
Legislative Update



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Welcome from

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- www.stanleysecurity.com/highered-resources

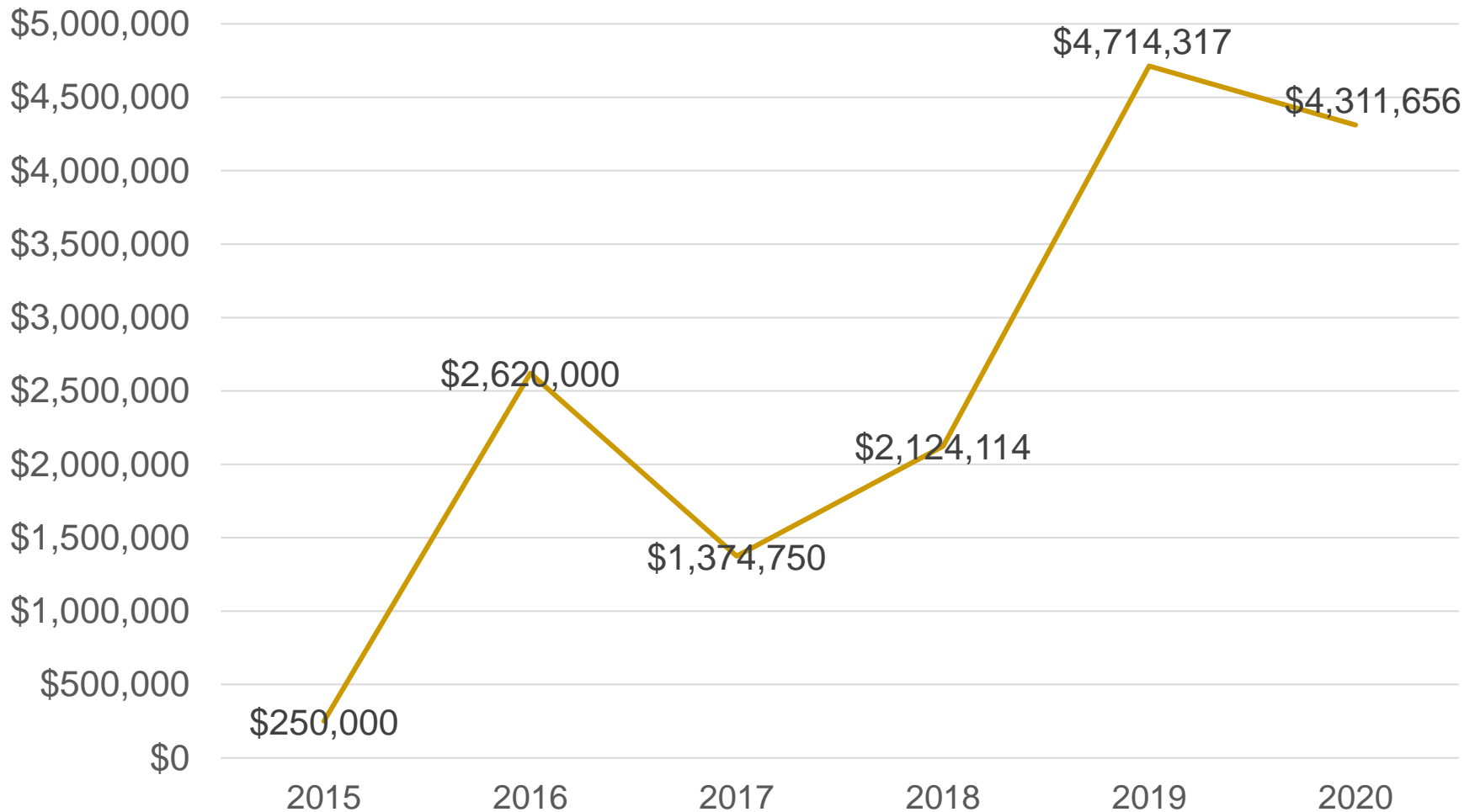
Maximum Fine Amount Increase



- The maximum fine for Clery/DFSCA violations increased on February 3, 2021 to **\$59,017** per violation as a result of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

