

## Clery Act Committee Meeting

Thursday, November 19, 2015 at 9:00 a.m.  
Student Union, Building 58W / Room 3804  
MINUTES

### Committee Members Present:

Frank Mackesy, UPD  
Bob Boyle, Housing and Residence Life  
Joann Campbell, Compliance  
Kolanda Douglas, Representing EOD  
Jillian Gooding, Compliance Coordinator, Student Financial Aid  
Kelly Harrison, CPDT  
Andy Joiner, UPD  
Donna Kirk, Athletics  
Ruth Lopez, International Center  
Steve Paulson, Faculty Representative  
John Reis, Office of the General Counsel  
Bob Shepherd, Student Conduct  
Marc Snow, Office of the General Counsel  
Sheila Spivey, Women's Center  
Bill Strudel, UPD  
Margaret Szerba, Student Government  
Leah Tolisano, Student Government

### Absent:

Dan Endicott, Environmental Health and Safety  
Cheryl Gonzalez, Title IX Administrator  
Anne Hoover, Academic Affairs  
Tim Robinson, International Center  
Tom Van Schoor, Dean of Students and Title IX Coordinator for Student Affairs

### Guests:

Cheryl Parham, Enrollment Services / Financial Aid

The meeting was called to order at 9:00 a.m. by Committee Chair, Frank Mackesy. The first order of business was for committee members and guests to introduce themselves and state what department they are representing.

**Minutes:** Chair Mackesy presented the draft minutes of the September 24, 2015 meeting to the committee and offered the opportunity for comments/questions from the members. Upon receiving none, Chair Mackesy asked for a motion for approval. A motion was offered and seconded. The motion was carried to accept the minutes as presented.

**Status of Annual Security Report -** Chair Mackesy expressed a "huge thank you" to everyone at the table because their input was instrumental in getting the ASR together and posted as required by law. The report was posted online on September 25, ahead of the October 1 deadline, and faculty, staff and students were notified of its posting due to a Special Osprey Update. It was not "buried" among other information and it had the appropriate number of click throughs, which the compliance representatives thought were important. While it was a team effort to get the ASR completed, special thanks to Joann Campbell, John Reis, Bob Boyle, Dan Endicott and Athletics. Chair Mackesy expressed that we don't want to lose momentum in

moving towards next year's ASR. The ASR should be a lot easier to complete next year and we already have the policies, we will just need to update housing, crimes, and student conduct.

**Status of CSA on-line training** – First, Chair Mackesy reported that the entire UPD will be taking the course and he gave them a due date in the next few days. John Reis reminded the committee that the Chief asked him to break down the list of those who haven't yet taken the course. We are still at 60% completion with 145 people still needing to take the course. Part of the incomplete rate is the turn over with the club advisors. Mr. Reis relayed that we may need to revamp how we get the CSAs into the Blackboard list and to track who has taken the course because every semester the CSA list changes. It is a lot of "busy work" to keep the list updated and there is a real need to make it easier. The job of keeping the list updated should not rest with the Office of the General Counsel but within the individual departments within the University. Chair Mackesy suggested that every time someone new comes in, the department should enter their name into Blackboard.

Margaret Szerba said that Student Affairs could place a hold on the club advisor and not approve their club until they have completed the course. If the potential club advisor delays in taking the course, students who want to be in the club could pressure them. She believes that mechanism can be immediately put into action. Now is also a good time because they are gearing up for next semester's club advisors.

Mr. Reis distributed a list of the breakdown by department of the number of individuals that still need training. Chair Mackesy then assigned members of the committee to follow up with their department:

- Joann Campbell will follow up with the four individuals in A&F
- Jillian Gooding will follow up with the two individuals in AA
- Once Mr. Reis revises Athletics numbers, Donna Kirk will follow up with those individuals
- Steve Paulson will follow up with CCOB
- Frank Mackesy will follow up with UPD
- Bob Boyle will take the lead on following up with Student Affairs

That left the individuals in the different colleges. It was determined that Anne Hoover, who represents Academic Affairs on the committee, would be the best representative to follow up with BCOH, CCEC, COAS, COEHS and Honors. There is a miscellaneous list of 33 individuals that Mary Stumph could not identify. Mr. Reis will work with Marc Snow to see if they can determine what departments those individuals are in. If not, they will send the list to the committee for any input.

