

Overview

History of Higher Education Opportunity Act

Rulemaking

Campus Safety Provisions: Statute and Regulations

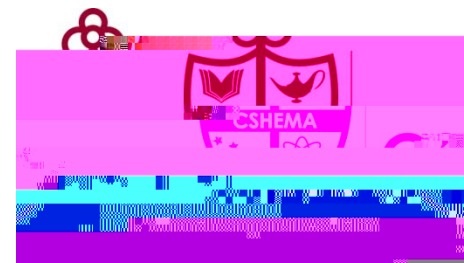
- Clery Act Amendments

- Campus Fire Safety Act language

- Missing Students amendment

Using HEOA on campus

Questions



Higher Education Opportunity Act of 2008

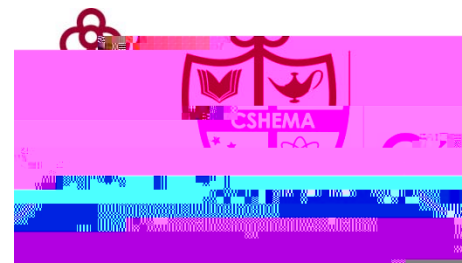
Enacted 14 August 2008 (P.L. 110-315)

Amends and reauthorizes the HEA

Omnibus legislation, including four key
“Campus Safety” sections

Emergency Response and Evacuation
procedures

Hate Crime Reporting



Implementation Timeline & Process US Department of Education

Consensus-driven negotiated rulemaking

Five teams

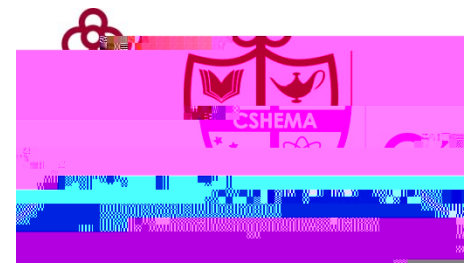
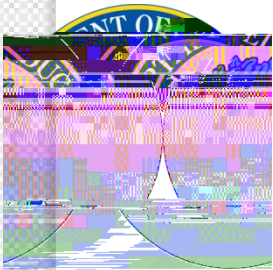
31 issues for Team V, including campus safety provisions

No consensus for Team V

Notice of Proposed Rulemaking 21 August 2009

Public comments

Final Rule 29 October 2009



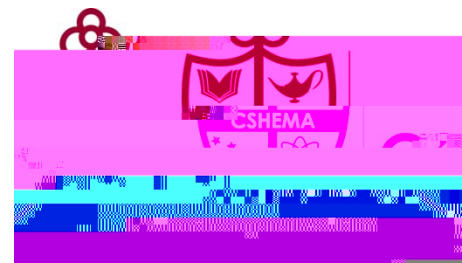
Existing Clery Act Obligations Prior to HEOA 2008

Policy Disclosure – Provide the public with accurate statements of institution's current policies and practices regarding:

- Procedures for reporting campus crimes or emergencies

- Security and access for campus facilities

- Campus law enforcement



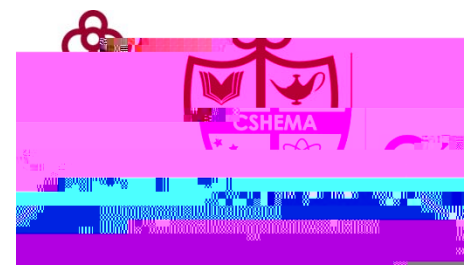
Existing Clery Act Obligations Prior to HEOA 2008

Records Collection and Retention:

- Crimes reported to campus security authorities
- Campus Crime Log

Information Dissemination

- Annual Report on Campus Crime Statistics



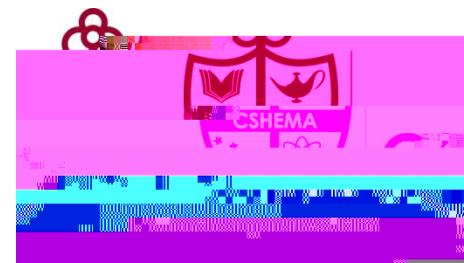


HEOA 2008 new requirement: Emergency Response & Evacuation

Describe and document current campus policies on emergency response and evacuation procedures

include electronic or cellular communication systems, if applicable

List of the titles of the persons or organizations responsible for carrying emergency notification procedures



