

Clery Act Committee Meeting
Thursday, February 25, 2020 at 9:00 a.m.
Via Zoom
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Committee Members Present:

Frank Mackesy, UPD, Chair
Andrea Adams-Manning, Dean of Students
Anissa Agne, Enrollment Services
Tim Barnes, Student Government
Adam Brown, UPD
Joann Campbell, Compliance
Jason Edgar, Student Government
Calena Gray, Human Resources
Kathleen Halstead, UPD
Kelly Harrison, CPDT
John Kane, UPD
Donna Kirk, Athletics
Luisa Martinez, International Center
John Reis, Office of the General Counsel, Vice Chair
Rachel Winter, Student Conduct

Absent:

Bob Boyle, Housing and Residence Life
Dan Endicott, Environmental Health and Safety
Cristina Helbling, Undergraduate Studies
Anne Hoover, Academic Affairs
Marlynn Jones, Office of Equal Opportunity & Inclusion
Nagat Khalifa, SGA Student Representative
Holly Miller, Faculty Representative
Sheila Spivey, Women's Center

The meeting was called to order at 9:00 a.m. by Committee Chair, Frank Mackesy. Chief Mackesy offered the opportunity for comments/questions from the members regarding the previous meeting minutes. Upon receiving none, he asked for a motion for approval. A motion was offered by Donna Kirk and seconded by John Reis. The motion was unanimously carried to accept the minutes as written.

Introduction of New Members: Chief Mackesy introduced Jason Edgar, representing Student Government. Mr. Edgar replaced Dawn Knipe, who recently transferred to another division. Chief Mackesy also advised the committee that Sgt. Shawn Faulkner went back to Patrol and that Sgt. John Kane has replaced him. Chief Mackesy welcomed both new committee members and said he was happy to have them on board.

Bi-Annual Notification to CSAs: Chief Mackesy said that before Sgt. Faulkner went back to Patrol, he sent out the bi-annual notification to the CSAs. No additional crimes were reported. He also said that some crimes reported to the UPD are not really Clery reportable, but crimes need to be reported so that UPD can screen them.

2020 Annual Security Report: Chief Mackesy stated that it's time for all departments to start gathering their information for the 2020 ASR. The heavy lifting is with UPD and Student

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Conduct because they have to count the crime numbers. It's early yet for the ASR, but Chief Mackesy wanted to get it on committee members' calendars.

Other Business: Chief Mackesy asked if any members had any other business. He has some, but first wanted to hear from committee members. Ms. Kirk stated that she referred someone from Athletics to the Clery Reportable Form on the UPD webpage and wondered if it was received. Chief Mackesy confirmed that it was received, but the incident did not occur on their property. UPD however did make contact and was able to refer the student to the appropriate University services.

John Reis stated that the fine for noncompliance with the Clery Act has now gone up to \$58,320 per incident. The fine is routinely increased due to inflation so it will always be increasing that's why it's so important to stay on top of this.

Mr. Reis also informed the committee that new MedNexus program will be in Palm Coast and because students will be using this facility it will be a Clery reportable property. He wanted this to be on UPD's radar. Kelly Harrison said he thought that there was also going to be a location at FSCJ's Deerwood campus. Mr. Reis said that property will fall under FSCJ's Clery responsibilities. Chief Mackesy thanked him for the head's up.

Chief Mackesy said that last October he attended a Clery webinar presented by Jim Moore, Senior Advisor for Clery Act Compliance and Campus Safety Operations at the United States Department of Education. One of the takeaways from the webinar is that on committee membership, you should have a representative from your real estate division. Mr. Reis said that UNF does not have a real estate division and he learned of the Palm Coast property for MedNexus from Chris Wrenn, Senior Associate General Counsel, as he handled the real estate contracts. Chief Mackesy wondered if he should invite Mr. Wrenn to join the committee. Mr. Reis stated that he thought Mr. Wrenn would keep him informed if the University leased any other off campus properties and did not think he needed to be a committee member. Mary Stumph, staff person for the committee, reminded the Committee that a year or so ago the Committee invited Shawn Brayton from Academic Affairs to speak with the committee about off campus properties. Unfortunately, a conflict arose for Ms. Brayton and she was unable to attend that meeting. Chief Mackesy stated he would send an email to the Provost to try to nail down how UPD can be notified of any new off campus properties the University leases. He said that UPD has to contact all areas of campus, even off campus real estate that's Clery compliant. He will also send an email to Mr. Wrenn thanking him for his assistance and asking him to keep Mr. Reis updated on any new properties the University leases.

Chief Mackesy reminded the Committee that the Appendix went into effect January 1st, replacing the Clery Handbook. No Presidential executive order can undo that, any changes to the Clery Act have to go through a process and probably won't happen for a year or two. The handbook is an excellent guide so stick with the handbook. If you do, should any changes become effective down the road, you probably won't have to make many changes.

