



Understanding the Clery Act: Minors & Youth Protection

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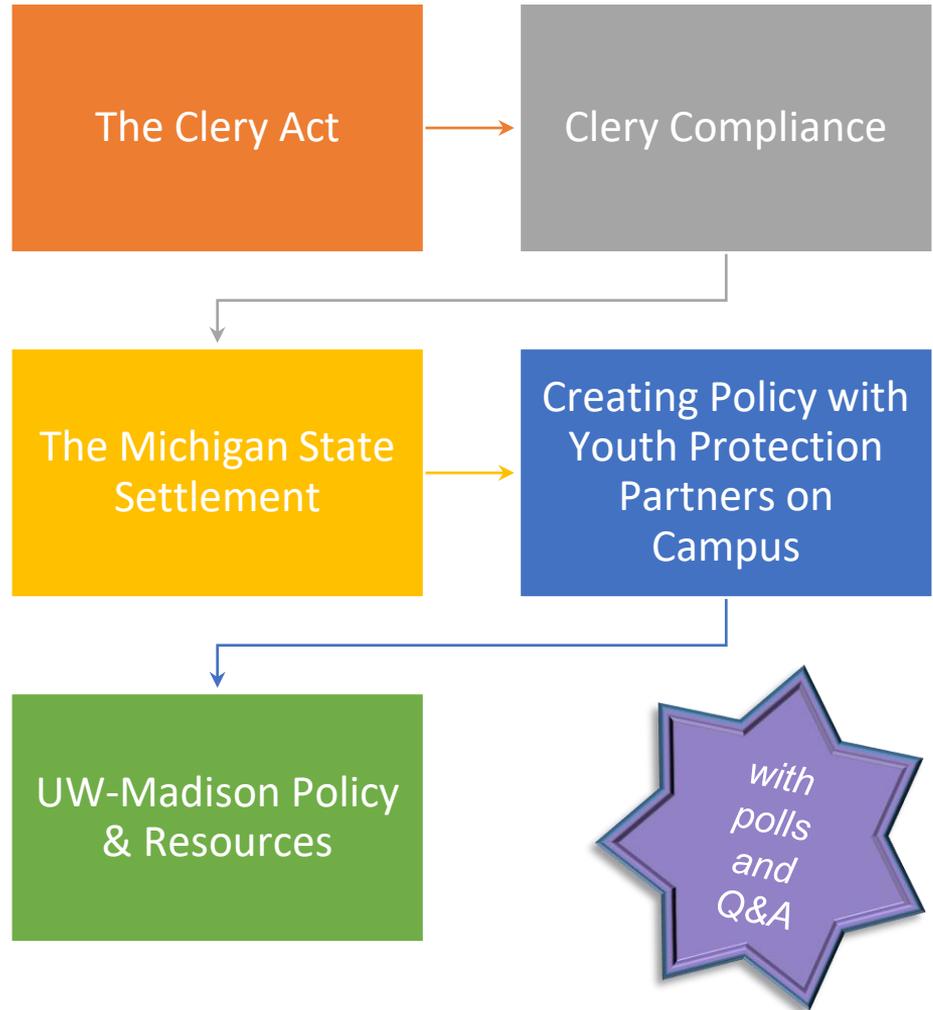
Elisa Lopez
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of Wisconsin-Madison

Participant Poll

What campus unit are you in?

- Clery Compliance
- Youth Protection
- Campus Safety
- Risk Management
- Legal
- Other

Agenda



Participant Poll

How familiar are you with the Clery Act?

- The Cleary what?
- I've heard of it
- Here for my annual refresher
- Just published my third book on the Clery Act



Clery Act Background

- Federal Law passed in 1990 following the tragic rape and murder of Jeanne Clery in her residence hall
- Applies to all IHEs which receive Title IV funds
- Compliance is adjudicated by ED
 - Civil penalties of \$58,328 per violation
- Ethos: increase transparency about crimes occurring on or near campus so that students (and employees) may make informed choices about their safety

Modalities of Clery Act Compliance



Annual Security and Fire
Safety Report

-Policies
-Statistics



Identification (and training) of Campus Security
Authorities



Evaluation and issuance of Timely Warning Notices and
Emergency Notifications



Compilation and distribution of Daily Crime and Fire Log



If institution has student
housing facilities:

-Missing student policy
-Fire Safety policies



Compliance with Drug Free Schools and Communities
Act

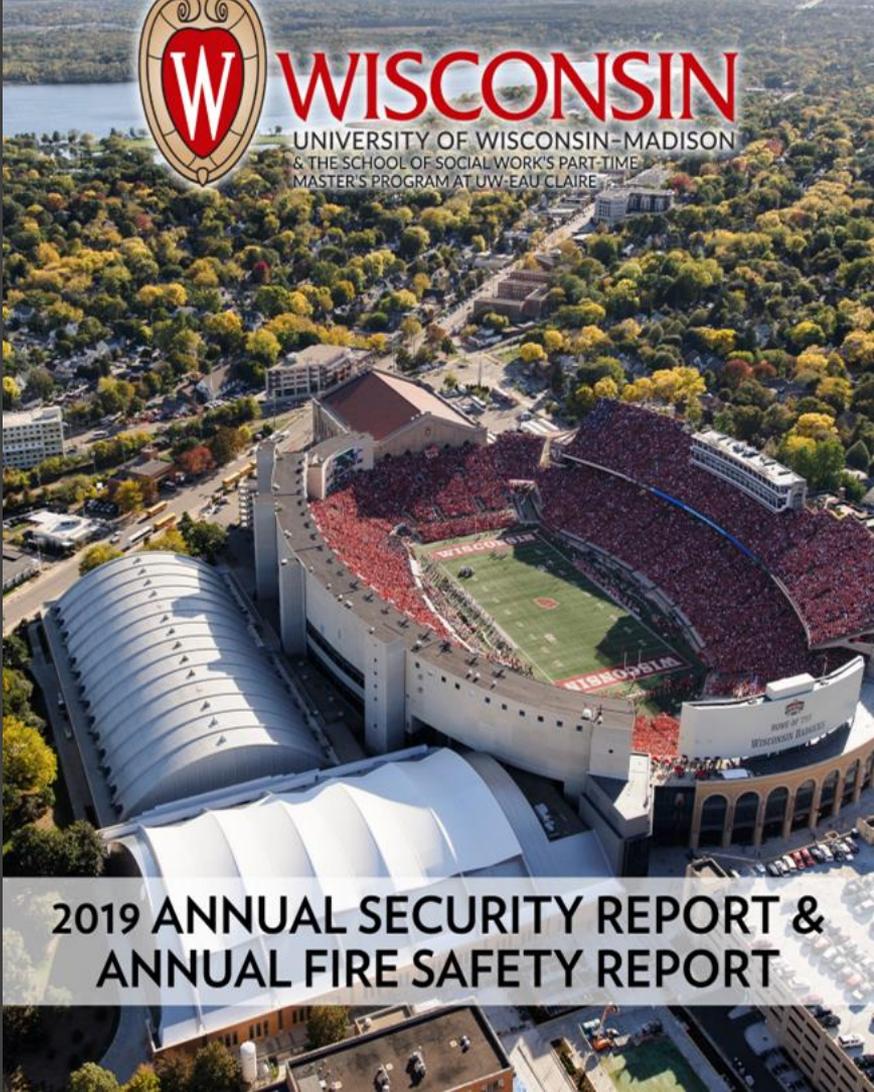
Annual Security Report: Policies & Statistics

- Statistics
 - 3 previous calendar years
 - Categorized by crime and location
 - Clery Crimes on Clery geography
- 100+ policy statements reflecting actual policies & programs
 - Safety
 - Security
 - Discipline
 - SA/DV/DV/S
 - Resources
 - Programming
 - Communication



WISCONSIN

UNIVERSITY OF WISCONSIN-MADISON
& THE SCHOOL OF SOCIAL WORK'S PART-TIME
MASTER'S PROGRAM AT UW-EAU CLAIRE

An aerial photograph of a large stadium, likely the Wisconsin Badgers stadium, filled with spectators. The stadium is surrounded by greenery and other buildings. The text '2019 ANNUAL SECURITY REPORT & ANNUAL FIRE SAFETY REPORT' is overlaid on the bottom right of the image.

**2019 ANNUAL SECURITY REPORT &
ANNUAL FIRE SAFETY REPORT**

An illustration of two hands holding a large, light-colored document. The word 'Report' is written vertically on the left side of the document. The background is a dark, textured grey.