- Previously, the maximum fines were as follows:
 - ❑ January 14, 2020 (\$58,328)
 - ❑ February 1, 2019 (\$57,317)
 - ❑ January 15, 2018 (\$55,907)
 - ❑ April 20, 2017 (\$54,789)
 - ❑ August 1, 2016 (\$53,907)
 - ❑ October 2, 2012 (\$35,000)
 - ❑ November 18, 2002 (\$27,500)
 - ❑ October 17, 1986 (\$25,000)

Clery/DFSCA Proposed Fines (by Fine Notice Date) (as of 1/19/2021)



Consequences of Noncompliance



- Brand reputation and negative media attention
- Decreased admissions applications
- Decreased new student yield
- Intra-institutional conflict
- Staff departure
- Fees associated with consultants, attorneys, public relations firms, and contract payouts
- Final Review Determination Reports are public records (<https://studentaid.ed.gov/sa/about/data-center/school/clery-act-reports#>)

NACCOP Federal Relations Strategic Goals



- Federal Government Outreach and Collaboration
- Collaborative Engagement with Peer Associations & Professional Organizations
- Advance NACCOP's Legislative Interests
- Provide Legislative Specific Education & Training

Federal Relations Activity/Outreach



- HELP Committee
- House Committee on Education and Labor
- Bipartisan Task Force to End Sexual Violence
- Title IX/OCR Regs
- ED CACD
 - Jim Moore, Senior Advisor
- Legislative Update Webinars
 - Semiannual
- Legislative Newsletters
 - At least semiannual
 - NACCOP Journal
- Federal Relations NACCOP Committee
 - 50+ Committee Members
 - At least one Meeting/Semester
 - Thinktank for NACCOP Leadership Team

NACCOP Engagement with Title IX



2021

- April 1, 2021 – NACCOP Meets with OCR Policy Staff

2021

- April 6, 2021 – OCR Announces Comprehensive Review – Listening Sessions & Public Hearing (June 2021)

2021

- July 20, 2021 - Q&A about how OCR interprets an IHEs Existing Obligations

2022

- January 20, 2022 - Assistant Secretary of OCR & NACCOP Virtual Conference
- Continue Proactive Engagement through Next NPRM

2022

- Engage NACCOP FR Committee
- Respond to NPRM

OCR and Title IX – Next Steps



- Notice and comment rulemaking to amend Title IX regulations
- Publication of proposed regulations in Federal Register
- Opportunity to provide public comments
- Review public comments
- Send final draft to OMB
- Tweak as necessary and then post final regulations with a delayed implementation date

Regulatory process



- NPRM – 60 to 90 days
- OIRA/OMB Regulatory Review
- Final Regulations

OIRA/OMB Review Process



- Responsible for reviewing draft and final rules under Executive Order 12866
- OIRA/OMB is an agency within the Executive Office of the President
- Oversees the implementation of government-wide policies
 - Comply with regulatory principles
 - Ensure President's priorities & policies are reflected in agency rules
 - Ensure policy coordination with other agencies to avoid inconsistency, incompatibility or duplication
 - Review helps ensure agencies consider consequences of rules

Themes Impacting Campus Safety Legislation



- Mental Health Concerns
- Student Disability
- Sexual Assault Prevention
- Anti-Hazing
- Anti-Harassment
- Increase in Bias and Hate on Campus
- HEA Reauthorization
- Cley Act Subregulatory Guidance



Future Legislative Landscape – HEA



- **Anti-hazing**
 - Statistics
 - Policy Development
 - Education and Awareness
- **Anti-harassment – (focus on cyberbullying/cyberstalking)**
 - Statistics
 - Policy Development
 - Education and Awareness
- **Campus Sexual Assault**
 - Concerns about shifting Administration Priorities
 - Codify Title IX in statutory language
- **Campus Hate Crimes**
 - Steady Increase in Bias Motivated Crime

Demand on Services



Colleges are struggling to meet the surging demand for mental health services on campus, and some schools are wrestling with how much care they owe students.