Mr. Reis reminded the committee that some of the people on the list are ones who have taken the training, but just haven't hit the final acknowledgement button that triggers a "complete" for the course. Mr. Reis is going to see if he can hit the complete for these people as the report shows they have accessed the video and passed the quiz. He is also going to see if he can have the Blackboard course modified so that individuals taking the course don't have to hit the acknowledgement button. Through a Blackboard report, he can see who has clicked on the video (he can't tell if it was actually watched) and that the quiz has been taken and passed. By not clicking on the acknowledgement button the report reflects inaccurate completion rates. Chair Mackesy said if the compliance representatives are okay if people just pass the quiz to reflect completion that's good for him too.

The takeaways from this discussion are:

- Individual committee members will take the lead, follow up with those in their area who have not taken training and get them to do it.

- John Reis will see if Blackboard can be changed to remove the acknowledgement button since a report can tell him who has clicked on the video and passed the quiz.
- John Reis will also try to get individual units access to Blackboard so as CSAs change they can be added to the Blackboard course by the department.

**CSA Training for Club Advisors** – Ms. Szerba reiterated that she could put together a process so that before a faculty member or other staff member will be allowed to be a club advisor they will have to complete CSA training. That will be included as part of their responsibility to be a Club Advisor. It can be put into effect immediately.

**Status of Clery Policy** – Mr. Reis reported that he and Chief Mackesy met with the executive staff to review the policy with them and it was approved about a month ago and can have been posted on the University's website for policies and regulations.

**Update on International travel tracking** – Ruth Lopez advised she committed that they have drafted a letter to send to hotels that fall within the Clery Act for information from them. She will send the draft to Andy Joiner for review.

Joann Campbell said that they met with representatives from the Controller's Office that approve and/or reimburse for travel. They have added another question to the online form for travel authorization to ask "have you been in this same location within the last year?" They can then run a report for all those that checked "yes". They will filter out campuses from hotels and our due diligence will be to follow up with the faculty member leading the trip. The question is, whoever "us" is. Whether that be Ruth Lopez, John Reis or this committee, will have to be figured out. There is also another option "travel" or "travel with students". Dr. Campbell said that by using the electronic travel system it is easier to track information. As we see and analyze more reports we can figure out how to use the information more.

John Reis is working on the backend of travel when travelers are seeking reimbursement. He attended a meeting for people who handle travel for the departments. These individuals will now have to start listing specific information on the hotels the travelers stayed when seeking reimbursement. When they request travel authorization, they sometimes don't know the hotel information so we are seeking it at the backend. There is not yet a process in place to keep you from going forward unless hotel information is listed because the system will not allow it. A report is generated and sent to Mr. Reis on what information is still needed. Mr. Reis follows up with the department. Chair Mackesy suggested that something is wrong with that process as Mr. Reis is an attorney and should be spending his time more efficiently. It should be the responsibility of the people doing the traveling to provide all information that is needed for Clery. Chair Mackesy is concerned that if this is the process, with Mr. Reis following up, that once it's in place it will be very hard to change. Mr. Reis said that he just wants to get the job done and that's why the reports are being sent to him. Chair Mackesy said that he will speak with Shari about trying to get the travel people to follow up. Clery needs to filter out to all members of the institution and is not just the responsibility of this committee. We need to get Clery required information in the travel request process up front and not at the reimbursement process.

Ruth Lopez briefly discussed the International Travel application and stated that she would schedule a time with Mr. Reis to demo the application for him. Ms. Lopez stated that we can add more components, specifically Clery necessary information gathering, that won't allow the travel application to go forward unless all information is complete. Chief Mackesy said we still have a way to go but we are light-years ahead of where we were last year.

**Job descriptions** – Kelly Harrison reported that the CSA requirements have been entered into the job descriptions of positions that John Reis provided to HR. Chief Mackesy inquired if there

was anything that HR can do to force these new hire CSAs into CSA training. Mr. Harrison responded HR has had the discussion on what they can do to facilitate the training. They are looking at the current process to see if there is a place where it makes sense to funnel them into training themselves. Maybe HR can notify someone to add them as new CSAs. If Mr. Harrison had a new system for training, he could add that to required training. We need to look at ways to identify those people and then getting them into training is another component. The question is does HR want to take ownership of getting this training done or do they want to push it out to the departments? Mr. Harrison said that the culture of the University has never been to make any training mandatory except for the active shooter training. Dr. Campbell said that this training should be mandatory if you are designated a CSA. How can training be facilitated other than by the personnel section of our organization? Chair Mackesy offered another option that at the end of orientation, CSAs stay for an extra 15 minutes to view the video and take the quiz, although it is good training for all employees. UPD gets 20 minutes at the new employee orientation and while Andy's presentation is good and entertaining, maybe UPD will need to give up 15 minutes of it for CSA training. Marc Snow thinks we need to go back to HR. Chair Mackesy will get with Mr. Harrison to see if they can work this out. Why can't we add it like the crisis management training that all employees must complete within the first quarter of being hired? HR needs to be on the front end to identify individuals who are hired into positions with CSA responsibilities and make them get the CSA training.

