

Clery Act Committee Meeting
Thursday, August 9, 2018 at 9:00 AM
Student Union, Building 58 W / Room 3804

Committee Members Present:

John Reis, Office of the General Counsel, Vice-Chair
Tim Barnes, Student Government
Maria Bello, Club Alliance
Joann Campbell, Compliance
Rosalind Dexter-Harris, Enrollment Services Planning & Operations
Carrie Guth, Human Resources
Katie Haft, Office of Equal Opportunity & Diversity
Kathleen Halstead, UPD
Kelly Harrison, CPDT
Anne Hoover, Academic Affairs
Luisa Martinez Joyce, International Center
Donna Kirk, Athletics
Dawn Knipe, Student Government
Ruth Lopez, International Center
Holly Miller, Faculty Representative
Rachel Winter, Student Conduct

Absent:

Bob Boyle, Housing and Residence Life
Dan Endicott, Environmental Health and Safety
Cheryl Gonzalez, Title IX Administrator
Frank Mackesy, UPD, Chief
Sheila Spivey, Women's Center
Tom Van Schoor, Dean of Students

Guests:

Aisling Glock, Spinnaker News
Robb Hartman, Office of Internal Auditing
Julia Hann, Office of Internal Auditing

The meeting was called to order at 9:00 a.m. by Committee Vice Chair, John Reis, who advised the committee that Chair Frank Mackesy was on vacation and that he would run the meeting.

Minutes: Mr. Reis presented the draft minutes of the May 24, 2018 meeting to the committee and offered the opportunity for comments/questions from the members. Upon receiving none, Mr. Reis asked for a motion for approval. A motion was offered by Donna Kirk and seconded by Tim Barnes. The motion was unanimously carried to accept the minutes as presented.

Annual Security Report: Mr. Reis acknowledged that he had received sections of the ASR from some members of the committee and reminded the rest to submit their sections to the group by August 31, 2018. Unless there were big changes in a department, members just needed to review last year's report and make sure it is up to date. If you are unsure what section of the ASR you are responsible for, contact Frank Mackesy, Joann Campbell or John Reis. Remember the final report is due to be posted by October 1st.

Sexual Assault Resources for Non-English Speakers: Dr. Campbell thanked Katie Haft, Ruth Lopez and Kaitlin Legg for their assistance. Dr. Campbell said that she is on a list serve from SUNY who has developed a sexual assault resource information sheet that can be

translated into 120 languages. It is free to use if attributions are made to SUNY. Dr. Campbell met with Ms. Lopez who said that the highest number of nonnative speakers on campus speak Spanish, Portuguese and Chinese. Dr. Campbell distributed an information sheet that was translated into Spanish to the committee as a sample. She acknowledged that it is not in the prettiest format, but they are working on putting it into a more attractive brochure format with links to the websites mentioned. If your area has a need for the information sheet to be translated into another language, just contact Dr. Campbell. If students need something more specific, she can help. They are working on how to make it available in a variety of ways and are open to any suggestions. She believes it would be appropriate to include this information in next year's ASR.

Update on Internal Audit: Mr. Reis reported that the internal audit of Clery is done and the report is in draft. We did pretty good with two thumbs up from Julia. Mr. Reis stated that Chief Mackesy, Dr. Campbell and he met with Julia Hann and Rob Hartman to discuss the findings. One of the findings is that the list of the CSAs in the policy does not mesh with the people sent to Kelly Harrison for training. Ms. Hann took it over from there and said that the committee has come up with a really good policy. During the audit, they tried to make sure the policy syncs with the list of names sent for Clery training. The issue was how the policy speaks to some areas like Athletics and Housing that determined that all employees in their departments should be CSAs with certain exempt positions.

Mr. Harrison said that it is a huge net for "all" employees. Enrollment Services says all "professional staff" are CSAs, but that language also leaves the door open as it is vague and nebulous. These terms need clarification. Other areas are dead on where it lists every position that is a CSA instead of "all". Ms. Guth said that some positions are in flux now because some current coordinators may become classified as specialists and convert from A&P to USPS but still will perform Clery functions.

Ms. Hann stated that a draft of the audit report was given to Chief Mackesy, Mr. Reis and the VP to give feedback and provide management response. She stated that this issue does not have to be resolved today but she needs a commitment as to when these areas will look at their list of people for CSAs and make changes to what is in the policy. Mr. Reis said that he would like to get the policy changed prior to October 1st so we could include the most up-to-date policy in the ASR. The policy will need to be reviewed and approved by the committee, then CEROC and then the VPs. He asked Dr. Campbell if Appendix A, which lists all the CSA positions, has to be vetted. Dr. Campbell suggested that the language could be changed from appendix A to "as per the list maintained and posted by Human Resources." Mr. Harrison suggested that since the CSA list seems to be in flux every semester, and since UPD sends out an email to CSAs twice a year, that the CSA position list should be reviewed at those times also.

