

Clery Act Committee Meeting
Thursday, November 17, 2022, 9:00 AM
Via Zoom
MINUTES

Committee Members Present:

Frank Mackesy, UPD, Chair
Tim Barnes, Student Government
Misa Bogomaz, Counseling Center
Bob Boyle, Housing and Residence Life
Adam Brown, UPD
Dan Endicott, Environmental Health and Safety
Jason Edgar, SG Business Office
Kelly Harrison, CPDT
Marlynn Jones, EOI
John Kane, UPD
Luisa Martinez Joyce, International Center
Valerie Morrison, Student Health Center
Jocelyn Posos, Student Conduct
John Reis, Office of the General Counsel, Vice-Chair
Jacqueline Small, Student Government Advocate
Sheila Spivey, Office of Diversity & Inclusion

Absent:

Anissa Agne, Enrollment Services
Samantha Brown, Faculty Representative
Joann Campbell, Compliance
Anne Hoover, Academic Affairs
Donna Kirk, Athletics
Stefanie Levine, HR
Rachel Winter, Dean of Students

The meeting was called to order at 9:02 a.m. by Committee Chair, Frank Mackesy. He also thanked John Reis for chairing the last meeting in his absence.

Chief Mackesy introduced and welcomed Dr. Misha Bogomaz, who will assume his role as Director of the Counseling Center in December. Since Dr. Bogomaz is new to the committee, Chief Mackesy wanted to clarify that in his position as Director of the Counseling Center he is a Campus Security Authority. That means that if he's walking around campus and someone comes up to him and reports a Clery reportable crime, that Dr. Bogomaz has to report it to UPD. However, if someone that he is counseling in his professional capacity reports a crime, he is exempt from that reporting responsibility. He reminded Dr. Valerie Morrison that the same applies to her. Dr. Bogomaz asked if that applied to his staff members as well and Chief Mackesy confirmed that it did.

Chief Mackesy invited the rest of the committee to introduce themselves as well.

Chief Mackesy then suggested that Mr. Reis handle the approval of the minutes since he wasn't able to attend the last meeting.

Minutes: Mr. Reis presented the draft minutes of the August 11, 2022 meeting to the committee and offered the opportunity for comments/questions. Upon receiving none, he asked

for a motion to approve the minutes as amended. A motion was offered by Kelly Harrison and seconded by Valerie Morrison. The motion was unanimously carried to accept the minutes as written.

Margolis Healy Spreadsheet: Chief Mackesy stated that Adam Brown compiled the ASR this year. He assisted last year but this year Adam did it himself. Chief Mackesy said that it is a lot of work to put the ASR together and he appreciated Adam's efforts.

Chief Mackesy said that he received feedback from some who didn't quite understand how the Margolis Healy spreadsheet worked. He explained that he, Adam, Sheila, Rachel, Bob and others from the areas most impacted by results of this audit, met and went over it. Because of that meeting, they understand how the spreadsheet works. He will get to that in a minute.

The audit was based on the requirements of the law. The auditors said that our ASR was better than most and we could show the DOE that we're trying. UNF received a score of 80.4% from the auditors, which reflects that moderate attention is needed to the ASR. Chief Mackesy feels that is really not a great score. Most of the errors were because we didn't know that certain information needed to be included in the ASR. The aforementioned group fixed most of the items that were missing or not correct. There are still a few outstanding issues Chief Mackesy needs to go over.

Dr. Morrison wanted to know if UNF was fined as a result of this audit. Chief Mackesy explained that this was not an audit by the DOE. He heard about this particular company that audits hundreds of ASR reports and asked if they would audit UNF's ASR. Joann Campbell provided money out of the Compliance Office budget to cover the cost of the audit. As this was a private audit, we did not have to pay a fine to the DOE but it did show us that we are susceptible to a fine. Dr. Morrison followed up by stating that in the health field, they are audited every few years and wanted to know how often DOE would audit UNF. Chief Mackesy said that a few years ago UNF had a Title 4 / financial aid audit. Based on that audit, the auditors gave us a glowing response. Eventually the DOE will get to every university to perform an audit. However, if national attention is brought to a university, like the unfortunate incident in Virginia, the DOE will go in and audit everything.

Chief Mackesy next focused on the spreadsheet and how to read it. Up at the top noted in red, these items are not ASR requirements but are Included for informational purposes only. Under the Key section, it notes the severity factor with 0 the best and 2 as very severe. Unfortunately, we have a lot of 2s. These are the areas that the DOE looks at when they audit. The ID is just the number of the line, which makes it easier to communicate what needs to be done to correct the spreadsheet. UTF is unable to find, be we had just a few of those. We are going to use this spreadsheet going forward as we compile the Annual Security Report.

Under Compliance is a big number 1. It lists 668.46 of the Code of Federal Regulations that is the actual law describing the requirements of the Clery Act. It is best practice to closely mimic the actual language in the law in your policy. This spreadsheet follows the exact order of the statute, which, unfortunately, doesn't have the common things in one area in one section. Chief Mackesy strongly suggests that whoever prepares your part of the ASR to look at each individual area to make sure you include all you need to do. If you look under 2 in the Compliance column, you see statute number followed by subsection (b). Everything below that until the next gray box is covered by that portion of the statute. Each section is separated by the portion of the statute that covers what is below it.

