



# CLERY ACT TRAINING: HIGHER EDUCATION ACT CAMPUS SAFETY OBLIGATIONS

DAY 1

Joseph C. Storch

# MEET YOUR FACILITATOR

Joseph Storch



**Senior Director of Compliance  
& Innovation Solutions**

*he/him/his*

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Joseph Storch is the Senior Director of Compliance and Innovation Solutions for Grand River Solutions where he concentrates on developing new solutions for safety and equity challenges. He previously served as Associate Counsel at SUNY where, in addition to his legal work, he raised more than \$20 million in external funding for legal and compliance innovations. Joe twice served as an expert witness before the United States Senate, drafted bipartisan federal and state campus safety legislation, received the NACUA First Decade and City & State 40 Under 40 awards, and is the author of more than 75 articles and book chapters, most centering around campus safety and copyright law.

# ABOUT US

## Vision

We exist to create safe and equitable work and educational environments.

## Mission

To bring systemic change to how school districts and institutions of higher education address their Clery Act & Title IX obligations.

## Core Values

- Responsive Partnership
- Innovation
- Accountability
- Transformation
- Integrity

# AGENDA Clery Act

- Brief History of the Clery Act
- How the Clery Act is regulated and recent changes
- The Clery Act and Title IX
- Geography
  - On Campus
  - Residential
  - Public Property
  - Non-Campus
    - Separate and Distant Locations
- Crime Definitions
  - Primary Crimes
  - Drug, Alcohol, and Weapons
  - Hate Crimes
  - VAWA Crimes
  - Overlaps and Hierarchy Considerations
- Security Authorities The Annual Security Report (ASR)
- The VAWA Amendments to the Clery Act
- Accountability and Prevention
- The Crime Log
- Timely Warnings and Emergency Notifications
- The ASR Versus Immediate/Timely Notifications (Applying the Factors)
- Missing Persons
- Fire Reporting
- Clery Act Program Reviews
- Putting It All Together

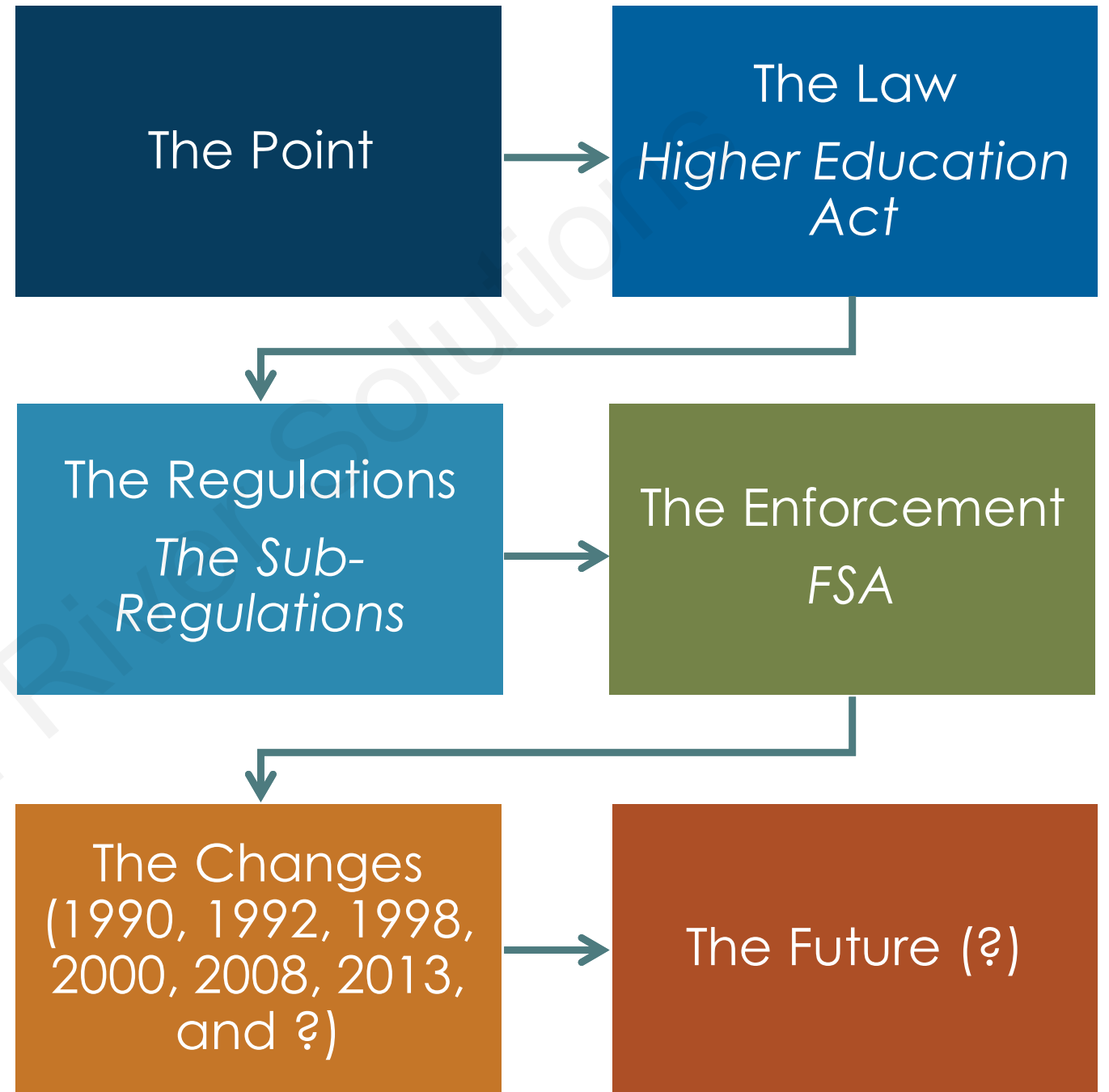
# HISTORY OF THE CLERY ACT



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# HISTORY

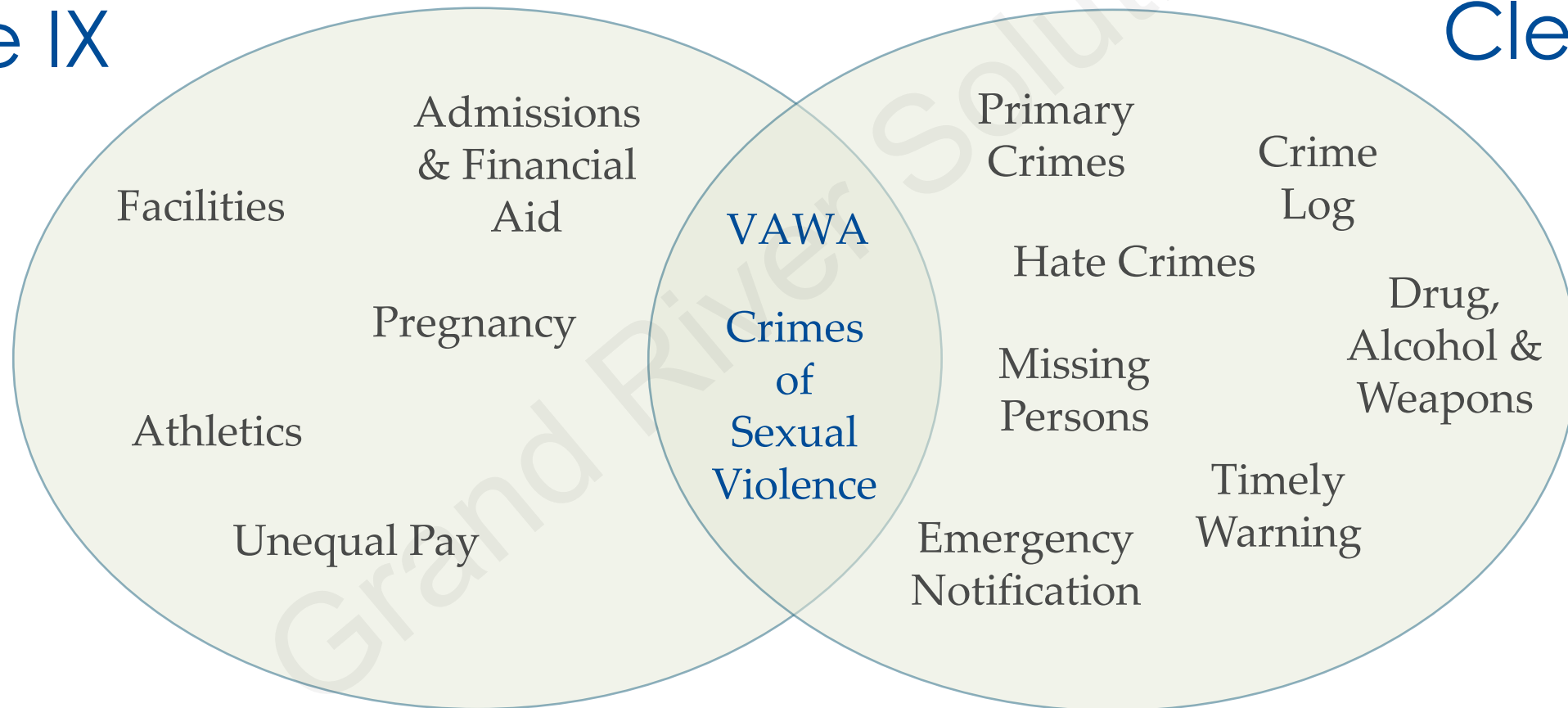


# OVERLAPS

The Clery Act is not Title IX  
2013 VAWA amended the Clery Act (they are not separate).

