

*Jessica:*

Hi, everybody. Thank you, **Jim**, for the introduction. I'm gonna get started here with a quick agenda slide and then we'll go from there. Today we're gonna start by putting our discussion of Clery into context. Then we're gonna go through a list of the Top 10 mistakes that schools tend to make related to Clery.

Then we'll give you a handful of resources for more information and then we'll end with some time for questions at the very end. Anyone have a suggestion? What is it with this thing? Okay, I don't know what I did differently in that click but we'll go with it. Okay, so first of all let's quickly talk about the big picture here.

The Higher Education Act authorizes a wide variety of programs that are designed to help students access and succeed in college. It also authorizes teacher preparation training programs. It also authorizes international education programs, a wide variety of things, right? And then as you know the Higher Education Act also authorizes the Title 4 programs and it outlines the requirements for schools that want to participate in our federal student aid programs. One portion of those requirements is the Clery Act.

The Clery Act was added to the Higher Education Act first in 1990 and it's been amended a few times since then but, generally, Clery requires institutions that are participating in our Title 4 programs to maintain and disclose campus crime statistics and security information. Now Clery has some requirements that apply to all schools in the Title 4 programs. They all have to collect, classify and count crimes. They all have to issue Timely Warnings and Emergency Notifications. They all have to publish an Annual Security Report and, finally, they have to submit crime statistics to the department so they have to report information to the department.

There are also some additional requirements that only apply to some Title 4 schools so, for example, institutions with campus police or security departments have to, in addition to the things I mentioned on the last slide, they also have to maintain a daily crime log. Schools that have on-campus student housing facilities have to disclose missing Student Notification Policies and Procedures and they also have to comply with the Fire Safety Requirements, in addition to the other requirements that apply to all schools. So as we're going through here, think about which of these requirements apply to your institutions so that you can be sure that you're complying with all of the applicable pieces. All

right, I might just go ahead and stand over by the laptop, excuse me. So why is this important?

Why do you need to care about the Clery Act? Obviously as Jim mentioned obviously we care a lot about the safety of the people who are on your college campus but, you know, in addition to that, the more technical side of things is that Clery is requirement for your eligibility to participate in the Title 4 programs so if you're not in compliance, you could risk fines or for violations. You also risk an end of your eligibility to participate. One thing that I wanted to point out here because not very many people seem to be aware of it, the maximum fine per-violation recently went up to \$35,000.00. Before it was \$27,500.00 and that had been in place since 2002. I won't go too much into detail but if you want to learn more about the increase, you know, why was it necessary, what are the new maximum fines per-violation, if you search "Adjustment of civil monetary penalties for inflation" – I'll say that one more time – "Adjustment of civil monetary penalties for inflation," if you look that up on regulations.gov, it should come right up as a federal register notice that went out back in October so just something to be aware of.

So now let's move on to the bulk of the presentation, "The Top 10 Clery Mistakes that Schools Make." We developed this list by going through the Corrective Actions from Program Reviews that were conducted between 2010 and 2012. And we use those to identify the things that have been tripping schools up over the last few years. We also talked with our help desk and asked them what issues people keep asking questions about so that we can incorporate some of that guidance into our presentation today. I think it's important to point out – it's important to point out that this is not gonna be a comprehensive review of Clery.

We're not gonna go into all the nuts and bolts of Clery. We're not gonna tell you all of the pieces that are required. We are highlighting the common mistakes that tend to be made and we're gonna go into a little bit more detail about some of the areas that have really been causing schools some trouble. I am just not having good luck with this today. Okay so first of all the first mistake that's commonly sighted in compliance reviews is failure to properly report crimes based on geography.

Now a general requirement in Clery is that schools have to disclose crime statistics and they have to break them down by where they occurred, whether they were on campus, in or on non-campus buildings or property or on public property and these are the three

categories that make up what we call your Clery Geography. This is probably the Number 1 issue that our help desk gets questions about and, in the reviews, we've seen a few problem areas that have come up repeatedly so we'll talk about each one of those in a little bit more detail. One of the most common findings is that a school has failed to provide statistics for Clery Reportable Offences that incurred in non-campus buildings or property so let's review the definition. Non-campus buildings and property includes any building or property that is owned or controlled by a student organization that's officially recognized by an institution or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution so let's unpack that definition a bit. First of all a critical word in the definition is control so what does that mean?

Control means that your institution rents, leases or has some other type of written agreement. That could be an informal agreement such as a letter or an email but you have some sort of written agreement for a building or a property or a portion of a building or property. Even if there's no payment involved in the transaction, under Clery a written agreement for use of space gives your institution control of that space for the time period that's specified in the agreement. For example maybe you lease a municipal athletic field for your team's home soccer games or maybe you rent space in a classroom at a local high school two-nights-a-week to offer a Creative Writing program to your students or maybe you own an apartment building a few miles away from campus that your students use for housing. All of these would be considered non-campus buildings or location because you own or control them but they're not reasonably contiguous to the geographic area of your campus.

How do you avoid making the same mistake? Review all of the programs and the buildings and property that your institution owns or controls or that you use to directly support your institutional programs. If you have locations where instruction is giving that's away from the campus so maybe a research farm or you have hospital, something like that, make sure you review them against your Clery geography. We recommend that you literally pull out a map and identify all of the different locations and buildings that you own to ensure that you're reporting on all of the necessary locations. We also recommend that you regularly review and revise any of your policies and procedures that are in place for identifying these non-campus properties.

So that means regularly going through and reviewing who is the person who's responsible for identifying all of these locations? Pulling out a map: How often are we gonna pull out a map and really sit down and locate all of these places and make sure that we're properly reporting on them. So two things: Look at a map and identify all your locations and check them against the definition and then also pay attention to your policies and procedures and review, revise them as necessary. Now the next area related to Clery Geography where schools have some trouble is around what constitutes their public property. The definition for Clery purposes is all public property including thoroughfares, streets, sidewalks and parking facilities that are within the campus or immediately adjacent and accessible from the campus, so let's dig into this definition a little bit, too.

First of all public means property that's owned by a public entity, such as a state or local or city government and this excludes private property. Second, there're really two different categories here. There's public property that's within your campus, so maybe there's a public road or a public road or a public bike path that runs through your campus and as well as public property that immediately borders and is accessible from the campus and we usually talk about this as sidewalk-street-sidewalk. In other words the sidewalk that borders your campus, the street next to that sidewalk and the sidewalk on the other side of the street – street-sidewalk – I'm sorry, sidewalk-street-sidewalk. Typically that's what's gonna be included in your Public Property category of your Clery Geography. Now when schools don't accurately identify their public property, they run the risk of either underreporting crimes or, as we actually more often see, schools tend to more often see, schools tend to over-report their crimes because they're including too much property or land as part of their Public Property category and that's sort of a disadvantage for the school because then it seems like their crime statistics are a little bit inflated. If you want some more examples about public property or non-campus buildings or property in all of these different categories in the Clery Geography, I would recommend Pages 18-24 of our handbook.