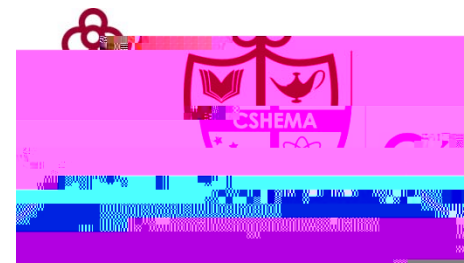


HEOA 2008 new requirement: Emergency Response & Evacuation

Describe procedures for disseminating emergency information to the larger community

Describe procedures for testing the emergency response and evacuation procedures

at least annual basis

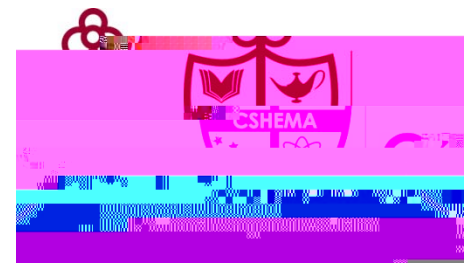


HEOA 2008 new requirement: Emergency Response & Evacuation

Procedure for immediate notice to the campus community upon confirmation of a “significant [on-campus] emergency”

Unless such notice would compromise efforts to contain the emergency

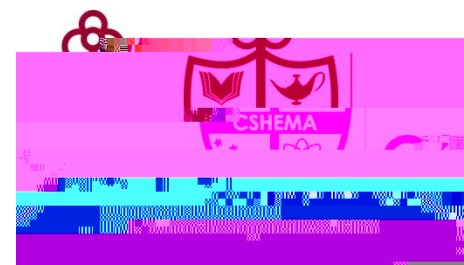
Annual publication of emergency response and evacuation procedures to students and staff



Emergency Response and Evacuation Regulations

A statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;

34 CFR 664.46(g)(3)



Emergency Response and Evacuation: Notification

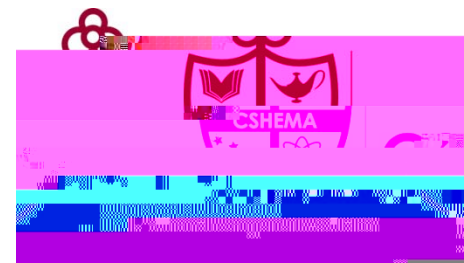
Create processes to

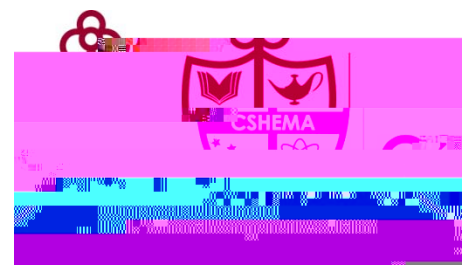
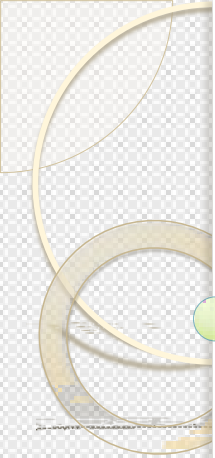
Confirm significant emergency or dangerous situation

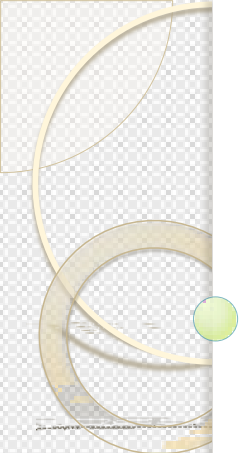
Determine the appropriate segment or segments of the campus community to receive a notification