Title IX

Clery Act



# (CERTAIN) STATE LAW, VAWA RESPONSE, AND TITLE IX

- Significant overlap on the response requirements after sexual and interpersonal violence.
- Federal law > state law.
  - Different states have very different approaches—this will continue
- Different coverage.
- Different definitions.
- Different requirements in process.

# CLERY HANDBOOK (REST IN PEACE?)

## A brief history:

- Law passes in 1990
  - First Handbook in 2005 (200 pages)
  - Second Handbook in 2011 (285 pages)
  - Latest Handbook in 2016 (265...?)
- Was the Handbook “law?” No, but...
- Some major 2016 Handbook Changes
  - Some required by statutory/regulatory changes; some not

# CLERY HANDBOOK (REST IN PEACE)

- October 2020, Handbook withdrawn

[Knowledge Center Home](#) > [Library](#) > [Electronic Announcements](#) > Rescission of and Replacement for the 2016 Handbook for Campus Safety at

## Rescission of and Replacement for the 2016 Handbook for Campus Safety and Security Reporting (Updated Jan. 19, 2021)

 Print

**POSTED DATE:** October 09, 2020

**AUTHOR:** Office of Postsecondary Education

**SUBJECT:** Rescission of and Replacement for the 2016 Handbook for Campus Safety and Security Reporting (Updated Jan. 19, 2021)

**Note:** On Jan. 19, 2021, we replaced the “Clery Act Appendix for FSA Handbook” attachment to this announcement.

This electronic announcement addresses the rescission of and replacement for the 2016 Handbook for Campus Safety and Security Reporting (“2016 edition”). This announcement also identifies and explains the significant changes between the 2016 edition and the new Clery-related Appendix of the Federal Student Aid (FSA) Handbook.

# LET'S TALK STATUTE/REGS

- These are the authoritative obligations under the Clery Act
- Statute (part of Higher Education Act): 20 U.S.C. §1092(f)
- Regulations: 34 C.F.R. § 668.46
  - Everything else is guidance (that doesn't mean we don't take it seriously)
  - I am still going to use the Handbook for some aspects of this training.
  - Rescinded but not repudiated
    - What this means...
  - Be careful with the Appendix!

# HOW I THINK ABOUT THE CLERY ACT...

- The Community
  - Core Actors
  - Information Feeders
- Which is the most important role?

**Compliance**  **The Point of the Law**

# WHERE: GEOGRAPHY

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# GEOGRAPHY

Clery does not require you to report crimes based on WHO

Clery requires you to report crimes based on WHERE

VAWA Response is different

# LOCATION, LOCATION, LOCATION

Four Geographic Locations:

1

On Campus

2

On Campus Residential

3

Public Property (adjacent to AND accessible from)

4

Non Campus

(note the distinction between Clery and Title IX Final Rule)

# ON CAMPUS

- Standard On Campus
- If institution owns/controls property adjacent to campus, count as on campus



# ON CAMPUS

- ED's Handbook take on control for buildings owned by an associated entity (foundation, holding company, subsidiary, alumni association, athletic booster club, etc.) if is used to support educational purposes (2-3, 26).
- Institution owned or controlled hospital or medical centers
  - “overlapping faculty/doctors, overlapping boards of directors or officers, use of the hospital or medical center as part of the institution’s educational program, geographic proximity, an ongoing relationship between the institution and the hospital, and whether students consider the hospital or medical center to be part of the campus” (2-3, 26).

# ON CAMPUS

- What is reasonably contiguous?
- One mile rule???
- Handbook v. Appendix



# ON CAMPUS

- Branch and Separate Campuses (Handbook)
  - Branch Campus Definition- useless; any branch campus is a separate campus
- Separate Campus Definition:
  - Organized Program of Study
  - Administrative Personnel on Site
- Some thoughts...

# ON CAMPUS RESIDENTIAL

Reportable crimes in residence halls are  
“always” counted twice, once in On Campus,  
once in Residential

Handbook versus Regs

**This is important**

# PUBLIC PROPERTY (ADJACENT TO AND ACCESSIBLE FROM)

- Public Property
- **Statute:** “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.”



# PUBLIC PROPERTY (ADJACENT TO AND ACCESSIBLE FROM)

- Public Property
  - Sidewalk, Street, Sidewalk
  - One mile into the water (maybe)
- *But...*

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# LOCATION, LOCATION, LOCATION

Specifically disclaimed in October 2020

“As an example of our revised approach, the Department will no longer apply any specific measurable distance definition to “reasonably contiguous” geographic area. For example, the 2016 edition states that, with some exceptions, “generally speaking, it is reasonable to consider locations within one mile of your campus border to be reasonably contiguous with your campus.” (Pg. 2-3) The 2016 edition similarly advises that, with limited exceptions, institutions “extend the reporting area one mile into the area of” a public park and “a river, lake, ocean, etc., that borders your campus.” (Pg. 2-15) This is an expansion of the scope of the Clery Act and goes beyond any reasonable expectation a student or parent might have regarding the institution’s responsibility for ensuring student safety.”

# NON CAMPUS

- Applies whether 10 miles away or 1,000 miles away
- Two types of Non Campus property (that have nothing to do with each other). This is in the Regulations.
- *Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.*



# NON CAMPUS: TWO TYPES

1

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

2

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

# NON CAMPUS

## Examples of Non Campus buildings:

- Research facilities (only if frequently used by students).
- An off-campus student housing facility owned by a third party (e.g. hotel or apartment complex) that has a written contract with your campus to provide student housing or one owned by the institution but not within the same “reasonable contiguous geographic area” as the institution.
- A publicly owned athletic stadium that is leased by the campus.
- Classes for students in an owned, rented, or leased location.
- Institutionally owned research boats/ships/vans carrying students participating in institutional programs (Handbook).

# NON CAMPUS- AHOY!

## •Examples of Non Campus buildings:

- 2005 Handbook- Ships
- 2011 Handbook- Ships and Boats (research vessels)
- 2016 Handbook- Ships, Boats, and Vans (carrying students who are participating in institutional programs)
- Not in Regs or Statute



# NON CAMPUS- INTERNATIONAL

## •Examples of Non Campus buildings:

- 2005 Handbook- essentially silent
- 2011 Handbook- Hotels
- 2016 Handbook- Expanded
- October 2020- disclaimed (some relevant Court cases)
- Not in Regs or Statute
- But...what ED currently says...