When I talk about handbook I always have to remember to say this. When I talk about handbook in this session, I mean our handbook for Campus Safety and Security Reporting not your General Federal Student Aid Handbook. It's a great resource and I'm gonna refer to it in a number of places that I can direct you to resources with more examples. In this case the handbook has diagrams and maps and lots and lots of examples to help you work

through the Clery Geography categories and understand what might apply in your particular institution's case. Now the third problem area related to Clery Geography is around separate campuses.

So first of all the definition of a separate campus is a location that is owned or controlled by the institution that is not reasonably contiguous to the geographic area of the campus, has an organized program of study and has administrative personnel acting on-site in an administrative capacity. So what would this include? First of all branch campuses are, by definition, always separate campuses. Second of all a school – so a division of the institution that's organized to give instruction of a defined type, so maybe your nursing school or your law school or your medical school, things like that. Those are sometimes separate campuses but it depends.

If those schools are reasonably geographically contiguous with the main campus then go ahead and include it in your main campus category. If it's not – you know, say for example you're in a city and your law school is across town, if it has its own organized program of study at that other location and its own administrative personnel then it would be a separate campus. Some other examples might be a satellite or extension location, if you have a foreign location for your school. If they have again an organized program of study and administrative personnel on-site then those would be considered separate campuses under Clery. Now if you find you do have more than one campus then keep in mind that you have to comply with each of the Clery Act requirements whether they're the safety or, if applicable, the fire safety requirements for each separate campus.

We found that schools were commonly cited for failing to report statistics for separate or branch campuses or for not providing an Annual security Report for each separate campus so make sure you've gone through your locations, make sure you've identified any separate campuses and that you're complying with each one. Take it away. You want me to \_\_\_\_ the slide for you?

*Jim:*

Okay. Thank you everybody for you dealing with this with this wonderful technology that we have to deal with, you know? It's a miracle that all the lights haven't gone out yet. Waiting for that to happen next? So I think Jessica gave you a lot of good background on the areas for which you have to count crimes.

Now we get to the part that's even harder, as hard as that may have seemed. We get to the crimes that you actually have to count. So

for Clery Act purposes, we do not require you to report on all of the crime categories that appear in the Uniform Crime Reporting System. We focus on the most serious crimes against persons and property, basically murder-through-arson, okay? So it may seem surprising to you but when we do this kind of training with police officers and campus security professionals, we sometimes spend hours just talking about all of the issues attendant to murder, okay? So it's funny but we have schools that just come to us with the strangest questions about murder.

They'll say, "We had a – somebody's seeing-eye dog was killed. Isn't that murder?" How about some dolphin? I had a dolphin once that was killed. It doesn't matter how smart a dolphin is, it can walk, it can talk, it can solve crime.

It's not a murder. It's only a murder if you have one person killing another. So if that ever helps you, remember who told you. What we're gonna focus on today are basically four problem areas that arise in enforcement case after enforcement case and so that's burglary, forcible sex offense. The difference between simple and aggravated assault in something called the Hierarchy Rule and I just wanna pause for a second to say what we wanna do here is give you some raw material that you can use to make a little check here or there to try to assess if your school's complying but, perhaps, more importantly, that you can carry back to the campus security and police officials at your campus and ask them, you know, about what they are doing, make sure they're doing your due diligence. While we're always excited to talk to financial aid people because they understand our regulatory scheme, and they understand the department's approach to compliance.

What we don't wanna do is see all of you somehow roped in to a whole new responsibility. You have enough to do already but this will give you some raw material. So in terms of burglaries, burglaries are one of the most frequently misclassified crimes under UCR. The way to think about burglary is that it's theft plus trespassing. If you use that formula you'll never be wrong, okay?

It could also be some other kind of a crime plus trespassing but the essence of a burglary is the trespass. It's a crime against the habitation. It's a crime against your property so in a school situation, practically speaking, that's gonna be a dorm room, it's gonna be a private office. It's not going to be an auditorium or some kind of room where people have free access because your students really can't trespass into your auditorium in the normal sense. Some schools will have restricted areas, labs, sometimes

even sports facilities but, in the main, you're going to be thinking about dorm rooms, you're gonna be thinking about private offices. To commit a burglary in a space that space has to have four walls. It needs to be a structure, okay? Again a lot of schools will have backpacks stolen from a library.

That's the one we see most often or bikes swiped from a bike rack. That's never burglary in either of those two cases because those are areas of public access so don't focus so much on the theft aspect, kind of focus on the property itself. Also a lot of you will come from states that recognize something called burglary of a car. We don't recognize that. We're talking again about buildings for our purposes and there have been some changes in the guidance in this area a little bit. There's been a lot of back-and-forth about what actually constitutes a non-forcible burglary but keep this in mind, you can burglarize, that is break-and-enter, an open door.

If you're walking down the hallway in a dormitory, somebody has their room door propped open and you reach inside that room and take \$20.00 off of that person's table, you have broken-and-entered because you had no legal right to that space. That would be a non-forcible burglary. In terms of forcible sex offences there obviously is a lot of energy at some institutions to not count these kinds of crimes. It's the kind of crime that people don't want to talk about, it is the most underreported crime so says our colleagues at the FBI and I believe them based on what I see every day in my work around the country. There have been some small tweaks to the definition of rape that really don't apply for our purposes. When we talk about forcible sex offenses, we're really talking about four categories of crime.

We're talking about rape, we're talking about forced sodomy, we're talking about assault-with-an-object and something called forcible fondling. Forcible fondling is perhaps the most difficult one to understand because the definition is a little bit complicated. For an incident to be a forcible fondling, technically it has to be for the sexual gratification of the person who perpetrates the crime. That does not mean that your institution's police or security department has to actually apprehend the person who's committed this crime. Their intent to seek sexual gratification from **co-mitigate** can be inferred from their conduct. That sounds a little complicated sometimes but it's, in practical effect, it's not. We have a lot of problems at colleges of, usually, young men riding around on bikes or on skateboards and they pinch people, they pat people in offensive ways.