Campus Security Authorities

- Who are they?
- What should they do?
- Why is this important?
- Best practices

Campus Security Authorities

1. University Police or Security Department
2. Individuals (not with University Police/Security) with responsibilities for campus security
 - Third party security
 - Escort Service
 - Parking Kiosk personnel
 - Persons responsible for access control into buildings
 - Event Security
 - Etc
3. Individuals or departments identified by policy where crimes should be reported
4. Institutional officials with significant responsibility for student and campus activities.
 - More on this...

An illustration of two hands, one at the top right and one at the bottom left, holding a large, light-colored document. The document is the central focus and contains a list of roles. The background is a dark, textured grey.

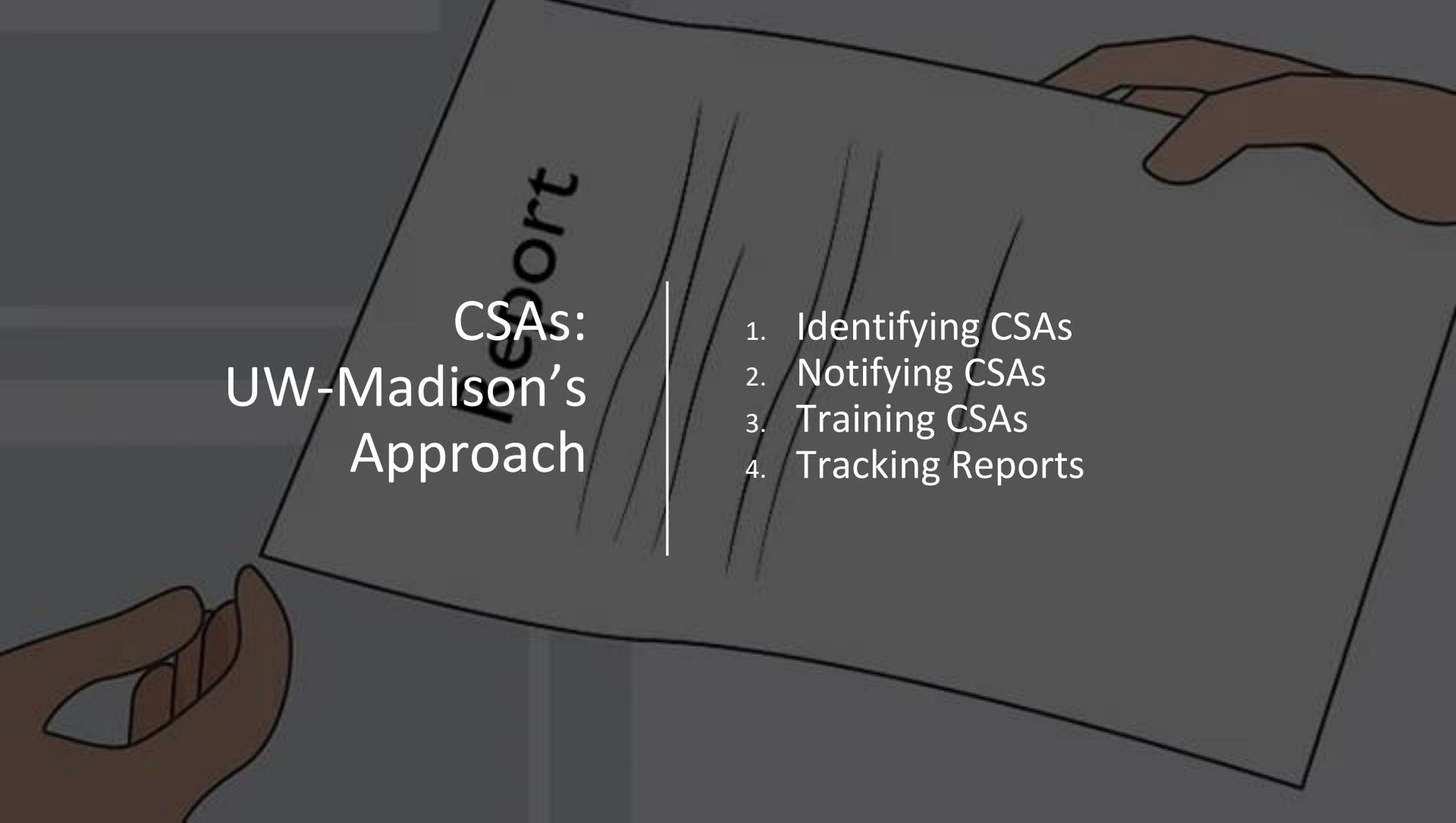
CSAs:
Officials with
significant
responsibility for
student & campus
activity

