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CLERY ACT CHECKLIST: 10 STEPS FOR COMPLIANCE

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LEARNING OUTCOME

After participating...

...you will be able to update your October 2015 Annual Security Report with recent Clery Act amendments.

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AGENDA

I. Background

II. Final Regulations: What are the new requirements?

III. 10 Steps for Clery Compliance: Be methodical

IV. What next?

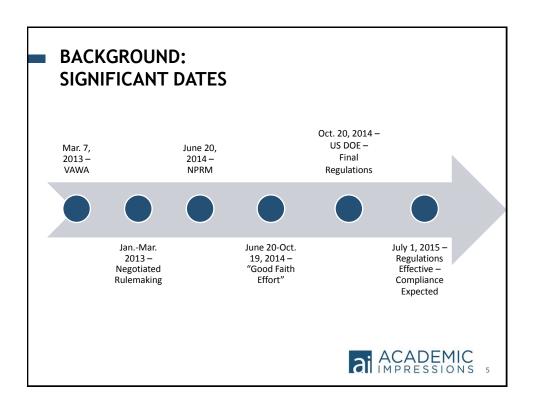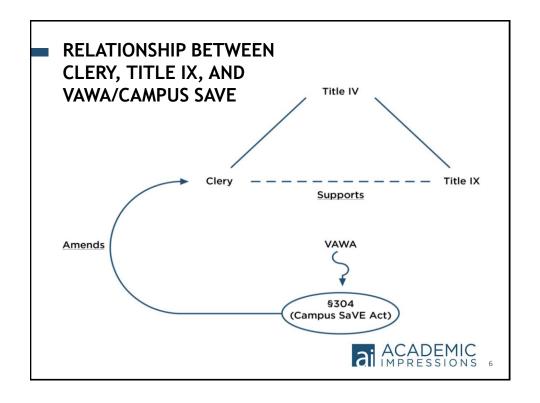**ai ACADEMIC** IMPRESSIONS 3

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I. BACKGROUND

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BACKGROUND: SIGNIFICANT DATES

Mar. 7, 2013 – VAWA

June 20, 2014 – NPRM

Oct. 20, 2014 – US DOE – Final Regulations

Jan.-Mar. 2013 – Negotiated Rulemaking

June 20-Oct. 19, 2014 – "Good Faith Effort"

July 1, 2015 – Regulations Effective – Compliance Expected

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RELATIONSHIP BETWEEN CLERY, TITLE IX, AND VAWA/CAMPUS SAVE

Title IV

Clery – – – – – – – – – – – – Title IX

Supports

Amends

VAWA

§304 (Campus SaVE Act)

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**BREAKDOWN OF
NEW REQUIREMENTS**

1. Definitions
2. Statistics
3. ASR Procedures/Statements
4. Programming/Training

-see handout in resource packet

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**BACKGROUND:
INTERSECTIONS ARE
IMPORTANT**

- Be intentional about your compliance plan
- Clery supports Title IX– many processes may already be in place
    - Check and/or work with your Title IX Coordinator
- Clery Officer should not be working on compliance alone in a silo
- Best practice: concerted compliance team (Title IX, ADA/504, Clery & VAWA/Campus SaVE)

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II. FEDERAL REGS: WHAT ARE THE NEW REQUIREMENTS?

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NEW CLERY REQUIREMENTS

- Require institutions to separate statistics on dating violence, domestic violence, stalking and sexual assault
- Describes and clarifies when an institution can remove a report from its stats ("unfounded")
- Clarifies the new definition of rape (consistent with UCR-NIBRS)
- Provide primary prevention and awareness programs to new students and new employees

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1. DEFINITIONS

- Rape, awareness programs, bystander intervention, ongoing prevention and awareness campaigns, primary prevention programs, risk reduction
- Dating violence, domestic violence, stalking and sexual assault (same definitions in section 40002(a) of the Violence Against Women Act of 1994 *(42 U.S.C. 13925(a)*)
- Define proceeding and result

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2. STATISTICS

- No need to revise stats for calendar years 2013 and 2014 to reflect final regulations; start with 2015 (October 2016)
- Maintain statistics about number of dating violence, domestic violence, sexual assault and stalking
- Disclose the number of "unfounded" reports
- Add categories of bias to the hate crime reporting (gender identity; separate ethnicity and national origin)

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3. ASR PROCEDURES/ STATEMENTS

- A description of what "ongoing prevention" and "awareness campaigns" mean
- Description of the disciplinary proceeding the institution uses in cases of domestic violence, dating violence, stalking and sexual assault
- List of possible sanctions the institution uses in cases involving dating violence, dating violence, stalking and sexual assault

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3. ASR PROCEDURES/
STATEMENTS (CONT.)