If they do that and it rises to a certain level, that's a forcible sex offense. That means that your police and security people have to be doing a very good job of documenting their cases and it wouldn't hurt even for you all to ask them about the level of specificity that they're putting in their incident reports. Another area is this simple-versus-aggravated-assault thing. I think we can actually make this really easy. An aggravated assault is an assault that's undertaken for the purpose of causing death or great bodily harm. It really has to go some in terms of the injuries, especially if the weapon that you use to cause those injuries are hands-and-feet.

If somebody gets in a fight and they knock a person unconscious, if they need a lot of stitches, medical help, if they lose consciousness, broken bones, they need surgery; those are the kinds of things that would lead you to look at a crime as an aggravated assault. If what we're merely dealing with are contusions, a few scratches, a few bumps and bruises, that's not going to be aggravated. So you're looking at the intent of the perpetrator, you're looking at the level of injury, and you also need to take into account the kind weapon that's used. As I say if it's hands-and-feet, the injuries have to be some. If you actually threaten a person with a gun but don't shoot them, that can be aggravated assault.

Gun, you don't need injuries, hands-and-feet injuries, if you keep that straight, you'll be just fine in this area of the law. Now we have to talk about the Hierarchy Rule. The Hierarchy Rule comes to us from the Uniform Crime Reporting System, usually referred to simply as UCR. We use their definitions. We do not use the entire UCR program in Clery.

We use their definitions. We've stolen two or three of their rules, one of them is hierarchy. If you have a situation where during a single operation of crime somebody is robbed and they're sexually assaulted, for Clery purposes, you only would count the sexual assault, okay? You count the highest crime on the hierarchy. As I said at the beginning, the highest crime on the hierarchy is murder.

Then we go into forcible sex offense: Robbery, aggravated assault, burglary and the rest, all the way down to arson. Now you'll see there's two exceptions. Arson is an exception to the hierarchy. Does anybody know why? Quiz question: Does anybody know why? The reason why is that arson is most often used as a crime to conceal other crimes so you kill somebody and you want to get rid of the body and destroy evidence so you put the mattress over top of them, douse it with gasoline, set it on fire, evidence is gone.

That's why you count arson-plus-murder in that case. We also count hate crimes and we'll talk a little bit more about hate crimes down the line so I'm going to pause right there and Jessica's going to come up and talk to you about Policy Errors and Omissions.

*Jessica:*

So the third citing that we commonly see is lack of or inadequate policy statements and, again, some background here. The Clery Act and the regulations require institutions to include a variety of policy statements in their Annual Security Reports and these disclosures, these policy statements are intended to inform the campus community about your security policies, your procedures, your programs that are related to the campus safety, availability of resources and channels to seek recourse, all variety of things. The whole laundry list is in [485F](#) of the Higher Education Act and you can also find it in [34CFR 668.46B](#) and, again, these are long laundry lists of all of the required policy statements. If you want some more examples or if you want some sample policy statements, Chapters 7 and 8 of our handbook – again *The Handbook for Campus Safety and Security Reporting* – Chapters 7 and 8 of the handbook go through all of them in detail and you can see examples to look at. Today we're just gonna go through the 6 policy statements that are most commonly cited as either missing altogether or as being incomplete.

It doesn't mean that these are the only 6 that we look at or the only 6 that are important, it just means that these are the 6 that are most commonly missing so when you go back to your schools make sure that you've included all of the policy statements in [668.46B](#) to make sure you're in compliance. First let's talk about your Timely Warning policies. You're required to disclose your policies for making Timely Warnings to members of your campus community regarding the occurrence of Clery reportable offenses on your Clery Geography and the statement has to include when you're gonna send out a Timely Warning so in response to what types of incidents, who was responsible for sending it and how it's gonna be disseminated. Now the most important thing here is that your Policy Statement should accurately reflect the procedures that are currently in place at your institution and I wanted to give a quick example here related to Timely Warning. So my *alma mater* is University of Virginia – yay Virginia, go Wahoos – and my younger sister is still a 4<sup>th</sup> year at the school and, recently, my mom who is very diligent, she forwarded me an email that the campus had sent out that I guess parents and families can sign up to also receive Timely Warnings that the students are getting.

She forwarded it to me and she said, “Hey, take a look at this. What do you think?” And the email was describing a case where, I guess, on the campus or on-ground, as we say there was an attempted abduction and the school was defending why it had decided to not send out a Timely Warning in response to that because the campus was in uproar. They said, “Why weren’t we alerted? Why didn’t you tell us about this? You should’ve sent out a Timely Warning,” and the school had to justify its decision to not send one out and, basically, what they said was that, “You know, in our Timely Warning Statement, we have said that we are only going to send out Timely Warnings in response to Clery offenses.”

We’re not gonna send them out in situations that go beyond Clery. The basic requirement under Clery is you’re gonna send one out in response to a Clery crime that represents a continuing threat to the campus community. That doesn’t mean you can’t go beyond that in saying in your Policy Statement, “We’re gonna do it for Clery crimes and we’re also going to do it in response to A, B, C, D crime situations,” and so UVA, in particular, has decided that they’re gonna limit their Timely Warnings to only go out after there’s a Clery crime and I think the reason they decided to do that – kinda what I surmised from their email – is that their concern is inundating people with too many Timely Warnings to the point that people just start ignoring them and they say, “Well, if people just start ignoring the policies and the warnings then we’re not keeping people safe.” So in that case I was like, “Well, you know what? This school is fine.

They’re not required to send out a Timely Warning because it’s not a Clery crime and their policy says that they’re not going to.” So in that case it was okay. Now there are two separate Policy Statements that are related but they are distinct and that is Timely Warning that we just talked about and Emergency Notification and evacuation policies and procedures. So what are differences? First of all there’s a different standard for when one versus the other has to go out. Timely Warnings have to be sent as soon as pertinent information is available. Now there isn’t a specific time frame. Some people talk about a 24-hour or a 48-hour standard. The standard doesn’t actually exist in the regulations but idea is that you’re gonna send out the Timely Warning as soon as you have all of the pertinent information.” Emergency Notification Procedures have a different standard.

Those are required to be sent out immediately upon the conformation of a dangerous situation or an emergency that is

something if you can confirm that that exists then you're required to immediately initiate your procedures so you can see that there's a difference. One is a little less stringent and then Emergency Notification Procedures is much more immediate. The other difference is what constitutes a need for Timely Warning versus an Emergency Notification and this is why I went into that example at UVA. Timely warnings generally under what's required is that you send them out in response to a narrow focus on Clery crimes although some schools do choose to expand their policies to send Timely Warnings out for other non-Clery situations. Emergency Notification Policies on the other hand have a much broader focus.