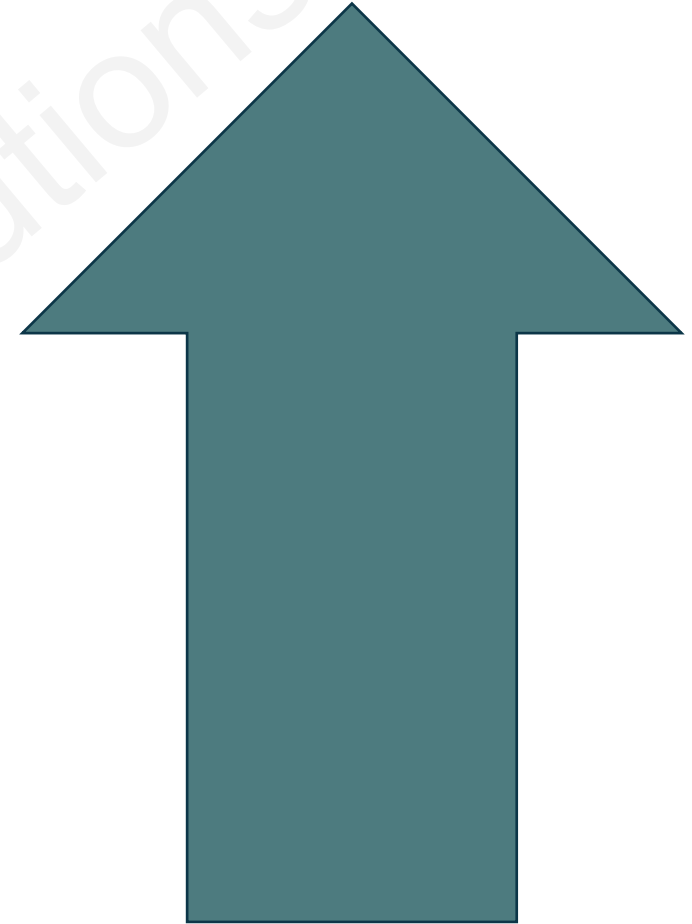
# NON CAMPUS- DOMESTIC DISTANCE

- Not as clear, gray area
- Some considerations:
  - Hotels
  - Field Trips, student-organized, one overnight
  - Whose trip is it anyway?
- Tracking?



# THE UPSHOT?

- Clergy only takes notice (for reporting and notification purposes) of crimes that occur in certain geographic locations.
- **But...**



# WHAT: CRIME DEFINITIONS

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# WHAT WE REPORT (HANDBOOK)

- Statistics that count Clery reportable crimes and certain referrals (not everything that happens).
- Crimes disclosed based on year crime is reported
  - Regardless of what year or when in the year the crime occurred
- Status of victim and perpetrator is irrelevant
- Do not differentiate between attempted and completed crimes
  - Conviction or plea (or even arrest) or finding of responsibility is not necessary

# WHAT WE REPORT

- The Clery Act sets a floor...but be cautious about going above and beyond... (at least formally in the ASR)
- ED can audit on the contents of the ASR, even if not required...



# WHAT WE REPORT

- **Report Crimes**
  - Federal definitions
    - UCR and NIBRS as “influencers”
  - Hierarchy rule applies (with exceptions)
- **Referrals for drugs/weapons/alcohol**
  - Local jurisdiction definitions
  - Has to be a crime (not just a violation of institutional policy)
    - Cannabis violation
    - Weapons violation
    - Alcohol possession by an of age student
- **Some overlaps (be aware)**

# REPORTABLE PART I CRIMES – POST VAWA

**Note loss of forcible/ non-forcible  
language  
(good riddance)**

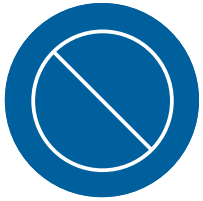
- **Criminal homicide:**
  - Murder and non-negligent manslaughter,
  - Negligent Manslaughter/Manslaughter by Negligence.
- **Sex offenses:**
  - Rape,
  - Fondling,
  - Incest, and
  - Statutory rape.
- **Robbery.**
- **Aggravated assault.**
- **Burglary.**
- **Motor vehicle theft.**
- **Arson.**

# PART II ARRESTS/REFERRALS

Use:

Local definitions:

Must be an **actual violation** of local law



Illegal  
Weapons  
Possession



Drug Law



Liquor Law

# PART II ARRESTS/REFERRALS HIERARCHY (HANDBOOK)

1. Weapons Arrest
2. Drug Arrest
3. Alcohol Arrest
4. Weapons Referral
5. Drug Referral
6. Alcohol Referral

- If concurrently arrested and referred for same crime or for different crimes, count arrest (per regulations).
- If arrested or referred for multiple counts of drug and/or alcohol and/or weapons at same time, count only one.
- If arrested or referred at different times, count each separate time.
- Count number of people arrested/referred for violation of law.
- Do not count based on institutional policy.

# REFERRAL FOR DISCIPLINE

- **Referred for disciplinary action is defined as:** *“the referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.”*
- Might be called: **“disciplinary action,” “mediation,” “judicial process”**, etc.
- The referral may, but doesn’t have to, originate with the police.
- Regardless of what you call it, if the process involves the following three criteria, it’s a disciplinary action under Clery:
  1. The official receiving the referral must initiate a disciplinary action,
  2. A record of the action must be kept, and
  3. The action may, but does not have to, result in a sanction.
  - Note that a disciplinary action can be initiated in an informal as well as a formal manner. It can include an interview or an initial review of names submitted to an official.

# PART III

## HATE CRIME REPORTING

**All Part I crimes**, plus new four Hate Crimes counted as hate crimes if motivated by bias and recorded by category of bias.

1. Larceny-theft
2. Simple assault;
3. Intimidation; and
4. Destruction, damage, or vandalism of property

# REGULATIONS

## Hate crime.

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

# HATE CRIME REPORTING

Hate Crimes are  
a Part III

Part I crimes  
motivated by bias  
counted at least  
twice, once in Part  
I and once in Hate  
Crime (can be  
more than twice  
depending on  
facts).

Can report in  
table or narrative

# 1. LARCENY-THEFT

“the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.”



## 2. SIMPLE ASSAULT

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

- Different from aggravated assault

# 3. INTIMIDATION

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

**Reasonable fear:** presumed if reported, can be denied (ask the question).  
Victims need not be intended target of the offender.

**Includes cyber-intimidation if victim is threatened on Clery geography.**

## 4. DESTRUCTION, DAMAGE OR VANDALISM OF PROPERTY

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

**Examples:** cutting tires, obscene graffiti, smashing windows, defacing library books (when in context of a hate crime)



# CATEGORIES OF BIAS

Only count if it fits these groups.  
The categories of bias were initiated in HEOA and changed by VAWA.

Race (2008 HEOA)

Gender (2008 HEOA)

Religion (2008 HEOA)

Sexual Orientation (2008 HEOA)

Ethnicity (2008) & National Origin (2011 Handbook)

Disability (2008 HEOA)

Gender Identity (2013 VAWA)

National Origin (2013 VAWA)

# HATE CRIMES REPORTING IN PRACTICE

Attempted or completed crimes count equally.

Actual or perceived member of the protected group.

Perception of the offender, not the victim, makes it qualify as a Hate Crime.

Evidence of prejudice insufficient; must have evidence that prejudice motivated **this** crime.

Case-by-case assessment of the facts (every case must be investigated).

Some overlaps



# HATE CRIMES REPORTING IN PRACTICE

THE UPSHOT  
(AND HOW TO THINK  
ABOUT OVERLAPS)

# THE VAWA AMENDMENTS TO THE CLERY ACT: REPORTABLE INCIDENTS

## VAWA Amendments (2013-14)

- VAWA was a vehicle to amend Higher Education Act
- These definitions do not rely on VAWA being reauthorized
- But, the definitions are pulled from VAWA
  - So are the Title IX VAWA definitions
  - But not exactly in the same way
  - In 2020, this got weird
- Notification in ASR (state) versus counting and response (federal)

# THE VAWA AMENDMENTS TO THE CLERY ACT: REPORTABLE INCIDENTS

## VAWA Amendments (2013-14)

- Hierarchy rule doesn't apply to Part IV
- Mini-hierarchy:
  - Domestic Violence
  - Dating Violence
- Stalking not included in mini-hierarchy



# VAWA REPORTABLE INCIDENTS

## Dating Violence

The term dating violence means “violence committed by a person—

- A. who is or has been in a social relationship of a romantic or intimate nature with the victim;
- B. the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of:
  - I. The length of the relationship;
  - II. The type of relationship; and
  - III. The frequency of interaction between the persons involved in the relationship”

# DATING VIOLENCE

For the purpose of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

# VAWA REPORTABLE INCIDENTS

## Domestic Violence (Regulations, Appendix A)

The term domestic violence is a “felony or misdemeanor crimes of violence committed

- A. by a current or former spouse of the victim,
- B. by a person with whom the victim shares a child in common,
- C. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner,
- D. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the violence occurred, or
- E. by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

# SEXUAL ASSAULT

“An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program and included in Appendix A of this subpart.”

# 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.
- Consent is NOT defined in the regulations

# SEX OFFENSES

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

**B. Sodomy** — Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**C. Sexual Assault With an Object** — The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

# SEX OFFENSES

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

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

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

**Forcible/Non-Forcible language is out (good riddance).**

# VAWA REPORTABLE INCIDENTS

## STALKING

- The term stalking means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - A. fear for the person’s safety or the safety of others; or
  - B. suffer substantial emotional distress.

