TIMELY WARNINGS & EMERGENCY NOTIFICATIONS:
SEPARATE & DISTINCT

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TUESDAY, MARCH 6 (1:25 PM - 2:15 PM)
ROOM/VENUE: 119 B - CONVENTION CENTER

#NASFA18

TODAY'S PRESENTERS

Alison Kiss
Executive Director
Clery Center

Laura Egan
Senior Director of Programs
Clery Center

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CLERY CENTER: MISSION & VALUES

Mission Statement
Working together with college & university communities to create safer campuses

Values & Distinguishing Characteristics

- We honor our organization's history by leading with mind and heart.
- We are collaborative & pursue strong partnerships that are based on joint success and open, constructive communication.
- We believe that prevention is critical to campus safety.
- We are persistent, action-oriented, and deliver results that have real impact.
TODAY’S GOALS

- Define the distinctions between timely warnings and emergency notifications under the Clery Act
- Analyze common gaps in institutional policies that often conflate each type of alert
- Provide strategies for navigating campus opinions on the intentions of each alert and how to best communicate their function with the campus community
- Answer frequently asked questions about developing policy and implementing such policies
JEANNE CLERY ACT: OVERVIEW
Annual Security Report
- Policy statements
- Campus crime statistics
Ongoing Disclosures
- Emergency notification
- Timely warning
- Public crime log
VAWA Amendments to Clery
U.S. Department of Education (ED) Enforces

CLERY ACT: REFRESHER
WHO: Campus Security Authorities (CSAs) and local law enforcement
WHERE: Clery Act geography
WHAT & HOW:
- Annual
  - Annual security report (statistics, policy statements)
- Ongoing
  - Timely Warnings
  - Emergency Notification
  - Daily crime log
  - Rights & options for survivors of sexual assault, domestic violence, dating violence, & stalking
ENFORCEMENT: U.S. Department of Education Clery Compliance Team

KEY PLAYERS
- Department of Education (ED) Clery Act Compliance Team
- Westat

RESOURCES
- The Clery Act – Statute & Regulations
- The Handbook for Campus Safety and Security Reporting
- ED Program Review Findings
What are timely warnings?

Why didn’t we send out a timely warning?

Can you define “timely”?

Why did we send out a timely warning?

Can’t we just call them all alerts?

Who decides when we need to issue these?

What are emergency notifications?

What constitutes an “emergency”?

Does any of this sound familiar?

SEPARATE AND DISTINCT

EMERGENCY NOTIFICATIONS

- Broader Focus – any significant emergency or dangerous situation
- Anywhere on campus
- Entire campus or segment(s)
- Issue alert immediately upon confirmation

TIMELY WARNINGS

- Narrower Focus – Clery Act crimes
- Clery Act geographic area
- Reach entire campus community
- Issue warning as soon as pertinent info available
EMERGENCY NOTIFICATION

HISTORY OF EMERGENCY NOTIFICATION REQUIREMENT

- 2008 amendment to the Clery Act through the Higher Education Amendments (HEA)
- Change to law prompted by the Virginia Tech shooting (2007)
- Broadens focus to any type of emergency situation or threat

EMERGENCY POLICY REQUIREMENTS

Policy Must:
- Articulate the process used to confirm that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus
  Immediate Threats may include:
  - Active shooter
  - Natural disaster
  - Environmental
  - Weather
  - Other
EMERGENCY POLICY REQUIREMENTS

Policy Must:
• Disclose the process used to determine which segment(s) receive notification
• Explain how the content of the notification will be developed
• Disclose which officials by title are responsible for each step
• Initiate notification without delay and taking into account the safety of the community

Following confirmation the institution must:
• Determine what information to release
• Initiate notification
• Take into account safety of the campus community
• Provide “adequate follow-up information”

Withhold an emergency notification ONLY if it compromises EFFORTS to:

- Assist a victim
- Contain, respond or mitigate the emergency

Determination must be made by responsible authorities identified in the policy statement.
KEY QUESTIONS TO CONSIDER IN POLICY DEVELOPMENT

- Who manages the emergency notification process?
- Is your policy for emergency notification separate from your timely warning policy?
- Who is the intended audience for your policy statement language in your annual security report?
- How do you explain what an emergency notification is to your campus community outside of your ASR?

TIMELY WARNINGS

TIMELY WARNING POLICY COMPONENTS

A timely warning policy should address the following components:

- Circumstances that trigger a warning
- Who issues
- Dissemination process/channel
TIMELY WARNINGS MAY BE ISSUED WHEN...

- Clery Act crime occurring within Clery geography is reported to a CSA
  
  AND

- Reported Clery Act crime represents a serious or ongoing threat
  
  - Students
  
  - Employees

CLERY ACT CRIMES

Criminal Offenses

- Homicide
- Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

VAWA Offenses

- Dating Violence
- Domestic Violence
- Stalking

Arrests & Disciplinary Referrals

- Liquor law violations
- Drug law violations
- Weapons law violations

HATE CRIMES ARE...