Instead of being focused narrowly on Clery crimes, Emergency Situations can include any number of things. Maybe it's a natural disaster, there's an impending tornado or a hurricane or an earthquake. Most people tend to think of an active shooter situation on campus. Maybe you have gas leak or a chemical spill on your campus. All of these things could fall into the category of an emergency situation or a dangerous situation that would require you to initiate your Emergency Response and Notification Procedures. So those are two really main differences between the Timely Warning and Emergency Response Procedures and Policy Statement.

Page 118 of our handbook has a great chart that delineates the differences so if either you need to go back and take a look at it or if you wanna take to the people on your campus who are responsible for Clery, it's a great resource to point them to so I recommend you take a look. So in your Annual Security Report, the next policy statement that is typically missing is the list of officials to whom students and employees should report potential crimes and that has to include the name, title, location and contact information – so that is their email address or their phone number for each official on the list. Now this does not have to be a list of all of your campus security authorities that we've referred to as CSA's. Although students and employees may report crimes to any CSA on campus and you probably have quite a few of them, although any of those people can receive crime reports, the people or organizations that you list in this particular Policy Statement only need to be those to whom your school would prefer that times be reported so maybe it's your campus police department and the dean of students. That doesn't mean that you're not responsible for collecting crime reports from all of your CSA's, this is just what you have to include in your Policy Statement and then I wanted to note that a part of this Policy Statement or required piece has to be whether your institution has policies or procedures that

allow witnesses or victims to report crimes on a voluntary confidential basis.

Some states don't allow voluntary confidential reporting and so for that reason or another your school does not permit then you should affirmatively state in your Annual Security Report Policy Statement that you don't allow this type of reporting. On the other hand if you do allow voluntary confidential reporting you should, of course, also include that in your Policy Statement. Another Policy Statement that's similar to the last but distinct that also has to be in your Annual Security Report must describe the procedures that you have at your school for encouraging pastoral counselors and professional counselors to, at their discretion, inform their clients of any procedures to report crimes on a voluntary confidential basis so that those can be included in your Crime Statistics. Now this could include written or verbal encouragement and, again, if your student does not have these procedures then you should state that in your Policy Statement and if you do you should state that as well and, again, there're some examples of each of these types. This Policy Statement about Confidential Reporting related to professional and pastoral counselors and also the last one about reporting crimes.

There are examples of those in the handbook around Pages 127-131. Next up is the Policy and Procedures Statement regarding campus sexual assault programs to prevent sex offenses and also the procedures that you're gonna follow if a sex offense occurs. Now if you're looking at the regulations, this actually shows up more of an outline. There are 7 components that are required as part of this Policy Statement so Requirement A is your Sexual Assault Policies and there's A1, A2, A3. There are 7 of these components, and some of the schools that were reviewed addressed all of them and that was great. Some of them didn't address any of them and some of them addressed a few of them.

The 3 that we're gonna talk about quickly in the next few slides are the ones that were most frequently missing. So first you have to specify that the institution will change a victim's academic and living situations after an alleged sex offense and the options that are available to the student. Note that you're obligated in that statement to say that we will comply with the request to the extent that it's reasonable and, beyond that, if the situation arises, you have to follow that statement and, yes, you have to go ahead and comply with someone's request to the extent that it's reasonable. Second you have to include the sanctions that the institution could pose following a final determination in an institutional disciplinary

proceeding for a sex offense. This part of your statement should go ahead and list the sanctions that could be imposed. It's not enough to just say, "You know sanctions could be imposed as a result of this kind of finding."

You should go a step further. You have to go a step further and actually tell the community what those sanctions could be and then 3<sup>rd</sup>, the last component of this Policies and Procedures Statement that was frequently missing is the piece about Procedures for Campus Disciplinary Action in cases of an alleged sex offense. In the statement you have clearly say that both the accuser and the accused will be informed of the outcome of the disciplinary proceeding. The outcome being the final determination in the proceeding and any sanction imposed against the accused. You have to let them know that both parties are gonna be informed and you also have to give them the absolute same opportunities to have others present during an Institutional Disciplinary Proceeding.

You also have to let them know that you'll let them know the outcome in this same time and manner. It's basically insuring that both the accused and the accuser – both parties – have similar rights in regards to the disciplinary proceeding. The next Policy Statement that's required and frequently missing – I know there're a bunch of them so bear with me – the next one that's missing is the description of your programs that are designed to inform students and employees about the prevention of crimes and you have to basically say the type of programs that you have and the frequency. So for instance you might describe your Sexual Assault Prevention Training that you offer each fall and you would have to explain, you know, this is what the course is gonna cover, this is who's gonna teach it and this how often we're gonna offer it. If you have any other programs like that that are designed to meet this goal you would include them in this Policy Statement and give a brief description.

If you don't have any programs that go to this point then in your Annual Security Report Policy Statement, you would say, "We do not have any of these programs." It's always better to affirmatively state or address each element of the Policy Statements that are required than to just leave it blank or to not address it at all. Then the last of the Policy Statements that are often omitted is a relatively new Required Statement. It was added to Section 485F of the Higher Education Act by the Higher Education Opportunity Act so relatively new in comparison to the Policy Statements but still now about 4 or 5 years old. In this Policy Statement you have to describe the working relationship of

your campus security personal with the state and local law enforcement agencies.

So for example you would specify why you have an MOU or some other type of written agreement for the investigation of alleged criminal offenses. You don't actually have to include your MOU in your Policy Statement but you have to state whether or not you have one. Jim?

*Jim:*

Okay, I just wanna mention one thing about sexual assault policies to piggyback on what Jessica was talking about. This is another one of these areas where you could help your institution without getting too enmeshed in campus crime. I would encourage you to look over those policies and simply ask yourself, "Do they make sense to you as a layperson?" Does it set out a policy and a procedure that students would be able to understand and follow and then ask yourself, "Based on everything I've seen since I've been at this institution, does it seem to me that this what we actually do here as opposed to what's on the written page. I can't tell you how often just in the last few months the issue of inadequate policy has led to conduct that's caused schools to be out-of-compliance.

There was one institution that we dealt with within the last month who when we started looking at their adjudication process for campus sexual assault. They hadn't had one person found responsible for sexual assault in 14 years and then they wondered why nobody was reporting sex offenses. You wanna have a chilling effect on reporting? Have it be that for all of the people who come forward making claims in 14 years no one's found responsible, right? And that had actually been pointed out to the school by, among other people, one of the financial aid administrators who figured out that was the case by **raiding** the campus newspaper and said something to the general counsel of the school about it.

