

Clery Act Committee Meeting
Thursday, May 28, 2020 at 9:00 a.m.
Via Zoom
MINUTES

Committee Members Present:

Frank Mackesy, UPD, Chair
Andrea Adams-Manning, Dean of Students
Anissa Agne, Enrollment Services
Tim Barnes, Student Government
Bob Boyle, Housing and Residence Life
Adam Brown, UPD
Joann Campbell, Compliance
Dan Endicott, Environmental Health and Safety
Shawn Faulkner, UPD
Matt Harris, Undergraduate Studies
Kelly Harrison, CPDT
Cristina Helbling, Undergraduate Studies
Anne Hoover, Academic Affairs
Dawn Knipe, Student Government
Ruth Lopez, International Center
Luisa Martinez, International Center
Nancy Miller, Athletics
John Reis, Office of the General Counsel
Sheila Spivey, Women's Center
Rachel Winter, Student Conduct

Absent:

Marlynn Jones, Office of Equal Opportunity & Inclusion
Holly Miller, Faculty Representative
Student Government Association Representative

The meeting was called to order at 9:00 a.m. by Committee Chair, Frank Mackesy.

Minutes: Chief Mackesy presented the draft minutes of the February 27, 2020 meeting to the committee and then offered the opportunity for comments/questions from the members. Upon receiving none, Chief Mackesy asked for a motion for approval. A motion was offered by Shawn Faulkner and seconded by Tim Barnes. The motion was unanimously carried to accept the minutes as written.

2019 ASR: Chief Mackesy stated that even though we are working remotely, we still have the responsibility to submit the 2019 ASR on time. At this time, Athletics and UPD have submitted their portion of the ASR. Although the due date is not for a while, Chief Mackesy suggest that everyone should start sooner rather than later in case any technical difficulties incur while working from a distance. This will give UPD an opportunity to deal with any difficulties in a timely manner. Remember, you don't have to reinvent the wheel. Just make sure your policies are up to date and your portion of the checklist is covered. Some responses go across different branches of the University but just deal with your portion. You do not have to complete the checklist yet as page numbers may change. Once the ASR is done, you will get a reminder to complete the checklist and then get it to Joann Campbell for compliance. Chief Mackesy stated that he knows both Bob Boyle and Dan Endicott are extremely busy with COVID but please

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remember it's due and to get information to UPD in a timely manner, especially in case technical difficulties occur.

Update on revisions to the Sexual Misconduct Regulation and Equal Opportunity

Regulation: John Reis reported that Joann Campbell is working with Marlynn Jones and Justin Sorrell on revamping the regulations because the Department of Education just issued new Title IX regulations and what we thought was in final is now null and void. Rachel Winter agreed that there will need to be significant changes to our Title IX Regulation and to the Student Conduct Code, especially related to the definition of responsible employee and university liability. The new DOE Title IX regulations are very different than what was updated to our regulations last year. The new regulation no longer applies to anything outside of the United States, which includes study abroad. Some behavior will no longer fall under Title IX but we can respond through Student Conduct. Some behavior may no longer be appropriate for EOI to handle but Student Conduct could. Some reporting responsibilities for CSAs may change depending on how the definition of Responsible Employee works out. The new regulations are effective August 14.

Shawn Faulkner stated that he has completed the mailouts to all the various police departments and have already sent the second letters to those that were either returned or did not respond. It's a hit and miss when you send letters to China or Paris. Sometimes you get it back and sometimes not.

Kelly Harrison said that the CSA list posted on HR's website tries to capture all CSA positions on campus. However, they ran into an issue with Athletic Training Interns as there is not a separate position number for that title. There is a designation of Athletic Interns, but they are not necessarily trainers. They could be interns working games or maintaining grounds. The best way to capture Athletic Training Interns is to create a position specifically for Athletic Training Interns or just classify them as OPS Athletic Trainers. Either way, they will need to be captured accurately and we need to make sure they get the required training. The decision is now between HR and Athletics. Dr. Campbell stated that we have got to get a clean list of CSAs that matches every single title and to remove the duplicates. Sometimes it seems that five titles appear to be the same thing. We need a one-to-one relationship between the position titles and CSA training. Mr. Harrison agrees. The position entitled "Assistant Athletic Trainer" has four to five different position numbers under that title. It just happened over the decades that different position numbers were created under the same position title. Mr. Harrison said that we need to get it cleaned up, but that is a significant undertaking. Dr. Campbell said that she and Diane Scott would be happy to identify everyone we need to identify and then the cleanup process can begin. In response to Chief Mackesy's question, Mr. Harrison said that he is not necessarily the Human Resource representative, but he does work closely with Carrie and will work with HR to come to a resolution on this. He is not sure of a timetable associated with that cleanup. Chief Mackesy stated that he just wants to make sure we're in compliance. It seems that the fix should be to create a new position number for Athletic Training Intern. We have to capture them because they are most definitely CSAs. Dr. Campbell will work with HR to start the conversation and then will bring in John Reis and Kelly Harrison. Chief Mackesy will get with Scott or Carrie to get a Human Resources representative appointed to committee. Mr. Harrison suggested that representative should be Carrie Guth or Calena Gray. Nancy Miller said that the title of Assistant Tennis Coach will now be Graduate Assistant and is afraid that those

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CSAs will not be captured as is the problem with Athletic Training interns. Hopefully this can be straightened out by next meeting

Safety Rangers added to the list of CSA employees: Mr. Harrison confirmed that Safety Rangers have been added to the CSA list on the HR website. Sgt. Faulkner said that the current Safety Rangers have received training.

Other Business: Andrea Adams-Manning said that Greek advisors are not registered as CSAs. For registered student organizations, the Assistant Director and Coordinator are included in the ASR and have to report. She said she had thought about writing an internal policy that these advisors are CSAs but now thinks we need to move in a different direction. She said she needs Tim Barnes' assistance with Student Government to get the Greek organizations designated as University registered organizations to be assured the advisors are classified as CSAs. Dr. Campbell said that is moving in the exact right direction as these are the biggest student groups on campus. Ms. Winter advised that every chapter does it differently, the system doesn't like change, and likes to keep their business in their group, but that doesn't mean it can't happen. Advisors will still be of their own choosing. She said that UNF is unique in how we deal with Greek organizations and it is up to the national organizations as to what the guidelines are to be advisor. Men organizations are looser with advisor guidelines than women organizations. Would you prefer advisors are not CSAs or to have more ability to control and sanction if Greek organizations are registered student organizations? Ms. Adams-Manning wanted to know the recommendation from this committee. Would we rather put them in a queue where we at least we have some leverage to change behavior, approaches, etc.? Maybe the Greek organizations would be more particular about who they allow to be advisors and we could change the culture. Ms. Winter stated that the DOE cannot fine them only us, but we can fine. Mr. Harrison want to know how can we track non-employee training? Another piece for the conversation is how do we monitor them internally? Chief Mackesy stated that this decision is not in this committee's purview; however, in the end if it's in the best interest of the university, then we make them CSAs. He suggested that Ms. Adams-Manning research how other institutions handle this issue.

Next meeting: The next meeting of the Clery Act Committee will be held on Thursday, August 13, 2020 at 9:00 a.m. at a location to be determined or via Zoom.

Chief Mackesy reminded the committee members to update their information for the ASR. He will follow up on getting a Human Resource representative appointed to the committee and the committee will follow up on interns and assistant coaches at our next meeting.

Adjournment: There being no further business, Chief Mackesy adjourned the meeting at 9:58a.m.

Approved by Committee vote on August 13, 2020.