Under Pressure

Inside the college mental health crisis

APMreports, “Under Pressure”, August 19, 2021,
<https://www.apmreports.org/episode/2021/08/19/under-pressure-the-college-mental-health-crisis>

Rachel Sender for APM Reports

Mental Health Concerns at IHEs



Elevating the Mental Health Conversation

Advocates say a comprehensive approach is required to address mental health challenges on college campuses, but more information is needed about what does and doesn't work. Bipartisan legislation introduced in Congress aims to find that information out.

By **Alexis Gravely** // November 8, 2021



IRYNADANYLIUK/GETTY IMAGES

Inside Higher ED, “Elevating the Mental Health Conversation”, November 8, 2021, <https://www.insidehighered.com/news/2021/11/08/legislation-aims-tackle-mental-health-concerns-higher-ed>

Congressional Findings



- Mental health conditions begin before the age of 24.
- More college students reporting mental health concern.
- More students reporting severe psychological problems.
- More reporting feelings of hopelessness.
- IHE counseling centers are devoting more time to rapid-response treatment with suicide ideation on the rise.
- Increased counseling center utilization has forced IHEs to stretch mental health services to more students without increasing resources.

Higher Education Mental Health Act of 2021



PURPOSE: To authorize the Secretary of Education to establish an Advisory Commission on Serving and Supporting Students with Mental Health Disabilities in Institutions of Higher Education

INTRODUCED BY:

Sen. Robert Casey (D-PA)

- Establish a national commission
- Provide IHEs with information on mental health concerns
- Provide a report to Congress
- Create a roadmap for improving mental health services
- Provide recommendations for improving services to treat mental health issues

Advisory Commission



- Advisory Commission to provide report to Secretary on the following:
 - ❑ Challenges faced by students with mental health disabilities
 - ❑ Services available and their effectiveness
 - ❑ Policies and procedures that help or hinder
 - ❑ Use of protected health information
 - ❑ Impact on academic performance and well-being
 - ❑ Recommendations to improve

Safe Equitable Campus Resources and Education (SECuRE) Act of 2022



PURPOSE: To address the needs of individuals with disabilities within the Clery Act.

INTRODUCED BY:

Originally introduced by:
Sen. Robert Casey (D-PA)

REINTRODUCED BY:

Senators Jeanne Shaheen (D-NH)
and Maggie Hassan (D-NH)



SECuRE Act Requirements



- Number of victims of VAWA crimes who were individuals with a disability
- Ensure emergency response and evacuation procedures take into account the needs of students and staff with disabilities
- All reports, materials and information required by the Clery Act need to be available in a timely manner in accessible formats for individuals with disabilities
- Ensure all prevention and awareness programs and materials are accessible and inclusive

SECuRE Act Requirements



- Ensure campus security personnel and others responsible for provision of information and resources are trained about working with disabled persons
- Officials conducting investigations and adjudication processes must receive annual training
- An accuser or an accused with a disability is entitled to be accompanied to any such meeting or proceeding by an interpreter, translator, or other individual providing communication assistance services

SECuRE Act Requirements



- The accuser and the accused are entitled to the same opportunities to request accommodations related to their disabilities
- Simultaneously informed in writing of an adjudication outcome in such accessible format as required in the case of an accuser or an accused individual with a disability
- All materials, websites, and other forms of communication should be provided in accessible formats for individuals with disabilities

Patsy T. Mink and Louise M. Slaughter Gender Equity in Education Act of 2021



- H.R. 4097
- Introduced on June 23, 2021
- Rep. Doris Matsui (D-CA)
- 15 Democratic Co-Sponsors



To Advance Gender Equity in Education

Patsy T. Mink and Louise M. Slaughter Gender Equity in Education Act of 2021



- Support educational entities in implementation of Title IX
- Provide Title IX Coordinators with training and technical assistance
- Increase awareness about rights and obligations under Title IX
- Identify and disseminate best practices for reducing and prevention discrimination
- Promote environments free of sexual and sex-based bullying, harassment and violence
- Promote equity in education
- Require ED Secretary to establish an office of gender equity