Next look at line 38. It is still insufficient as we were not able to get that done by the October 1 deadline. We do not have the health or visa assistance information required. Dr. Bogomaz asked how do you assign who needs to complete each section. Chief Mackesy said that he

was going to look to Dr. Morrison to address the health section and to Dr. Martinez-Joyce to address the immigration section. Dr. Joyce said that her office only handles part of immigration and that Admissions and Human Resources handle other parts. Chief Mackesy suggested that since Dr. Joyce is the immigration expert serving on this committee, he is looking to her to get with the other areas to provide the information needed. Dr. Joyce agreed.

Sheila Spivey had a recommendation that everyone who has to provide services information on a portion of the ASR meet to create one document that lists all services regarding all requirements. Chief Mackesy said that the UPD already has a pamphlet with assistance information to give victims so that's a start. He asked for someone who was willing to take ownership of this section. Ms. Spivey said that she will take the lead to coordinate a meeting and get those services requirements added. Chief Mackesy suggested she look to Line 38 to include all the people necessary to complete that section. He asked Deputy Chief Brown to share the victim assistance pamphlet with Ms. Spivey.

Deputy Chief Brown noted that the comment section in the far right column gives examples of universities that, in the auditors' eyes, are doing it right. He suggested everyone look at those websites to see how those universities put their ASR together to get some ideas.

Chief Mackesy suggested that Mr. Reis share the ASR section of the Code of Federal Regulations with the committee. Chief Mackesy also advised the committee that they can google CFR 668 and the Clery Act will pop up. Mr. Reis advised that if he shared the CFR during this Zoom meeting, he would bump the spreadsheet off, but noted that the spreadsheet contains the exact language in the statute. He did, however, put the link to the statute in the chat area of the meeting.

Line 102 requires an emergency contact in case a student goes missing. UPD has always used the emergency contact person. However, this is a different emergency contact person. If a student wants to go missing, they can tell that person to not tell anyone where they are but let authorities know that this person is okay. We have to come up with a separate emergency contact person, but only for housing students. Lines 97, 102 and 104 all pertain to housing that Bob Boyle will take the lead on completing.

Deputy Chief Brown had one more tip. As you make any changes to the ASR, you need to remember to change any internal policies. The ASR is actually a compilation of the University's policy statements. It cannot be included in the in ASR if it's not in a University policy. Please note that the ASR does not make policy, it only reflects existing policy.

A question was asked as to when Chief Mackesy wanted all this information to be completed by. He responded by the next meeting, February 23, 2023. At that time, discussions will begin to start compiling the 2022 ASR that is due to the DOE by October 1, 2023.

Status of Updating Performance Evaluations including CSA Requirements: Chief Mackesy asked if Kelly Harrison is still with Human Resources. He replied that his department falls under HR. Chief Mackesy inquired if Mr. Harrison knew the status of updating performance evaluations to include the CSA requirements. Mr. Harrison said that he does not know a specific answer on that. However, with the expected transition to Workday in July 2024, he does not believe there will be a lot of work on this until then. Starting in January, the University will start the work to transition to Workday, which will entail a lot of change due to a different system and process. The training system also has an immigration flow into Workday. If it's in the current training system, the hope is to be able to pull it into Workday. We need Carrie to fill us in on specifics. Chief Mackesy will check with Carrie.

Other Business: Chief Mackesy shared that the Compliance person at FSU gave the best interview ever during UNF's search for its next Compliance Officer. She was in the Office of the General Counsel but was hand-picked to start FSU's compliance office. She will be great if we can get her on the team here at UNF.

Chief Mackesy asked Jacquelyn Small if she had anything from Student Government to share. Ms. Small said that she was busy learning how our campus operates but if she has anything in the future, she will reach out to the committee members. Chief Mackesy assured her he was always available if she had any inquiries. Ms. Small then remembered that the Campus Safety Survey was sent to all students, and she would be curious as to the results of that survey.

A question was asked as to when the email will be sent to all CSAs reminding them to report any crimes to UPD. John Kane said that the email will be sent in early December. He usually sends these email reminders in April and December. He will get with Mr. Harrison prior to sending the email to make sure he has the most up to date list of CSAs.

Takeaways: As reminders, Chief Mackesy said that Ms. Spivey was responsible to completing the information in response to Line 38. Mr. Boyle is responsible for Lines 97, 102 and 104. Deputy Chief Brown will get the victim assistance pamphlet to Ms. Spivey. Chief Mackesy will follow up with Carrie Guth regarding CSA requirements on performance evaluations. Mary Stumph will circulate the spreadsheet to all committee members.

Next Meeting: Thursday, February 23, 2023, at 9:00 a.m. via zoom.

Adjournment: There being no further business, the meeting was adjourned at 9:43 a.m.

Approved by committee vote on February 23, 2023.