

## Clery Act Committee Meeting

Thursday, May 26, 2016 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  
Dan Endicott, Environmental Health and Safety  
Cheryl Gonzalez, Title IX Administrator  
Kelly Harrison, CPDT  
Anne Hoover, Academic Affairs  
Andy Joiner, UPD  
Donna Kirk, Athletics  
Ruth Lopez, International Center  
Holly Miller, Faculty Representative  
Marc Snow, Office of the General Counsel  
Bill Strudel, UPD  
Margaret Szerba, Student Government  
Tom Van Schoor, Dean of Students and Title IX Coordinator for Student Affairs  
Tia Wrigley, Club Alliance

### Absent:

Jillian Gooding, Compliance Coordinator, Student Financial Aid  
John Reis, Office of the General Counsel  
Tim Robinson, International Center  
Bob Shepherd, Student Conduct  
Sheila Spivey, Women's Center

The meeting was called to order at 9:01 a.m. by Committee Chief, Frank Mackesy. The first order of business was for committee members and guests to introduce themselves and state what department they are representing.

**Minutes:** Chief Mackesy presented the draft minutes of the February 25, 2016 meeting to the committee and offered the opportunity for comments/questions from the members. Upon receiving none, Chief Mackesy asked for a motion for approval. A motion was offered and seconded. The motion was carried to accept the minutes as presented.

**Annual Security Report** – Chief Mackesy said that it is time to start gathering information for the 2016 Annual Security Report. This year it should be much easier to put this document together. As an example, Chief Mackesy stated that last year we had to include 111 policy statements, the year before that, there were only three. All policies have been added to the ASR so we're up to speed on that. The thing we have to do is keep it updated. Please review your policies and if they were changed from the last ASR, we need to update the ASR this year, or if you add any new policies. Joann Campbell reported that the Alcohol and Other Drugs policy will need to be completely revamped. Chief Mackesy informed the committee that we need to update the timely warning immediate notification policy. He has been working with John Reis and Joann Campbell to prepare a new draft of the policy. Chief Mackesy looked at the Clery Center's site and took guidance from there as this policy is required by the DOE. He is nearly complete with the draft policy to circulate it for review. Also, reporting numbers will need to be refreshed and updated. It is his understanding that the University is an "opt out" for

emergency notifications. After a brief discussion, it was agreed that the University includes all faculty, staff and students in emergency notifications unless one completes the “opt out” option in order to not receive the notifications. Kelly Harrison reported that at New Employee Orientation, all new employees are asked for contact information for emergency notification. Again, Chief Mackesy stated that we are ready to begin the cycle to review the ASR from last year.

**Crimes not reported by CSAs.** – Andy Joiner sent an email 3/29 at 9:43 a.m. to all CSAs for any crimes that were not reported to UPD last year. The responses he received were mostly “nothing to report”. Chief Mackesy emphasized that if a CSA is made aware of a covered crime, they must report it. The DOE recently fined a dean of students because a crime was brought to his attention and he didn’t report it to anyone. As such, it was never considered for a timely warning and a \$37,500 fine was imposed. Keep in mind that this crime did not meet the criteria for a timely warning but it was not reported so it wasn’t reviewed and the result was the fine. Chief Mackesy is trying to impress upon the committee the loopholes the agencies are using to catch universities for not complying. The process itself has worked but it’s getting people to follow the process. If a CSA unsure whether something should be reported to the UPD, report it anyway. The DOE is using Clery and VAWA as a way to enforce other areas of law outside of those vehicles. In audits, they may come in looking for one thing and then find another. They are using the ASR to their advantage to try to find audit comments. A DOE investigation averages 1300 days. Chief Mackesy is writing all the VPs letters as to let them know their responsibilities under the Clery Act.

**Travel for 2015** – Unfortunately, the travel information is not coming in to the UPD as robustly as they thought. When the different departments list their travel information and do not include the police department information, Officer Joiner has to make hundreds of calls to find out the police departments assigned to the hotels where students stay. Chief Mackesy informed the committee that beginning with the 2016 ASR, if a travel report comes to the UPD with no police information, Officer Joiner will not research for the police departments and will not send letters out because of the time involved in doing so and that departments should be listing this information on their travel forms. Unfortunately, there is no central registry for all the police departments in the world to easily obtain this information. Right now, Officer Joiner has to call the hotel and ask them which police department is assigned to the hotel. People coordinating travel really need to be doing this. Cheryl Gonzalez opined that the University could create a database for travel, especially if units travel to the same location year after year and if other units (Athletics and Music going to same hotel but don’t know it) stay at the same hotel the information could be easily found. A collective database for university-wide use would be ideal. She suggested that the travel policy be altered so that before travel is approved it would require police information to be entered first. Anne Hoover informed the committee that the SUS is currently looking at new travel software with the ability to customize to include travel information. Chief Mackesy reported that he told Scott Bennett, who serves on the committee reviewing travel software, Clery components need to be built into it. Chief Mackesy suggested that the most efficient way to gather this information is when you check in the hotel, ask the clerk who is their police department. Ruth Lopez has a form she gives to the faculty leader to fill in the police department information. Donna Kirk would like to see the travel software to include a drop down with hotel list and, once you select that, the police department comes up. Chief Mackesy said that next year, if they get the spreadsheets without the information, it will be sent right back to person who traveled to get UPD info. Right now, Officer Joiner has to contact over 230 hotels.

**Travel for 2016** – Chief Mackesy stated it would be easier to keep travel information as it happens, not go back looking for it next year. Donna Kirk reported that Athletics already has the information for their spring 2016 travel.