# STALKING

- **Pattern of incidents**
  - Course of conduct means two or more acts
- **Substantial emotional distress-** significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.
- Reasonable person in the situation and identities of the victim.
- Count based on location that victim first becomes *aware* or incident was perpetrated (if known)
- Count in year first reported (this seems obvious)
- Count again if the behavior continues after an official intervention by the college or by a court

# VAWA CRIMES, TITLE IX, AND STATE LAW

- Thinking about overlaps: some state laws and Title IX adopt Clery definitions (sort of)
- Multiple obligations stemming from a specific report
- We can meet these differing obligations
- Overlap with hate crime definitions
- Importance of record-keeping, information-sharing, and getting on same page

# A NATIONAL SURVEY

As part of the **2022 Omnibus bill**, Congress will require the Department of Education to create and administer a survey of all students at all colleges and universities receiving federal funds.

- Institutions can customize
- Created with input from experts
- National and institution-specific reports

10 is authorized to be appropriated to carry out this section  
11 \$10,000,000 for fiscal years 2023 through 2027.”.

12 **SEC. 1507. ONLINE SURVEY TOOL FOR CAMPUS SAFETY.**

13 (a) IN GENERAL.—The Secretary of Education, in  
14 consultation with the Attorney General, the Director of  
15 the Centers for Disease Control and Prevention, the Sec-  
16 retary of Health and Human Services, and experts in do-  
17 mestic violence, dating violence, sexual assault, sexual har-  
18 assment, and stalking, shall develop, design, and make  
19 available through a secure and accessible online portal, a  
20 standardized online survey tool regarding postsecondary  
21 student experiences with domestic violence, dating vio-

# BUT THERE'S A PROBLEM

As part of the **2022 Omnibus bill**, Congress will require the Department of Education to create and administer a survey of all students at all colleges and universities receiving federal funds.

- Sexual and interpersonal violence and harassment cannot be measured in “restaurant sanitation grades” comparative safety



# A NATIONAL SURVEY?

## Taking Stock of the Survey – Advantages and Challenges of a National Climate Survey

### A National Climate Survey Requirement

The 2022 federal Omnibus legislation<sup>1</sup> included a new requirement that the U.S. Department of Education (the Department) develop and administer a climate survey of college student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking at all colleges and universities that accept federal funds.

This lofty goal may prove challenging, however. The actual timeline of the development and administration of the survey is unclear. The Department must assemble specialists to research, develop the survey, provide an

Search

#### Categories

ADA

[Bit.ly/edsurveys](https://bit.ly/edsurveys)

8:15

LTE 74

insidehighered.com

INSIDE  
HIGHER ED

Become an Insider

My Dashboard

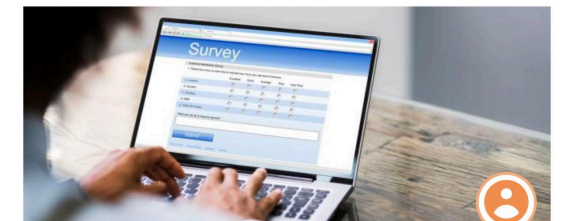


## Federal Climate Survey Could Be Counterproductive

While campus-level climate surveys are important, a new national survey mandated by Congress could undermine the goal of creating safer campuses, Joseph Storch writes.

By Joseph Storch

Published July 19, 2022



# VAWA CRIME RESPONSE

05

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# MERGING TITLE IX INTO CLERY

- Violence Against Women Act Legislative History
- 2013 – Passed in February and signed by the President on March 7
  
- Regulatory History
- June 2014 – proposed regulations issued
- October 2014 – final regulations
- July 1, 2015 – regulations in effect
  
- 2022 VAWA History
- Passed as part of Omnibus — some potential changes
  
- **VAWA and HEA are separate**

# VAWA AND CLERY REPORTING

stalking, as required by paragraph (k) of this section; and

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

(12) A statement advising the campus community where law enforcement

- Title IX (historically) and VAWA response are not based on geography, they are based on identity (usually).
- Title IX (current) response and Clery counting are based on geography

# VAWA EXTRAS – NEW OBLIGATIONS BEYOND COUNTING CRIMES.

- Policy statements, which include new obligations:
- Encouraging prompt reporting
- Fair disciplinary procedures (institutional response)
  - Advisors of choice
  - Standard of evidence
  - List all sanctions for VAWA crimes
  - Information and notice in writing to reporting individuals, to all parties, and to the entire community
- Training (education programs re VAWA crimes)

# VAWA DISCIPLINARY PROCEDURES MUST:

- Produce a fair, prompt, and impartial investigation and resolution;
- Be conducted by “officials” who receive “annual training.”



# ACCESS TO AN ADVISOR OF CHOICE, WHO MAY BE AN ATTORNEY

- Only required to allow the advisor to be an attorney in cases of
  - Sexual assault
  - Dating violence
  - Domestic violence
  - Stalking
- Consider and implement permitted restrictions
  - “Potted plant” (\*But see Title IX Final Rule)
  - Scheduling conflicts/extensions



# REQUIRES PUBLICATION OF ALL AVAILABLE SANCTIONS

- \*Not a range\* (ignore prior OCR statements, since withdrawn, that institutions can use a range).
- Must specifically list all available sanctions for:
  - Domestic violence; Dating violence; Sexual assault; Stalking
  - **For suspension, list ALL possible suspension lengths.**
- **These standards apply to student discipline and faculty/staff discipline.**

# PUBLISH THE STANDARD OF EVIDENCE (WHATEVER IT IS)

- Clery Handbook says: Publish a statement of the standard of evidence that will be used (2016 Handbook 8-16).
- OCR Title IX standards.\*
- All or nearly all institutions use
  - Preponderance of the Evidence
- **But...**



# PROVIDING WRITTEN NOTICE

- Institutions must provide written information to all students and employees;
  - Certain information must be provided in writing to victims\*;  
and
  - Certain information must be provided in writing to both the accused and the victim.
- 
- \*Regulatory language



# PROVIDING WRITTEN NOTICE

Written policy provided to all students and employees must include everything in Victim Notification (forthcoming slides), and information regarding:

Education programs to promote awareness about these crimes;

Confidentiality available for victims;

Existing health, victim advocacy, counseling, and other services;

Disciplinary procedures; and

Equitable opportunities for victim and accused.

# PROVIDING WRITTEN NOTICE

*Written policy provided to all students and employees must include everything in Victim Notification (forthcoming slides), and also information regarding:*

- **Disciplinary procedures**

- Fair, prompt, impartial investigation and resolution;
- Conducted by “officials” who receive “annual training.”
- A note on “official”:
  - *We believe this does not exclude students from serving. Regulations and oral ED guidance are consistent with our interpretation (Title IX consistent).*

# PROVIDING WRITTEN NOTICE

*Written policy provided to all students and employees must include everything in Victim Notification (forthcoming slides), and also information regarding:*

- **Equitable opportunities for victim and accused**
  - Accused and victim are entitled to the same opportunities to have others present during the institutional disciplinary process (hearing and other meetings).
  - Regulations make clear that all parties must have the right to have any advisor, including an attorney, present at the hearing and related meetings.

# PROVIDING WRITTEN NOTICE

Must notify victim in writing about:

Sanctions, protective measures;

Evidence preservation;

How to report the offense, on and off campus, and assistance with reporting;

Availability of orders of protection, no contact orders, etc.;

Interim remedies, including options for and assistance with changing academic, living, transportation, and working situations, if requested and reasonably available;

Procedures for institutional disciplinary proceedings.

# PROVIDING WRITTEN NOTICE

Notify the parties simultaneously and in writing about:

- The outcome of an institutional disciplinary proceeding;
- Procedures for appealing the results, if any;
- Any interim results (pre-appeal);
- When the results become final.

# PROVIDING WRITTEN NOTICE

**Note:** *Title IX Final Rules don't change these Clery policies.*

- Belt and suspenders (ish)
  - May change approach within rules
  - May change nomenclature

# MORE FROM THE POLICY STATEMENTS

- **Education programs shall include “primary prevention and awareness programs for all incoming students and new employees,” which shall include:**
  - statement prohibiting domestic violence, dating violence, sexual assault, & stalking;
  - definition of domestic violence, dating violence, sexual assault, & stalking in the applicable jurisdiction;
  - definition of consent, in reference to sexual activity, in the applicable jurisdiction;
  - safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene in cases of a risk of domestic violence, dating violence, sexual assault, or stalking;

# MORE FROM THE POLICY STATEMENTS

- **Education programs shall include “primary prevention and awareness programs for all incoming students and new employees,” which shall include:**
  - safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene in cases of a risk of domestic violence, dating violence, sexual assault, or stalking;
  - information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
  - ongoing prevention and awareness campaigns for students and faculty on all of the above (subject to regulations and ED guidance).