They didn't heed that warning. I'd encourage you to make the warning anyway. Another part of that policy deals with whether or not people understand what consent is. You wouldn't believe the things I hear. "Well, she wasn't really raped because she was drunk so she went along with it and that's not a crime."

I mean, literally, I hear this from lawyers who say things like that to me. Remember please that people who are intoxicated can't consent to anything, right? By the way it's also not a defense to

crime in this country. It's never a defense if you're voluntarily intoxicated and you rape somebody else. Try that one.

They try that all the time, right? But if they're participating in a disciplinary process where the people adjudicating the crime have one hour of training and the policy is weak and there's no procedural rules, that kinda thing might stand at your school and go on for years and then, all of a sudden, you're on the front page of the newspaper, right? The last thing about that is that's incredibly important is that remember, please, that with all crimes, especially sexual assaults, which is just a hot-ticket item in Clery right now, you have to count all incidents that happened on your campus, your Clery Geography as we refer to it. Not just crimes committed by your students and employees or against your students and employees. If you have people on your campus who are visitors, siblings of your students, anyone, people coming to a rock concert or a football game or little kids, right, if you have a preschool on your campus, if you have summer camps, you watch the news.

So keep those things in mind. This is one, again, where you can help out your school a little bit. Failure to publish and distribute the ASR as a comprehensive document: This is one of the ones that's a violation that makes us all scratch our heads. We think, "Why is this a problem?"

You know why it's a problem? Because of technology. In the old days your school probably used to publish an Annual Security Report on paper, and as a result of that, your Campus Security Report had a front cover, a back cover and all the required stuff in the middle. Now it's just as likely that you have a website and you have to click this box to get this information and a box over here and a link over here and what you now have is a situation where you don't have a comprehensive Annual Security Report anymore. This is something where you could help your school out. Just go on your website and put in "Annual Security Report" and see what comes up.

If what comes up is 65 different links you're probably not in compliance. If what comes up is a PDF of a report that a person can click on and print out if they want to that's where you wanna be and the same holds true for your Annual Fire Safety Report. Remember please if you're gonna publish your Fire Safety Report and your Annual Security Report together put the title of both on the front so people know that the Fire Safety Report is part of that comprehensive document. Also if you're going to publish your

Annual Security Report and Fire Report as part of a more comprehensive document like a student handbook, you can do that but you need to be putting people on notice that that material is in there. You do not want to bury it in there.

Ninety-nine times out of 100 it's never gonna be a problem but if you have something – God forbid, we all hope it doesn't happen – but if you have something horrible happen at your campus – a mass shooting, a sex scandal – every news outlet in the country will be on your website within 5 minutes downloading your Annual Security Report. They will find everything they think is wrong with it. They will parse it to the nth degree and then they call me and they say, "What are you gonna do about it?" They buried this information in a 600-page student handbook" but you don't need to go there, right? It's so easy to avoid these kinds of problems.

Remember that you have to distribute your Annual Security Report every year by October 1<sup>st</sup>. That means you gotta start the work a few months in advance so you might have opportunity if you see the people who are primarily responsible for this, you know? It gets to be June or July, August, have we started putting it together for this year? Have we started to collect the data? And then of course if you post the report online, which is increasingly the way people distribute these things, then you need to be actively notifying people and you want to keep evidence that you have complied.

You all do that in financial aid all the time. People in the police business sometimes aren't quite as diligent about as all you are. You all try to do the right thing and then you document that you've done it. Schools have to do that for the Clery Act as well. We also need to notify perspective students and employees of the existence of the Annual Security Report and its contents and how to get a copy if they'd like to have it. That can be done in a lot of ways.

One way that you can look to see if schools are complying with the strict notification requirement would be to look in the place where documents that are provided to all prospective students are stored at your school. It's a website or a hard-copy document. It's usually gonna be right in with "We comply with the Americans with Disabilities Act," "We comply with EEO requirements," and whatever else, and somewhere in there it'll say, "In compliance with the Clery Act, we produce the following report," right? If you can't find it the likelihood no one else is gonna find it, either. That should be prominently displayed wherever people go to apply for a

job at your school and whatever students, whatever route or routes that students might start their process of investigating whether they want to enroll at your school.

So we're gonna right into Inadequate Systems for Collecting Statistics. Jessica touched on the fact that we have to report all of these crimes that I just talked about and then we have to do it for all these geographical locations. Now we have to make sure that we're collecting data from the right people and that may sound simple but it can be a little more complicated than you might think. The first people that we have to reach out to are our local law enforcement. Remember that even if you have university police, it is going to be the case that some municipal police department or departments have concurrent jurisdiction for that property. A lot of times relations between university police and local police these days they're usually better because everybody's resource-poor, they need the help.

In the old days the turf wars used to apply and nobody helped anyone but they need to have – you need to have – as an institution, some kind of way, some kind of communication structure that allows your institution to find out what jobs those police agencies have done on your campus. I'll give you a quick example. In Pennsylvania, the Liquor Control and Enforcement Board, which is a detachment of the state police, will routinely come on to campuses and in the matter of 2 hours write up 100 people for liquor law violations. If they do that on your campus that school has to disclose those arrests. That's what they are, by the way.

Those are actual arrests, even though you've just given them a ticket and set them free, in legal terms. Those schools where that occurs have to publish statistics of those incidents, which means they have to be asking for them. I always recommend that you do it twice-in-a-year. The first time in let's say March or April, that's when schools start to get their statistics up, when police departments start to finalize their statistics for the prior year, and if you don't get a response June, July, August area, I'd renew my request. Do it in writing.

If you don't get a response after trying twice, we're gonna say that you complied. You made a good-faith effort, and then it's really just that the local police department chose to not help you out but document your attempts to comply. Now in terms of campus security authorities we've said that you had to count incidents of

crimes reported, and that is a broad line. I use it all the time in my reports. It's how I train my people.

Incidents of crime reported, not crime reports. What does that mean? That means that you could have a student who comes up to their coach and says, "Coach, I was robbed on campus." That coach is a campus security authority. Why? Because it's an official of the institution who has significant responsibilities for student life and activities, that coach better know that.

They usually don't. If that coach just says, "Oh, that's a shame. I feel badly for you. You don't have to practice tonight," right, and just buries that information, that's where the problems start, so your CSA's need to know that they're CSA's. Somebody has to go figure out who they all are.

