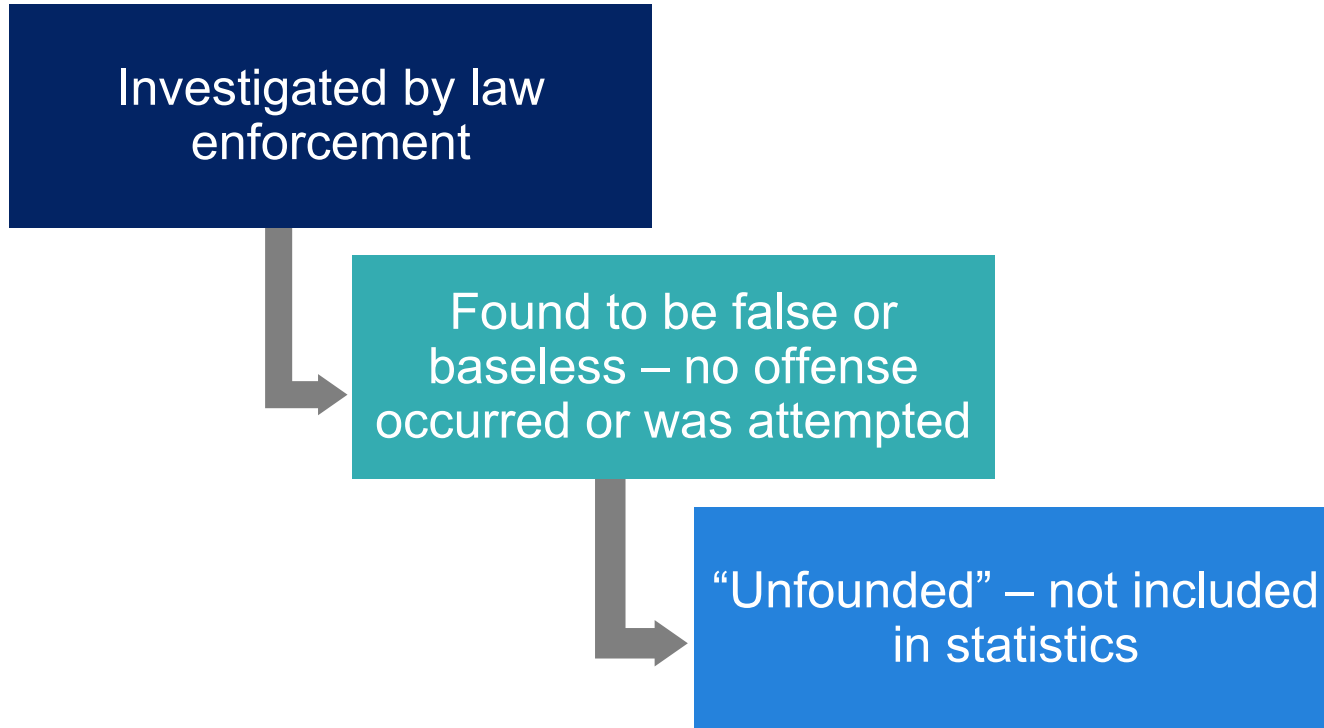
DO NOT COUNT AS UNFOUNDED

- Recovery of stolen property
- Low value of stolen property
- Refusal of victim to cooperate
- Failure to make arrest

Institutions must report to the
Department of Education and disclose
in their annual security reports the total number
of crime reports that were "unfounded."

ATTEMPTED CRIMES

- Do not differentiate between attempted and completed crimes

- Only exception is attempt to murder where the victim does not die - these should be classified as aggravated assaults rather than homicides

PERSONAL IDENTIFICATION ELEMENTS

- Status of victim and/or perpetrator to the institution is irrelevant (ex. student, employee, individual not associated with the institution)

Clery Act reporting does not require **initiating an investigation** OR **disclosing identifying information** about the victim.

RECORDING STATISTICS: THINGS TO REMEMBER

- Statistics are tied to Clery Act geography
- Hierarchy Rule
- Use Clery crime definitions
- Classify according to the requirements:

Homicide, sex offenses, aggravated assaults, dating violence, domestic violence, stalking	One offense per victim *Special considerations for stalking
Robbery, burglary	One offense per each distinct operation
Motor vehicle theft	One offense for each stolen vehicle
Arson	One offense for each distinct arson operation

MURDER & NON-NEGLIGENT MANSLAUGHTER

COUNT:

- One offense per victim
- Deaths caused by injuries received in a fight, argument, quarrel, or commission of a crime

DO NOT COUNT:

- Suicides
- Fetal deaths
- Traffic fatalities
- Accidental deaths
- Attempted murder
- Justifiable homicide

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MANSLAUGHTER BY NEGLIGENCE

COUNT:	DO NOT COUNT:
• One offense per victim	• Deaths of persons due to their own negligence
	• Accidental deaths not resulting from gross negligence
	• Traffic fatalities

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

- Rape
- Fondling
- Incest
- Statutory rape

COUNTING SEX OFFENSES

COUNT	NOTE
• Victims not offenders • For statutory rape, count victims that fit your state statutory limit	While the definitions of sexual assault include lack of consent as an element of the offense, no determination as to whether that element has been met is required.

ROBBERY

COUNT:	DO NOT COUNT:
• One offense for each distinct incident, including attempts • Carjacking counts as robbery only and not as a motor vehicle theft	• Number of victims robbed, offenders, or those present • If force or threat of force doesn't exist • If injury results in death - count as homicide

AGGRAVATED ASSAULT

Factors to consider:

- Type of weapon or method used
- Seriousness of the injury
- Intent to cause serious injury

AGGRAVATED ASSAULT

COUNT:	DO NOT COUNT:
• The number assaulted as the number of offenses • Offense per victim - even if injury does not result, if a weapon is used that could have caused serious personal injury	• Offenses based on local law classification or policy definitions

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BURGLARY

COUNT:

- One offense for each distinct operation
- One offense per residence, residential room, or structure if more than one room was entered

DO NOT COUNT:

- More than one offense per academic building regardless of the number of classrooms or offices entered
- Do not use local law classifications or policy definitions

MOTOR VEHICLE THEFT

COUNT:

- One offense for each stolen vehicle
- Only if taken by a person who doesn't have legal access or owner consent
- Attempts and joyriding, even if the vehicle is recovered

DO NOT COUNT:

- Embezzlement of vehicles
- Thefts from motor vehicles
- Farm equipment, bulldozers, airplanes, construction equipment, sailboats, motorboats, house boats or jet skis
- Items taken from open access area

ARSON

- One offense for each distinct incident
- Any fire that an investigation determines meets the definition of arson designated institutional official
- Multiple offenses if in conjunction with arson

- If origin is not in the institution's jurisdiction

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HATE CRIME CATEGORIES

CRIMINAL OFFENSES:

- Murder and Non-negligent manslaughter
- Sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

PLUS:

- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

HATE CRIMES

Include any of the above crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's bias.

Bias Categories:
- Race
- Gender
- Gender identity
- Religion
- Sexual orientation
- Ethnicity
- National origin
- Disability

HATE CRIMES

COUNT:	DO NOT COUNT:
• If sufficient objective facts are present to conclude that actions in whole or part were motivated by bias • Offense per victim by geographic location • All incidents of hate crimes in a multiple offense incident	• Unless evidence - knowing perpetrator is prejudiced not enough • Based on victim's perception • Rape unless there is clear evidence of bias

DETERMINING BIAS

- Oral comments, written statements, or gestures
- Drawings, markings, symbols, or graffiti
- Several incidents in same area
- Incident on a holiday or a date of significance
- Previous involvement in a similar hate crime

CAVEATS

- Assess each case separately
- Be alert to misleading facts
- Be alert to feigned facts meant to give false impression of bias
- Offender's mistaken perception that the victim was part of a group

GROUP ACTIVITY

- For each scenario, use your available resources (participant's manual/CCC guide) to answer the following questions:

  - Is this a Clery Act crime?

  - Did the incident fall within Clery geography (on-campus, on-campus student housing, noncampus, public property)?

  - If applicable, how should this incident be counted?

- You can record your answers in the Workbook.

WB 25

slido

Sample: Is this a Clery crime?

ⓘ Start presenting to display the poll results on this slide.

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

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WHY?

If applicable:
- ❑ Which Clery Act crime is it?
  - ❑ How did you know?
- ❑ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
  - ❑ What information led to this conclusion?
- ❑ How should this incident be counted?

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

153

WHY?

If applicable:
- ❑ Which Clery Act crime is it?
  - ❑ How did you know?
- ❑ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
  - ❑ What information led to this conclusion?
- ❑ How should this incident be counted?

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

155

WHY?

If applicable:

- ❏ Which Clery Act crime is it?
    - ❏ How did you know?
- ❏ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
    - ❏ What information led to this conclusion?
- ❏ How should this incident be counted?

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

157

WHY?

If applicable:

- ❑ Which Clery Act crime is it?
    - ❑ How did you know?
- ❑ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
    - ❑ What information led to this conclusion?
- ❑ How should this incident be counted?

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

159

WHY?

If applicable:

- ❑ Which Clery Act crime is it?
    - ❑ How did you know?
- ❑ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
    - ❑ What information led to this conclusion?
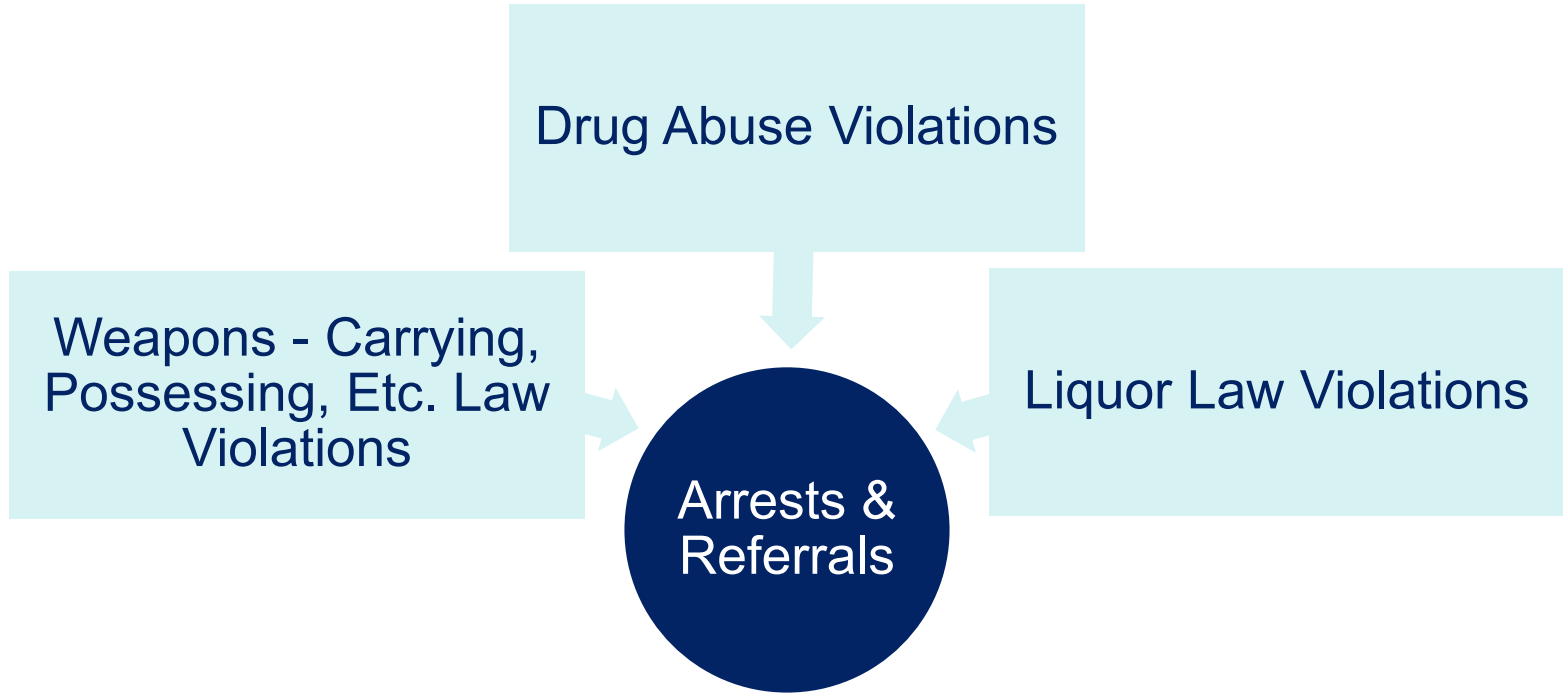- ❑ How should this incident be counted?

DOMESTIC VIOLENCE

- Felony or misdemeanor crimes of violence committed:
  - By a current or former spouse or intimate partner of the victim
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - 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
  - 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.

CONSIDERATIONS

- Count one offense per victim
- Roommates
- State domestic violence laws inclusive of dating violence

DATING VIOLENCE

COUNT:	DO NOT COUNT:

COUNT:

- Sexual or physical abuse
- The threat of such abuse

DO NOT COUNT:

- Acts covered under the definition of domestic violence

WHEN CLASSIFYING STALKING INCIDENTS

COUNT:

- At only the first location within the institution's Clery geography in which:
  - Perpetrator engaged in the stalking course of conduct

  OR

  - Victim first became aware of the stalking

*Reminder: Not necessary for all activities in the course of conduct to occur within Clery geography in order to count the incident

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.

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

WHY?

If applicable:

❑ Which Clery Act crime is it?

    ❑ How did you know?

❑ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?

    ❑ What information led to this conclusion?

❑ How should this incident be counted?

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

168

WHY?

If applicable:

- ❏ Which Clery Act crime is it?
    - ❏ How did you know?
- ❏ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
    - ❏ What information led to this conclusion?
- ❏ How should this incident be counted?

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

170

WHY?

If applicable:

- ❑ Which Clery Act crime is it?
    - ❑ How did you know?
- ❑ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
    - ❑ What information led to this conclusion?
- ❑ How should this incident be counted?

Drug Abuse Violations

Weapons - Carrying, Possessing, Etc. Law Violations

Arrests & Referrals

Liquor Law Violations

Arrests and referrals for these law violations are not covered by the Hierarchy Rule used to count Criminal Offenses.

DEFINITION OF ARREST

Persons processed by arrest, citation, or summons

REPORTING ARRESTS FOR ANY VIOLATION

- Use state laws or local ordinances
- Don't use institutional policy
- Count the number of arrests for weapons, drug, and liquor law violations separately
- Count for all required geographic areas
- Do NOT combine arrests and referrals

COUNT ARREST IF...