# MORE FROM THE POLICY STATEMENTS

- Can use programs “informed by research” (8-4, 165; VAWA regs).
- Can meet more than one requirement in a single training.
- **Note:**
  - There is no requirement that you use or buy any specific program, software, or “solution.”
  - There is no requirement that you spend at least \$X.
  - More expensive ≠ better for students.
  - Proven or promising. There is really good work being done by great, deeply dedicated organizations.

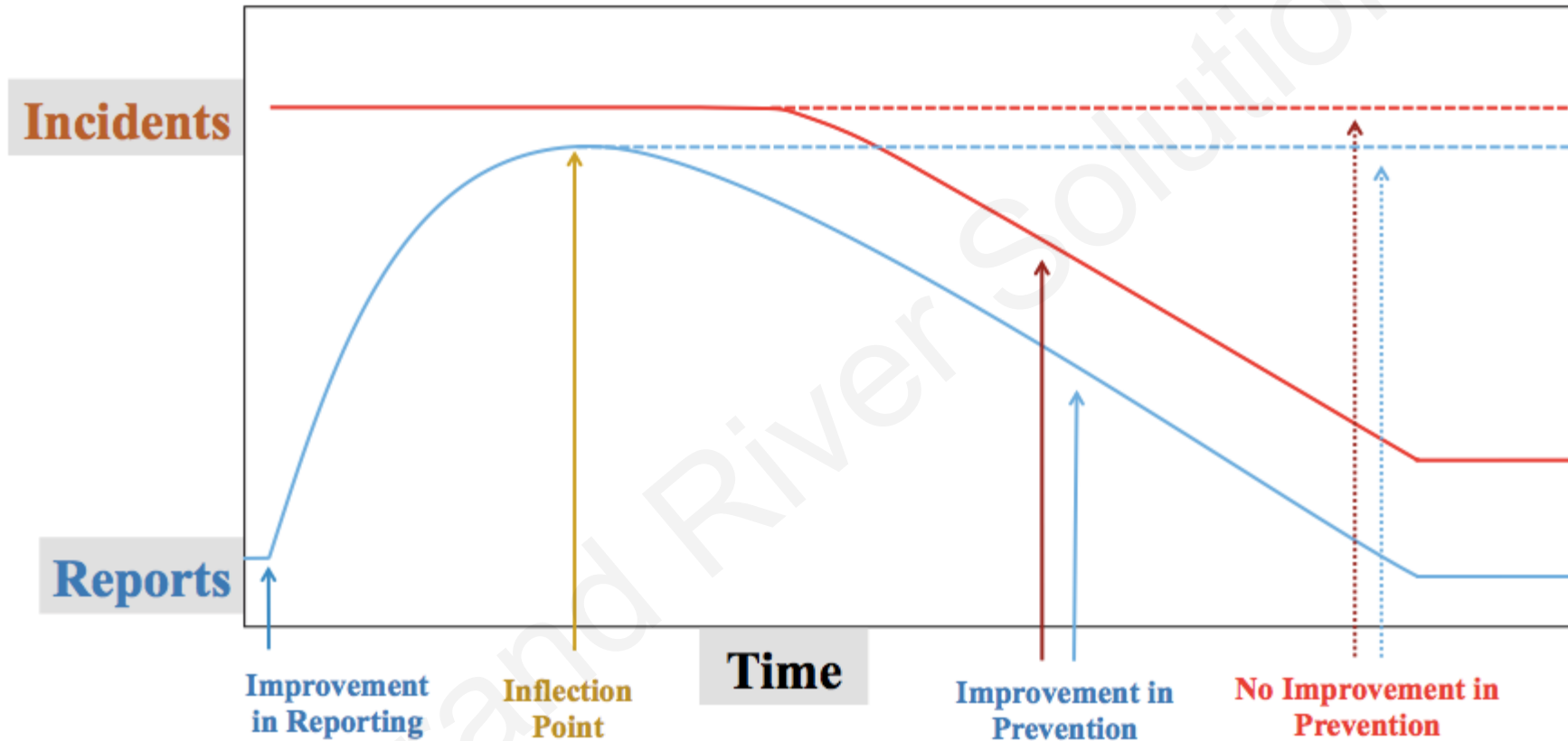
# VIOLENCE AGAINST WOMEN ACT

## In short:

- Training, training, training...
- Awareness programs
- Bystander intervention training
- Ongoing prevention and awareness campaigns
- Primary prevention programs
- Risk reduction training (this is the one I often see not included)



# ONBOARDING/TRAINING



Inside Higher Ed Article: <https://www.insidehighered.com/views/2016/03/14/colleges-must-not-only-respond-reports-sexual-violence-also-prevent-it-essay>

***Stream Model of Sexual and Interpersonal Violence Prevention and Response***

**Upstream**

- Culture of Respect
- Green Dot/Bringing in the Bystander/MVP
- Orientation/Policy Training
- VAWA Campaign and Prevention Programming; Programming such as One Love Campaign
- Students Run Bystanders Intervention at Parties (Cornell's Cayuga's Watchers)

**Incident Occurs**

Response: Disclosure (confidential and private), Health, Mental Health, Housing Accommodations, Academic Accommodations.

**Downstream**

- Reporting to Title IX, Conduct and/or Law Enforcement
- Investigation and college and/or criminal justice process, resolution and further training or policy changes
- Clery Act Reporting, if applicable

Inside Higher Ed Article: <https://www.insidehighered.com/views/2016/03/14/colleges-must-not-only-respond-reports-sexual-violence-also-prevent-it-essay>

# EDUCATING CSAS (REDUX)

- Must have policies encouraging accurate and prompt reporting of all crimes to campus police and appropriate law enforcement when the victim of such crimes wants to or is unable to make such a report.
- Colleges should train on new incidents and definitions or include new information in routine Clery CSA training.

# ACCOUNTABILITY & REMEDIAL ACTIONS

Why do we address sexual and interpersonal violence?

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# ACCOUNTABILITY & REMEDIAL ACTIONS

Why do we address sexual and interpersonal violence?

# ACCOUNTABILITY & REMEDIAL ACTIONS

Why do we address sexual and interpersonal violence?

- For those who experience violence/harassment
- For those who might experience if left unchecked
- For societal and institutional standards
- Because our institutions do not seek the minimum for behavioral standards

# HOW: LEARNING ABOUT CRIMES

04

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# HOW WE LEARN OF CRIMES

We learn of Clery reportable crimes in two ways



Campus Security  
Authorities



Statistics provided by  
local law  
enforcement

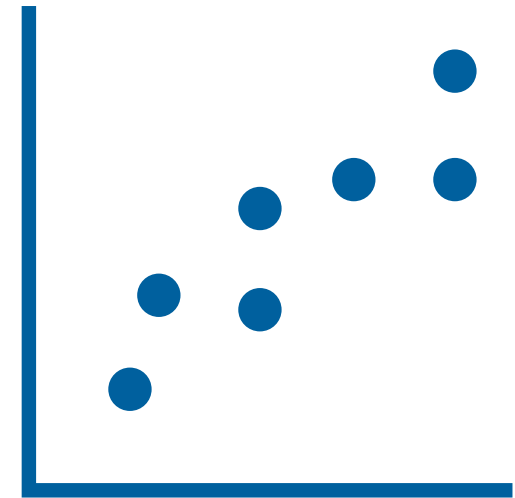
# DEFINING AND NOTIFYING CAMPUS SECURITY AUTHORITIES (CSAS)

- **Public Safety** (two prongs)  
Department members and others affiliated
- **Faculty/staff** with significant responsibility for students and campus activities (includes housing, discipline)
- **Individuals** specified as those to whom students and employees should report crimes



# DEFINING AND NOTIFYING CAMPUS SECURITY AUTHORITIES (CSAS)

- **For those who are covered**
  - Must report to the appropriate personnel any allegations of Clery Act crimes
  - Report the **statistic** regardless of whether the reporting individual wants to speak to the police



# DEFINING AND NOTIFYING CAMPUS SECURITY AUTHORITIES (CSAS)

## Campus must:

- Annually notify campus security authorities of their status and what is expected of them
- Provide training on what to do when a crime is reported
  - Forward the reports to Public Safety
  - Keep documentation of reported crimes
- Provide definitions of Clery Act crimes and geographic locations
- Designate an individual or office to oversee CSAs and canvas these individuals to include reports in the ASR and to ED

# DEFINING AND NOTIFYING CAMPUS SECURITY AUTHORITIES (CSAS)

## Does not include:

- Exception: Staff or faculty with little or no student responsibility
  - Would include a faculty or staff member who advises a student club or sport
- Exemption: Pastoral counselors who provide confidential counseling
- Exemption: Professional counselors who provide mental health counseling within the scope of their license or certification
  - Both pastoral & professional counselors must be so acting when they hear the report of a crime (includes interns in these positions).