Steve Paulson shared that besides teaching, the typical new faculty member focuses on research and scholarship. Once they have been here six or seven years and obtain tenure, then they can look to do other activities like study abroad or act as club advisors. Tracking those individuals for CSA training might be hard to do.

John Reis said that when he met some months ago with Tim and Susan, they agreed to add CSA training to the study abroad faculty workshop. Ms. Lopez will verify that. We also need to provide training for the faculty leaders of domestic TLOs.

Mr. Snow said that HR is overwhelmed with the new background checks regulation and the development of positions of trust. Dr. Campbell said that a CSA is a position of trust. Mr. Snow agreed.

Chair Mackesy said that the topics of international and domestic travel and HR handling of CSA training would remain on the agenda until this gets handled.

**Discussion of link on home page to required disclosures** – Chair Mackesy asked Jillian Gooding if she is okay with the three-click rule as demonstrated by the notification of the ASR. She replied that she was not okay. She agreed that the Clery Act required ASR disclosure was compliant because it could be reached within three clicks but the big picture is that the ASR is just one required disclosure. All the other required disclosures (e.g. Fire Safety Report, FERPA, equity in athletics, crime statistics) need to comply with the three click rule also. She told the committee that DOE guidance says that all required disclosures should be accessible from the school's homepage within three clicks and we are not compliant with that guidance. Ms. Gooding brought this topic to this group because she is not sure how else to get this done. Chair Mackesy asked her about the ASR disclosure being buried among the other disclosures. She replied that these other disclosure will be in addition to the separate Clery Act required ASR disclosure done by way of a Special Osprey Update. She suggested a landing page for all required disclosures with links to each of them. She also said that she could even maintain the page if need be. Ms. Gooding came to this group to find out how to get this done. Chair Mackesy asked Dr. Campbell if this would come under the Compliance Office. Dr. Campbell agreed it could. Chair Mackesy said that the committee will support her compliance effort to get this done. Dr. Campbell said that the ASR disclosure was the first ever to comply with the three click rule and she can use that to show that it can be done. Chair Mackesy asked that Ms.

Gooding take the lead to schedule a meeting for her, Dr. Campbell and Mr. Reis to meet with him to discuss the next steps.

**Other business** – Chair Mackesy asked how the sexual assault awareness video was coming along. Dr. Campbell said that she, Shelia Spivey, Marcia Ladendorff and a producer have had a series of meetings. Ms. Spivey said they also met with some students as a focus group to determine realistic bystander interventions that they would feel comfortable and safe in using. This first video will be a PSA and a short film about bystander training. They will start the filming process in January with an expected release in April, which is sexual assault awareness month. This video will be a little different from what we've seen before, as the plan is to make it more interactive than the videos by FSU and Michigan State. They are examining the technology on campus and need ITS to provide support to make it more interactive. Ms. Spivey assured Chair Mackesy that the video will include UNF students. Once this video is finished they plan on building on that momentum to do another and another.

Mr. Snow said that the Sexual Misconduct regulation was pulled from the BOT agenda for the last meeting at the last minute because the BOG came up with a definition of “responsible employee” which is broader than what we were using. He is scheduled to attend the executive staff meeting on Monday and the regulation will need to be revised. Once revised, it will be posted on the SharePoint site for your review and comment. Because of the holidays and pursuant to our regulation development process, there is a short turnaround time and the draft regulation needs to be posted for campus community comment by December 4. Mr. Snow will also bring the draft regulation to the Title IX Committee for review before posting.

**Next Meeting** – Chair Mackesy reviewed the meetings scheduled for next year (as listed on today's agenda.) He said that the August 11, 2016 meeting could prompt additional meetings before the November meeting because of the nature of the ASR. He wanted to give the committee a fair warning that there could be additional meetings because he wants to be respectful of your time.

Chair Mackesy closed with a “Happy Thanksgiving” and since the committee won't meet again until February, “Happy New Year” as well.

The next meeting will be Thursday, February 25, 2016 at 9:00 a.m. at a location yet to be determined.

**Adjournment:** There being no further business, the meeting was adjourned at 10:00 a.m.

Approved by Committee vote on February 25, 2016.