- Person is arrested and released without a formal charge
- Juvenile taken into custody but merely warned and released without being charged
- Official action is taken beyond a mere interview or warning

IF…

- Same person is arrested more than once for multiple separate incidents, count each separate arrest

- Referred for another violation (e.g., arrested for a drug law violation and referred for a liquor law violation) — count only the arrest

- Referred for the same violation (e.g., a drug law violation) — count only the arrest

ARRESTS: USE DISCRETION

- If there are multiple arrest or referral counts for the same individual within a singular incident, determine which to count and document justification.
- Officer discretion is allowed only for illegal weapons possession, drug, and liquor law violations that occur during the same incident.

ARRESTS

DO NOT COUNT ARRESTS IF:

- Police contact a juvenile who has committed no offense
- Police take a juvenile into custody for their own protection, but no crime was committed

REFERRALS: 3 CRITICAL ELEMENTS

1) Receiving official must initiate disciplinary action
2) Record must be kept
3) Action may, but doesn't have to, result in a sanction

The results of the disciplinary process (found responsible or not or accepts lesser violation as a "plea bargain") are irrelevant.

REFERRALS: OTHER IMPORTANT ELEMENTS

Not necessary that:

- Referrals originate with police
- A sanction be imposed

Count:

- Referrals within required geographic areas
- Violations of law (not just policy)
- Weapons, drug, and liquor law violations separately

Do not combine statistics for arrests and referrals.

HOW TO COUNT REFERRALS

COUNT:

- Number of persons, not violations
- Each referral if same person is referred more than once for multiple separate incidents
- Include "mediation" as long as fits definition

REFERRALS: USE DISCRETION

- If a person is referred for multiple violations during a single incident, use discretion to determine which violation to count
- Justify and document determination

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

183

WHY?

If applicable:

- ❑ Which Clery Act crime is it?
  - ❑ How did you know?
- ❑ Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
  - ❑ What information led to this conclusion?
- ❑ How should this incident be counted?

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

185

WHY?

If applicable:

- Which Clery Act crime is it?
- Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
- How should this incident be counted?

slido

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

187

WHY?

If applicable:

- Which Clery Act crime is it?
- Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
- How should this incident be counted?

Would this incident be counted under Clery?

ⓘ Start presenting to display the poll results on this slide.

WHY?

If applicable:

- Which Clery Act crime is it?
- Where did this incident take place within Clery geography (on-campus, on-campus student housing, noncampus, public property)?
- How should this incident be counted?

MINUTE ANALYSIS

Scenario:

Alex is originally from Nebraska but moved to Colorado to attend college. While waiting outside of their residence hall for friends to pick them up to celebrate their 18th birthday, Alex decides to smoke a joint. The Area Housing Coordinator sees Alex smoking, and after speaking with them, writes an incident report and refers Alex for a hearing with the Conduct board. Alex is very confused because one of the reasons they chose a school in Colorado was because adults (21+) may possess 1 ounce of cannabis, 8 grams of concentrate (also known as hash, marijuana concentrate, wax, resin or shatter), or 800 mg of edibles legally.

COLLECTING STATISTICS FROM CSAs & LOCAL LAW ENFORCEMENT

GETTING CRIME REPORTS FROM CSAS

- **CSA Reporting Procedures**
- Report forms for CSAs
- Training CSAs

CSA REPORTING FORM

CAMPUS SECURITY AUTHORITY REPORTING FORM

Date of report: _____

Name of campus security authority: _____

Date that incident occurred (mm/dd/yyyy): _____

If multiple incidents were reported or if the date the incident occurred is unknown, please note below:

WB 107

ESTABLISHING COOPERATIVE RELATIONSHIPS

- Determine correct local police agency
- Call early in the calendar year - speak with a supervisor
- Inquire about extent of their authority
- Determine contact points
- Determine when to contact
- Document good faith effort

DOCUMENT GOOD FAITH EFFORT

- What is needed?
- Why is it needed?
- When is it needed?
- Where should it be sent?
- To whom it should be sent
- The format in which it needs to be provided

WHAT ABOUT….

If you're directed to a website?

- Can use if you can identify statistics for Clery geography and confirm the website is up to date
- Must still request statistics annually

If you get non-UCR statistics?

- Personnel familiar with UCR may be able to reclassify
- Can request clarification

If you get statistics you can't attribute to Clery geography?

- If you can't determine whether any statistics apply to or include Clery geography, provide caveat explaining statistics were requested but not provided in usable format

RED FLAGS

- Burglaries on public property
- Large numbers of crimes on public property
- Missing geography
- Statistics for incest and statutory rape

"CHRIS"

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
- Chris tells the RA, "I think Sam raped me."
- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam's room before blacking out and shares all of this with the RA.
- Chris is scared and wants to figure out what really happened but doesn't want to make Sam mad or upset.
- Chris wants help understanding what happens when something like this is reported but Chris does not want "one of those warning emails" to go out to the entire campus.
- Chris doesn't know what to do next.

- Did any crimes occur within Clery geography?
- If so, how would this incident be reflected in an institution's statistics?

WB 32

SELF REFLECTION

WB 33

- Take a moment to note:
- Three questions
- Three takeaways from today's session

MESSAGING TO YOUR CAMPUS

WB 34

After this session, take a minute on your own to note on your *Reminders: What to Report* page a few key messages about what to report that you would like to share with your campus community.

Ongoing Disclosures

PERFORMANCE OBJECTIVES

- Understand timely warning policy statement requirements
- Understand emergency notification policy statement requirements
- Understand the difference between an emergency notification and timely warning
- Develop an emergency notification and timely warning
- Practice articulating rationale for a decision to send or not send an alert

DAILY CRIME LOG

DAILY CRIME LOG PERFORMANCE OBJECTIVES

- Define daily crime log requirements
- Develop crime log templates
- Differentiate between daily crime log and crime statistics reporting requirements

EXEMPT FROM CRIME LOG

Institutions:
- Without security or police departments
- With local law enforcement personnel who patrol on or near campus without written agreement or contract
- With individual(s) with limited responsibility for campus security
- With security personnel contracted by landlord

CRIME LOG REPORTING REQUIREMENTS

- Contains all reported crimes
- Logged only if reported to police or security
- May include wider geographic area
  - On-campus
  - Noncampus buildings or property
  - Public property
  - **Department patrol jurisdiction**

DAILY CRIME LOG INCLUDES

- Nature of the crime

- Date/time occurred

- Date/time reported (recorded in order received)

- General location

- Disposition

- Easily Understood

- Must Be Made Public

THE NATURE OF THE CRIME

- UCR definitions not required
- Hierarchy rule doesn't apply
- State crime categories permissible
  - Use easily understood definitions
  - "Simple assault" or "rape"
  - Don't use state penal codes or citation numbers
- Detailed description desirable

TIME PERIODS

- Date/Time Offense Occurred
- Date/Time Offense Reported
- Recorded in Order Received

GENERAL LOCATION

- Use a meaningful description
- Be specific enough – not generic
- Be careful – do not disclose personally identifiable information

DISPOSITION OF THE COMPLAINT

Include status (if known)

- Open
- Pending
- Closed
- Disciplinary referral
- Unfounded

Log can only be updated

- Do not delete entries
- Recorded within 2 business days of report
- Update entries for 60 days after reported

WITHHOLDING INFORMATION

Limited information may be temporarily withheld if release would:

- Jeopardize an ongoing investigation
- Jeopardize the safety of an individual
- Cause a suspect to flee or evade detection
- Result in the destruction of evidence

MAKING THE LOG AVAILABLE

- Hard or electronic copy
- On-site at each campus
- Truly available to the public/media
- Most recent 60 days
- During normal business days/hours
- Portion of log older than 60 days available within two (2) business days of a request

Archived for at least 7 years

SAMPLE DAILY CRIME LOG

Nature (Classification)	Date/Time Reported	Date/Time Occurred	General Location	Disposition
Larceny	01/20/20 505hrs	01/10/20 0800hrs	Admin. Building	Closed 02/24/20
Vandalism	01/27/20 1231hrs	01/17- 01/22/20	Jacobs Hall	Closed 02/24/20
Vandalism	02/12/20 1937hrs	02/10/20 1930hrs	Lester Hall	Open
Liquor Law Violation	02/23/20 0300hrs	02/22/20 0300hrs	South Parking Lot	Disciplinary Referral

FIRE LOG

FIRE LOG OVERVIEW

- Daily reporting requirement
- Applicable only to institutions with on-campus housing facilities
- Reported to any official at the institution

REPORTABLE FIRES

- Already extinguished
- Discovered while burning
- Fires necessitating a 911 call
- Minor fires, easily extinguishable

FIRE LOG REQUIREMENTS

- Date fire reported
- Nature of the fire
- Date and time of fire
- General location of fire

MAINTAINING THE FIRE LOG

Entries must be added to fire log:

- Within 2 business days
- Most recent 60 days available for public inspection
- Entries older than 60 days going back 7 years must be made available within 2 business days
- Public access includes media

MAINTAINING THE FIRE LOG

Institutions may decide:

- Who/which department maintains
- Where log is kept
- If electronic or hard copy
- Must be accessible on-site(s)

COMBINING FIRE & DAILY CRIME LOGS

If combined:

- Label to clearly indicate that it is a fire and crime log

- Contains required element of both fire and crime log

COMBINING FIRE & DAILY CRIME LOGS

If separate:

- Fire log records all reported fires, including arson, in on-campus student housing facilities
- The daily crime log records:
  - All arsons and attempted arsons reported to campus police/security that occur in on-campus, on-campus student housing, noncampus, or public property or within the patrol jurisdiction

SEPARATE AND DISTINCT

EMERGENCY NOTIFICATIONS	TIMELY WARNINGS
• Broader scope – any significant emergency or dangerous situation • Anywhere on campus • Entire campus or segment(s) • Issue alert immediately upon confirmation	• Narrower focus – Clery Act crimes • Clery Act geographic area • Reach entire campus community • Issue warning as soon as pertinent info is available

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Share your institution's position on policy and procedures for timely warnings:

ⓘ Start presenting to display the poll results on this slide.

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CIRCUMSTANCES THAT WARRANT WARNINGS

- Clery Act crimes (included in annual statistics)
- Reported to CSA or local law enforcement
- Occurred in Clery geographic areas
  - On-campus (including on-campus student housing)
  - Public property
  - Noncampus
- Represents a serious or continuing threat
  - Students
  - Employees

DECISION TO ISSUE A WARNING

- Specify Who Is Responsible
    - Individual (Title)
    - Department/Office
    - Consultation Process
- Open Communication
- Case-By-Case Basis

TIMELY WARNING DISSEMINATION PROCESS

- Must be quick (timely)
  - As soon as pertinent information is available
- Community-wide
  - Likely to reach the entire campus community
- Aid in the prevention of similar crimes
- Specify methods
  - Text messages
  - E-mail, social media
  - Posters
  - Other methods and/or combination of methods

TIMELY WARNINGS INCLUDE

- Information that promotes safety
- Allows individuals to protect themselves
- Time, location, and type of crime

TIMELY WARNINGS: CONFIDENTIALITY

- Withhold as confidential the names and other identifying information of victims
  - Required in the institution's dating violence, domestic violence, sexual assault, and stalking policy

EXEMPT CASES

- Crimes Reported to:
  - Pastoral or professional counselor
- Privileged Information Protected by State Law:
  - Medical doctor
  - Attorney/client

TIMELY WARNING DECISION-MAKING

- Need for process to evaluate reports and document decisions

WB 35

- Tool: *Timely Warning Decision Matrix* template in the Workbook

Timely Warning Analysis

TIMELY WARNING GONE WRONG

Timely Warning- Reported Case of Rape

College Police are investigating a rape reported to have occurred on the evening of XX-XX-XX in a classroom in the Science Building. A female graduate student, who is an academic tutor with the science department, was approached in a hallway by the suspect asking her for assistance in studying for a test. Assuming he was a student, she agreed to enter an empty classroom with him. The graduate student reported the suspect shut the door, raped her, and then fled the room and building. The graduate student reported the incident to the McGrath hall resident assistant at 7 a.m. the following morning, who in turn reported the incident to Campus Police.

The suspect was described as a white man, late 20s, six feet tall, with brown eyes, short curly brown hair, and a beard and mustache, wearing a gray t-shirt and army green pants. Despite the delayed report, Campus Police continues to survey the area for suspects matching the description. Your safety is important to the College. Please report all suspicious activity to Campus Police. Choose well-lit walking paths on campus and be aware of blue light telephones on campus.
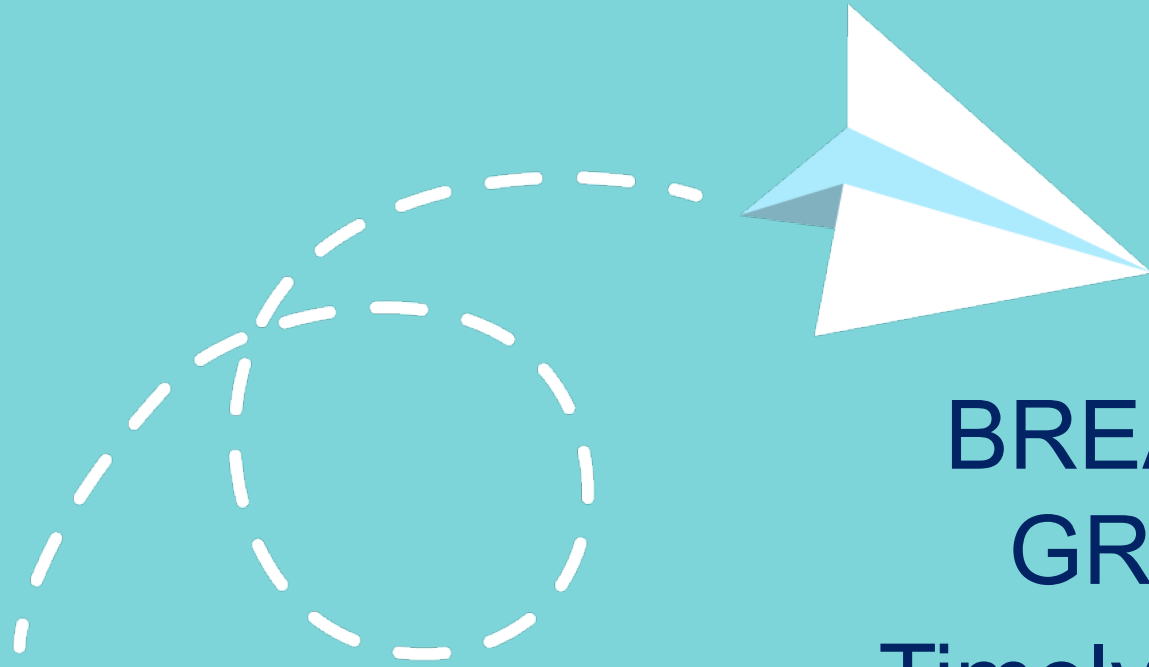
BREAKOUT GROUPS:

Timely Warning Analysis

WB 39

ADDRESSING POTENTIAL BIAS

- Raise awareness around **what** rather than **who** is a "serious" or "ongoing threat."
- Avoid creating suspect descriptions that create an atmosphere of fear and suspicion, rather than helpful information.