**Flow charts** – Chief Mackesy reminded the committee that at the meeting in February, he asked the required departments to get him a flow chart on their crime reporting process. He received flow charts from Dan Endicott and Tom Van Schoor. He thought Cheryl Gonzalez's flow chart example was really good and he needs the rest to get them to him and we will figure out where to get them from here. He will also provide them to Joann Campbell who will create a "flow chart of flow charts".

**Additional CSA designations** – Chief Mackesy said that Dr. Gonzalez is on board with identifying positions within Student Affairs who should be designated as a CSA. He also reported that Jillian Gooding met with Albert Colom and identified 7 areas in Enrollment Services with positions to be designated as CSAs:

- Associate VP of Enrollment Services
- Financial Aid: Director, AD, Coordinators
- Admissions (all staff): Director, ADs, Recruiters, Coordinators Financial Aid: Director, ADs, Coordinators
- One-Stop (all staff): Director, ADs, Coordinators/Counselors
- Orientation (all staff): Director, AD, Coordinators
- Transfer Student Services (all staff): Director, ADs, Coordinators
- Welcome Center (all staff)

All these additional names will be forwarded to John Reis. Donna Kirk said that she sent an updated list to John also. Chief Mackesy said that with that, she was now off the hook. Marc Snow said that with the departure of Rick Buck and John picking up a larger workload, he doesn't think CSA tracking should reside with John anymore and perhaps we can discuss further when John is available. We need to decide if this tracking is in the right place it should be. Chief Mackesy opined that it should be with a dedicated Clery Compliance Office. No office yet exists, but it could be combined with Emergency Management requirements.

Marc Snow wondered how to increase faculty CSA training. Anne Hoover wants to keep on top of which faculty need to complete training and will do so if John Reis sends her a list. Chief Mackesy commended Kelly Harrison and HR for including the CSA training in the new Employee Orientation. That is a tremendous burden lifted. Now, all we have to do is track current employees. Chief Mackesy also needs to get with John Reis to work on cutoff dates.

**Timely Warning Policy** – As discussed earlier, Frank Mackesy, Joann Campbell and John Reis are working through a draft.

**Link to disclosures** – Chief Mackesy reported that Jillian Gooding is working on that and it should be ready to go live by June 1. Another victory.

Chief Mackesy has had a couple of meetings with Athletics and talked to the coaches. He understands it's not a fun topic because it creates extra work. Donna Kirk stated that because of Chief Mackesy coming to talk to the coaches, not one of them can state that they don't know that they are a CSA and what their responsibilities are. Chief Mackesy stated that we are here to help make them successful.

Chief Mackesy confessed that it seems like every day he learns something new the University is supposed to be doing regarding Clery Act compliance. UPD keeps a daily crime log of any criminal act that occurs on campus. Not all of these crimes are reported on the ASR but have to be included in the daily crime log. Chief Mackesy recently discovered that the daily crime log has to be included into the new student orientation and the parent orientation. Unfortunately, it is too late to be included in the new student orientation for this year, but will be included next

year. The daily crime log will be included in parent orientation this year. Another recent discovery that the crimes have to be on the log for 60 days before rotating off.

**Sexual Assault Video** – Joann Campbell reported that the video has been shot and it is in the editing phase now. She is hopeful that she and Sheila Spivey can review it the first week of June. They plan to make it available for the Week of Welcome. Before then they plan to show the video to the committee. The video is less than ten minutes and has three different endings. It is quality work that the students had a great time doing. It was powerful for students who worked on the video. Everything except the filming was done by students, actors, technical staff, etc. Only one professional was present and that was to film. There was a short delay in getting started on the filming because they had difficulty finding a student willing to portray the perpetrator. Marcia Ladendorff, Instructor in Communications, was also instrumental in working on the video. Chief Mackesy commended Dr. Campbell and Ms. Spivey for getting it done. Donna Kirk wants to incorporate the video into the Student-Athlete Compliance meetings when the student athletes return in the fall. Chief Mackesy wants to add it to UPD's webpage. Dr. Campbell agreed but only if goes above the "teacup" video. Chief Mackesy advised that he is using the teacup video with permission and the parents really seem to like it.

**Faculty Representative** – Chief Mackesy reminded the committee that Dr. Steve Paulson was the faculty representative until he retired. President Delaney then appointed Jenny Stuber, but she is taking a sabbatical. Holly Ventura Miller, Associate Professor, Criminology and Criminal Justice, introduced herself as the new faculty representative. Chief Mackesy welcomed her and advised her that it helps the committee get the faculty's view when they decide to do something. He asked that she help get the message across to other faculty. Dr. Miller assured Chief Mackesy that she is happy to do that. It was suggested that Chief Mackesy could be a speaker at one of the Faculty Association meetings. Chief Mackesy stated that anytime he can get in front of the faculty and get the message out, he is happy to do that. In fact, he met with the faculty in the Brooks College of Health and that was a successful meeting.

**Other Business** – Dr. Campbell said that Student Affairs needs to look at the Club Alliance handbook and make sure CSA training is in the process for approval of anyone as a club advisor. It was also suggested that before Club Alliance recognizes a new club, that the suggested club advisor take CSA training as part of that check list.

Donna Kirk advised that she reviewed the CSA list that John Reis had for Athletics and totally revised it. She thought it would be helpful if Athletics had access to the training module so they could add or deleted CSA names as appropriate.

There was a short discussion of whether CSA training needed to be a yearly event or was it every two years. No clear consensus was made on that.

**Next Meeting** – The next meeting will be Thursday, August 11, 2016 at 9:00 a.m. at the Student Union, Building 58W / Room 3804.

**Adjournment:** There being no further business, the meeting was adjourned at 10:02 a.m.

Approved by Committee vote on August 11, 2016.