Transparency and Accountability in Hazing



03.16.21

Cassidy, Casey, McBath, Stivers Reintroduce Legislation to Prevent Hazing on College Campuses

WASHINGTON – U.S. Senators Bill Cassidy, M.D. (R-LA) and Bob Casey (D-PA), and U.S. Representatives Lucy McBath (D-GA-06) and Steve Stivers (R-OH-15) re-introduced the [End All Hazing Act](#) to provide parents and prospective students with better information about universities' histories of hazing in an effort to increase transparency and accountability in hazing nationwide.

The bill would require colleges and universities to post on their websites instances of hazing that took place on campus or within a student organization. Providing this information would improve transparency and assist students in making the best choices for their futures.

“Prospective students and their families should feel safe no matter what school they choose,” said Dr. Cassidy. “By increasing transparency, the bill will ensure that hazing is never swept under the rug.”

Sen. Bill Cassidy Press Release, March 16, 2021, <https://www.cassidy.senate.gov/newsroom/press-releases/cassidy-casey-mcbath-stivers-reintroduce-legislation-to-prevent-hazing-on-college-campuses>

Congressional Findings on Hazing



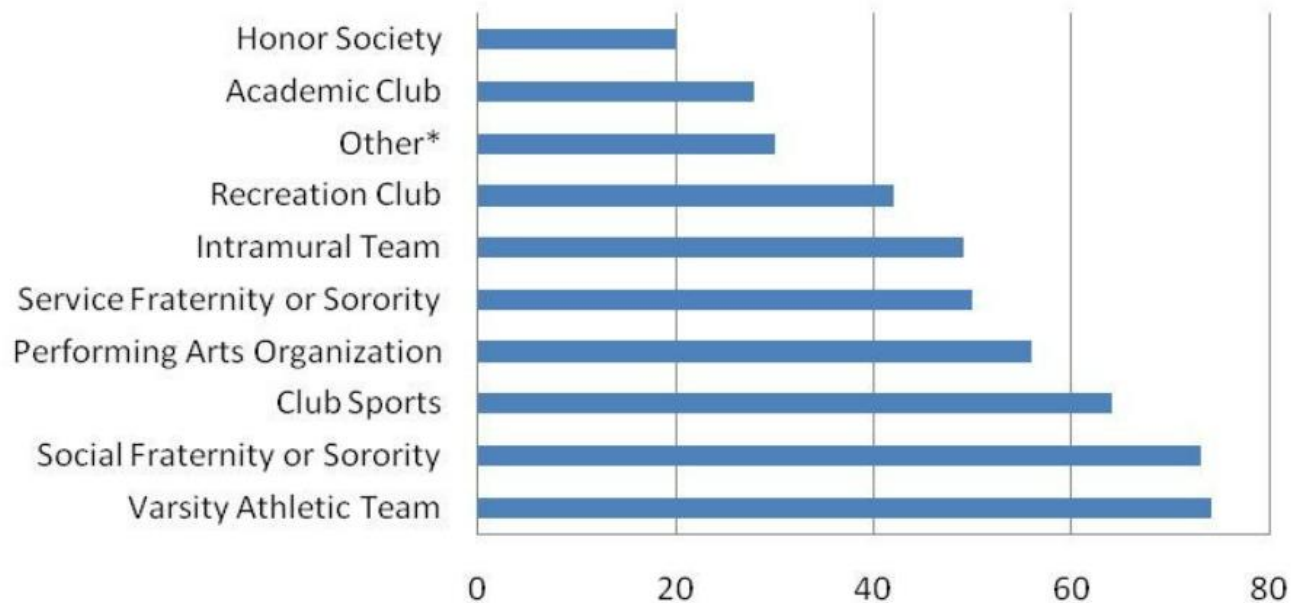
- Hazing is most prominent in our educational system
- Hazing undermines educational experience of all those involved
- Hazing often perpetuates a vicious cycle of recidivism
- Hazing takes many forms, but alcohol and drug consumption has caused bodily injury
- Numerous students have died as a result of collegiate hazing

Where Does Hazing Take Place?