Share your institution's position on policy and procedures for emergency notification:

ⓘ Start presenting to display the poll results on this slide.

IMMEDIATE THREATS

All Hazards:

- Terrorist attack

- Active shooter

- Natural disaster

- Environmental

- Weather

- Other

WB 124

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The institution receives confirmation of a fire occurring at the Clark Science Center on the north end of campus. Draft an emergency notification no longer than 160 characters.

ⓘ Start presenting to display the poll results on this slide.

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ALERTING GONE WRONG

Texas

Texas sorry after mistakenly sending emergency alert for cursed Chucky doll

Officials apologize for test malfunction after message asking citizens to keep an eye out for film villain was sent three times

Guardian staff and agency

Wed 3 Feb 2021 09.02 EST

The Texas public safety department raised a few eyebrows in the Lone Star state by reportedly sending out an emergency alert asking its citizens to keep an eye out for Chucky - the evil possessed doll from the horror movie series Child's Play - whom it said was a suspect in a kidnapping.

Issued by Texas Dept. of Public Safety
LOCAL AMBER ALERT
Abducted Child

Updated

Call (987) 654-3210 to report information to SNL

Last Seen: 700 Pine Street Henderson, TX at 09:04 AM on Jan 28, 2021

Abducted Child:

Glen

Age:	5 year(s)	**Hair:**	Red or Auburn	**Height:**	2'3"
Race:	White	**Weight (Lbs):**	6	**Gender:**	Male
Eyes:	Blue				

Additional Information: Blue shirt with black collar

Suspect:

Chucky

Age:	28 year(s)	**Hair:**	Red or Auburn	**Height:**	3'1"
Race:	Other: Doll	**Weight (Lbs):**	16	**Gender:**	Male
Eyes:	Blue				

Additional Information: Blue denim overalls with multi-colored striped long sleeve shirt wielding a huge kitchen knife

COVID-19: THE ULTIMATE CASE STUDY

- Policies and procedures
  - Do what you say, say what you do
- Opportunities for information sharing beyond what is required
- Create a process for After Action Planning & Evaluation

COVID-19 CONSIDERATIONS

REVISIT

- Procedures for sharing information
- Making reports and filing complaints while remote
- DVSAS Written Explanation of Rights & Options
- Options to conduct disciplinary proceedings

RESPOND

- Proactively identify and share resources to support community members
- Provide institutional and national resources
- Ask folks what they need

WORKBOOK ACTIVITY: CASE STUDIES (1)

Go to the *Case Studies (1)* Workbook activity.

WB 40

For each case study, answer the following questions:

- Is an emergency notification or timely warning warranted?
- If so, how quickly should an emergency notification or timely warning be issued?
- How widely should the emergency notification or timely warning be issued?

"FONDLING"

- On **Thursday** night Jane Smith reports to her RA that she was waiting for the campus shuttle when a white man in his 20's with shaggy brown hair grabbed her breasts before running off.
- **That evening** the RA reports the incident to her hall director who subsequently reports the incident to campus police on Friday morning.
- On **Friday** afternoon Rebecca Brown, a graduate teaching assistant, calls campus police to report that a white man put his hand down her pants. She noted that he was wearing sunglasses and had a hooded sweatshirt that covered his hair. She was waiting for the campus shuttle when it occurred.

slido

For the fondling case study we would:

ⓘ Start presenting to display the poll results on this slide.

"FONDLING" CASE STUDY ANALYSIS

- Is an emergency notification or timely warning warranted? Why or why not?

- If so, how quickly should an emergency notification or timely warning be issued?

- How widely should the emergency notification or timely warning be issued?

"THE ARSONIST"

- On **Friday night** and into **Saturday morning** a series of three fires are set in the basement and two storage areas on occupied floors of the East Campus Residence Hall.

- Campus security responds to each fire and puts them out within several minutes.

- On **Saturday morning** investigators with the state Fire Marshal's office confirm that the fires were arsons.

slido

For the Arsonist case study we would:

ⓘ Start presenting to display the poll results on this slide.

"THE ARSONIST" CASE STUDY ANALYSIS

- Is an emergency notification or timely warning warranted? Why or why not?

- If so, how quickly should an emergency notification or timely warning be issued?

- How widely should the emergency notification or timely warning be issued?

"CHRIS"

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
- Chris tells the RA, "I think Sam raped me."
- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam's room before blacking out and shares all of this with the RA.
- Chris is scared and wants to figure out what really happened but doesn't want to make Sam mad or upset.
- The next day, two other students that attended the same party as Chris report similar experiences of drinking a lot, apparently blacking out and being sexually assaulted.
- Additionally, members of the fraternity that held the party report being uncomfortable with an act of hazing they were told to participate in that involved supplying alcohol to friends that attended and to "hook up" with them. These fraternity members did not participate but knew of other pledges who had.

slido

For the Chris case study we would:

ⓘ Start presenting to display the poll results on this slide.

"CHRIS" CASE STUDY ANALYSIS

- Would you issue a timely warning or emergency notification? Why or why not?

- If you would issue an alert, identify when the alert would be issued and who would receive the alert.

- If you would not issue an alert, draft your rationale for why you would not send the alert.
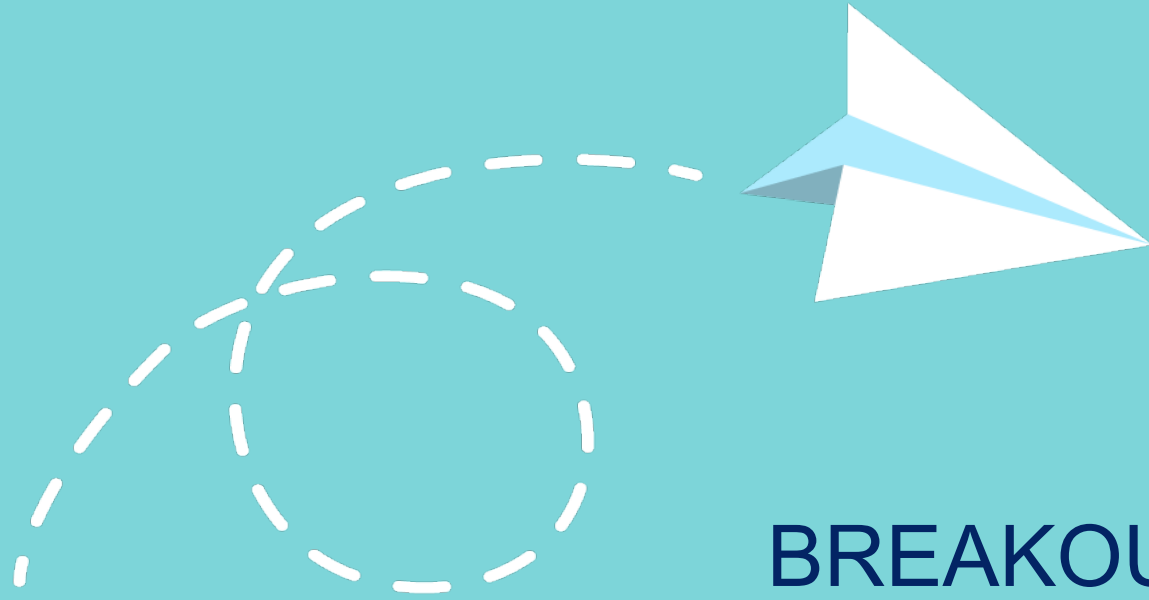
BREAKOUT GROUPS:
Case Study Activity

WORKBOOK ACTIVITY: CASE STUDIES (2)

Go to the *Case Studies (2)* Workbook activity.

WB 43

For each case study, answer the following questions:
- Would you issue a timely warning or emergency notification? Why or why not?
- If you would issue an alert, identify when the alert would be issued and who would receive the alert.
- If you would not issue an alert, draft your rationale for why you would not send the alert.

"ANONYMOUS THREAT"

- A student calls public safety to report a threat posted on an anonymous social media app.

- The threat contains specific details on where, when, and how a shooting will take place in the university commons.

slido

For the anonymous threat case study we would:

ⓘ Start presenting to display the poll results on this slide.

"ANONYMOUS THREAT" CASE STUDY ANALYSIS

- Would you issue a timely warning or emergency notification? Why or why not?

- If you would issue an alert, identify when the alert would be issued and who would receive the alert.

- If you would not issue an alert, draft your rationale for why you would not send the alert.

"DOMESTIC VIOLENCE"

- An administrator in student life reports to a human resources administrator (who the campus identifies as a CSA) that her spouse hit her repeatedly in the stomach in the parking garage on-campus after accusing her of having an affair with another campus administrator.
- She discloses that this is not the first time he has hit her or expressed jealousy but it is the first time it has occurred on campus.
- When she exited the garage, he threatened, "Someone will pay for this."

"DOMESTIC VIOLENCE" CASE STUDY ANALYSIS

- Would you issue a timely warning or emergency notification? Why or why not?

- If you would issue an alert, identify when the alert would be issued and who would receive the alert.

- If you would not issue an alert, draft your rationale for why you would not send the alert.

TIMELY WARNINGS & EMERGENCY NOTIFICATION POLICY STATEMENTS

263
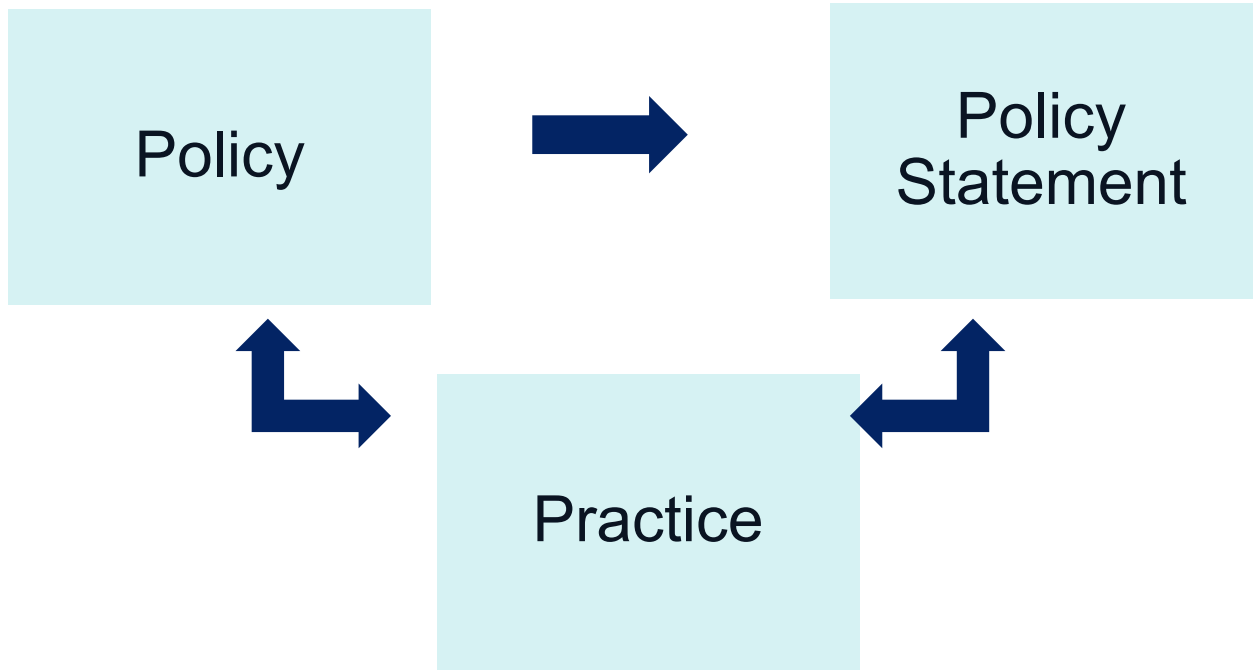
POLICY STATEMENTS

- Annual security report
  - Required statements of policy
- Snapshot of campus safety practices
- "Do what you say; say what you do"

SEPARATE AND DISTINCT

EMERGENCY NOTIFICATIONS

- Broader scope – any significant emergency or dangerous situation
- Anywhere on campus
- Entire campus or segment(s)
- Issue alert immediately upon confirmation

TIMELY WARNINGS

- Narrower focus – Clery Act crimes
- Clery Act geographic area
- Reach entire campus community
- Issue warning as soon as pertinent info is available

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TIMELY WARNING POLICY & WARNINGS
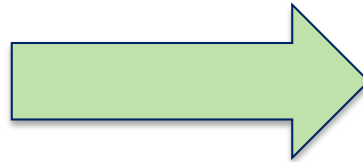
TIMELY WARNING POLICY → **TIMELY WARNING**

TIMELY WARNING POLICY STATEMENT COMPONENTS

- Circumstances regarding issuance
- Individual or office responsible
- Dissemination manner

EMERGENCY NOTIFICATION POLICY AND NOTIFICATIONS

EMERGENCY NOTIFICATION POLICY
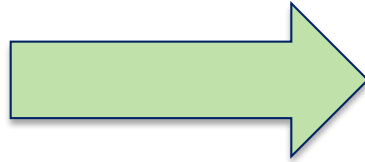
EMERGENCY NOTIFICATION

EMERGENCY NOTIFICATION POLICY REQUIREMENTS

Policy Must:

Articulate the **process used 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 campus

EMERGENCY NOTIFICATION POLICY REQUIREMENTS

Policy Must:

- Disclose the **process** used to determine which segment(s) receive notification
- Explain **how** the content of the notification will be developed
- Disclose which **officials** by title are responsible for each step
- Initiate notification **without delay and taking into account the safety of the community**

EMERGENCY NOTIFICATION POLICY REQUIREMENTS

Following confirmation the institution must:

- Determine what information to release
- Initiate notification
- Take into account safety of the campus community
- Provide adequate follow-up information

Withhold an emergency notification ONLY if it compromises efforts to:

Assist a victim

Contain, respond or mitigate the emergency

Determination must be made by responsible authorities identified in the policy statement

*If emergency notification is issued,
there is NO NEED to issue a timely warning
for the same circumstance.*

PROGRAM REVIEW EXAMPLE #1: 2007

Finding: Failure to Provide Timely Warning

- "[Institution] argues that it acted swiftly to eliminate any possible threat to the community by placing both of the accused students on interim suspension and therefore, no warning was needed."

- "The Clery Act and the Department's regulations do not specifically define when a warning is "timely"…the warning should be issued as soon as pertinent information is available... The Department does not agree that suspending the accused students achieves this requirement."

