

Clery Act Committee Meeting
Thursday, August 11, 2022, 9:00 AM
Via Zoom
MINUTES

Committee Members Present:

Tim Barnes, Student Government
Adam Brown, UPD
Joann Campbell, Compliance
Donna Kirk, Athletics
Stephanie Levine, HR
Michael Malec, Counseling Center
Luisa Martinez Joyce, International Center
Valerie Morrison, Student Health Center
John Reis, Office of the General Counsel, Vice-Chair
Shelia Spivey, Office of Diversity & Inclusion
Rachel Winter, Dean of Students

Absent:

Bob Boyle, Housing and Residence Life
Samantha Brown, Faculty Representative
Dan Endicott, Environmental Health and Safety
Jason Edgar, SG Business Office
Kelly Harrison, CPDT
Anne Hoover, Academic Affairs
Marlynn Jones, EOI
John Kane, UPD
Frank Mackesy, UPD, Chair
Jocelyn Posos, Student Conduct

The meeting was called to order at 9:00 a.m. by Committee Vice Chair, John Reis. Mr. Reis asked if there were any new members on the committee. Jacqueline Small introduced herself as the Student Government representative. She is a Student Advocate.

Minutes: Mr. Reis presented the draft minutes of the May 26, 2022 meeting to the committee and offered the opportunity for comments/questions from the members. Upon receiving none, he asked for a motion to approve the minutes as amended. A motion was offered by Adam Brown and seconded by Donna Kirk. The motion was unanimously carried to accept the minutes as written.

Annual Security Report: Mr. Reis reminded the committee members that their portions of the Annual Security Report are due today. He then passed the topic to Adam Brown to lead. Det. Brown said that he is still waiting on some of the “big players”. Rachel Winter said that she needs a little more time because her responsibilities were expanded but will get it to Det. Brown by the end of next week. Sheila Spivey said that she was in the same situation with expanded responsibilities and would also get it to him by the end of next week. Det. Brown then reminded everyone else that if they haven’t provided their information yet, get it to him as soon as possible. He also said that it is easier for UPD if you use the right font and all the other things that Chief Mackesy asks you to do.

Mr. Reis said that as an explanation for the added responsibilities, that he, Rachel, Sheila and Bob had a call with a consultant from Margolis, Healy and Associates. They are security consultants for universities across the nation with a specialty in Clery compliance. The group

met with the consultants who had reviewed last year's ASR and provided a list of all items that were deficient. We scored a 79 out of 100. A couple of items were actually included in the report so that number could bump up to the low to mid 80s. This is a good score, not great but not horrible. Based on the consultant's feedback, some items were insufficient or not included in the ASR. It should be pretty easy to add the missing statements verbatim from the consultant's report. As to information missing, we need to include process pieces in the ASR. The good news is we can make these changes fairly easy, but the bad news is that Chief Mackesy would want me to remind you that the current Clery fine is almost \$60,000 per incident. Det. Brown stated that even if one took the verbatim language from the consultant's report, keep in mind that you need to review your policy or regulation to determine if it needs to be updated. Even though we just reaffirmed our Timely Warning Policy, based on the consultant's report, it will need to be updated. If you have not yet heard from Det. Brown, you're okay because he reached out to the people who were insufficient. If we complete what was insufficient or missing, we should score in the mid 90's at least. The consultants will calculate what the potential fines would have been if this had been a real review by DoE.

There was an inquiry if there is an expedited process to update regulations if they need to be updated as a result of the consultant's report. Joann Campbell said that there is an expedited process, and she used the Tuition and Fees regulation as an example of a regulation being updated as an emergency. Dr. Campbell said that in her experience, it is not the process that is slow, but the people involved. Regulations move quickly through CEROC and to the BOT for approval once they get to that stage. Part of what slows the process down is the comment period and subsequent updating of the draft regulation pursuant to those comments. She suggested to get all the players in the same room and hash it out quickly to determine where the bottleneck is. Mr. Reis stated that based on other DoE audits he's seen, if there was an audit, you could show the process as a mitigating factor. You could provide dates you had it ready. Dr. Campbell said that this is a timely discussion because President Limayem wants us to look at any old policies and regulations and make sure they are still current or update them.

Status of Updating Performance Evaluations including CSA Requirements: Mr. Reis started this topic by stating that he understood that there has been a delay in implementing the electronic performance appraisal system. He asked if there was a representative from Human Resources who could provide an update. Stefanie Levine was the only HR representative in attendance and suggested this be tabled until the appropriate HR representative was there to discuss.

Status of 2 Policies (Clery Act Timely Warning and Emergency Notification Policy and Campus Safety and Security Reporting Policy) to CEROC to Affirm Minor Changes: Dr. Campbell said that as a reminder, the policies were reviewed to make sure they were up to date. They went to CEROC and were affirmed this week. Det. Brown said that as a result of the consultant's report, there will need to be changes to the timely warning policy.

Other Business: Dr. Campbell commented that there is a group of interested faculty with respect to timely warning and campus security. They are looking at policies and communications. Isabel Pease and Chief Mackesy have been in contact with them. It may come up again in regard to faculty. It may be beneficial for this group to hear their comments and observations. We may want to wait until Isabel does what she wants to do as a result from these conversations. Dr. Campbell will get with Mr. Reis before the next meeting to decide if it is timely to bring this group to the committee or to just make changes based on their input.

Mr. Reis reminded committee members to get their information for the ASR to Det. Brown today unless you have major changes as a result of the consultant's comments. Once all information is compiled, a group of four, Chief Mackesy, Det. Brown, Dr. Campbell and Mr. Reis will read it over several times, nitpick it, and fix formatting issues so they appreciate more time to do so.

Next Meeting: Thursday, November 17, 2022, at 9:00 a.m. via zoom.

Adjournment: There being no further business, the meeting was adjourned at 9:23 a.m.

Approved by Committee vote on November 17, 2022