Another take away from Mr. Moore's seminar is that most universities make their CSA list too broad. UNF selected its CSAs based on job title not job duties, but best practice is to select CSAs on their job duties. Mr. Harrison stated that we moved away from making everyone in an area a CSA. However, the list is still pretty broad after narrowing it down to 300+. It is always a

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good idea to review the job function and its interaction with students. Chief Mackesy wondered if Mr. Reis should review the list of 300+ positions to make sure they all need to be CSAs. Even though the list is based on job duties, you could start by looking at job titles. Mr. Reis agreed that it is worth taking a look at the list as he is positive there could be some trimming of the list because in the beginning we went broad with who to include. Mr. Harrison said the list on the HR website would be a good place to start and suggested to especially review the Enrollment Services positions. Chief Mackesy said that Joann Campbell has agreed to help and he was sure Adam Brown would assist. Chief Mackesy gave a target date of the May meeting to complete the review. Calena Gray said that she would be happy to help if she had some direction as to what constitutes a CSA as she has only been on the committee for a short time. Mr. Reis said that there is a pretty straightforward definition of a CSA in the Clery Act and he will forward to the sub-committee. Mr. Reis suggested this be an annual or biennial audit of the list. Chief Mackesy agreed and said it would be reviewed annually. Ms. Stumph will put this on the February agenda going forward.

Rachel Winter said that she recently completed a form for a new position and checked the box for CSA. She wanted to know if it automatically went to Mr. Harrison for inclusion to the list. Mr. Harrison said that he conducts Clery training at the New Employee Orientation and makes a note of any new CSAs there. If so, he adds them to the training software showing that they have completed training and that system will prompt for yearly training. Chief Mackesy asked if Mr. Harrison is notified if someone is in a position and then the job description is changed to include CSA duties. Ms. Gray said she has not been notifying him of that change but will work on an internal process to do so.

Chief Mackesy said that Mr. Moore suggested the Director of the Counseling Center be on the committee. Ms. Stumph checked, and that position was not included in the bylaws. Also, the Director of Admissions, but Anissa Agnee, Enrollment Services designee, covers Admissions. The Director of Student Health Services should be included too. Chief Mackesy will reach out to the President's Office, since this is a presidential appointed committee, to see about adding the Director of Student Health Services and the Director of the Counseling Center to the committee.

Ms. Kirk said that Athletics has team physicians for the athletes, they are not employees, but she does include them in her report to NCAA. Would they be CSAs? Mr. Reis opined that, as discussed in a previous meeting, whether they are paid or not is not dispositive of CSA status. He would put them in the same category as Licensed Mental Health Counselors, who have a duty to maintain confidentiality. Therefore, he would not consider them to be CSAs.

Chief Mackesy said that if anything is brought to the attention of a CSA, it has to be reported to UPD. It's the CSA's duty to report. It's up to the UPD to determine if it's Clery reportable. Ms. Kirk said that the Athletics department gets training on sexual violence prevention, Clery and Title IX, both in the fall and in December or January. Marlynn Jones, Director of EOI and Title IX Coordinator, does the training in December or January. Ms. Kirk believes that Ms. Jones covers it all pretty well including the duty to report. She suggested Mr. Reis could review the Power Point presentation that Ms. Jones uses for training to make sure it covers the Clery requirements. Mr. Reis would be happy to do so.

Chief Mackesy then inquired that once the new Aquatic Center is completed, would the swim team continue to practice at Bolles. Ms. Kirk said that they would come back to UNF to

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practice. UPD will need to know when that happens so they can take that property off their Clery list. Ms. Kirk will let him know.

Chief Mackesy recapped the takeaways from today's meeting:

- Chief Mackesy will get with AA and the Provost to see about Shawn Brayton being appointed to the committee for real estate notice.
- Chief Mackesy will email Chris Wrenn and thank him for helping keep the University in compliance with the Clery Act in regard to off campus properties and to ask him to continue to update John Reis on any future leases.
- Chief Mackesy will get with the President to see about having the Directors of Student Health Services and the Counseling Center appointed to the committee.
- Calena Gray will create an internal process to advise Kelly Harrison when a position changes into a CSA position.
- The sub-committee consisting of John Reis, Chief Mackesy, Joann Campbell, Adam Brown and Calena Gray will finish their audit of the CSA list by the May 27th meeting.

Chief Mackesy then thanked the committee for their diligent effort over the last several years. He feels we are in a better position than most. Dr. Campbell said that she just participated in a UCF Clery survey and we hit the nail on the head on every question the survey asked. She agreed that we are in better shape than most.

Next meeting: The next meeting of the Clery Act Committee will be held on Thursday, May 27, 2021 at 9:00 a.m. The location has yet to be determined but will most likely be via Zoom.

Adjournment: There being no further business, Chief Mackesy adjourned the meeting at 9:50a.m.

Approved by Committee vote on May 27, 2021.