- Homicide
  - Murder
  - Non-negligent manslaughter
- Sex Offenses
  - Rape, Fondling, Incest, Statutory Rape
  - Robbery
  - Aggravated Assault
  - Burglary
  - Motor Vehicle Theft

+ Larceny-Theft
  - Simple Assault
  - Intimidation
  - Destruction/Damage/Vandalism of Property

HATE CRIMES ARE…
WHEN…
Motivated by a bias in one of the bias categories:

- Race
- Religion
- Sexual orientation
- Gender
- Gender identity
- Ethnicity
- National origin
- Disability

WITHIN CLERY GEOGRAPHY

On-campus
Subset: On-campus
Student Housing

Noncampus

Public Property

ISSUING TIMELY WARNINGS

- Case by case basis
- Information that promotes safety and allows individuals to protect themselves
- Time, location and type of crime
- Confidentiality
If emergency notification is issued, there is **NO NEED** to issue a timely warning for the same circumstance.

**COMMON COMPLIANCE CHALLENGES**

Navigating campus opinions

- Need to know vs. need to know for safety
- Cross-campus collaboration
- Soliciting feedback from various groups
- Educating campus community about intent and uses
COMPLIANCE CHALLENGES
Inconsistent/nonexistent underlying policies
• Policy review— who’s at the table? What are our messages?
• Checklist for policy components

Failure to document decisions around issuance
• Decision matrix

CASE STUDY
Chris attended a fraternity party last night and woke up today in the bed of their friend, Sam, who lives in Merriweather Hall. Chris lives in Post Hall.
Chris returns to Post Hall and checks in with the RA.
Chris tells the RA, “I think Sam raped me.”
Chris was drinking at the party, but is unsure of how much. Chris does remember returning to Sam’s room before blacking out and shares all of this with the RA.
Chris is scared and wants to figure out what really happened but doesn’t want to make Sam mad or upset.
The next day, two other students that attended the same party as Chris report similar experiences of drinking a lot, apparently blacking out and being sexually assaulted.
Additionally, members of the fraternity that held the party report being uncomfortable with an act of hazing they were told to participate in that involved supplying alcohol to friends that attended and to “hook up” with them. These fraternity members did not participate but knew of other pledges who had.

COMPLIANCE CHALLENGES
Inadvertent identification of victim
• Campus context matters (i.e. location of an incident at a small residential college)
• Victim advocates as CSAs

Templates
• Can help and hurt—help to save time, hurt if not specific enough to the incident
CASE STUDY
February 25, 2018 – 1:00am

SEXUAL ASSAULT

REPORTED OFFENSE: Early Saturday morning, at approximately 1:00 a.m., XYZ Campus student was followed by two suspects while getting on the light rail towards West Campus where the student disembarked and was raped near Campus Village. The student was able to flee to Campus Village and immediately contacted local police. The suspects fled on foot westbound on Walnut Street. No weapons were reported seen by the student. Campus police responded immediately when notified by local PD.

SUSPECT: The suspects are described as two white males, 19-20 years old, both 5’9.

PREVENTION TIPS: Your safety is important to the College. Please report all suspicious activity to Campus Police. Choose well lit walking paths on campus and be aware of blue light telephones on campus.

PREVENTION TIP PRACTICE

For each of the following types of crimes what prevention tips would you include:

• Aggravated assault
• Arson
• Hate crime

COMMON THEMES IN ED PROGRAM REVIEWS

“Failure to comply with timely warning requirements”
“Lack of or inadequate policy statements”

Common themes:
• Distribution of warning (did it reach entire campus community?)
• Proper training/coordination of CSAs (reporting forms, report-writing documents)
• Consideration and documentation of whether to issue
• Incomplete policy statements (“say what you do; do what you say”)
RECENT PROGRAM REVIEW HIGHLIGHTING TIMELY WARNING AND EMERGENCY NOTIFICATION
Pennsylvania State University (2016)

• “Failure to issue a timely warnings in accordance with federal regulations”
  • Key elements: Timeliness and incident-specific information; multi-modal response; process ownership; role of CSA, determining on-going threat, documentation

• “Failure to issue an emergency notification after senior...officials learned of...sex offense...and child abuse charges”
  • Key elements: Danger to the community, non-students on campus and responsibility, actions to mitigate risk

WHAT CAN YOU DO AT YOUR CAMPUS?

• Solicit feedback from various constituencies on language used for prevention tips in timely warnings

• Create an awareness campaign for your campus on the differences between timely warnings and emergency notification and their uses

• Create policies informed from all lenses (victim rights, law enforcement/campus safety, health and wellness, general counsel) that align with requirements of the law and mission of the institution

Questions?
Thank you for joining us today!

Please remember to complete your online evaluation following the conference.

See you in Los Angeles in 2019!