- Require a statement in the ASR stating that compliance with Clery regulations is not a violation of FERPA
- List range of protective measures the institutions may use when an allegation is reported
- Prompt, fair and impartial disciplinary proceeding in cases involving dating violence, domestic violence, stalking and sexual assault
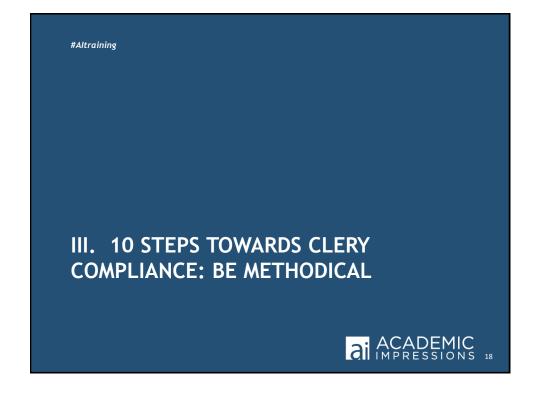
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4. PROGRAMMING/TRAINING

- Bystander intervention
- Ongoing prevention and awareness campaigns (incoming students and new employees)
- Primary prevention programs (incoming students and new employees)
- Risk reduction

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III. 10 STEPS TOWARDS CLERY COMPLIANCE: BE METHODICAL

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STEP #1

REVIEW YOUR CURRENT ASR

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■ **STEP 1 –
ASR REVIEW**

- Consult the Clery handbook; use the checklist (an updated version will be available soon)
- Update format
- Update policy statements to reflect current institutional practice
- List the gaps- what's missing?

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STEP #2

REVIEW THE CATEGORIES AND CORRESPONDING ITEMS ON THE CHECKLIST

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STEP 2 – CATEGORY REVIEW

- Make sure you add the new Campus SaVE Act requirements to your ASR
- Are there items your institution has not or is not prepared to address? Why?
- Are there things you are already doing that you can cross off the list?

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STEP #3

DEVELOP A "COMPLIANCE" PLAN

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STEP 3 –
DEVELOPMENT

- This is the BIG view
- Who is in charge of the Clery effort?
- Is there a budget to support the new requirements, or will you need to create one?
- If you have no budget (most of us don't) how can you use and extend or amend current resources to comply?
- Is your upper administration aware of the new federal regulations and all that is required?

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STEP #4

DEVELOP A TIMEFRAME FOR IMPLEMENTATION OF THE "COMPLIANCE" PLAN

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STEP 4 – "COMPLIANCE"

Goals
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- Expected compliance is on July 1, 2015
- Which items on your checklist are considered "quick wins?"
  - Do those first
- Which item will take the longest? What are the barriers to implementation? How fast can those barriers be removed, if at all?
- Make sure you involve your upper administration in the initial planning and timeframe development

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STEP #5

COLLABORATE - IDENTIFY OTHERS ON AND OFF CAMPUS WHO MAY OWN PROCESSES OR PARTS RELATED TO THE NEW CLERY REQUIREMENTS

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STEP 5 - COLLABORATE

- What parts may reasonably reside in other parts of the institution? (e.g., sexual assault process may be handled under Title IX)
- Are there any pre-existing processes already in place?
- Do the current processes support the new Clery requirements, or do they need to be amended?
- Create a team environment; Clery compliance should be the responsibility of many, not just one person

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STEP #6

IDENTIFY AND TRAIN YOUR CSAs ASAP

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STEP 6 – IDENTIFY AND TRAIN

- Many institutions have not identified and trained their Campus Security Authorities (CSAs)
  - *This needs to be done ASAP*
- If CSAs don't know what to report, your staff may not be reporting necessary stats

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STEP#7

MAKE SURE YOUR DEFINITIONS ARE BEING USED CONSISTENTLY ACROSS CAMPUS

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STEP 7 – CONSISTENCY WITH DEFINITIONS

- Behavior such as dating violence, domestic violence, stalking and sexual assault (for the most part) may be seen as sexual misconduct
- Does your Title IX process and your Clery process use different definitions?
  - If not, you may be missing some numbers that should be included in your stats

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STEP #8

DEVELOP A "PROGRAMMING" AND "AWARENESS" MATRIX

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STEP 8 – MATRIX DEVELOPMENT

- Programming will be big
  - Do a front end assessment
- Distinguish between "programming" and "awareness" efforts
  - Which of these are "primary" and which ones are "ongoing?"

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STEP #9

ASK FOR, AND ESTABLISH A "COMPLIANCE" BUDGET

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STEP 9 – "COMPLIANCE" BUDGET

- Compliance programming and training takes human and financial resources
- Try to establish a base budget during the upcoming budget cycle

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STEP #10

CONTINUE TO ATTEND TRAINING WITH SOURCES OUTSIDE OF YOUR INSTITUTION TO STAY UPDATED ON THE NATIONAL LANDSCAPE

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STEP 10 – CONTINUED TRAINING

- Federal regulations continue to change
  - Make sure you are aware of any new requirements
- Talking to other professionals tasked with Clery compliance will give you more ideas on what other institutions compliance efforts are
- Watch national best practices as they begin to emerge

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IV. WHAT NEXT?

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TAKEAWAYS

- Don't wait. Start now.
- Definitions are based on jurisdiction
  - Check out how other institutions in your state have defined dating violence, domestic violence, stalking and sexual assault
- Statistic/table formatting may be the quickest fix
  - If you need a "win," start with that

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TAKEAWAYS

- Collaborate, collaborate, collaborate
  - These new regulations were meant to be shared
- The Title IX Coordinator should be one of your biggest allies
  - Work closely with him/her
- Work on acquiring a "compliance" budget now
  - Compliance does not come cheap

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RESOURCE

Valuable link:

National Coalition Against
Domestic Violence (NCADV)
State Coalition List

http://www.ncadv.org/resources/StateCoalitionList.php

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