- a **dean of students** who oversees student housing, a student center or student extracurricular activities;
- a **director of athletics**,
- all **athletic coaches** (including part-time employees and graduate assistants);
- a **faculty advisor to a student group**;
- a **student resident advisor or assistant**;
- a **student who monitors access** to dormitories or buildings that are owned by recognized student organizations;
- a **coordinator of Greek affairs**;
- a **Title IX coordinator**;
- an **ombudsperson** (including student ombudspersons);
- the **director of a campus health or counseling center**;
- **victim advocates** or others who are responsible for providing victims with advocacy services, assisting with housing relocation, disciplinary action or court cases, etc.; members of a sexual assault response team (SART) or other sexual assault advocates; and
- **officers from local law enforcement who are contracted** by the institution to provide campus safety-related services.

Participant Poll

Are you a CSA on your campus?

- Yes
- No
- I don't know

An illustration of two hands holding a large, light-colored document. The word "Report" is written vertically on the left side of the document. The background is a dark gray with faint horizontal lines.

CSAs: UW-Madison's Approach

1. Identifying CSAs
2. Notifying CSAs
3. Training CSAs
4. Tracking Reports

Question break



Timely Warnings and Emergency Notifications

- At UW-Madison: Crime Warnings & WiscAlerts
- Timely Warning
 - Clery crime
 - Clery Geography
 - Includes “non-campus” and “separate campuses”
 - Crime is over but represents an ongoing threat to campus community
 - Include
 - Enough info so people can take informed action
 - Prevention tips
 - Must go to all students, staff & faculty
- Emergency Notification
 - Confirmed *emergency*
 - Threatens campus
 - Emergency is ongoing
 - Identify emergency in communication
 - Can be limited to affected segments of campus community
- Track and be able to reproduce records
- Engage with your campus community to refine language

Crime Warning - 12/2/19 - Burglaries

From: UW-Madison Crime Warning <clerytimelywarning@general.wisc.edu>
Sent: Monday, December 2, 2019 12:33 PM
To: Clery Timely Warning <clerytimelywarning@general.wisc.edu>
Subject: Crime Warning - 12/2/19 - Burglaries

Members of the UW-Madison Community,

The UW-Madison Police Department has received reports of a series of burglaries at the Humanities building, 455 N. Park Street. It is believed the burglaries occurred between December 1, 2019. In all instances, musical instruments were stolen from the basement of the building.

The UW-Madison Police Department is actively investigating these incidents. Anyone with information is urged to contact UWPD at (608) 264-2677.

Nothing is foolproof, but here are some crime prevention suggestions everyone should consider:

- Be aware of suspicious activity such as an unknown person trying to open various doors to see if they are unlocked.
- Lock your door and secure your belongings, even if you're going to be gone for a short period of time – especially if you're in a building that's open to the public. It takes your property.

You are receiving this Crime Warning as part of UW-Madison's commitment to providing campus-area crime information, in compliance with the federal Clery Act (Jeanne Clery Policy and Campus Crime Statistics Act). For more information on the Clery Act, and why you're receiving this federally mandated Crime Warning, please visit www.ed.gov/ac more information on UW-Madison Crime Warnings, visit <https://youtu.be/o8Nvyp50KlI>.

For more information about Crime Warnings at UW-Madison, please visit <http://uwupd.wisc.edu/crime-warning-faq/>.

Tue, Mar 31, 11:27 AM

WiscAlert-Report of shots fired outside the University Hospital Emergency Department on Highland Ave. Take shelter and secure doors. Avoid the area.