Percent of students in each activity that experienced at least one hazing behavior.

Allan, E.J. and Madden, M. (2008). *Hazing in view: College students at risk: Initial findings from the National Study of Student Hazing*. Hazing Research and Prevention



College Hazing Statistics



- More than 250,000 students experienced some sort of hazing to join a college athletic team
- 5% of all college students admit to being hazed
- 40% admit to knowing about hazing activities
- 40% report that a coach or club advisor was aware of the hazing
- 22% report that the coach or advisor was involved in the hazing
- 50% of the female NCAA Division I athletes reported being hazed

Inside Hazing, <https://www.insidehazing.com/statistics>

End All Hazing Act of 2021



- Applies to conduct of:
 - Individuals and
 - Organizations
 - Defines hazing:
 - Intentional, Knowing, or Reckless Act
 - Connected to Membership
 - Contributes to Injury, Mental Harm or Degradation
-
- Requires antihazing policies, awareness & prevention
 - Requires mandatory reporting to LE within 72-hrs (serious bodily injury)
 - Requires ongoing disclosures of reported hazing incidents
 - Includes both law and policy violations
 - Disclosure of Incident, Charges, Investigation & Adjudication

Report and Educate About Campus Hazing Act, or REACH Act (S. 706)



- Hazing incidents included in ASR
- New ASR policy statements
- Establish definition of Hazing
- Establish campus-wide evidenced-informed prevention education
- Requires reports to LE

Brown is one of several co-sponsors of the Report and Educate About Campus Hazing Act, or REACH Act, alongside the bill's lead sponsor, Minnesota Democratic Sen. Amy Klobuchar.

Cleveland.com, "Sen. Sherrod Brown cites fraternity pledging deaths in push for anti-hazing legislation," March 24, 2021



Tyler Clementi Higher Education Anti-Harassment Act of 2021 (S.2791)



- Reintroduced by Sen. Patty Murray (D-WA)
 - 28 cosponsors
-
- To prevent harassment at institutions of higher education

Tyler Clementi Higher Education Anti-Harassment Act of 2021



- Further defines "harassment" to include certain conduct undertaken through technological means that limits a student's ability to benefit from programs, or creates a hostile or abusive educational environment at the school which is based on a student's actual or perceived:
 - ❑ Race;
 - ❑ Color;
 - ❑ National Origin;
 - ❑ Sex;
 - ❑ Disability;
 - ❑ Sexual Orientation;
 - ❑ Gender Identity; or
 - ❑ Religion

Tyler Clementi Higher Education Anti-Harassment Act of 2021



- Requires inclusion in ASR a statement of policy regarding harassment:
 - Prohibition of harassment of students by students, faculty, and staff in Clery Geography, during institutionally-sponsored activities and/or harassment occurring through the use of an IHE email account or the IHE's IT resources;
 - Description of programs to combat harassment;
 - Description of procedures to be followed should harassment occur, and
 - Description of procedures IHE will follow once an incident of harassment is reported, which would include:
 - Mandated notification to accuser and accused of the outcome of disciplinary proceedings, notice of possible sanctions, support services available to both parties

Hate Crimes - Higher ED Backdrop



Hate Crime Incidents at Postsecondary Institutions

(Last Updated: May 2021)