Determine the content of the notification

Initiate the notification system







HEOA 2008 New Requirement Reporting Hate Crimes

Institutions must report four additional crimes:

Larceny-theft

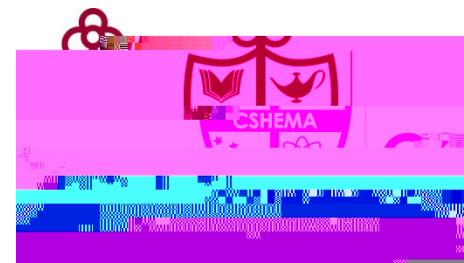
Simple assault

Intimidation

Property destruction, damage or vandalism

See FBI's Hate Crime Data Collection Guidelines in
the Uniform Crime Reporting Handbook:

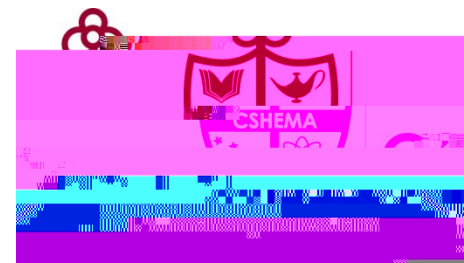
<http://www.fbi.gov/ucr/hatecrime.pdf>

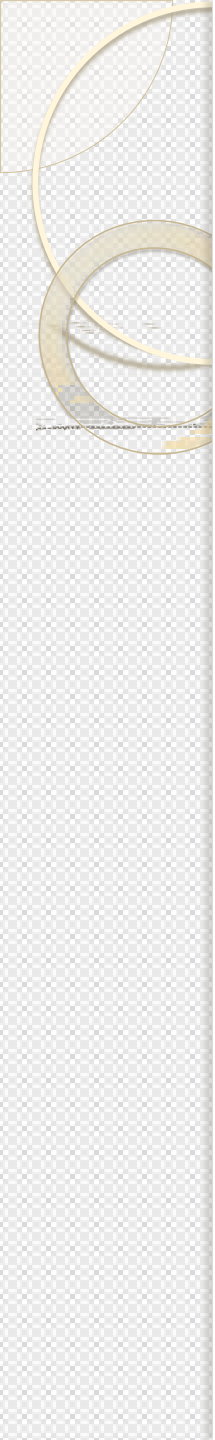


HEOA 2008 New Requirement Agreements with Local Agencies

Institutions must disclose their relationships
with state and local police agencies

Including for the investigation of alleged criminal
offenses





Fire Safety Reporting

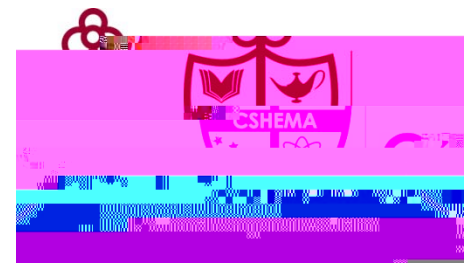
Key Definitions

Fire

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire Safety System

Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone



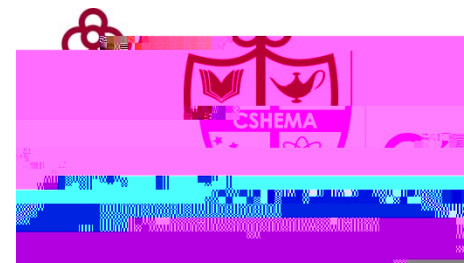


Fire Safety Reporting

Annual Fire Safety Report

Annual Fire Statistics

Description of on-campus student housing facility fire safety systems





Fire Safety Reporting

Annual Fire Safety Report

Publication

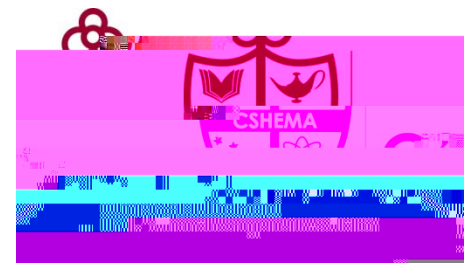
October 1 of each year, for previous calendar year