Text Message



Daily Crime and Fire Log

- 60 day log
- All crime reported to campus police/security
- Occurs in campus police/security jurisdiction
- Updated within 2 business days of report
- Archived for 7 years
- Archive made available in 2 business days

University of Wisconsin-Madison Clery Crime Log & On-Campus Residential Housing Fire Log							4/7/2020
Event #	Time Reported	Time Occurred	Report #	Location	Offense	Disposition	
202016385	3/15/20 12:23 AM	UNKNOWN	2000422	615 W JOHNSON ST	VANDALISM	OPEN INACTIVE	
202016337	3/14/20 7:12 PM	3/14/20 7:12 PM	2000448	1300 UNIVERSITY AV	THEFT OR LARCENY	VERBAL WARNING	
N/A	3/14/20 9:26 AM	3/14/20 9:26 AM	20193002	35 N PARK ST	DISORDERLY CONDUCT	DISCIPLINARY REFERRAL	
202016233	3/14/20 6:10 AM	3/11/20-3/13/20	2000419	615 W JOHNSON ST	CRIMINAL DAMAGE	OPEN ACTIVE	
202016193	3/13/20 11:56 PM	3/13/20 11:56 PM	2000418	615 W JOHNSON ST	VANDALISM	CITATION ISSUED	
202015996	3/13/20 12:39 AM	3/12/2020 7PM-11:30PM	2000411	835 W DAYTON ST	THEFT OR LARCENY	OPEN ACTIVE	
202015996	3/13/20 12:39 AM	3/12/2020 7PM-11:30PM	2000411	835 W DAYTON ST	CRIMINAL DAMAGE	OPEN ACTIVE	
202015963	3/12/20 9:39 PM	3/12/20 9:32 PM	2000408	615 W JOHNSON ST	CRIMINAL DAMAGE	CITATION ISSUED	
202015837	3/12/20 9:07 AM	3/11/2020 UNKNOWN	N/A	728 STATE ST	THEFT OR LARCENY	NO FURTHER ACTION	
N/A	3/12/20 10:56 AM	ONGOING	22938	ON CAMPUS	STALKING	NON-POLICE REPORT	
202015783	3/12/20 3:12 AM	3/12/20 3:12 AM	2000404	S PARK ST/CHANDLER ST	MARIJUANA POSSESSION	VERBAL WARNING	
202015783	3/12/20 3:12 AM	3/12/20 3:12 AM	2000404	S PARK ST/CHANDLER ST	DRUG PARAPHERNALIA	CITATION ISSUED	
202015781	3/12/20 2:54 AM	3/12/20 2:54 AM	2000405	615 W JOHNSON ST	CRIMINAL DAMAGE	CITATION ISSUED	
202015781	3/12/20 2:54 AM	3/12/20 2:54 AM	2000405	615 W JOHNSON ST	CRIMINAL DAMAGE	CITATION ISSUED	
202015761	3/12/20 12:18 AM	3/12/20 12:18 AM	2000402	1200 OBSERVATORY DR	THEFT OR LARCENY	CITATION ISSUED	
202015761	3/12/20 12:18 AM	3/12/20 12:18 AM	2000402	1200 OBSERVATORY DR	THEFT OR LARCENY	CITATION ISSUED	
202015696	3/11/20 7:08 PM	3/11/20 7:08 PM	2000401	1975 WILLOW DR	MARIJUANA POSSESSION	VERBAL WARNING	
202015696	3/11/20 7:08 PM	3/11/20 7:08 PM	2000401	1975 WILLOW DR	DRUG PARAPHERNALIA	VERBAL WARNING	
202015696	3/11/20 7:08 PM	3/11/20 7:08 PM	2000401	1975 WILLOW DR	DRUG PARAPHERNALIA	VERBAL WARNING	