One of those cases that you've been reading about in the newspaper, that institution started out not knowing they had any CSA's. They're up to 3,500, 3,500. You have dorms, you have resident assistants, every last one of **them's** a CSA. You probably also have a bunch of other offices that you've never thought of that you've never thought of that might qualify as CSA's or other mandatory reporters, like Office of Human Resources. If you have a policy that says, "You're a victim of sexual harassment here or other ill treatment by an employee or supervisor, come report it to HR," that could very easily result in a report of a crime, an incident of crime reported to a campus security authority.

The school needs to have a way of collecting that data so, in this respect, think of it as also covering not only Residence Life, not only Athletics, which I mentioned with coach, but it could be the Director of Fraternity and Sorority Life, right? That person's usually gonna be a CSA. Obviously people who work in Student Conduct, Student Discipline, they're gonna be CSA's so schools need to think about who falls under this category and remember, please, that this is different than the policy requirement that Jessica was talking about where you say, "These are the people who we would like you to report crimes to." These are a whole bunch of other people that if people choose to report crime to them must disclose those reports in an official way so you have to have some kind of mechanism. If you've trained everybody it could be as easy as 3 or 4 times a year you send an email to people reminding them, "We've identified you as a CSA, here's a form to fill out if anybody comes to you with a crime."

It doesn't have to be complex. You don't have to buy complicated software. There are people out there who want to sell it to you to set up some kind of CSA reporting structure. You don't need any of that. You could buy it if you wish but I don't know anybody who's sitting on extra cash these days so these are things for you to start to think about. Now there are some exceptions.

After we cast this wide net, we say all these people are CSA's; we say people who are actual **pastorial** or professional counselors don't have to report. The only issue here that can become a catch is that a lotta schools – think of a religious school or Catholic schools, everybody there is a priest or rabbinical schools, everybody's a rabbi. We go to schools where they teach Social Work and Psychology, it seems like everybody has an MSW or a Psyche degree, that doesn't make you a counselor. It doesn't even make you a counselor if you have a license, if what you're doing is acting as, say, the Dean of Students so we have priests who are mandatory reporters under Clery. Some of them don't like it very much but just keep that in mind.

It is similar to doctor/patient confidentiality. Any of you who know anything about doctor/patient confidentiality or priest/penitent, lawyer/client, any of those privileges, you can give them up if you start communicating that information to third parties but if somebody wants to come to actual counselor and say, "I'm having this problem, can you help me," and it doesn't go any farther, those people do not have to report Clery. I talked to you that we have seen a lot of weak systems for collecting these statistics. You just have to find something that works for you. Like I said, a lotta times email, a spreadsheet works just fine, and now Jessica's gonna talk to about drug and alcohol offenses.

*Jessica:*

So I'm gonna go through this a little bit quickly because I'm concerned about time but the next common mistake that we see is that schools incorrectly report their referrals for disciplinary action for liquor law and drug law violations so let's take a closer look at that one. In addition to the list of Clery reportable crimes that we've mentioned a few times, you know, burglaries, robberies, sex offenses, all of those, institutions also have to report the number of arrests and, in this slide, what we're gonna talk about are the referrals for disciplinary action for weapons law violations, drug abuse violations and liquor law violations and, as with the other crimes, these have to be reported by where on the school's Clery Geography they occurred. Now let's take a minute to focus on the requirement that you report referrals. As you can see a referral for disciplinary action for Clery purposes means the referral of any

person to an official who initiates a disciplinary action of which a record may be kept or is kept and which may result in the imposition of a sanction and, to break this down a bit, remember that initiating a disciplinary action would even include just an initial review of the names that are submitted in a referral. It doesn't take anything more than a review to be considered initiating a disciplinary action and then, second of all, notice that the definition says that the referral may result in a sanction.

This means that even if no sanction or punishment is ultimately imposed after you review a referral, it would still be included in your Cleary Statistics under the Referrals category so I'll give you a quick example. Let's say that the police respond to an incident in a non-campus, institution-owned sorority while there're underage students drinking at a party and the officers list all ten of the students in their report and they forward that report to the Campus Judicial Affairs office. A Judicial Affairs official interviews all the students and he finds out that two of them had not been drinking and so those students are not charged but the Judicial Affairs officer continues the disciplinary process against the eight students who were drinking. This would be classified as ten referrals for disciplinary in the non-campus category because while only eight of the students were charged, all ten of them were referred to an official who initiated an action by reviewing the list and, in this case, interviewing the students. They kept a record of it and the official had the authority to impose a punishment even though he didn't impose it on all ten students.

Now when we're talking about these violations, we're talking about violations of state, federal and local laws. We're not talking about violations of your institutional policies so when you're reporting your referrals for violations of Cleary, don't include any violations of just your policy that may be resulted in someone being referred but they didn't actually have a violation of the law. One example is, let's say, you're in a state where the legal drinking age is 21 but your campus is declared a dry campus and you referred someone who's 21 for drinking in the dorms, that would not be included in your statistics because the person who's over 21 did not actually violate the law in your state so make sure you're checking your state and local ordinances. They vary widely from place to place so check which ones apply to you and make sure you know exactly what you're responsible for.

*Jim:*

Okay so I think you all know that the slides for all the presentations are on the conference website and when you get a chance, in all your spare time, take a look at some of these things

in a little more depth. If you have a question, you can always send us an email and one thing you could do also is send me an email if you would like. I have a little audit checklist of things that you can do quickly to help out your school to check on some Clery issues. This is one of them.

Many of you know that, starting about ten years ago, we now require institutions to submit their crime statistics to the department. It actually ends up on the College Navigator IPEDS website, okay? Somehow institutions have started to have errors between the statistics they report in their Annual Security Report and the ones they reported to us electronically. They should match. All of you are financial aid professionals or at least most of you.

You like things that are reconciled. You could pull up that website and just see if the numbers match in the categories and if they don't you might just wanna send a note to the campus security people, "Dear and Beloved Campus Security People, I just noticed that this doesn't match. It's something the department checks on. Let's see if we can make a correction," and that's really all there is to it.