Similar distribution methods as Campus Crime Report

Integration with Campus Crime Report

Clearly stated if integrated

Cross-referenced if separate

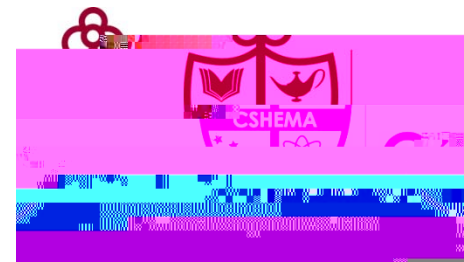


Fire Safety Reporting

Annual Fire Safety Report

An institution may publish its annual fire safety report concurrently with its annual security report only if the title of the report clearly states that the report contains both the annual security report and the annual fire safety report. If an institution chooses to publish the annual fire safety report separately from the annual security report, it must include information in each of the two reports about how to directly access the other report.

38 CFR 448.41(e)(6)



Fire Safety Reporting Penalty Provisions

Monetary penalties under HEOA

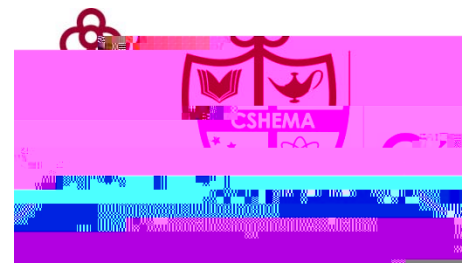
Not applicable to Fire Reporting

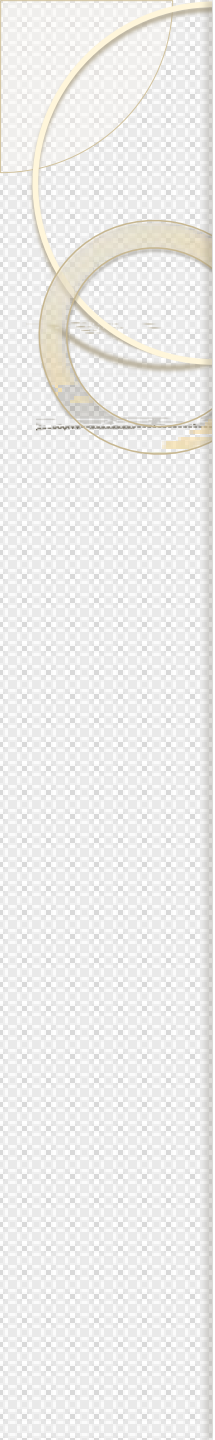
Other avenues

Injunctive relief

Loss of access to federal financial aid

Risk to reputation

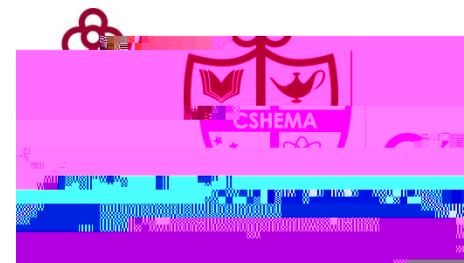




Missing Student Procedures Contact

Allows students to name a contact person
Requires a confidential method to register contact information

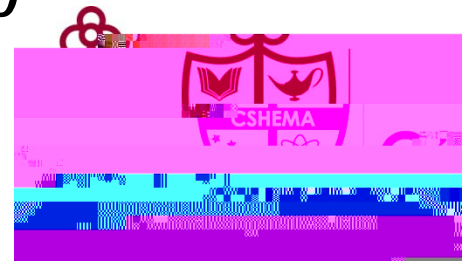
Minor students: Notification that the institution must contact the parent or custodial guardian within 24 hours after the institution determines that the minor student is missing