202015696	3/11/20 7:08 PM	3/11/20 7:08 PM	2000401	1975 WILLOW DR	MARIJUANA POSSESSION	CITATION ISSUED	
202015696	3/11/20 7:08 PM	3/11/20 7:08 PM	2000401	1975 WILLOW DR	MARIJUANA POSSESSION	CITATION ISSUED	
N/A	3/11/20 4:41 PM	10/2/19 UNKNOWN	22933	ON CAMPUS STUDENT HOUSING	FONDLING	NON-POLICE REPORT	
202015640	3/11/20 12:58 PM	3/10/20 7:00 AM	2000400	502 EAGLE HEIGHTS DR	DISORDERLY CONDUCT	OPEN ACTIVE	
202015617	3/11/20 10:17 AM	3/11/20 10:17 AM	2000399	1655 HIGHLAND AV	DISORDERLY CONDUCT	CITATION ISSUED	
202015583	3/11/20 6:06 AM	3/11/20 6:06 AM	2000398	21 N PARK ST	TRESPASS OR UNAUTHORIZED PRESE	CITATION ISSUED	
202015547	3/11/20 12:19 AM	3/11/20 12:19 AM	2000396	800 LANGDON ST	DRUG PARAPHERNALIA	VERBAL WARNING	
202015547	3/11/20 12:19 AM	3/11/20 12:19 AM	2000396	800 LANGDON ST	TRESPASS OR UNAUTHORIZED PRESE	CITATION ISSUED	
202015535	3/10/20 11:13 PM	3/10/20 11:13 PM	20192956	301 N LAKE ST	MARIJUANA POSSESSION	DISCIPLINARY REFERRAL	
202015535	3/10/20 11:13 PM	3/10/20 11:13 PM	20192956	301 N LAKE ST	MARIJUANA POSSESSION	DISCIPLINARY REFERRAL	
202015535	3/10/20 11:13 PM	3/10/20 11:13 PM	20192956	301 N LAKE ST	MARIJUANA POSSESSION	DISCIPLINARY REFERRAL	
202015535	3/10/20 11:13 PM	3/10/20 11:13 PM	20192956	301 N LAKE ST	DRUG PARAPHERNALIA	DISCIPLINARY REFERRAL	
202015535	3/10/20 11:13 PM	3/10/20 11:13 PM	20192956	301 N LAKE ST	MARIJUANA POSSESSION	DISCIPLINARY REFERRAL	
202015535	3/10/20 11:13 PM	3/10/20 11:13 PM	20192956	301 N LAKE ST	DRUG PARAPHERNALIA	DISCIPLINARY REFERRAL	
202015437	3/10/20 4:20 PM	2/25/20 7:00 PM	2000393	1215 W DAYTON ST	THEFT OR LARCENY	OPEN ACTIVE	
N/A	3/10/20 3:10 PM	3/10/20 3:10 PM	20192940	35 N PARK ST	THEFT OR LARCENY	DISCIPLINARY REFERRAL	
N/A	3/10/20 1:30 PM	ONGOING	22915	ON CAMPUS STUDENT HOUSING	STALKING	NON-POLICE REPORT	
202015410	3/10/20 12:06 PM	3/10/20 12:06 PM	2000392	1200 OBSERVATORY DR	FRAUD	OPEN ACTIVE	
202015308	3/9/20 10:06 PM	3/9/20 12:00 AM	2000389	600 N PARK ST	GRAFFITI	OPEN ACTIVE	
202015223	3/9/20 5:10 PM	3/9/20 5:10 PM	2000387	800 LANGDON ST	CRIMINAL DAMAGE	OPEN ACTIVE	
202015223	3/9/20 5:10 PM	3/9/20 5:10 PM	2000387	800 LANGDON ST	DISORDERLY CONDUCT	OPEN ACTIVE	
202015182	3/9/20 11:18 AM	3/7/20 11:05 PM	2000386	500 LINCOLN DR	INTIMIDATION	CLEARED BY ARREST	