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PROGRAM REVIEW EXAMPLE #1: 2007 (CONT'D)

"[Institution] concedes that there was never any official consideration of whether to issue a warning in regard to the April…sexual assault because the institution's basketball coaches did not inform the school officials responsible for such warnings of the assault reported to them. Thus, [institution] did not follow its established procedures for considering such warnings…. [and] did not have an appropriate process for communicating and reporting incidents in a timely manner to the officials who have the administrative responsibility for determining whether a timely warning should be issued."

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PROGRAM REVIEW EXAMPLE #2 - 2017

"The Department carefully considered [institution's] rationale for not issuing a TW and has determined that, under the circumstances, it was reasonable for University officials to believe that the threat created by the assailant's actions were addressed and contained. The individual was terminated from his employee as a security guard and was removed from campus housing. Moreover, the individual was only permitted on campus to attend classes and was ordered to stay away from the victim. As such, [institution's] explanation of its choice to not issue a TW was found to be acceptable."

CONSIDERATIONS FROM PROGRAM REVIEWS

- Documentation of timely warning analysis important
  - Did campus security authority reports get to the individuals responsible for determining whether a timely warning is necessary?
  - Did the analysis take place in relation to the incident? How soon?
  - Did the institution follow its own policy for who makes such decisions and methods of dissemination?
  - What mitigating or aggravating factors led to the decision of whether it was a serious or ongoing threat?

SELF REFLECTION

Take a moment to note:
- Three questions
- Three takeaways from this section

WB 45

MESSAGING TO YOUR CAMPUS

Take a minute on your own to note on your Reminders that you would like to share with your campus community:

- *Reminders: Ongoing Disclosures* page: a few key messages about timely warning and emergency notification requirements.

COMMUNITY EDUCATION

PERFORMANCE OBJECTIVES

- Identify and understand required community education programs under the Clery Act
- Establish a process for evaluating compliance of existing programs
- Identify campus partners in prevention

PRIMARY PREVENTION AND AWARENESS

PRIMARY PREVENTION

- Informed by research or assessed for value, effectiveness, or outcome
- Intended to stop violence before it occurs
- Changing social norms & stereotypes
- Promotion of positive & healthy behaviors

AWARENESS

- Increase audience knowledge about crimes
- Share information and resources to prevent violence, promote safety, and reduce perpetration

CLERY-REQUIRED PROGRAMS

Programs & Campaigns on Dating Violence, Domestic Violence, Sexual Assault, & Stalking

Crime Prevention Programs

Security Awareness Programs

Substance Abuse Educational Programs
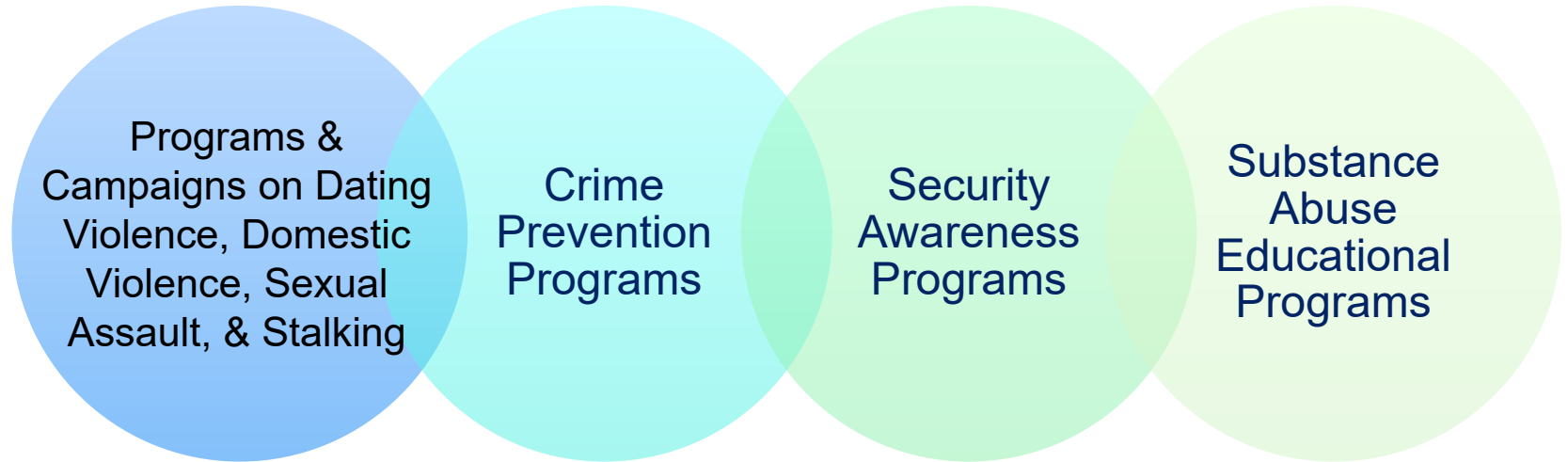
DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, & STALKING (DVSAS) PROGRAMS

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

A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking....and of procedures that the institution will follow when one of these crimes is reported

PRIMARY PREVENTION AND AWARENESS

PRIMARY PREVENTION

- Informed by research or assessed for value, effectiveness, or outcome
- Intended to stop violence before it occurs
- Changing social norms & stereotypes
- Promotion of positive & healthy behaviors
  - Healthy and respectful relationships and sexuality
  - Safe bystander intervention

AWARENESS

- Increase audience knowledge about these crimes
- Share information and resources to prevent violence, promote safety, and reduce perpetration

POLICY STATEMENT: PROGRAMS TO PREVENT

- Primary prevention and awareness programs for all incoming students and new employees:
  - ✓ Statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined under Clery
  - ✓ Definition of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction
  - ✓ Definition of consent in reference to sexual activity in the applicable jurisdiction
  - ✓ Description of safe and positive options for bystander intervention
  - ✓ Information on risk reduction
  - ✓ Procedures for response and disciplinary process

- Ongoing prevention and awareness campaigns

POLICY STATEMENT: PROGRAMS TO PREVENT

Statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined under Clery.

POLICY STATEMENT: PROGRAMS TO PREVENT

Definition of dating violence, domestic violence, sexual assault, and stalking in the applicable jurisdiction.

Definition of consent in reference to sexual activity in the applicable jurisdiction.

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What	Where	Why
Clery Act definitions of sexual assault (which includes rape, fondling, incest, and statutory rape), dating violence, domestic violence, stalking	Clery Act crime statistics	Consistent definitions across institutions
Clery Act definitions of sexual assault (which includes rape, fondling, incest, and statutory rape), dating violence, domestic violence, stalking	Campus sexual assault, domestic violence, dating violence, and stalking policy/policies (adjudication)	Base definitions across institutions
Jurisdictional definitions for dating violence, domestic violence, sexual assault, stalking, and consent (in reference to sexual activity)	Sexual assault, domestic violence, dating violence, and stalking prevention policy	Community understanding of criminal code vs. campus policy

POLICY STATEMENT: PROGRAMS TO PREVENT

Description of safe and positive options for bystander intervention.

BYSTANDER INTERVENTION

- Safe and positive options to prevent harm or intervene including:

  - 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
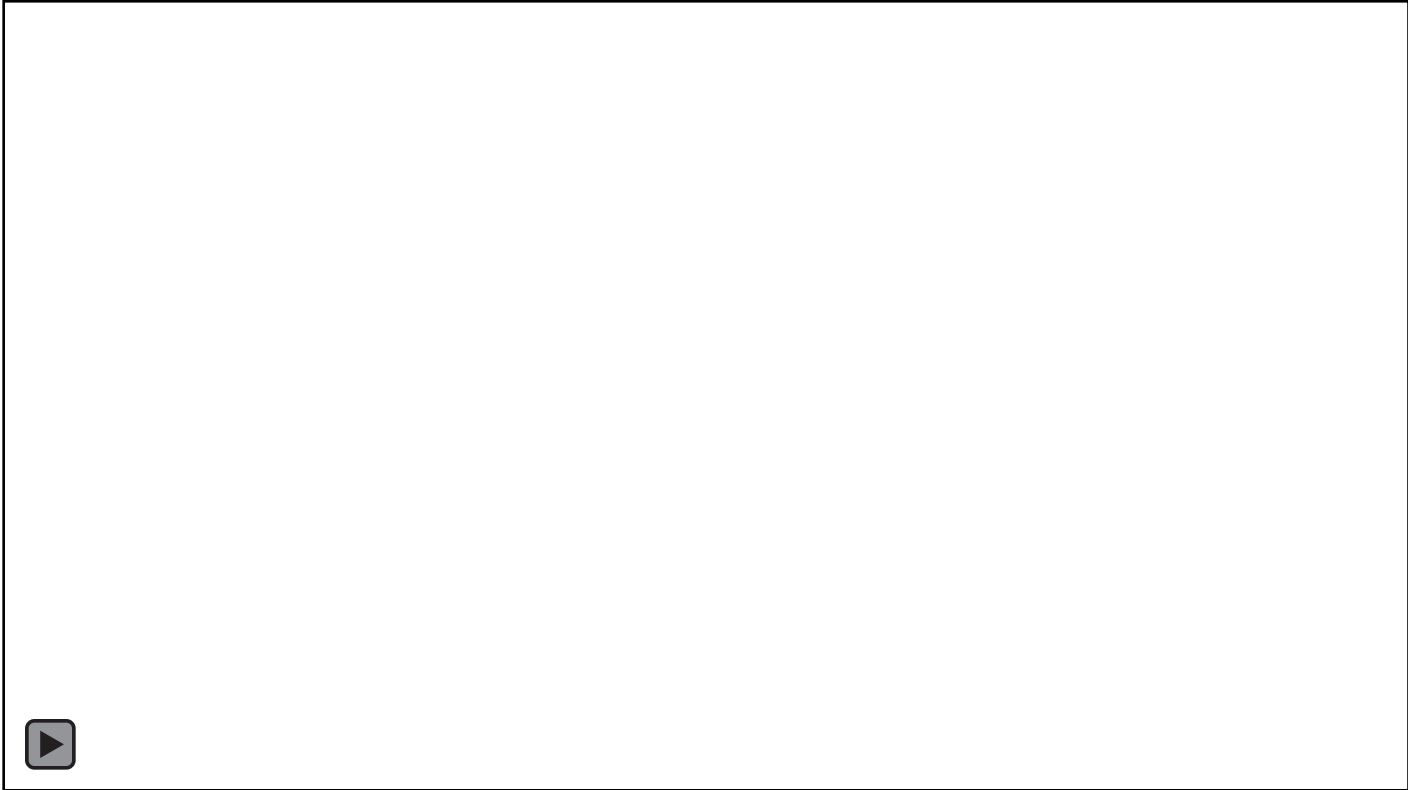
It's On Us. (2017, March 28). *Autocorrect* [Video File]. Retrieved from https://www.youtube.com/watch?v=qk6aauThmW8

POLICY STATEMENT: PROGRAMS TO PREVENT

Information on risk reduction.

RISK REDUCTION

- Options designed to:
  - Decrease perpetration and bystander inaction
  - Increase empowerment for victims in order to promote safety and help individuals and communities address conditions that facilitate violence

Not risk reduction under Clery
- Puts onus on potential victim, while also using victim-blaming language

IT'S NOT SEX...

WHEN HE CHANGES HIS MIND

sex without ongoing consent = sexual assault

DON'T BE THAT GUY.

save SAVEdmonton.com

Risk reduction under Clery
- Decrease perpetration
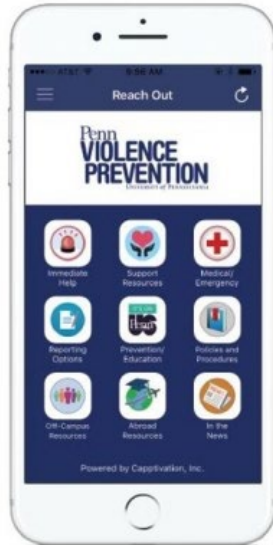
Risk reduction under Clery
- Empowerment for victims
- Addressing bystander barriers

POLICY STATEMENT: PROGRAMS TO PREVENT

Procedures for response and disciplinary process.

Ongoing prevention and awareness campaigns

CRIME PREVENTION PROGRAMS

- Designed to inform students and employees about the prevention of crime
- Annual security report (ASR) should include:
  - Description of programs (explanation of program, target audience – students, employees, or both, etc.)
  - Disclose if no programs are offered

SECURITY AWARENESS PROGRAMS

- Designed to inform students and employees about campus security procedures and practices
- Encourage students and employees to be responsible for their own security and that of others
- ASR should include:
  - Description of programs (type, frequency, target audience – students, employees, both, etc.)
  - Disclose if no programs are offered

DRUG-FREE SCHOOLS AND COMMUNITIES ACT (DFSCA)

- Section 120(a) through (d) of the Higher Education Act
- Annual notification of
  - Drug and alcohol abuse prevention program (DAAPP)
  - To all students and employees
- Biennial review of the effectiveness of the DAAPP

DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM (DAAPP)

Clery Act requires description and allows for **cross-reference** to DFSCA materials which include:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees
2. A list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol
3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs

DAAP (CONT'D)

4. A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students

5. A clear statement that the institution of higher education will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution

If not cross-referencing to other materials (DAAPP), each component must be described fully within the ASR itself.

WORKBOOK ACTIVITY: PREVENTION PROGRAMS

WB 47

- Go to the *Program Areas* Workbook activity.