# DEFINING AND NOTIFYING CAMPUS SECURITY AUTHORITIES (CSAS)

- We learn of Clery Act crimes/referrals through two sources:
  - **Campus Security Authorities**
  - Storch Modified CSA Training for Busy Staff (**not** endorsed by Dept. of Ed., but meets the Handbook standards):
  - **You have been defined or designated as a Campus Security Authority. This means that if you witness, learn of, or hear about a Clery Act crime, you must, as soon as possible, contact \_\_\_ and tell them what happened and where it happened;**
- Optional: you may identify the victim or keep the victim's identity confidential.

# TITLE IX, CLERY AND FERPA

- What about FERPA (Family Educational Rights and Privacy Act)?
- Exception to FERPA: Share information with a school official with a legitimate educational interest.
- Public Safety/TIXC/Student Affairs qualifies.
- Identified v. de-identified data- remember what each law “needs”
- Counseling and other confidential data- some thoughts on strategy

# TITLE IX, CLERY AND FERPA

What about  
FERPA?

For all CSA's, in sharing information about crimes, victims and troubled students, **FERPA says you may; Clery says you must.**

HIPAA generally does not apply.

# TITLE IX, CLERY AND FERPA

The Appendix- institution decision on CSA's is authoritative

# CRIME STATISTICS- LOCAL LAW ENFORCEMENT

As long as we are getting information from other sources:

- Send requests for crime statistics to local law enforcement
- Specify what constitutes public and campus property (if applicable) for *Clery Act* reporting purposes
- State that the information is required by the *Clery Act* for disclosure in the ASR and to ED.
- Keep a copy of the request for required *Clery Act* statistics
- Document any response or non-response from local law enforcement
- Good faith means not waiting until the last minute (oral guidance).

# UNFOUNDING

- Significant bureaucratic requirements
- *Not* for not guilty or withdrawn claims
- Truly did not happen after a complete and thorough investigation
- Do not need to put in table, can note Unfoundings in paragraph format.

# TITLE IX AND CLERY: WORKING TOGETHER

LET'S PUT IT ALL TOGETHER  
CSA's/Title IX/Other Offices

# REAL TIME NOTIFICATIONS

Getting the Word Out



07

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# CRIME LOG

Record of all crimes and allegations of crimes

- Maintained by the institution
- May include reportable fires in residence halls and other related items
- Includes crimes that are not Clery reportable
- Enter within two days of when reported to Public Safety
- More specific information and location + disposition (where known)
- Clery geography and “patrol jurisdiction” (where applicable)
- Certain cases can be excluded for a time

# TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

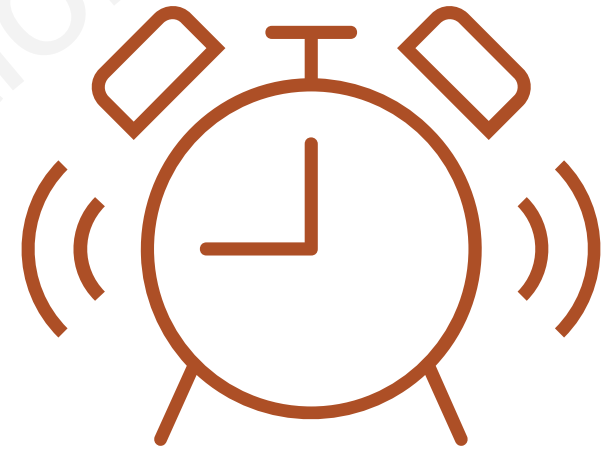
- Two methods of notifying college community about events that impact their safety.
- Significant technical and policy differences.



# EMERGENCY NOTIFICATION

## Institutions must:

- Have an emergency notification policy;
- Test it at least annually;
- Assess the results of the test; and
- Publicize the system and policy.



If issue emergency notification, need not issue timely warning (must provide adequate follow up information).

# EMERGENCY NOTIFICATION

- An emergency notification is “required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.”
- Issue an emergency response notification upon confirmation of an immediate or impending threat to the welfare of the campus community (confirmation does not mean all pertinent details are yet known).
- No prescribed manner or language provided it is complete, accurate and easy to understand (active, not passive).

# EMERGENCY NOTIFICATION

## Policy/Procedures Include:

- Procedures the institution will use to immediately notify campus upon confirmation of a significant emergency or dangerous situation involving immediate threat to health or safety of students or employees occurring on the campus.
- Description of the process institution will use to
  1. Confirm the existence of a significant emergency or dangerous situation
  2. Determine the appropriate segment or segments of the campus community to receive a notification
  3. Determine the content of the notification
  4. Initiate the notification system

# EMERGENCY NOTIFICATION

- Statement that institution will determine content of notification and initiate system:
  - Without delay
  - Taking into account safety of community
  - Unless issuing notification will compromise emergency response efforts **(mandatory statement per Handbook [sub-regulatory and withdrawn] page 102)**.
- List titles of those responsible for emergency response notification process
- Institution's procedures for disseminating emergency response information to larger community
- Institutional procedures to test the emergency response and evacuation procedures on annual basis and publish test results.

# HANDBOOK EXAMPLES

Incidents  
Necessitating  
Emergency  
Notification:

Outbreak of  
meningitis,  
norovirus or  
other serious  
illness

Earthquake

Civil unrest or  
rioting

Approaching  
tornado,  
hurricane or  
other extreme  
weather  
conditions

Nearby  
chemical or  
hazardous  
waste spill

Gas leak

Armed  
intruder

Terrorist incident

Bomb threat

Explosion

COVID Guidance

# TIMELY WARNING

One which “alert[s] the community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes.”

## Institutions must:

- Issue timely warnings; and
- Have a timely warning policy.



# TIMELY WARNING

## Issue a Timely Warning for:

- Any Clery Act crime (threat to person or property);
- That occurs in your Clery geography;
- That is reported to local police or campus security authority; and
- Is considered by the institution to represent a serious and continuing threat to students and employees.

**Exception** for reports to pastoral and professional counselors.



# TIMELY WARNING

- **Case by case basis** considering all facts surrounding occurrence of a crime, including:
  - Nature of the crime;
  - Whether the crime presents a continuing danger to the campus community; and
  - Risk of compromising law enforcement efforts.
- **When you issue:**
  - No mandated format; distribute in a manner that gets the word out quickly (**active, not passive**).
  - Include in warning information to enable community members to protect themselves.

# TIMELY WARNING

## Department of Education suggests that your Timely Warning policy:

- Describe circumstances for which a warning will be issued;
- Identify the individual or office responsible for issuing the warning; and
- Describe the manner in which the warning will be issued.



# TIMELY WARNING

## From the Violence Against Women Act (2013):

- Withhold victims' names as confidential (practically we should have been doing this anyway).
- We may release the name of the accused.
  - Factors to consider.



# TIMELY WARNINGS FOR KNOWN OFFENDER SEXUAL ASSAULTS

## Timely Warning

- Narrow in scope – Clery Act crimes only (minimally).
- Crimes that occurred in past but constitute ongoing threat.
- Anywhere on your Clery geography.
- To be issued as soon as pertinent information available.



## Emergency Notifications

- Wide focus – any emergency.
- Currently occurring emergencies or ones that pose imminent threat to campus community.
- On Campus property only.
- To be issued upon confirmation of a dangerous actual or threatened situation.

# TIMELY WARNINGS FOR KNOWN OFFENDER SEXUAL ASSAULTS

## A difficult balance

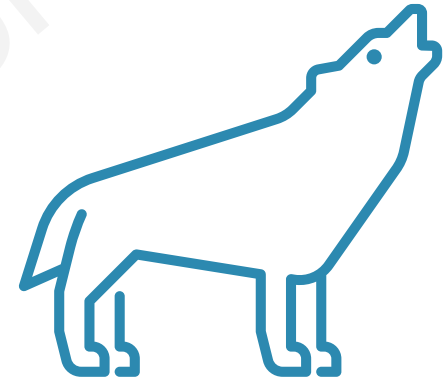
- Written guidance from ED is not very clear as to how much flexibility an institution has (oral guidance has been better)
- When an assailant is arrested, incarcerated, deceased or suspended and banned from campus, or otherwise in the system, do they present a continuing risk?
- Risk of sending too many Timely Warnings cannot be ignored.