Student Housing Facilities?

Missing Persons Policy & Annual Fire Safety Report

Missing Person Policy

- Policy which requires residential **students** to identify missing person contact.
- Identifies procedures on notifying Law Enforcement of missing residential student.
- Identifies procedures on notifying missing person contact. May be different that emergency contact and must remain confidential.

Annual Fire Safety Report

- Policies & procedures on fire safety in residential facilities
- Fire statistics of intentional and unintentional fires in residential facilities

Drug-Free Schools & Communities Act

Three main components:

1. Develop a drug and alcohol prevention plan (DAAPP)
2. Annually distribute DAAPP to all students and employees
3. Biennial review DAAPP for effectiveness



Question break



Major Clery Incidents Involving Minors on Campus

Larry Nassar

- 1994-2016
- Approx 500 victims
- US Dept. of Education Involvement
 - Clery review begins Jan/Feb 2018
 - Clery review ends December 2018
 - Clery settlement September 2019
 - Includes monitoring of minors safety & programming
- Total fiscal impact >\$500m

Jerry Sandusky

- ~1996-2011
- Charged with 48 counts of various violations of law relating to child sexual abuse
- US Dept. of Education Involvement
 - Clery review begins November 2011
 - Findings & fine issued November 2016
 - 11 areas of non-compliance
- Total fiscal impact >\$237m

MSU Settlement Agreement: Standard Components

- Pay a fine
- Employ/empower Clery Act Compliance Professional (CCP)
- Form Clery Compliance Committee (with required participants - less common)
- Engage in Institution-wide process to identify, notify and train all CSAs
- Ensure all officials involved in the investigation and/or adjudication of any case involving an alleged act of sexual violence receive updated and specialized training annually -- This is already a requirement in VAWA
- Collaboration between MSUPD and HR
- MSU Land Management engage in an institution-wide process to identify all buildings, properties and other parcels of land that MSU owns or controls and uses for educational purposes.

MSU Settlement Agreement: Standard Components

- Reassessment of procedures and protocols relating to campus safety, crime prevention, fire safety and substance abuse prevention.
- Implement a process to notify ED of all major criminal offenses and other incidents that are classified as Clery-reportable crimes that involve employees, student athletes or members of a recognized student organization that are deemed to pose a significant or on-going threat to some part of the University's Clery Geography.
 - Notify ED of any other action (assessment, audit, investigation, review) by any other agency related to campus safety or crime prevention related to Clery Act requirements.

MSU Settlement Agreement: Standard Components

- Conduct Self-Assessments related to areas of concern developed during the review period
- 3-5 on-site compliance assessments

MSU Settlement Agreement: *Unexpected Components*

- Review policies and procedures on the protection of student athletes and **minor children**
 - Notice to **patients at MSU** clinics or by MSU providers to patients about any sensitive procedures, document informed consent thereof and their right to immediately terminate treatment at any time.
 - Provide to **all patients** the option to have “a chaperone” present in the room during any appointment and/or examinations that require the patient to disrobe or that involve any contact with or manipulation of the patient’s body
 - A chaperone is REQUIRED (emphasis added) for all sensitive examinations and documented. If a patient declines a signed waiver is required

MSU Settlement Agreement: *Unexpected Components*

- Provide information to ***patients*** and the ***parents of non-student minors*** about the University's patient protection programs, safety protocols, reporting options, and statement that encourages prompt reporting of any alleged misconduct or serious concerns about safety.
- Requires consultant to report any violations of the Clery Act/HEA Fire Safety and/or DFSCA to ED. Additional various requirements of the consultant to report to ED.

MSU Settlement Agreement: *Unexpected Components*

Provide ***quarterly reports to ED*** regarding:

- the number and types of Clery-reportable crimes reported,
- required the issuance of a timely warning,
- required an emergency notification,
- and other (non-Clery) crime alerts and bulletins issued to the campus community,
- information about the delivery of training,
- staffing changes of personnel with Clery compliance responsibilities beyond CSA functions,
- purchases/sales of real property,
- certain student and employee conduct violations, and
- the number and types of anonymous reports of crimes of violation received by offices who receive same.