- Read the definition/description of the program category assigned to you

- Using the Clery definitions, list/describe programs that meet that requirement
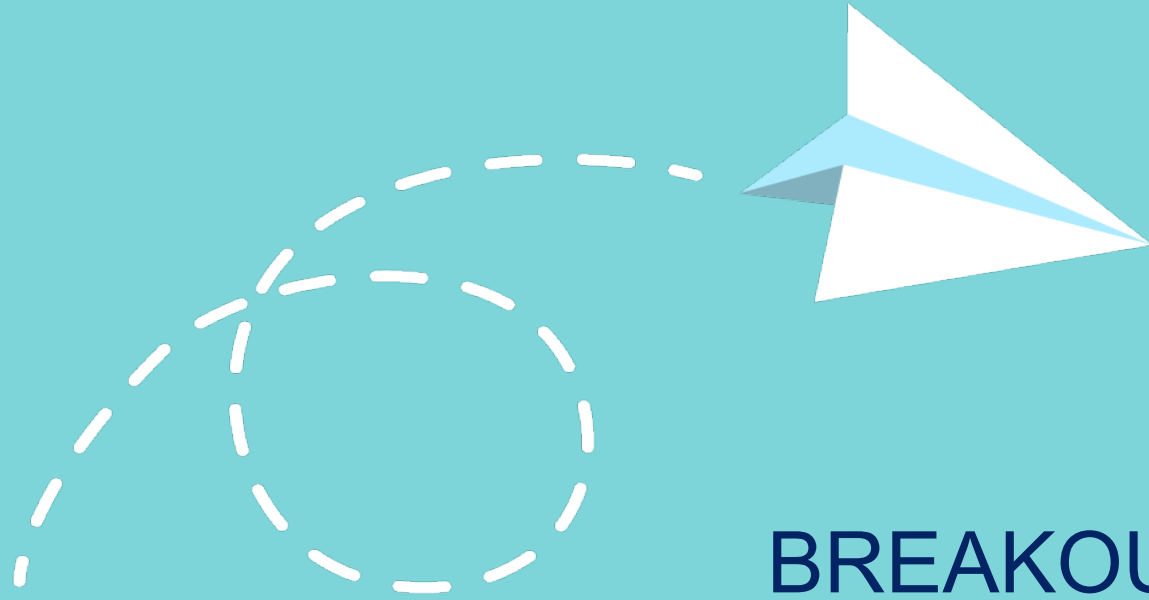
BREAKOUT GROUPS:
Prevention Programs

PROGRAM EXAMPLES

CRIME PREVENTION

- Personal safety
- Theft prevention
- Campus watch program
- Crime bulletins
- Student/employee safety brochures
- Website postings – crime log, handouts, tips, etc.

SECURITY AWARENESS

- University 100/101 Classes
- "Don't Cancel That Class"
- Student organization-specific (like Greek life)
- Theater
- Posters (university reporting, disciplinary process, etc.)
- Training for RAs
- Safe Spring Break

PREVENTION & AWARENESS CAMPAIGN EXAMPLES

- Communication strategies (social media posts, email blasts, notices on bulletin boards, posters, and/or radio and newspaper advertisements)
- Programs (Take Back the Night, Safe Walk, promotional materials for programs)
- Programming coordinated with and delivered to individual groups on campus (presentations or workshops for individual sports teams, fraternity or sorority houses, or residence halls)
- Booths at campus events
- Classroom discussions (issues, available services) or advertisements for programs and events

NATIONAL CALENDAR

January
- National Stalking Awareness Month

February
- National Dating Violence Awareness Month

April
- National Victims' Rights Week
- National Child Abuse Month
- National Sexual Assault Awareness Month

August
- National Night Out

September
- National Campus Safety Awareness Month

October
- National Domestic Violence Month
- National Alcohol Awareness Month
- National Crime Prevention Month

December
- World AIDS Day

NATIONAL CAMPUS SAFETY AWARENESS MONTH

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Intersections

"CHRIS"

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
- Chris tells the RA, "I think Sam raped me."
- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam's room before blacking out and shares all of this with the RA.
- Chris is scared and wants to figure out what really happened but doesn't want to make Sam mad or upset.
- Chris wants help understanding what happens when something like this is reported but Chris does not want "one of those warning emails" to go out to the entire campus.
- Chris doesn't know what to do next.

- What options and resources must the institution afford Chris under the Clery Act?

All the requirements in this lesson are for dating violence, domestic violence, sexual assault, and stalking.

Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape.

AS OF MAY 2020
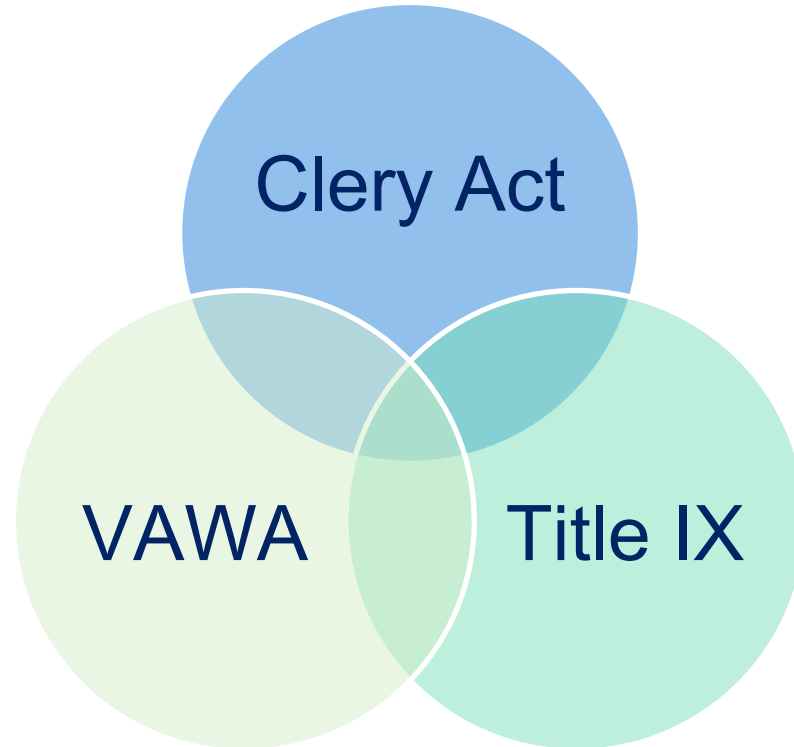
slido

What words come to mind when you think of Title IX?

ⓘ Start presenting to display the poll results on this slide.

TITLE IX DEFINES SEXUAL HARASSMENT AS

- Conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the recipient (institution) conditioning the provision of aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's (institution's) education program or activity; or….

- …(3) Sexual assault (which includes rape, fondling, incest, and statutory rape), domestic violence, dating violence, and stalking under the *CLERY ACT*

INTERSECTIONS BETWEEN THE CLERY ACT AND TITLE IX

THE CLERY ACT	TITLE IX
• Reporting requirements • All Clery crimes* • Accommodations • Disciplinary procedures	• Reporting requirements • Sexual harassment • Including dating violence, domestic violence, sexual assault, and stalking (DVSAS)as defined in the Clery Act • Measures • Grievance procedures

WORKBOOK ACTIVITY:

WB 50

- Go to the *Clery/Title IX Intersections* Workbook activity.
- Answer the questions independently.
- Reference your answers as we move through today's content.

GEOGRAPHY/JURISDICTION

THE CLERY ACT

- Four geographic locations for reporting
  - On-campus
  - On-campus student housing
  - Noncampus
  - Public property

- For response: on and off campus

TITLE IX

- Educational programs and activities
- May be on campus or off campus plus owned or controlled by recognized student organizations

REPORTING REQUIREMENTS

THE CLERY ACT	TITLE IX
• Broader focus of reporting responsibility	• Higher threshold for a reported incident to be considered "actual knowledge"
• Non-personally identifiable information (nature, date, time, general location, current disposition)	• Sexual harassment – one category being DVSAS as defined under Clery
• All Clery crimes	

Under the Clery Act a crime is "reported" when it is brought to the attention of a campus security authority, the institution's police department or campus safety office, or local law enforcement personnel by a victim, witness, other third party or even the offender.

WHAT IS CONSIDERED A REPORT TO THE INSTITUTION UNDER TITLE IX?

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

WHAT MUST AN INSTITUTION DO WHEN IT RECEIVES A REPORT?

THE CLERY ACT

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

TITLE IX

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

WHAT MUST AN INSTITUTION DO WHEN IT RECEIVES A REPORT? (cont'd)

THE CLERY ACT

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

TITLE IX

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

FORMAL COMPLAINT UNDER TITLE IX

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

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

"CHRIS"

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
- Chris tells the RA, "I think Sam raped me."
- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam's room before blacking out and shares all of this with the RA.
- Chris is scared and wants to figure out what really happened but doesn't want to make Sam mad or upset.
- Chris wants help understanding what happens when something like this is reported but Chris does not want "one of those warning emails" to go out to the entire campus.
- Chris doesn't know what to do next.

- Is the RA required to report the information disclosed to them?
- Why or why not?
- How are reporting authorities directed to make reports at your institution?
- How might the RA's responsibilities differ under Title IX regulations?

VICTIM SUPPORT

WB 50

What steps might survivors take after an incident of dating violence, domestic violence, sexual assault, and stalking that might immediately impact their health or safety?

BREAKOUT GROUPS

Procedures victims should follow in cases of dating violence, domestic violence, sexual assault, and stalking

POLICY STATEMENT(S): PROCEDURES TO FOLLOW

Importance of Preserving Evidence

Reporting Options

"CHRIS"

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
- Chris returns to Post Hall and checks in with the RA.
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- Chris is scared and wants to figure out what really happened but doesn't want to make Sam mad or upset.
- Chris wants help understanding what happens when something like this is reported but Chris does not want "one of those warning emails" to go out to the entire campus.
- Chris doesn't know what to do next.

Based on what we know from the case study facts, what does Chris need to know related to preservation of evidence?

PROCEDURES TO FOLLOW: PRESERVING EVIDENCE

Importance of Preserving Evidence

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

PROCEDURES TO FOLLOW: REPORTING OPTIONS
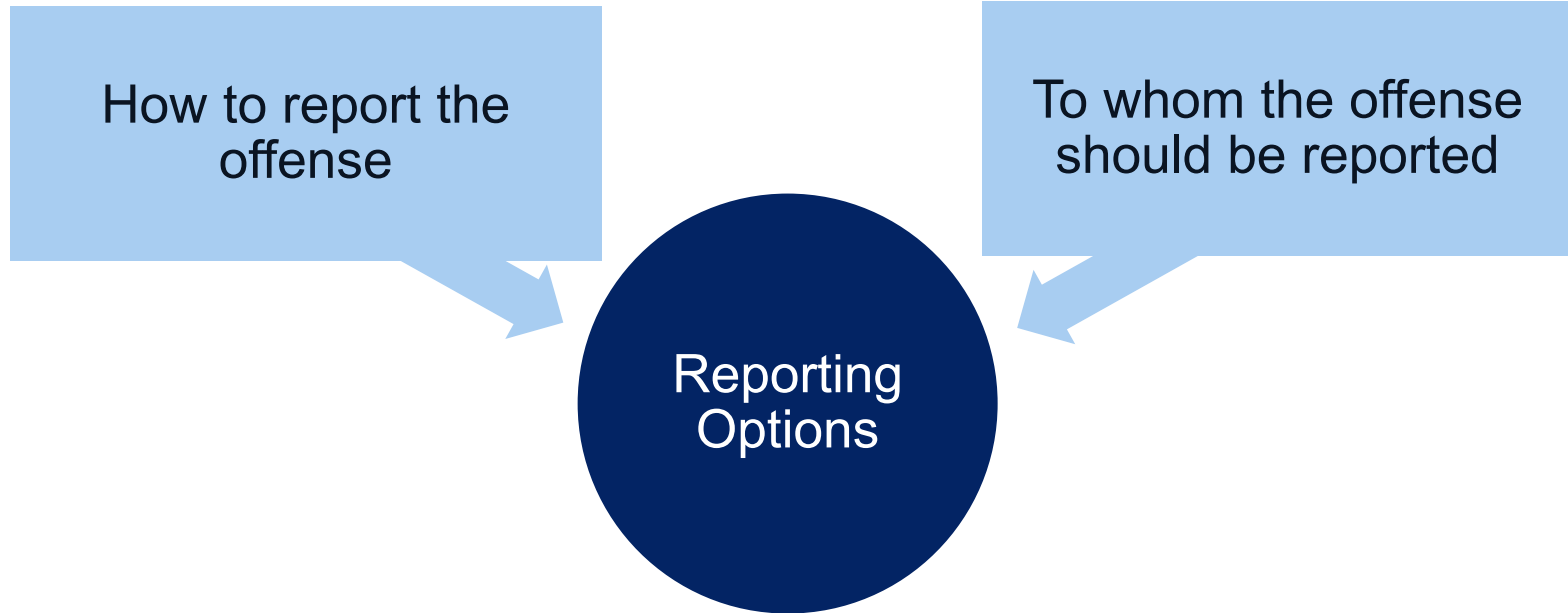
How to report the offense

To whom the offense should be reported

Reporting Options

PROCEDURES TO FOLLOW: REPORTING OPTIONS

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

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

PROCEDURES TO FOLLOW: CONFIDENTIALITY

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

- Publicly available record-keeping (ex: timely warnings, daily crime log)

- Without the inclusion of personally identifying information about the victim

- Any accommodations or protective measures provided to the victim (to the extent it will not impair institution's ability to provide them)

IN THE "CHRIS" CASE STUDY:

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.

- Chris returns to Post Hall and checks in with the RA.

- Chris tells the RA, "I think Sam raped me."

- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam's room before blacking out and shares all of this with the RA.

- Chris is scared and wants to figure out what really happened but doesn't want to make Sam mad or upset.

- Chris wants help understanding what happens when something like this is reported but Chris does not want "one of those warning emails" to go out to the entire campus.

- Chris doesn't know what to do next.

The report indicates Chris does not want a timely warning to go out to campus about what happened. How should the institution respond to this concern about confidentiality?

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ACCOMMODATIONS & MEASURES

WB 51

What are examples of Clery accommodations or Title IX measures available to victims of DVSAS?

BREAKOUT GROUPS

IN THE "CHRIS" CASE STUDY:

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.

- Chris returns to Post Hall and checks in with the RA.

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- Chris is scared and wants to figure out what really happened but doesn't want to make Sam mad or upset.

- Chris wants help understanding what happens when something like this is reported but Chris does not want "one of those warning emails" to go out to the entire campus.

- Chris doesn't know what to do next.

Are there any accommodations you think might potentially be helpful to Chris?

ACCOMMODATIONS & MEASURES

THE CLERY ACT

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

TITLE IX

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

DISCIPLINARY PROCESS

THE CLERY ACT	TITLE IX
• Prompt, fair, and impartial	• Prompt and equitable
• Describe the standard of evidence	• Regulations inform standard of evidence
• Be conducted by officials who receive annual training	• Annual training requirements
• Advisor of choice	• Advisor of choice with role in cross-examination
• Simultaneous notification of results	• Simultaneous notification of results

PROCEDURES TO FOLLOW: INSTITUTIONAL DISCIPLINARY ACTION

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

Go to the *Title IX Required Process Flow Chart* in the Workbook. Reflect upon your institution's disciplinary procedures.