# TIMELY WARNINGS FOR KNOWN OFFENDER SEXUAL ASSAULTS

## Why We Need a More Nuanced Approach

- Boy who cried “wolf”
- Unsubscribe?
- What information is useful
- Timely warnings are not meant to be education (we have VAWA/Clery education requirements)
- As reports increase, the nuance and care becomes more, not less important
- What ED has said...



# TIMELY WARNINGS FOR KNOWN OFFENDER SEXUAL ASSAULTS

## Findings of Non-Compliance in Clery Program Reviews

Violation where:

- No timely warning policy.
- No policy on who has authority to decide Factor 4.
- Unsolved and unaddressed pattern with no Timely Warnings
- Excessive timeframe where assailants remained on campus for classes or continued to live in a residence hall with no Timely Warnings.
- Cases where a Campus Security Authority did not bring forth a report (and therefore there was no analysis as to whether to issue a warning).
- Lack of documentation.

# COMPLIANCE TIPS

For Timely Warnings and  
Emergency Notifications

- Assign tasks, and reflect those assignments in Clery policy statements.
- Avoid arrangements that require command level law enforcement personnel to get executive approval to issue warnings.
- Train supervisory staff to issue warnings/notifications in the absence of command staff.
- Document steps you take.
- Test the systems at least annually.
- Thinking about Title IX and Clery Timely Warnings



# MISSING PERSONS POLICIES

# MISSING PERSONS POLICIES

- Initially passed in 2008 H.E.O.A.
- Part of expanded “Clery.”
- Technical steps required to comply.
- Policy required.
- Two “24 hour” periods in play.
- **Action required.**



# MISSING PERSONS POLICIES

- Must provide on-campus residential students with the opportunity to register a confidential missing persons contact.
- Does not cover students living off campus or those who normally live on campus but are temporarily residing off-campus on study abroad.
- If institution has multiple campuses, only those with residence halls are covered.
- This is a floor, not a ceiling. You may cover *more* or even *all* students (practically that's not difficult)

# MISSING PERSONS POLICIES

- Policy Statement: Institution will, within 24 hours of receiving a report of a missing residential student, take certain steps to locate students reported missing for 24 hours.
1. Include in ASR a list of campus professionals to whom a report of a missing person may be made
    - Advice: limit this list to those trained & available.
    - Note that requirements apply regardless of who receives initial report.

# MISSING PERSONS POLICIES

2. Require that reports (from anyone, not just other students) of residential students missing for 24 hours be referred immediately to institution police or security or (if no police/security) to local law enforcement.

Make sure to train campus personnel to contact appropriate professionals when they receive a report, **immediately.**



# MISSING PERSONS POLICIES

3. Provide on campus residential students with the option to designate a confidential contact person or persons whom the institution will notify within 24 hours of the student being reported missing.

Distinct from “emergency contact” (does not make sense).



# MISSING PERSONS POLICIES

3. Provide on campus residential students with the option to designate a confidential contact person or persons whom the institution will notify within 24 hours of the student being reported missing.
  - Contact can be anyone (literally anyone), regardless of otherwise identified emergency contacts (we think this is unnecessarily confusing, but we don't run the Department of Education).
  - Must be offered annually to residential students.
  - Must be offered to students who move into residence halls mid-year.

# MISSING PERSONS POLICIES

4. Confidential contact information is kept confidential. Only to be accessed by authorized campus officials and not disclosed except to law enforcement in cases of missing person reports.

Stronger FERPA protection for this information (no idea why).



# MISSING PERSONS POLICIES

5. Advise students under 18 that the institution will contact their parent or guardian if they are reported missing.

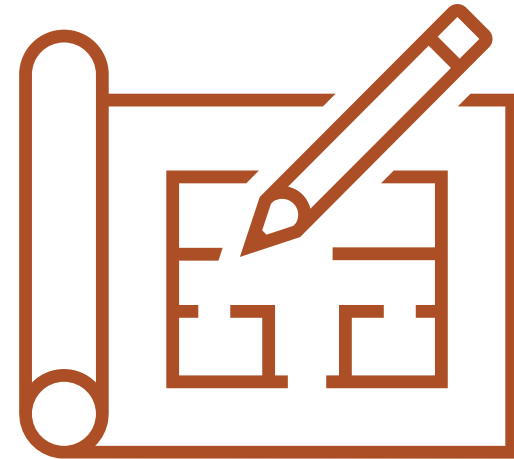
Will contact the parent/guardian and the confidential contact (if registered).



# MISSING PERSONS POLICIES

6. Notify local law enforcement (if report did not originate from them initially) within 24 hours of receiving report.

Practically, it is a good idea to have regular communication and a plan or MOU on how to proceed in a case of a missing student.



# MISSING PERSONS POLICIES

- Must provide on-campus residential students with the opportunity to register a confidential emergency contact.
- Within 24 hours of a report of a res. student missing for >24 hours:
- Refer reports to University Police/local police, etc.
- Contact the confidential contact if registered
- Contact the parents of a student under 18 years old.

# MISSING PERSONS POLICIES

- Brief Investigation
- Pursuant to the 2009 Clery regulations, University Police/Campus Security/Student Affairs may conduct brief investigation.
- May include trying the student's phone number(s), Twitter, Facebook and Social Media, contacting friends/partners, etc.
- If you locate the student, you do **not** need to contact the confidential contact, local law enforcement or parent/guardian (if under 18).

# MISSING PERSONS POLICIES- IN PRACTICE

- Paper or electronic? Ideal to have a popup during residence hall room choice, store the data accessible to police/security.
- Make sure your likely report recipients know to immediately contact campus police/security (and not run their own investigation).
- Make sure that campus police/security has procedures in place to implement the policy steps.
- Contact does not have to be in person; if multiple contact identified, may contact in any order.
- If unsuccessful in reaching a contact, document attempts.
- Per Department of Education: If the first person contacted says the student is not missing, you must still contact each additional contact unless you can speak to the student.

# FIRE SAFETY AND REPORTING REQUIREMENTS



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# FIRE SAFETY AND REPORTING REQUIREMENTS

- Distinct from State fire reporting
- Only covers fires in on-campus housing facilities
- **Similar compliance schedule to Clery Annual Security Report:**
  - October 1 deadline
  - Report to community -and- statistics to ED
  - Can combine with Annual Security Report or standalone (extra requirements if standalone)

# PER THE STATUTE AND THE REGULATIONS, THE ANNUAL FIRE REPORT MUST:

- Describe each on-campus student housing facility;
- Report the number of fire drills conducted during the reporting year;
- List the campus policies or rules on portable electronic appliances, smoking, and open flames in a student housing facility;
- List the campus procedures for evacuating student housing in the event of a fire;
- List the policies regarding fire safety education and training programs provided to the student and employees (including the procedures that students and employees should follow in the case of a fire);
- List the titles of each person or organization to which students and employees should report that a fire occurred; and
- List plans for future improvements in fire safety, if any.

# PER THE STATUTE AND THE REGULATIONS, THE ANNUAL FIRE REPORT MUST:

- List the titles of each person or organization to which students and employees should report that a fire occurred.
- For your own sake, limit this list!
  - We recommend:
    - University Police/Public Safety
    - Environmental Health and Safety Officer
    - Hall Directors (if necessary)
    - Any more and you risk a reporting (and auditing) nightmare
    - There should not be any major issues with calling one of these people/offices

# THE DEPARTMENT OF EDUCATION REGULATIONS DEFINED "FIRE"

“[a]ny instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.”



# THE DEPARTMENT OF EDUCATION REGULATIONS DEFINED "FIRE"

“[a]ny instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.”

Some examples:

Candles/incense (not a reportable fire, unless fire spreads)

Burned microwave popcorn (not a reportable fire, unless microwave melts or burns)

Burning food in a pan (reportable fire)

Hair dryer sets off fire alarm (not reportable, no open flame)



# THE DEPARTMENT OF EDUCATION REGULATIONS DEFINED "FIRE"

“[a]ny instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.”  
Violation of campus policy is **NOT** sufficient (e.g., toasters, microwaves may not be allowed; this has no impact on fire reporting)



# COLLEGES MUST REPORT ON:

- Number of fires (if any) and the cause of each that occur in residence halls
- Number of injuries (requiring treatment at a medical facility) and deaths from such fires (including someone who dies within a year from injuries sustained in a campus fire); and
- Value of fire-related property damage.

