

Revisions to Higher Education Opportunity Act Signed 8/14/08

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Objectives

- Overview of amendments
- Full training on Clery provided by IACLEA at various locations around the country
- IACLEA, in conjunction with NACUBO, conducted webinar in June
- Amendments are effective for this year



Four Overall Amendments

- Relationship with Law Enforcement Agencies
- Hate Crime Reporting
- Emergency Response Reporting
- Fire Safety and Reporting-covered by Ed
- Missing Persons (Students)



Relationships with Other LEA

Policy must include statement about law enforcement authority of campus officers and their relationship with State and Local law enforcement agencies



Example

- University of Illinois at Urbana-Champaign Police officers have full law enforcement authority granted by the Illinois General Assembly under 110 ILCS 305/7 in any county wherein the university and any of its branches or properties are located. Their jurisdiction includes all property owned or controlled by the university, as well as streets adjacent to and running through the university campus. The University of Illinois at Urbana-Champaign Police Department maintains mutual aid agreements with other local law enforcement agencies



Or from GW

- There are more than 100 uniformed personnel, all of whom are Special Police Officers commissioned by, or security officers licensed by, the DC government. GW police officers have the authority to make arrests on GW owned, -leased, or -controlled property.



Current Policy Statement

- **Working Relationships with Other Law Enforcement Agencies**
- The GW Police Department maintains a close working relationship with the Metropolitan Police Department (MPD). The GWPD staff occasionally works with other law enforcement agencies in DC, including the FBI, Metro Transit Police, the Park Police and the U.S. Secret Service. Meetings are held between the leaders of these agencies on both a formal and informal basis



New Language

- There is no written memorandum of understanding between GWPD and MPD.



Hate Crime Reporting New Requirements

- Reporting based on category of prejudice:
- Larceny-use UCR definition
- Simple assault-UCR definition
- Intimidation-Hate Crime Data Collection Reporting Guidelines-<http://www.fbi.gov/ucr/hatecrime.pdf>
- Destruction, damage, or vandalism of property



Concerns

- Hate graffiti written on wall, etc.
- Can institution be a victim?
- Graffiti has to have evidence that it's directed at a specific person or group- perpetrator motivated to commit crime based on bias
- Suggestion-email E.D. to confirm that institution can be victim of crime-keep response



Emergency Response and Notification

- In the ASR, must have a statement of policy regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if any), which shall include procedures to:
 1. Immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students/staff



Emergency Response cont.

2. Provide a description or the process the institution will use to:
 - confirm there is a significant emergency
 - determine the appropriate segment of the community to receive the notification (gas leak example)
 - determine content of notification
 - who will initiate the system



Must Include

- A list of the titles of the persons or organizations responsible for carrying out these actions
- UI statement: The University of Illinois at Urbana-Champaign has implemented a formalized process which stipulates the on-duty University of Illinois at Urbana-Champaign Police Department shift commander, Executive Director of Public Safety and/or designee has the authority to confirm that there is a significant emergency or dangerous situation and send an emergency message to the campus populace and/or segments thereof depending on the emergency situation. This formalized process also stipulates an immediate, emergency message will not be sent if in the professional judgment of responsible authorities, the message would compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency. This established process further authorizes the on-duty University of Illinois at Urbana-Champaign Police Department shift commander, executive director of Public Safety and/or designee to formulate the content of the emergency notification and initiate the Campus Alert as necessary. The executive director of Public Safety and/or designee may also consult directly with the director of Public Affairs to ensure an immediate, timely notification to the campus populace via the aforementioned emergency notification mechanisms.



Procedures for Tests

- As a part of the comprehensive emergency operation plan for the University of Illinois at Urbana-Champaign, regularly scheduled drills, exercises and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities are conducted on an annual basis. Table-top exercises and full-scale exercises are conducted for various campus units identified as having emergency response responsibilities in order to test emergency response and evacuation procedures. All exercises conducted are documented, including the date, time and whether it was announced or unannounced. After-action-reports are completed detailing lessons learned, and follow-up items are identified with applicable responsibilities assigned to appropriate campus entities. The University of Illinois at Urbana-Champaign's Basic Emergency Operation Plan, which is compliant with the Illinois Campus Security Enhancement Act, is posted on the Division of Public Safety Website to be used in conjunction with campus exercises.



Policy Statement Must

- Test on annual basis
- Document each test and whether it was announced or unannounced
- Publicize emergency response and evacuation procedures in conjunction with at least one test per year



Missing Persons

- An institution that provides any on-campus student housing must include a statement of policy regarding missing student notification procedures for students who reside in on-campus housing



Missing Student Policy

- Must indicate titles of persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours
- Require that any official missing student report be referred immediately to the university police, or for those campuses without police ,to the local LE agency



Missing Student Policy

- Must have option for each student living on campus to identify a contact person whom the university **shall** notify if the student is determined missing (by LE)
- Policy must state that students contact information will be
 - confidential, accessible only to authorized campus officials and LE



Missing Students Policy

-and may not be disclosed outside of a missing person investigation

- Policy must advise students that if they are under 18, the university must notify custodial parent when the student is missing in addition to any additional contact person designated by the student



Missing Student

- Must also state in policy that the university will notify local LE that the student is missing, unless the local LE was the agency that made the determination the student was missing in the first place



Missing Student Procedures

- Remember this is only for students who live in on-campus housing and when they have been determined to have been missing for 24 hrs the institution must:
 1. Notify the contact person designated by student (if any)
 2. Notify custodial parent if under 18 (not emancipated) and inform LE if don't have own



Things to Remember

- Distribute ASR by Oct. 1
- Now if institution maintains on-campus housing, the annual fire safety report
- May publish ASR and AFR concurrently, only if title clearly states it contains both the ASR and the AFR
- If done separately, both reports must contain info about how to access the other



Electronic Distribution

- A statement of the report's availability
- EXACT electronic address (no additional clicks to get there)
- Brief description of contents of reports
- A statement that the institution will provide hard copy on request



Resources

- Security on Campus

<http://www.securityoncampus.org/>

- Department of Education Handbook

<http://www.ed.gov/>

- UCR Handbook:

<http://www.fbi.gov/ucr/handbook/ucrhandbook04.pdf>



Examples

- University of Penn
http://www.publicsafety.upenn.edu/Resources/2009_Clery_Report.pdf
- University of Illinois
<http://www.dps.uiuc.edu/clery.htm>
- George Washington University
<http://gwired.gwu.edu/upd/>