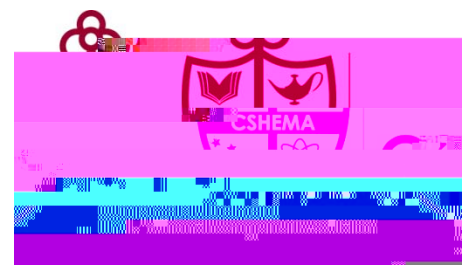
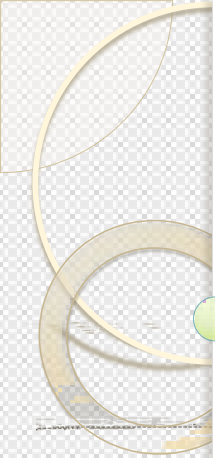


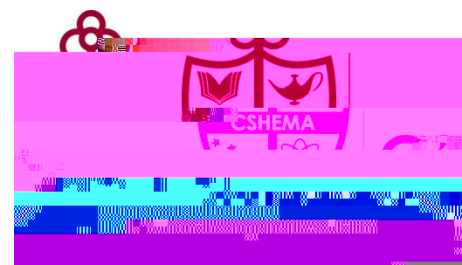
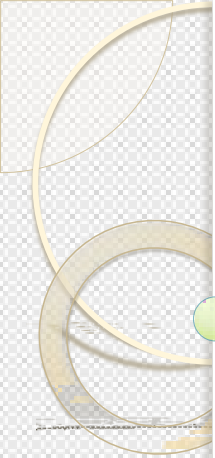
Missing Student Procedures Notification and Reports

Inform students that the institution will notify the appropriate law enforcement agency not later than 24 hours after the institution determines that a student is missing

Require all official reports of a missing person to be referred immediately to campus police or campus security







Using HEOA Requirements

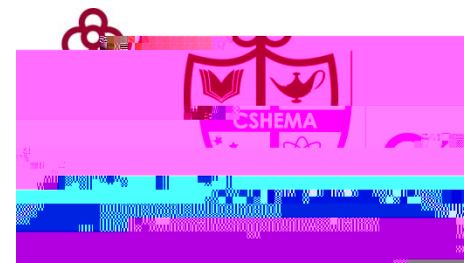
Internal Marketing

Differentiation from Public Safety

Comparisons with Peer Institutions

Culture of Fire Prevention

Culture of Preparedness



Summary and Conclusions

HEOA amended the HEA, including Clery Act

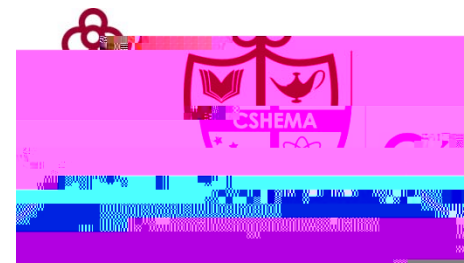
Four campus safety provisions

Good faith effort to comply since law was enacted

Negotiated rulemaking

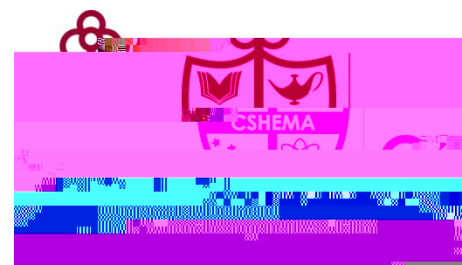
CSHEMA and IAEM "at the table"

Regulations in force on July 1, 2010



HEOA 2008 Requirements

Questions



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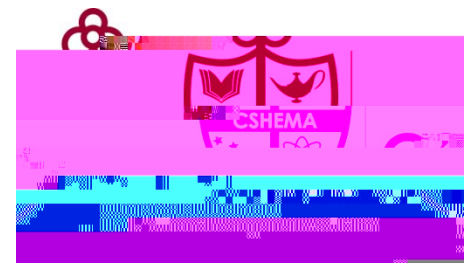
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