# MUST MAINTAIN A WRITTEN, EASILY UNDERSTOOD FIRE LOG:

- Records fires, by date that the fire was reported (which may differ from the date in which the fire actually occurred).
- Log must include nature, date, time, and general location of each fire.
- Entry must be made within 2 business days after receipt of relevant information.
- Business hours (usually at University Police).

# CAUTION: ASR NOT PROPERLY TITLED (FINE).

Hyper-technical but let's get this right:

Can separate ASR and Annual Fire Safety Report, or publish together.

- *If separate, each must reference the other.*
- *If published together, title must indicate that the document contains both reports.*
- *Can send notification together; describe both parts.*

# AUDITS AND PROGRAM REVIEWS



# CORRECTING THE ASR

- Corrections to ED
- Republishing and re-notifying about the ASR, even for past years.
- In Program Reviews



# RECORD RETENTION

Retain all documentation for at least 6 years in case of audit.

# PROGRAM REVIEWS AND FINES

- Program Review Conducted by Department of Education
- Substantive violations can result in \$69,733 fine *per incident* (recently increased, annually adjusted for inflation).
- Program Review Occurs in Three Situations:
  - Incident occurs;
  - Complaint to Department of Education;
  - Random Review.
- Let's talk real talk here...



# PROGRAM REVIEWS AND FINES

- The Clery Act is enforced through the ED's Federal Student Aid office ("FSA").
- FSA conducts audits; the Administrative Actions and Appeals Service Group ("AAASG") assesses fines.
  - FSA can initiate an audit even without a complaint.
- There is no private right of action for a violation of the Clery Act. See 20 U.S.C. § 1092(f)(14)(A).

# PROCESS



# NOTICE



- Immediately notify key stakeholders—leadership, witnesses, insurer
- Negotiate timing and scope with FSA to prepare for the on-site visit
- Prep witnesses and documents
- Consider conducting a “pre-audit” but make sure not to disturb or change any documents at that late hour.

# ON-SITE VISIT AND INVESTIGATION



- Witness interviews
- Document production
- Debrief with your witnesses
- Respond to any follow-ups

# PRELIMINARY FINDINGS AND RESPONSE

- Identifies areas of noncompliance with directions on how to get into compliance
- You can respond to these allegations and can negotiate with FSA about the scope and timing of your response.



# PRELIMINARY FINDINGS AND RESPONSE

- Identifies areas of noncompliance with directions on how to get into compliance
- You can respond to these allegations and can negotiate with FSA about the scope and timing of your response.



# FINAL FINDINGS



No opportunity to respond to or appeal the *final findings*

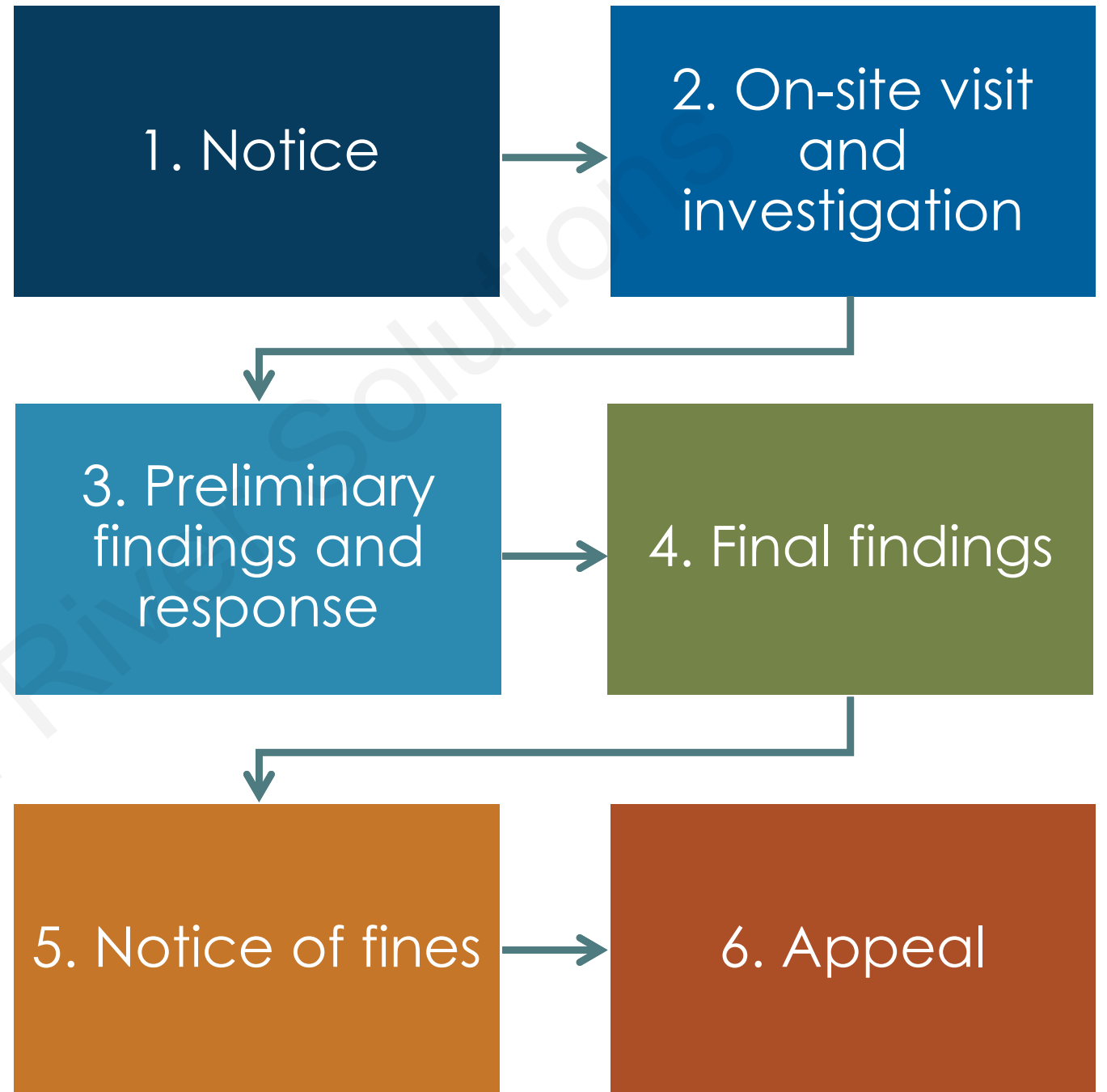
# APPEAL

If you get a fine, you can request a hearing or submit written materials for your appeal.



# PROCESS

A note about timelines...



# PROCESS

A note about timelines...

Establish a compliance program

Standard Operating Procedures

- Crime classification
- Alerts/notifications/warnings

Document everything: training, decision making

Training, increasing awareness

Records retention and destruction



# PUTTING IT ALL TOGETHER

*Each part of the stream is important*

Community

Department of Public Safety/University Police

Campus Security Authorities/  
Title IX/Student Affairs

ASR & Notices

## CONNECT WITH US

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[info@grandriversolutions.com](mailto:info@grandriversolutions.com)



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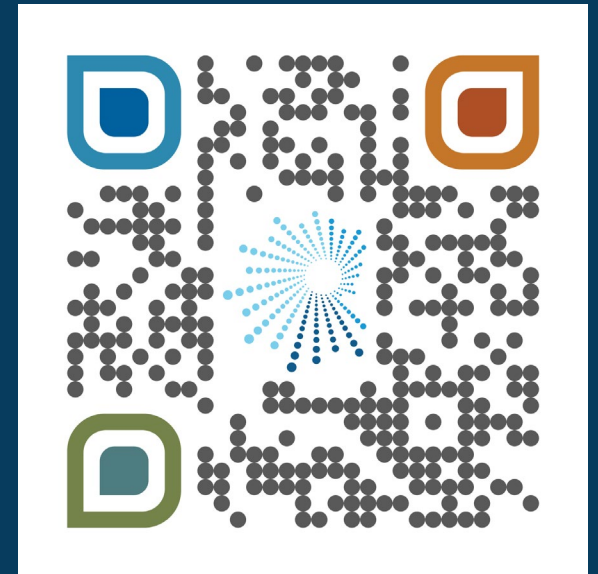


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