Mr. Harrison reported that the administration made the decision that all employees will now be considered to be responsible employees under Title IX which makes them mandatory reporters as far as sexual assault goes. All new employees get both Clery and Title IX training but the big push is to get current employees who need the required training. While he has not heard that Title IX training will be required annually, he thinks that will happen. Title IX is very similar to Clery. Under Title IX, if anyone sees violation they have a duty to report it to Cheryl Gonzalez, who is the university-wide Title IX coordinator. Under Clery, CSAs have to report crimes to UPD and there are more Clery crimes that are reportable than under Title IX.

Ms. Hann then discussed the other finding, while basic, it is important that all offices with CSAs have written internal procedures in place. Some things to consider are: who in your office is a CSA; how often will you review the list of CSAs and provide any changes to HR; what are the expectations in your offices for reporting; how long will you retain backup documentation; how will CSAs communicate with UPD; who is responsible for reporting to UPD. Every office is a

little bit different, so write down what is required of employees. Everyone Robb met with during the audit could clearly articulate the process so it just needs to be written down. Lt. Halstead said that calling dispatch is not the best way to report and suggested that email is the preferred method. She said to take notes while talking with the student, write it down and email it. Of course, if a crime is occurring right there and you see it, yes call dispatch. It was suggested that maybe UPD could have a designated email address. Ms. Hann said that we need a recommendation from UPD on how they want to receive reports. Right now, all procedures just say “contact UPD”.

Mr. Reis said that everyone’s internal procedures would not be included in the ASR. Dr. Campbell asked if anyone has written procedures. She then asked Robb if his notes reflect what people said was their process. Mr. Hartmann said that Bob Boyle has a good flow chart in his office. Unfortunately, Mr. Boyle could not attend today’s meeting as he had a conflict. After a general discussion it was decided that the deadline to have procedures approved and in place is December 31st. Ms. Hann thought that was a good idea because she is scheduled to provide an update to the BOT in January and would like to state the findings have been resolved. Ms. Hann then thanked the members for their time in meeting with her and for holding these quarterly meetings, which will keep them abreast of what is going on.

Update on Bystander Video: Ms. Spivey was not in attendance, so there was no update on the video. Mr. Reis said that we will table this item until Ms. Spivey can attend and provide an update.

Update on Concur: No one had an update on Concur. Ms. Hoover said that she is in the approval process for Academic Affairs and international travel, but not domestic travel. Ms. Kirk said that Athletics is still keeping spreadsheets for travel because as far as she knows, there is still no way to export the Clery information from Concur. Ms. Hoover thought that the recommended changes were still in the hands of Leanne Thomas.

Other business: Rachel Winter said now that the Title IX meeting has been moved to the same time as the Clery meeting, several key figures will have to miss Clery to attend the Title IX meeting. She suggested that the committee look at a different day or time for the Clery meetings.

Ms. Kirk asked if we have received any report from the DOE after their audit. Mr. Reis said that they were told verbally that the investigators were impressed because we have a presidential appointed committee and they had no findings. There were a few minor issues in Enrollment Services that have since been rectified. Dr. Campbell reminded the committee that this was not a Clery audit but they could always come in and conduct a comprehensive Clery audit. She emphasized that the University gave the DOE no reason to come in and conduct another audit based on what they saw during the Title IV program audit.

Ms. Kirk said that in the spirit of annual CSA training, one week from today is the Athletics breakfast with the President where they kick off the academic year. She will show the fourteen minute Clery video to the whole Athletics department and will send the signup sheet to HR for tracking. Ms. Kirk said that her talking points would include Title IX responsible employee. She said that the timing of this training is especially important to Athletics based on the whole Urban Meyer issue.

Mr. Harrison wanted to know what does “annual” mean. What time period does that encompass? For purposes of tracking and maintaining, what is that window for annual training? He suggested that the time period should be the same for Clery and Title IX and could be either the state fiscal year of July 1 – June 30 or the federal fiscal year, October 1 to September 30. He recommends the state fiscal year. Ms. Hann suggested trying to get faculty trained in the

beginning of the cycle so you could find out who has not taken the training and ensure they get it. Mr. Harrison said they finally have funding for a new system to track training that can help us manage this function. He will be able to load both Clery and Title IX training in each employee's learning plan as a required course and set it to a recurring time so it will automatically roll back into their annual learning plan. Supervisors will be able to track the training each of their employees receive and what they still need to do. He said that hopefully next fiscal year it will be ready to go.

Next meeting: The next meeting of the Clery Act Committee will be held on Thursday, November 15, 2018 at 9:00 a.m. at a location to be determined.

Adjournment: There being no further business, Vice Chair Reis adjourned the meeting at 9:55 a.m.

Approved by Committee vote on November 15, 2018.