*Jessica:*

Okay so as I mentioned at the very beginning of the presentation, there are some Clery requirements that don't apply to all schools, they only apply to some of them and the Clery Daily Crime Log is one of them. Institutions that have a campus police or a Campus security Department have to maintain a written, easily-understood daily crime log that records criminal and alleged-criminal incidents that were reported to the campus police or Security Department, and recent Clery reviews have found that some schools that have to maintain the log were not fully in compliance so let's talk about three quick areas. Your crime log has to include all – not just Clery-reportable but all – crimes that occurred on a school's Clery Geography or within the patrol jurisdiction of the campus police or Security Department and a quick note about that patrol jurisdiction: Typically the area that your Campus Security or police department is responsible for patrolling is bigger than your campus and your Clery Crime Log would include those incidents that occurred off your campus but still part of your patrol jurisdiction, and you have to record all these crimes by the date that they were reported and you should include the nature of each crime that is what it was, the date, the time, the general location as well as the disposition of the complaint and disposition would be something like whether it's pending, whether there's a judicial referral, whether it was a criminal arrest, things like that. Review

teams have issues with the completeness of some schools laws in terms of having all of the required categories as well having things properly classified and having them complete with no gaps in time so if your school is required to have a crime log, make sure that it's complete and that it's up-to-date.

Your crime log has to be accessible to the public. It can be either written or electronic form but, either way, it has to be freely accessible to the public and it has to be available upon request during business hours. You have to have the most recent 60-day period available immediately upon request and anything that's older than those 60 days have to be made available within 2 business days of the request, and again, I'm gonna highlight that this has to be freely available. You can't charge anybody to see your crime log. You can't put certain restrictions that request them to go through a written request process or anything like that. Jim mentioned in our last session that typically the people who are going to be asking for your crime log, often they're the students who work on your school paper and if you tell them, "Hey no, you're not allowed to see our crime log and we're not gonna show it to you," the first person that they go to is Jim and they say, "Well, the school has to be hiding something because they wouldn't show me their crime log."

Really it's easy to avoid that. Make the crime log available to anybody who requests it without charge and without any sort of restriction. Also make sure that your crime log is always maintained and that's up-to-date. You only have a few days to make additions or updates to an entry after you receive information. In particular you have to update the disposition section up to 60 days from when the crime was entered in the log and this, in particular, causes schools a lot of trouble because they haven't properly updated the disposition when they have that information and then, finally, make sure you are maintaining the log for 7 years. Think about this as record retention. As I mentioned you have to have portions of the log older than 60 days made available quickly and so you need to be able to produce 7 years' worth of crime log information within 2 business days.

*Jim:*

So just a word about hate crimes. I think many of you know if you have some familiarity with the Clery Act, even just a little bit, you know the Clery Act requires the disclosure of certain hate crimes. Basically under the old rule it was all of those Clery categories of crime that we've talked about. Murder through arson and then any crime involving bodily injury, you had to disclose those. Many

groups pointed out to us over the years that that wasn't nearly good enough, right?

We needed to add some categories. We've added vandalism and destruction of property. We have added simple assault. We've added theft and we've added, most importantly, intimidation. Now the Urban League and the Anti-Defamation League have pointed out for many years that increasingly the best way to commit a hate crime, increasingly, is the internet.

I have seen some bizarre stuff over the last couple of years. I have seen people send emails that, when you open them, are burning crosses or nooses, crazy stuff, right? You don't have to get in anyone's face anymore to commit a hate crime and intimidation is the one where it becomes the most expansive because of its definition so this is something to keep an eye on. A lot of schools have somehow not caught up with the idea that we've expanded our hate crime reporting. Remember please as well that a hate crime does not automatically occur because the combatants, let's say, in a fight, are of different races, to be a hate crime, the victim had to be targeted because of their actual perceived membership in one of the enumerated classes, such as race, disability, sexual orientation, for example so sometimes, on this one, people jump the gun a little bit and we get complaints that schools are rampantly underreporting hate crimes and it's not always so, so it's a bit of delicate point there and it's something to keep in mind.

*Jessica:*

And finally in our list of Top 10 we have come to the last one and I promise this one is quick and this really is an overarching topic. A final common citation is the failure to develop, implement and adhere to established policy, and, in short, many reviews found instances where schools didn't follow the policies and procedures that they had established. In some cases schools had perfectly acceptable Timely Warning or Sexual Assault policies in place but then, when an incident came up, they didn't follow their policies. They didn't do what they had stated they would do so the bottom line here is that you should implement and then follow the policies that you've included. Do you wanna go through this piece? Okay.

*Jim:*

Okay at this point we just wanna mention one last thing. In my group, the Clery Act Compliance Division obviously, like the name says, we spend most of our time enforcing the Clery Act. We have been delegated responsibility to enforce something called the Drug-Free Schools and Communities Act. It's not a new law. It was passed in 1989 however it was not particularly vigorously enforced up until now. There is new emphasis on this law.

Congress has made it very clear – the current Secretary of Education has made very clear, as has our Inspector General, they want this law enforced with more gusto. It's actually not hard to comply with it all. It really requires your institution to do two things.

You have to have a Drug and Alcohol Abuse Prevention program and you have to distribute it to every current employee and every student enrolled for credit. Now that makes it a little bit harder in terms of the distribution requirement than even the Clery Act. Remember with the Clery Act we said, "You have to distribute it to all current students and employees that are on the books as of October 1<sup>st</sup>," right? This requirement is everybody – in terms of students – who is enrolled for credit. That would include the student who actually is in full-time attendance somewhere else who comes to your campus, say, for the summer to pick up extra credit.

That happens with community colleges a lot but so we have to have the policy, the elements of the policy are in the slides here. It's actually pretty simple. It's Standards of Conduct, the sanctions that you could receive either from the law or from the institution, the health risks associated with the use of certain drugs and abuse of alcohol, and then information about counseling and treatment programs that are available. The next piece of the law is that the university or college has to conduct a Biannual Review Report, which is nothing but an evaluation of the effectiveness of that drug prevention program that I just talked about, and it has to look into the consistency of the enforcement of your policy, so it's not complicated at all. It's just that people haven't historically done it, so, again, this something where you could go to your institution's website, search for it and see if it comes up.

If you can't find it, it's probably not there and it's something that the school should be proactive about by getting it in place.

*Jessica:*

All right I'll gloss just so that we can leave time for questions. We have microphones on both sides of the room so if you wanna start heading towards the mics while I go through this quickly, we do have a number of resources that will help you or whoever on your campus is responsible for Clery. We mentioned the handbook many times. The handbook has a help desk associated with it and they are really wonderful and extremely responsive so I encourage you to use them to whatever extent you need to. We have training videos, we have campus-safety website.

There's a self-assessment, an FSA assessment, that focuses on Clery and that gives you a checklist of things so you can go through and make sure that everything is addressed and, finally, we pulled all this information from the Program Compliance Reviews from the last few years. Those are all publically available. It's public information. It's on the Federal Student Aid Data Center. I recommend you go and take a look at them. You can see what sorts of things have caused trouble for your colleagues and then work so you don't make the same mistakes, in case you – I won't say the victim of – but in case Jim's team comes and does a Compliance Review at your school, okay?