WB 55

PROCEDURES TO FOLLOW: INSTITUTIONAL DISCIPLINARY ACTION

- Range of protective measures institution may offer following an allegation
- Proceedings will
  - Include a prompt, fair, and impartial process from the initial investigation to the final result

WB 56

PROCEEDING UNDER CLERY

INCLUDES:	**DOES NOT INCLUDE:**
• Fact-finding investigations • Formal or informal meetings • Hearings	• Communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim

STANDARD OF EVIDENCE

THE CLERY ACT

- Must describe the standard of evidence that will be used

TITLE IX

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

SANCTIONS & REMEDIES

THE CLERY ACT

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

TITLE IX

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

TRAINING

THE CLERY ACT

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

TITLE IX

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

ANNUAL TRAINING COMPONENTS

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

OTHER POSSIBLE TRAINING COMPONENTS

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

ADVISOR OF CHOICE

THE CLERY ACT

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

TITLE IX

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

NOTICE OF OUTCOME

THE CLERY ACT	TITLE IX

THE CLERY ACT

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

TITLE IX

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

PROCEDURES TO FOLLOW: WRITTEN INFORMATION

TO STUDENTS & EMPLOYEES

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

TO VICTIMS AFTER A REPORT

- Accommodations
- Rights & options

BACK ON CAMPUS: WRITTEN NOTIFICATION

Guide to Creating a Written Notification

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

WB 148

BIGGER PICTURE QUESTIONS

- Who are your campus partners in responding to these crimes?
- How do Clery requirements enhance institutional response?
- How can compassionate response by campus community be promoted?
- What are next steps to build upon Clery efforts related to response to these crimes and the collaboration underlying that effort?

IN THE "CHRIS" CASE STUDY:

- Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.

- Chris returns to Post Hall and checks in with the RA.

- Chris tells the RA, "I think Sam raped me."

- Chris was drinking at the party, but is unsure of how much; Chris does remember returning to Sam's room before blacking out and shares all of this with the RA.

- Chris is scared and wants to figure out what really happened but doesn't want to make Sam mad or upset.

- Chris wants help understanding what happens when something like this is reported but Chris does not want "one of those warning emails" to go out to the entire campus.

- Chris doesn't know what to do next.

WHAT WOULD HAPPEN IF CHRIS DISCLOSED TO SOMEONE ELSE?

Faculty member

Student conduct

Athletic services

Crisis center

A disclosure

Health services

Club Advisor

Greek life

DEVELOPING A PREVENTION AND RESPONSE PROCESS: PROMISING PRACTICES

- ## Multidisciplinary team
  - ### Sexual Assault Response Team

- ## Peer support program

- ## Funding sources

- ## Collaborative partnerships

SELF REFLECTION

Take a moment to note:
- Three questions
- Three takeaways from today's session

WB 58

MESSAGING TO YOUR CAMPUS

Take a minute on your own to note on your Reminders that you would like to share with your campus community:

- *Reminders: Intersections* page: a few key messages about intersections between Title IX and Clery Act requirements for dating violence, domestic violence, sexual assault, and stalking.

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PUTTING IT ALL TOGETHER

PERFORMANCE OBJECTIVES

- Discuss importance of an institutional team approach to Clery compliance work

- Determine if your ASR contains all required policy statements, elements, and statistics

- Develop effective ASR distribution methods and maintain appropriate documentation to demonstrate compliance

ACCOUNTABILITY AND TRANSPARENCY

- Source of information
  - Prospective students, employees, media
- Consumer Protection Law
- Prevention Mechanism
  - Compliance
  - Risk-management
  - Standard

CAMPUS SAFETY: INSTITUTIONAL RESPONSIBILITY
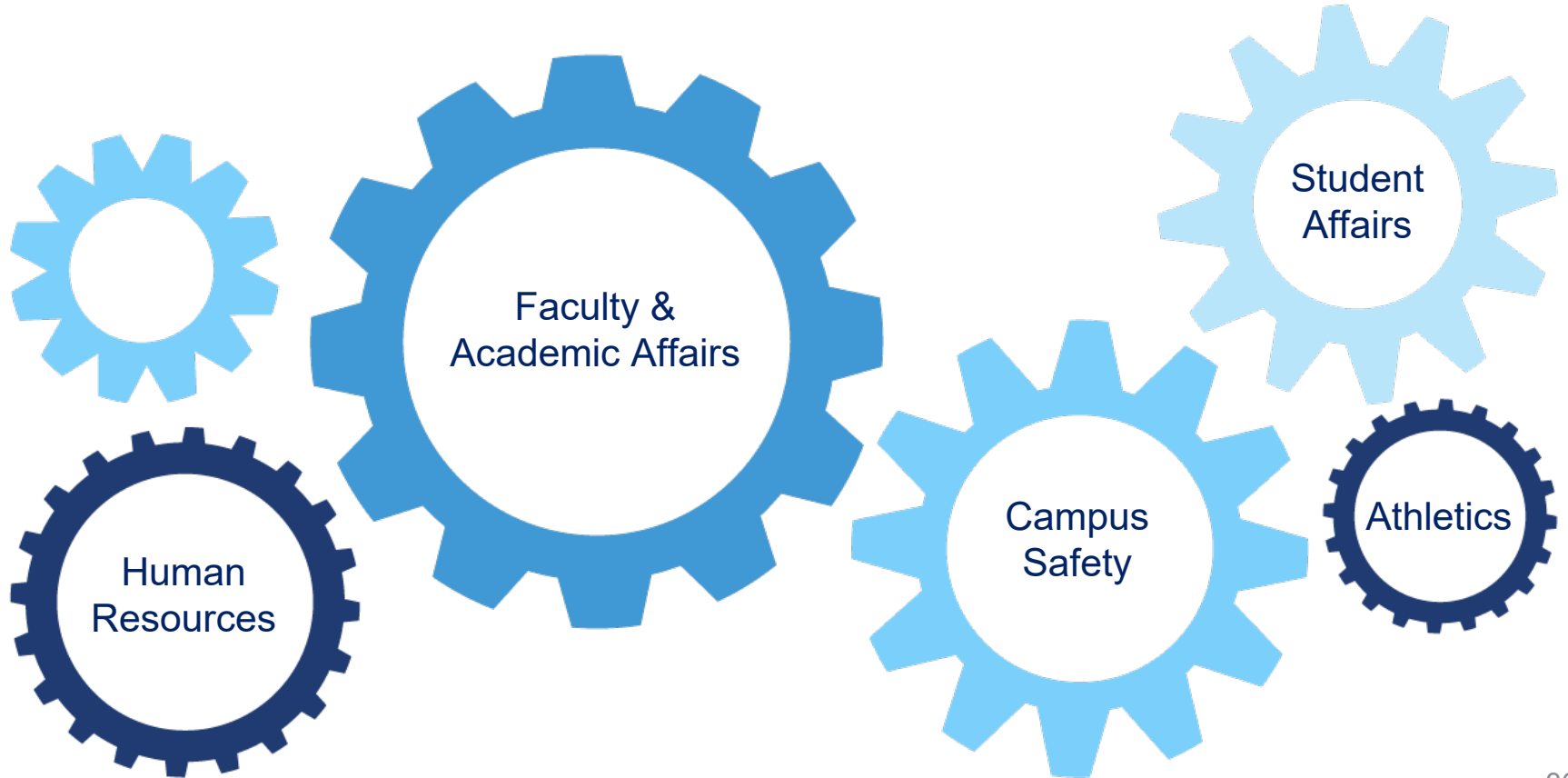
INSTITUTIONALIZATION

"To cause (a custom, practice, law, etc.) to become accepted and used by many people."

- Process which translates an organization's code of conduct, mission, policies, vision, and strategic plans into action.

- Aims to integrate fundamental values and objectives into the (school's) organizational culture and structure.

INSTITUTIONALIZATION ON CAMPUS

PEOPLE • PRIORITIES • PLACES • PURSE STRINGS

- Outward commitment from senior leadership
  - Inclusion in institutional strategic plan and mission/vision statements
- Compliance team or working group
  - Members
  - Frequency
  - Level of activity and progress
- Infrastructure, physical space, online presence

MULTIPLE TASKS AND MANY PARTNERS

Clery Compliance Team

- Oversees tasks
- Project management skills
- Coordinates collaboration and communication among partners
- ASR as starting point

WORKBOOK ACTIVITY:
CLERY COMPLIANCE TEAM FANTASY DRAFT

Go to the *Clery Compliance Team Fantasy Draft* Workbook activity.

WB 60

✔ Check off your group's top 10 "Blue Chip Prospects" for the team

＊ Star your group's top 5 "Sleeper" picks
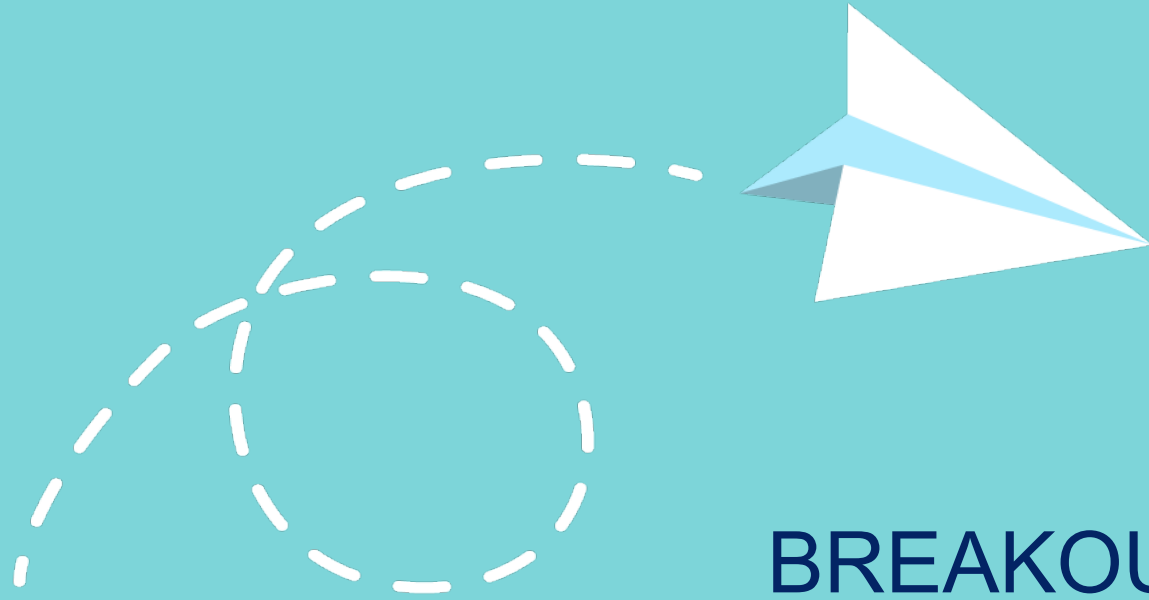
BREAKOUT GROUPS:
Fantasy Draft

TEAM FANTASY DRAFT PICKS

Dean Of Students	Director, Residence Life	Director, Publications
Resident Assistant	Director, Human Resources	Director, Information Technology
Peer Education Coordinator	Director, Diversity & Inclusion	Director, Local Rape Crisis Center
Director, Student Conduct	Director, Athletics	Chief, Local Law Enforcement
Title IX Coordinator	Study Abroad Coordinator	Director, Facilities Management
Chief Of Police/Public Safety	Director, Admissions	Secretary To President
Director, Environmental Health/Safety	Provost/Academic Affairs	Director, Financial Services
Coordinator, Emergency Management	Senior Class President	Coordinator, Greek Life
General Counsel	Director, Health/Wellness	WILD CARD (Your Pick)
Compliance/Audit Coordinator	Coordinator, Victim Assistance	WILD CARD (Your Pick)

LACK OF ADEQUATE POLICY STATEMENTS; FAILURE TO PUBLISH AND DISTRIBUTE ASR

FAST FACTS

- Range of gaps, including:
  - Nonexistent policies
  - Existing policies and procedures but not one central, comprehensive ASR or missing specific policy statements
  - ASR with inaccurate information
  - Didn't compile complete crime statistics in ASR
 - Released after October 1

ACTION ITEMS

- ASR updates working group
- Reviewed/established required policies and reflected accurate policy statements within updated ASR
- Explanation and correction of crime statistics

ANNUAL SECURITY REPORT

ANNUAL SECURITY REPORT

- You must:
    - Publish the report by the deadline
    - Include the required policy statements
    - Include three years' worth of statistics
    - Determine who gets the report
    - Distribute the report
    - Retain records associated with the report

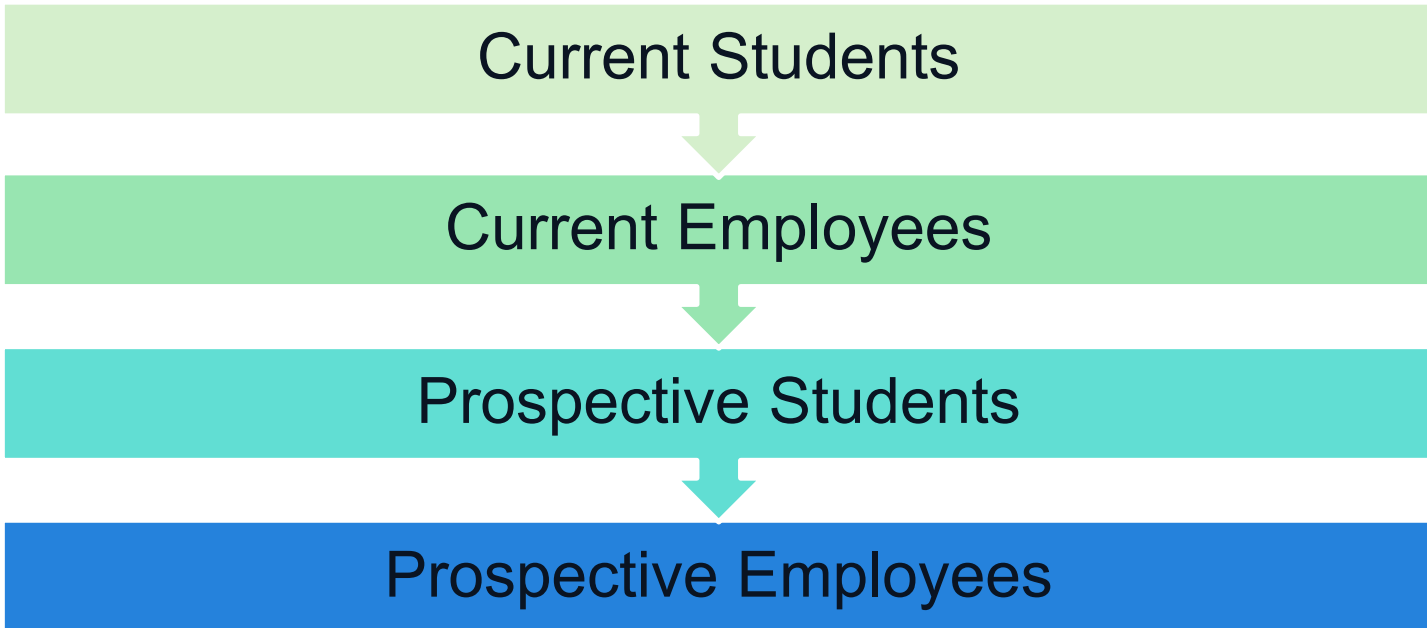# PUBLICATION & DISTRIBUTION: 4 COMPONENTS