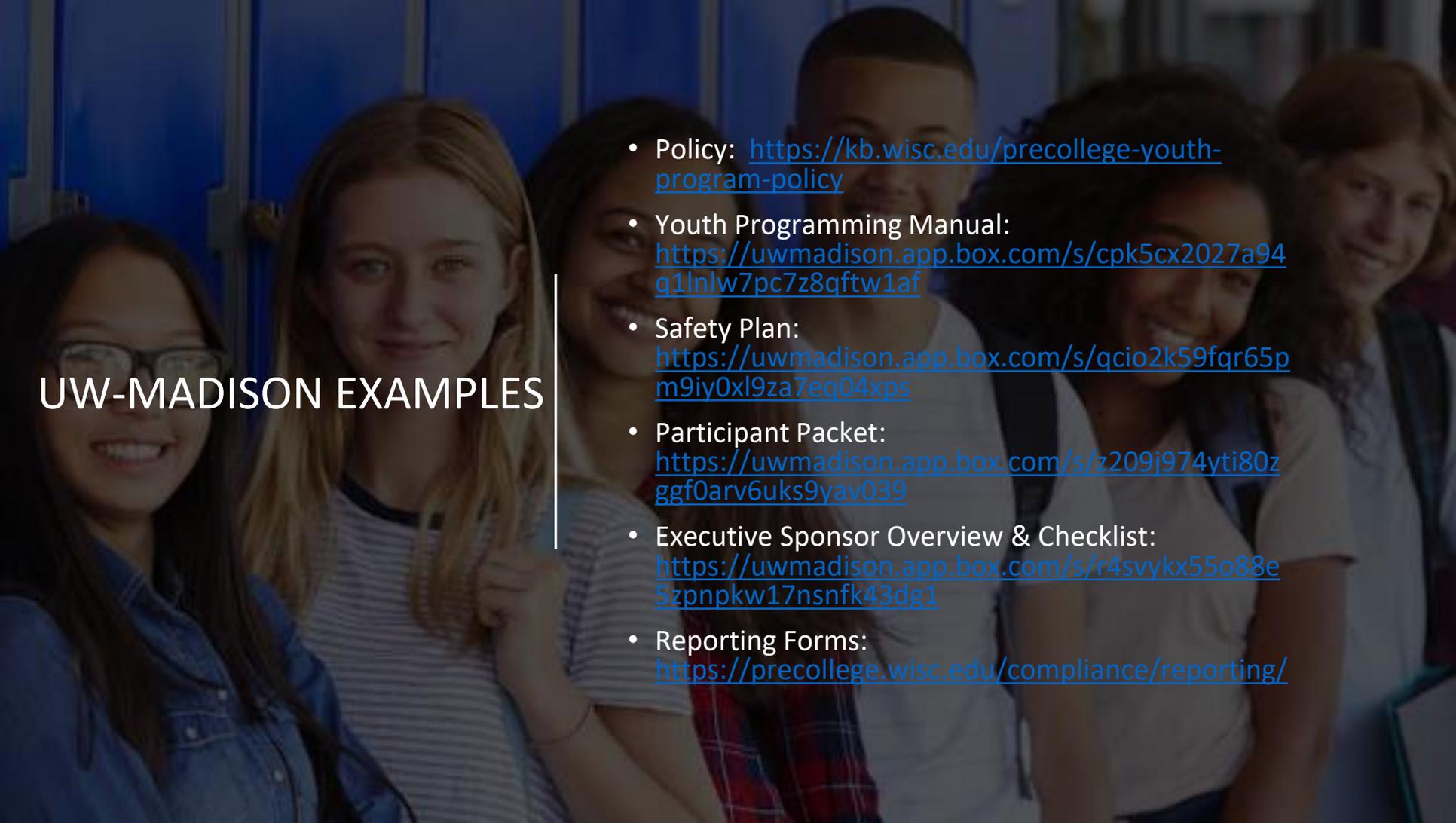
Question break





Creating Policies with Youth Protection Partners on campus

- Time!
- Identify stakeholders
 - YPC, Clery, HR, Safety, Athletics, Facilities, Business (Budget/Contracts), IT, Faculty, Risk Management, Extension, Title IX, Legal, Accessibility
- Review existing policy, if applicable
- Determine scope
 - State Mandatory Reporting Laws
 - Students? Research? Medical care? Daycare?
 - Other related policies
- Draft policy
 - Circulate widely for feedback
- Implementation

A group of diverse young people, including a young woman with glasses and a denim shirt, a young woman with long blonde hair, a young man with a plaid shirt, and a young woman with a backpack, are smiling in a school hallway. The background shows blue lockers.

UW-MADISON EXAMPLES

- Policy: <https://kb.wisc.edu/precollege-youth-program-policy>
- Youth Programming Manual: <https://uwmadison.app.box.com/s/cpk5cx2027a94q1lnlw7pc7z8qftw1af>
- Safety Plan: <https://uwmadison.app.box.com/s/qcio2k59fqr65pm9iy0xl9za7eq04xps>
- Participant Packet: <https://uwmadison.app.box.com/s/z209j974yti80zggf0arv6uks9yav039>
- Executive Sponsor Overview & Checklist: <https://uwmadison.app.box.com/s/r4svyqx55o88e5zpnpkw17nsnfk43dg1>
- Reporting Forms: <https://precollege.wisc.edu/compliance/reporting/>



Thank
you!