*Audience:* I have just two questions and I think they're pretty quick. The first question is – well this is my first session that we've been introduced to the scope of what this is and just, wow, and this, you know, it's **very complicated incident** and quite daunting. So for our campus police security, I assume they were being made aware of this and are attending conferences and so forth that are available to them and I'm just not in that loop of all that they're doing. It's actually part of our responsibility to ask them to what extent they're doing this but are there conferences they're attending and so forth that *[crosstalk]* –

*Jessica:* Yeah.

*Audience:* Yes? Yeah.

*Jessica:* As Jim said at the beginning, Clery is part of your overall institutional eligibility so it something that you, as the primary office that deals with the Department of Education for federal student aid reasons, it is your responsibility in a way to make sure - - and reach out to all the different offices to make sure – that everybody on your campus is working together to ensure that all of the requirements are being met. There are some conferences I know that I've been to the **HBCUL** Law Enforcement Executive – I forget what the “L-E-E-A” part stands for but I've been to their conference. We go there every year. I'm sure Jim goes to other conferences. There are organizations that hold trainings on this. There's security on campus.

There's **IACIEA**, a number of law enforcement groups also do training on it, so.

*Audience:* My second question is are we free to give them your contact information so that if they have any particular questions about this presentation they can contact?

*Jessica:* Mmm-hmm.

*Audience:* Okay. Good deal. Thank you.

*Jessica:* And also as I pointed out there's the help desk as well so you can either direct them to us or you could send them to help desk if they have questions. Yeah?

*Audience:* Hi. I have a question regarding the hate crime portion of this. We have a Federal Work Study program on our campus and if the student would come to us, say, the Federal Work Study Coordinator or me as the manager of the funds and, say, my supervisor has targeted me and is being this to me because I just indicated I'm homosexual or whatever they did, it's not really a crime, *per se*, but they've reported to us and our normal response is to say, "Well, you need to speak to your supervisor about this." So what is our responsibility in that case?

*Jessica:* You wanna talk about it?

*Jim:* Yeah it's a good question. What I would encourage you to do is to talk to your Office of Human Resources and find out what the institution's policy is. When you're dealing with work study students, I always recommend this: Deal with them on both sides of the house, what would the rights of a student be, what would the rights of an employee be, and they will, usually, coordinate with, say, your campus police or security. If it's a student issue, they'll go to them regardless or they should and they say, "We're gonna coordinate this through them and let them decide if it's a problem, in terms of Clery reporting, in addition to whatever else we're gonna do to remediate the problem."

*Jessica:* Actually one thing add to that: Remember there are four particular crimes that would be, in addition to all the Clery Reportable Offenses, there are four categories of crimes for hate crimes, you know? There's all of the General Offenses and then larceny, theft, intimidation, just damage, destruction and vandalism of property and simple assault so it has to be one of those crimes and then also to be considered a hate crime, you actually have to have an investigation and a determination that it was a hate crime. It does require some sort of investigation and police action to be founded as a hate crime so that's another part of it that you should consider.

*Audience:* Good afternoon. First of all let me commend you on a great presentation. It was very informative and, given what's happening nationwide, in our campuses, I think this really provided a lot of

information. I have 2 questions. In our district we have two tech centers that are Title 4-eligible and receive financial aid. They share the same campus with a high school, okay?

So you see where I'm going with this. If a crime is committed on the high school side, does that need to be reported under the Clery Report because it happens on the same geographical area, it's under the same jurisdiction of that same institution?

*Jim:* Let me ask you this: In terms of the employees and the students of the higher education component, do they ever use the high school property for classes and activities?

*Audience:* Yes, it's wide open.

*Jim:* Yeah.

*Audience:* It's part of the same campus although some areas are restricted to the adult students and to that however it's an open campus. The high school is on one side, the tech center is on the other.

*Jim:* I'll tell you what. You'll never have a problem if you count the whole thing. That's one of those cases where I wouldn't parse it at all.

*Audience:* So go ahead and include it even though it was committed by a K12 student as opposed to an adult student, and so on and so forth? Okay.

*Jim:* Well, Jessica was mentioning that sometimes we have properties where people only have to count crimes that even happen on certain parts of the day because there's property when you're using it, when the higher education institution that participates in our programs is using it they have to count it. Here it sounds like really it's a mixed-use facility and the entity that owns it is the entity that's running the higher education, right?

*Audience:* Correct.

*Jim:* Definitely count the whole thing and you'll always be in good shape.

*Audience:* Thank you. The second question: We have a student who commits a crime off-campus and is arrested. It's a serious felony. We have to then make a decision to expel and dismiss the student from returning back to school. Obviously that crime comes out in

a newspaper, we're called "being in the funny papers," which we don't want to be, is that crime also reported under Clery even though it did not happen on campus?

*Jim:* No.

*Audience:* You do not?

*Jim:* No.

*Audience:* You just answered a very important question. Thank you.

*Jessica:* Yep. If it doesn't occur on your Clery Geography – so either on-campus, non-campus buildings or property or on public property that's immediately adjacent to or acceptable from your campus not included in your statistics. Yeah?

*Audience:* In your last section – the "One to Grow On" – you had an indication about Annual Disclosure and you talked about Community College and that's what I'm involved with. If you have modules or even in your regular semesters, you know, fall and spring, you can't just choose a point in the semester that you're gonna do the notification, you've gotta keep track of whether a student starts only in a later module, that sort of thing, and has not been notified at the time that you did send out regular fall, spring and summer, I mean, we run into this with regular consumer-information type of reporting, too. It's a big challenge.

*Jim:* You've nailed it, especially if you have modules. I think modules are hard. I think community colleges have the extra challenge that you have people coming in and out. I did it when I was in university. I went to an expensive school. I didn't wanna take all those credits there, right?

I'd take a class at the community college in the summer for next to nothing and then transfer in but I was enrolled in that school for credit. The way that a lot of schools have made it work is that this is one of the things that's automatically sent to people upon registration. That's the one time you might get a hook into them, some kind of orientation or, if it's not in person, there're probably other pieces of information you're pushing out to somebody when they enroll and then what a lot of schools do is if you give email addresses to everybody who comes into your institution and then what they'll do is they'll push it to them every year, even if they're not there, until such time as they terminate their enrollment. It's a little bit of overkill but you'll never miss if you do that.

*Audience:* Thank you.

*Jim:* Anyone else?

*Jessica:* All right. Well, thank you so much for coming today. *[Applause]*  
I know we threw a lot at you.