Deadline?	Who?	How?	Format?
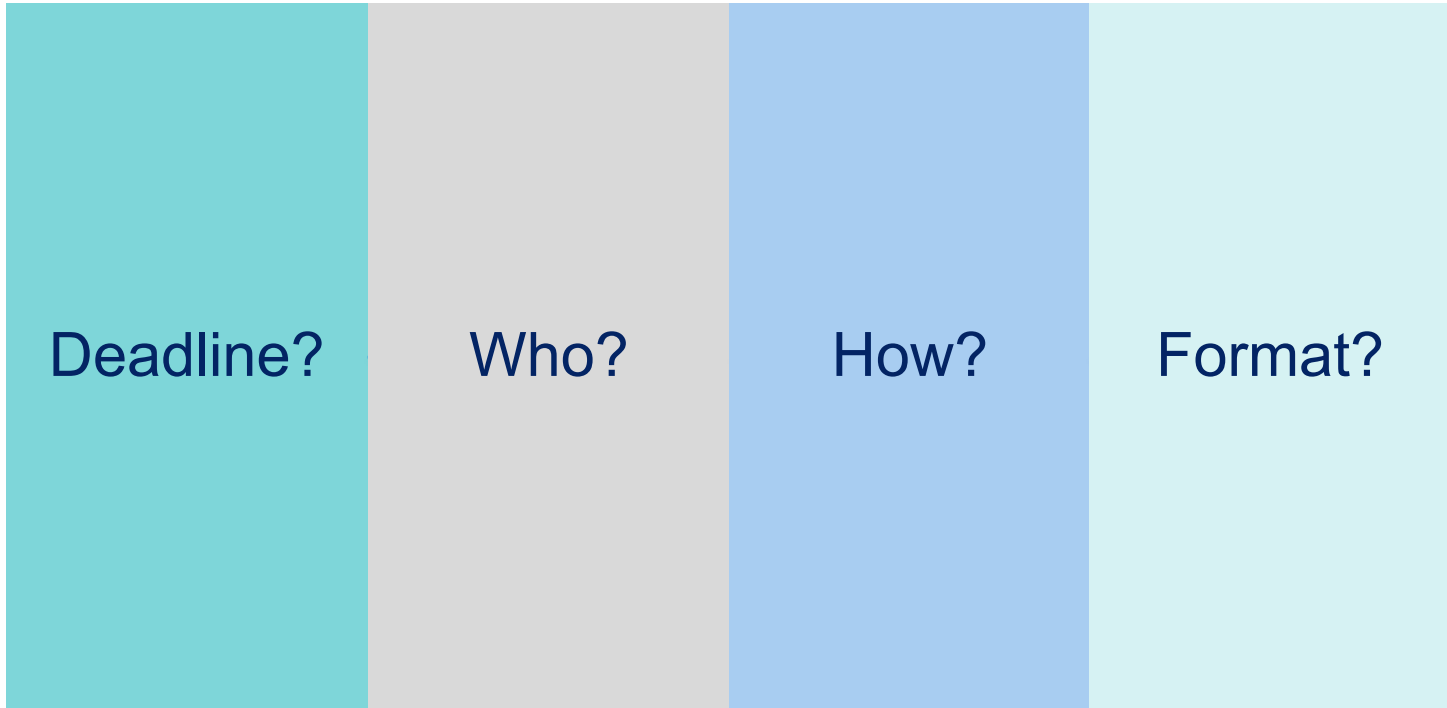
October 1

Earlier

Not Later

No Grace Period

WHO GETS THE ANNUAL SECURITY REPORT?

Current Students

↓

Current Employees

↓

Prospective Students

↓

Prospective Employees

PROSPECTIVE STUDENTS/EMPLOYEES

Individuals who have contacted an eligible institution requesting information about:

- Admission
- Employment

If institution solicits application for position through an advertisement, it is required to provide a notice of the availability of the ASR to those individuals it interviews.

ASR DISTRIBUTION METHODS

Current Students & Employees

- **Direct Distribution**
  - U.S. Postal Service
  - Campus Mail
  - Email
- **Inter/Intranet**
  - Must include:
    - A statement of the report's availability
    - A list and brief description of the content
    - Exact URL
    - Statement that a paper copy is available upon request

Prospective Students & Employees

- **Notice of the report's availability**
  - Description of its content
  - Opportunity to request a copy
  - Unlike current students and employees, this notice may be provided along with other information
- **Internet Distribution**
  - Exact URL
  - Brief description of the report
  - Statement that a paper copy is available upon request

INTRA OR INTERNET DISTRIBUTION METHODS: CURRENT STUDENTS/EMPLOYEES

- Must Include:
  - A statement of the report's availability
  - A list and brief description of the content
  - Exact electronic address (URL)
  - Statement that a paper copy will be provided upon request

AN EXACT URL

- The exact address wherein the report lies –
  - Can't be the institution's homepage
- Permissible to provide links to other pages that provide information on additional required elements or resources such as:
  - Crime log
  - Annual security reports for other campuses
  - Local victim assistance agencies

ASR DISTRIBUTION METHODS: PROSPECTIVE STUDENTS & EMPLOYEES

- Notice of the report's availability

- Description of its content

- Opportunity to request a copy

- <u>Unlike current students and employees,</u> this notice may be provided along with other information

INTERNET DISTRIBUTION METHODS: PROSPECTIVE STUDENTS & EMPLOYEES

- Exact URL where report is posted
- Brief description of the report
- Statement that a paper copy is available upon request

ANNUAL SECURITY REPORT
SAMPLE NOTICE OF AVAILABILITY

This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by (name of institution); and on public property within, or immediately adjacent to and accessible from, the campus.

The report also includes institutional policies concerning campus security, such as policies concerning sexual assault, and other matters.

You can obtain a copy of this report by contacting (name of office) or by accessing the following web site (address of web site).

CRIME PRESENTATION: THREE REQUIRED ELEMENTS

Calendar Year

Year crime was reported | Three most recent years

Type of Crime

Clery Act crimes | Arrests & disciplinary referrals

Geographic Area

On-campus property
- Student housing facilities | Noncampus property | Public property
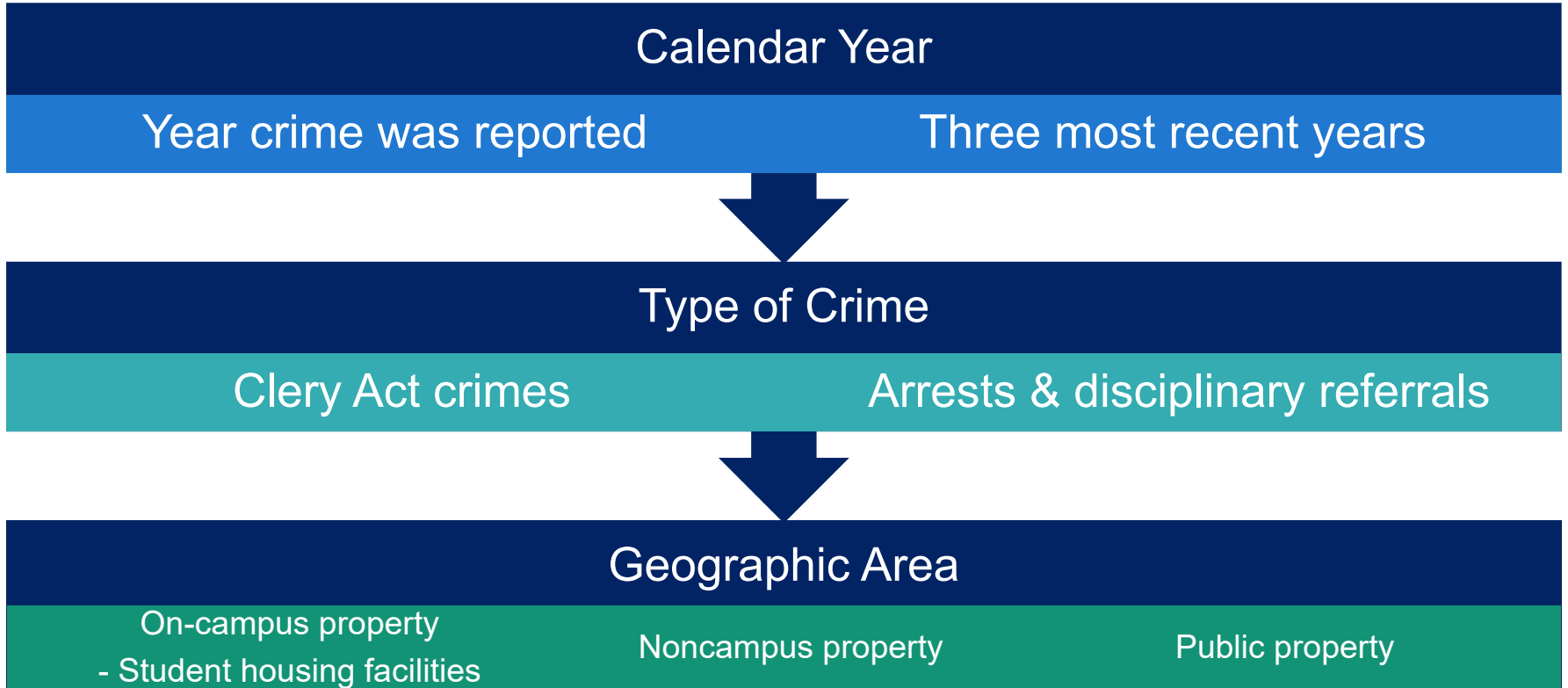
Crime Classification		Campus		Noncampus	Public Property	Total
		On Campus Student Housing	On-Campus Total			
Murder/Non-Negligent Manslaughter	2018	1	1	0	0	1
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Rape	2018	10	12	1	0	13
	2017	13	13	0	0	13
	2016	8	9	2	0	11
Fondling	2018	4	5	0	2	7
	2017	3	3	1	2	6
	2016	5	6	1	4	11
Incest	2018	1	1	0	0	1
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Statutory Rape	2018	1	1	0	0	1
	2017	0	0	1	0	1
	2016	0	0	0	0	0

NOTE: References sample structure only – the above table does not include all crime categories.

Hate Crimes & Unfounded Crimes can be presented in a tabular or narrative format

SAMPLE HATE CRIME NARRATIVE FORMAT

Example 1	Example 2
• 2014: One on-campus Intimidation incident characterized by religious bias. • 2013: One noncampus Robbery characterized by National Origin bias, and one public property Aggravated Assault characterized by Sexual Orientation bias. • 2012: No Hate Crimes reported.	• Hate Crimes: There were no reported Hate Crimes for the years 2012, 2013 or 2014.

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KEY POINTS: PRESENTATION OF CRIME STATISTICS (CONT'D)

Unfounded Crimes

- Present in either a tabular format or in a narrative or descriptive format
- One statistic for each of the three most recent calendar years
- Total number of unfounded crimes across all Clery Act geographic areas
- Not required to break down by geographic category or type of crime

ENSURE THE ASR GETS WHERE IT NEEDS TO GO

- Clery requires multiple pieces of information be provided to campus community members in writing

- Organizing written information is essential

- Turn to Written Notification Distribution/Publicity Plan in Workbook

  - Identify what materials are currently provided to individuals in writing, where they can be accessed, who is responsible for creating, distributing, and promoting them

WB 61

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DISTRIBUTION & PUBLICITY PLAN

TYPE OF NOTIFICATION	TYPE OF NOTIFICATION MATERIALS	DISTRIBUTION LOCATIONS	RELATED TASKS TO DISTRIBUTE
Annual Security Report			
Written explanation of rights and options to victims			
Written information about on and off campus resources			
DAAP			

DISTRIBUTION: FIRE SAFETY REPORT

Institutions that must distribute a fire safety report (those with on-campus student housing)

should utilize the same distribution methods.

FIRE STATISTICS

- Reported fires in on-campus student housing facilities
- Identify each facility by name and street address
- Disclose:
  - Number of fires and cause of each fire
  - The number of persons who received fire-related injuries that resulted in treatment at a medical facility, including at an on-campus health center
  - The number of deaths related to a fire
  - The value of property damage caused by a fire

CORRECTING THE ASR

- If institution makes correction following release, must update ASR
- If institution corrects crime statistics for previous calendar year, must correct statistics in all previous ASRs that included the statistics
  - Ex. December 2015 update to 2013 statistics -> correct 2013 statistics in 2014 and 2015 ASRs
- If policies are updated, must update information in most recent ASR
- Add caveats to note changes (what change was made, date the change was made, and reasons for change)
- Redistribute

RECORDS TO RETAIN

Copies of Crime Reports

Daily Crime Log

Arrests And Referrals for Disciplinary Action

Timely Warning Reports

Letters to/from Campus Security Authorities

Letters to/from Local Police (Clery Act Items)

ED Correspondence on Clery Act Items

ASR Availability Notices to Students & Employees
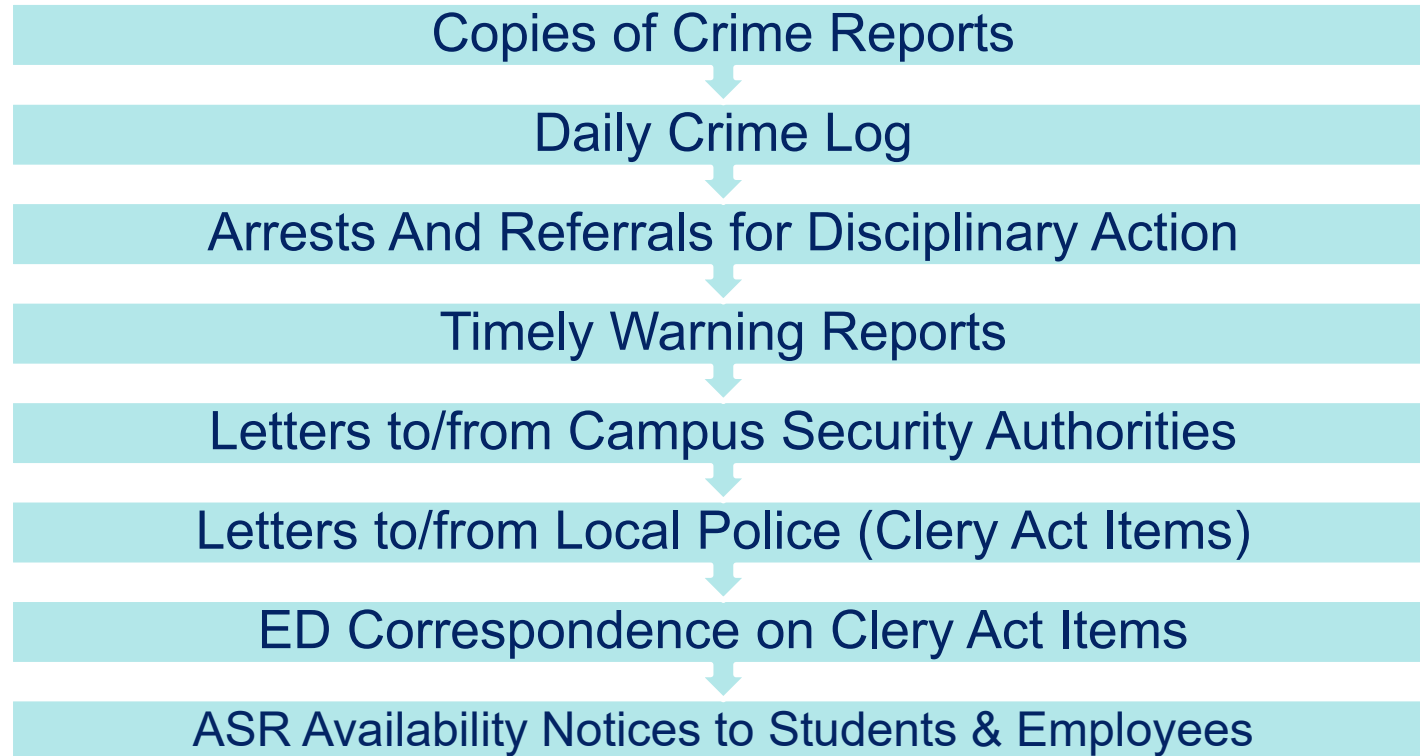
GROUP DISCUSSION

- Do you have a Clery compliance team/any multidisciplinary teams that play a role in Clery implementation?

- Based on what we've covered so far, what are specific tasks a Clery team might accomplish?

WORKBOOK ACTIVITY

Go to the *Your ASR Putting It All Together: List Your Experts*

WB 62

Use this graph to summarize in one place, the key individuals you identified in earlier chapters as having roles in drafting and executing polices and procedures in specific areas of Clery compliance.

RAISE YOUR HAND IF…

❑ You lead the ASR creation process

❑ You contribute information to the ASR

BREAKOUT GROUPS

The easiest part of creating the ASR is probably:

ⓘ Start presenting to display the poll results on this slide.

slido

The most difficult part of creating the ASR is probably:

ⓘ Start presenting to display the poll results on this slide.

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USING THE ASR CHECKLIST

- Tool for institutional review
- Use to document whether or not policy statements exist, take notes, and indicate next steps, responsible parties, and timelines
- *Composing Your ASR* handout reiterates which must be supported by policy – can also use as policy checklist for necessary policies
- Will briefly practice this activity during this session

WB 64

BEFORE WE MOVE FORWARD…

- Creation of ASR ensures policies and processes are in place

- "Say what you do; do what you say."

- Who is at the table?

- Does it reflect our hard work?

- Is it a useful document?

CLERY ACT REGULATIONS

- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) federal **statute** codified at [20 U.S.C. § 1092](#)

- With implementing **regulations** in the U.S. Code of Federal Regulations at [34 C.F.R. 668.46](#)
  - Best thing to rely on after the statute, before guidance
  - Preamble – what it is and its importance

GENERAL AREAS GOVERNING ISSUANCE OF POLICY STATEMENTS

1. Compiling the Annual Security Report
2. Security Of and Access to Campus Facilities
3. Law Enforcement & Jurisdiction
4. Reporting Crimes and Other Emergencies
5. Timely Warnings & Emergency Notification and Evacuation
6. Security Awareness Programs
7. Crime Prevention Programs
8. Alcohol and Other Drug Policies
9. Dating Violence, Domestic Violence, Sexual Assault, Stalking
10. Student Disciplinary Proceedings Results
11. Sex Offender Registration Policy
12. Missing Student Notification Procedure
13. Fire Safety Report

POLICIES FOR COMPILING THE ASR

- Description of how the ASR is prepared and purpose
- Who prepares ASR
- How and from what sources crime statistics are collected

PRACTICE USING ASR CHECKLIST

- Take a few minutes and look at your institution's annual security report

- Look for the three elements under this policy statement:

  - Description of how the report is prepared

  - Who prepares the annual security report

  - How and from what sources the crime statistics are reported

- Complete the ASR checklist with your notes

SECURITY AND ACCESS POLICY STATEMENT

- Security Of and Access To Campus Facilities
  - Including How:
    - Residences are secured and
    - Students and others access
- Security Considerations in the Maintenance of Campus Facilities

LAW ENFORCEMENT AND JURISDICTION

- Enforcement Authority and Jurisdiction
- Authority to Arrest and Relationships
- Monitoring & Reporting of Criminal Activity (noncampus locations of student organizations)
- Procedures for Voluntary Confidential Reporting

ENFORCEMENT AND JURISDICTION

- Address the enforcement authority and jurisdiction of security personnel

AUTHORITY TO ARREST AND RELATIONSHIPS

- Be specific and indicate if no authority, limited authority, or who does or doesn't have arrest powers

- Describe the campus security or police department's working relationship with local and state agencies

- Disclose local agreements with law enforcement agencies for investigation of alleged criminal offenses

MONITORING AND REPORTING OF CRIMINAL ACTIVITY

- Indicate whether the institution uses local police to monitor the activities of officially recognized student organizations
- Not mandated to monitor these activities with local police
- May monitor these activities themselves with campus police
- If the institution does not have any noncampus student organizations, it must state so in the policy

REPORTING

- ## Reporting Crimes and Other Emergencies
  - Accurate and Prompt Reporting
  - Reporting of Criminal Offenses
  - Voluntary Confidential Reporting
  - Procedures for Confidential Reporting

ACCURATE AND PROMPT REPORTING POLICY

- Policy in place that encourages accurate and prompt reporting of all crimes to campus police and appropriate police agencies when the victim of a crime elects to or is unable to make such a report
- If the institution does not have a campus police/security department, this should be stated in the policy

REPORTING OF CRIMINAL OFFENSES

- Titles of each person/office to whom crimes should be reported
- Location and phone numbers of each person and/or office on campus (Promising Practice)
- The number and office of any off-campus reporting agency (Promising Practice)
- Use of emergency blue light telephone or any other reporting system (Promising Practice)

VOLUNTARY CONFIDENTIAL REPORTING

- Institutions must disclose:
  - Whether they have policies or procedures; and if so
  - Provide a description of those policies and procedures

CONFIDENTIAL REPORTING PROCEDURES

- Procedures that encourage pastoral and professional counselors to inform persons they are counseling of voluntary, confidential reporting options

- Institutions are not required to have such procedures in place but they must be described if they exist

PRACTICE USING ASR CHECKLIST

- Take a few minutes and look at your institution's annual security report
- Look for the elements under this policy statement:
  - Security and access to campus facilities
  - Law enforcement and jurisdiction
  - Reporting of crimes and other emergencies
- Complete the ASR checklist with your notes.

slido

Which policy statement did you review?

ⓘ Start presenting to display the poll results on this slide.

What next steps will you take?

ⓘ Start presenting to display the poll results on this slide.

ALERTING/ONGOING DISCLOSURES

- Timely Warning and Emergency Notification and Evacuation Policy Statements

TIMELY WARNING POLICY COMPONENTS

- Circumstances regarding issuance
- Individual or office responsible
- Dissemination method(s)

EMERGENCY NOTIFICATION AND EVACUATION POLICY COMPONENTS

- Procedures institution will use to immediately notify the campus community upon confirmation
- Process used to confirm significant emergency or dangerous situation involving immediate threat to health and safety
- Process to determine which segment(s) will receive notification
- Explanation of how the content of a notification will be developed
- Explanation of process to initiate notification system
- List of title or office of those responsible

EMERGENCY NOTIFICATION AND EVACUATION POLICY COMPONENTS (CONT'D)

- Statement that notification will be made without delay and taking into account the safety of the community unless notification will compromise efforts to assist a victim or contain, respond to, or otherwise mitigate emergency
- Procedures for disseminating emergency information to the larger community
- Procedures to annually schedule drills, exercises, and appropriate follow-through activities
- Procedures to annually publicize emergency response and evacuation in conjunction with a test and documentation of each test

PRACTICE USING ASR CHECKLIST

- Take a few minutes and look at your institution's annual security report
- Look for the three elements under this policy statement:
  - Circumstances regarding issuance
  - Individual or office responsible
  - Dissemination method(s)
- Complete the ASR checklist with your notes.

GENERAL PREVENTION AND AWARENESS PROGRAMS

- Security Awareness Programs
- Crime Prevention Programs
- Alcohol and Other Drug Policies

SECURITY AWARENESS PROGRAMS

- Describe type and frequency of security awareness programs designed to:
  - Inform campus community about safety procedures and practices
  - Encourage campus community to be responsible for their own security and the security of others
- State if no programs

CRIME PREVENTION PROGRAMS

- Describe programs designed to inform students and employees about crime prevention
- State if no programs

ALCOHOL AND OTHER DRUG POLICIES

- Alcohol Policy
    - Possession, Use, and Sale
    - Enforcement of State Underage Laws
- Drug Policy
    - Possession, Use, and Sale
    - Enforcement of State and Federal Laws
- Drug-Free Schools and Communities Act (DFSCA) drug and alcohol abuse prevention program (DAAPP) description or cross-reference

DRUG-FREE SCHOOLS AND COMMUNITIES ACT (DFSCA)

- Section 120(a) through (e) of the Higher Education Act
- Annual notification of
  - Drug and alcohol abuse prevention program (DAAPP)
  - To all students and employees
- Biennial review of the effectiveness of the DAAPP

SUBSTANCE ABUSE EDUCATIONAL PROGRAMS

Clery Act requires description and allows for cross-reference to DFSCA materials which include:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees

2. A list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol

3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs

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SUBSTANCE ABUSE EDUCATIONAL PROGRAMS (CONT'D)

4. A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students

5. A clear statement that the institution of higher education will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution

PRACTICE USING ASR CHECKLIST

- Take a few minutes and look at your institution's annual security report

- Review your sections on Emergency Notification and Prevention Programs to see if you have the required elements.

- Complete the ASR checklist with your notes.

DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING (DVSAS)

- Dating Violence, Domestic Violence, Sexual Assault, and Stalking Prevention and Response Policy Statements
- Student Disciplinary Procedures
- Sex Offender Registration

DVSAS POLICY STATEMENTS – OVERVIEW

- Description of primary prevention programs and awareness campaigns for new and current students and employees

- Procedures to follow
  - Importance of preserving evidence
  - Reporting options
  - Involvement of law enforcement and campus authorities

DVSAS POLICY STATEMENTS OVERVIEW (CONT'D)

- Confidentiality
- Written notification
  - All students and employees:
    - On/off campus services
  - Victims:
    - Accommodations (academic, housing, working, transportation, protective measures)
    - Rights and options
    - Disciplinary procedures (including timelines and sanctions)

- *Note breakdown in checklist per crime and per students vs. employees*

STUDENT DISCIPLINARY PROCEDURES

Statement that upon request institution will disclose the results of a disciplinary proceeding for a violent crime or non-forcible sex offense (incest or statutory rape) to:

The victim of such crime or offense

OR

The next of kin, if the victim is deceased

REGISTERED SEX OFFENDER INFORMATION

- Advises the campus community where information provided by the state concerning registered sex offenders may be obtained
  - Only required to inform the campus community
  - NOT required to collect information

ON-CAMPUS STUDENT HOUSING FACILITY SPECIFIC POLICY STATEMENTS

- Missing Student Notification
- Fire Safety Report

On-campus student housing facility

A dormitory or other residential facility for students that is located on an institution's campus

MISSING STUDENT NOTIFICATION POLICY STATEMENTS

- List of titles of persons or offices to report
  - 24 hours missing
- Immediate referral to campus security, police, or law enforcement
- Option to identify contact person

MISSING STUDENT NOTIFICATION POLICY STATEMENTS (CONT'D)

- Advise that contact information is registered and confidential

- Advise if under 18 & not emancipated that custodial parents must be notified within 24 hours

- Advise that local law enforcement will be informed within 24 hours

ANNUAL FIRE SAFETY REPORT

- A description of each on-campus student housing facility fire safety system
- The number of fire drills held during the previous calendar year
- Institution's policies or rules on portable electrical appliances, smoking, and open flames in a student housing facility
- Institution's procedures for student housing evacuation in the case of a fire

ANNUAL FIRE SAFETY REPORT (CONT'D)

- Policies regarding fire safety education and training programs provided to students and employees
  - Describe procedures that students/employees should follow in the case of a fire
- A list of titles to which students and employees should report that a fire occurred
- Plans for future improvements in fire safety

PRACTICE USING ASR CHECKLIST

- Take a few minutes and look at your institution's annual security report
- Look for the elements under this policy statement:
  - Dating violence, domestic violence, sexual assault, and stalking policy statements
  - Student disciplinary procedures
  - Registered sex offenders
  - Missing Student Notification
  - Fire Safety Report
- Complete the ASR checklist with your notes

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PUTTING IT ALL TOGETHER

CLERY ACT TRAINING SEMINAR (CATS): BUILDING (SKILLS) FROM THE GROUND UP

4 W's
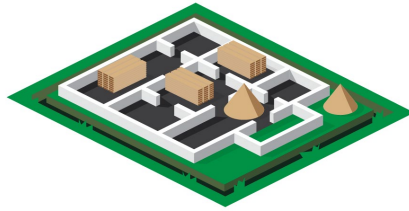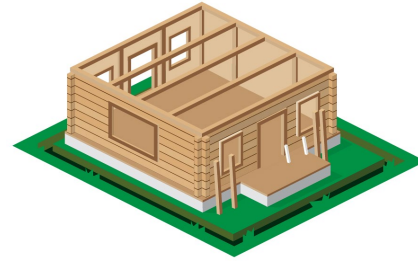
Ongoing Disclosures

Community Education

Intersections

Putting it All Together

BUILDING A SUSTAINABLE STRUCTURE

- Heart of compliance - prevention
- Institutionalization
- Making it part of the culture- cultural shift
- Establishing buy-in
- Developing a culture of compliance and a standard of crime prevention and response

SELF REFLECTION

Take a moment to note:
- Three questions
- Three takeaways from today's session and/or the entire training

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One takeaway from the entire training:

ⓘ Start presenting to display the poll results on this slide.

MESSAGING TO YOUR CAMPUS

Take a minute on your own to note on your Reminders that you would like to share with your campus community:

- *Reminders: Putting it all Together* page: a few key messages about annual security report requirements.

LOOKING FORWARD

- Review all of your "Messaging to Your Campus" pages
- Clery Membership
- Future Trainings
- Evaluation and certificate

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