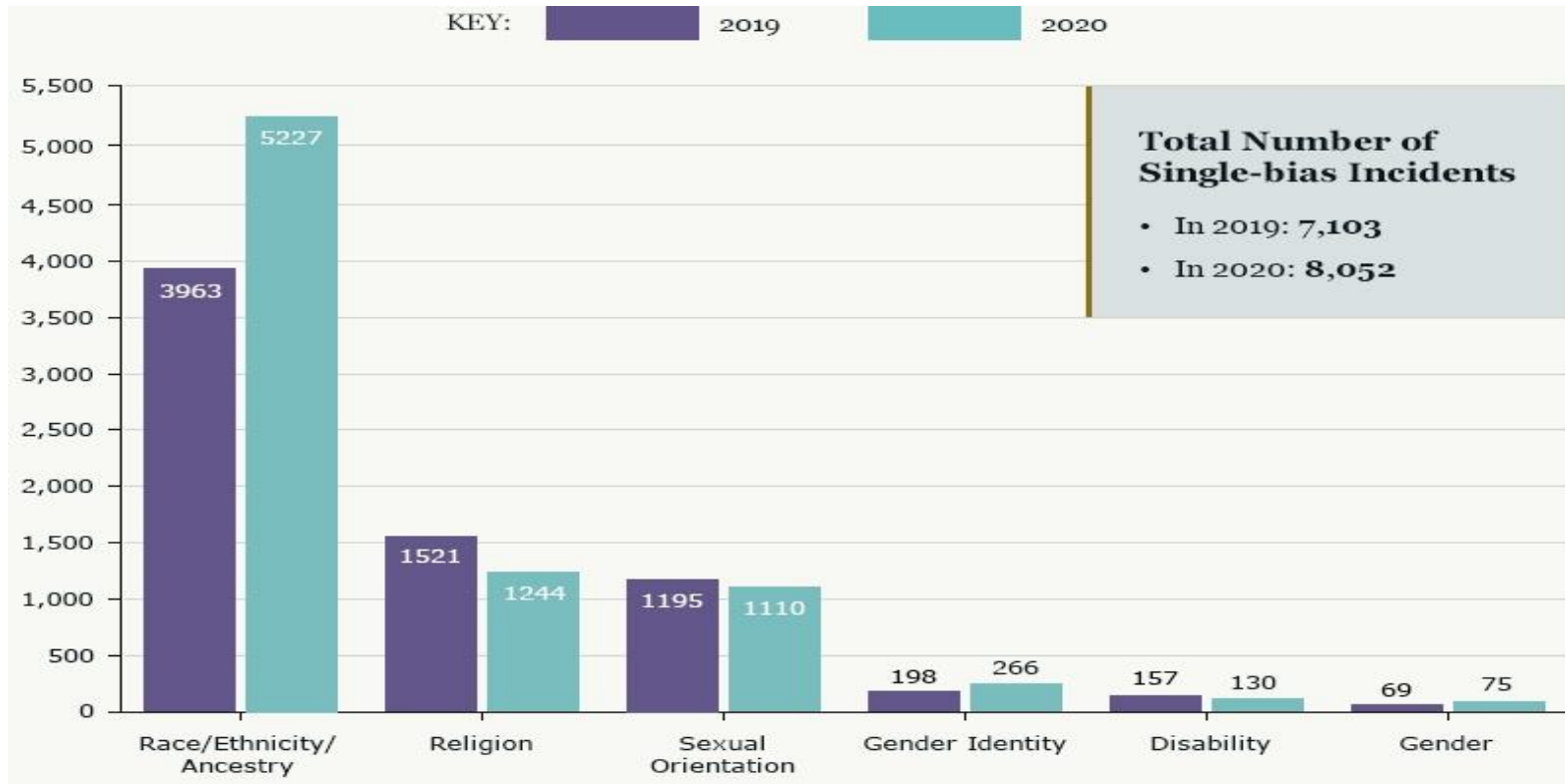
This indicator also appears under *School Crime and Safety*.

Download PDF

Approximately 80 percent of the total reported on-campus hate crimes in 2018 were motivated by race, sexual orientation, or religion. Race was the motivating bias in 43 percent of reported hate crimes (347 incidents); sexual orientation was the motivating bias in 22 percent of reported hate crimes (176 incidents); and religion was the motivating bias in 16 percent of reported hate crimes (128 incidents).

National Center for Education Statistics (NCES), "Hate Crime Incidents at Postsecondary Institutions", May 2021, <https://nces.ed.gov/programs/coe/indicator/a22>

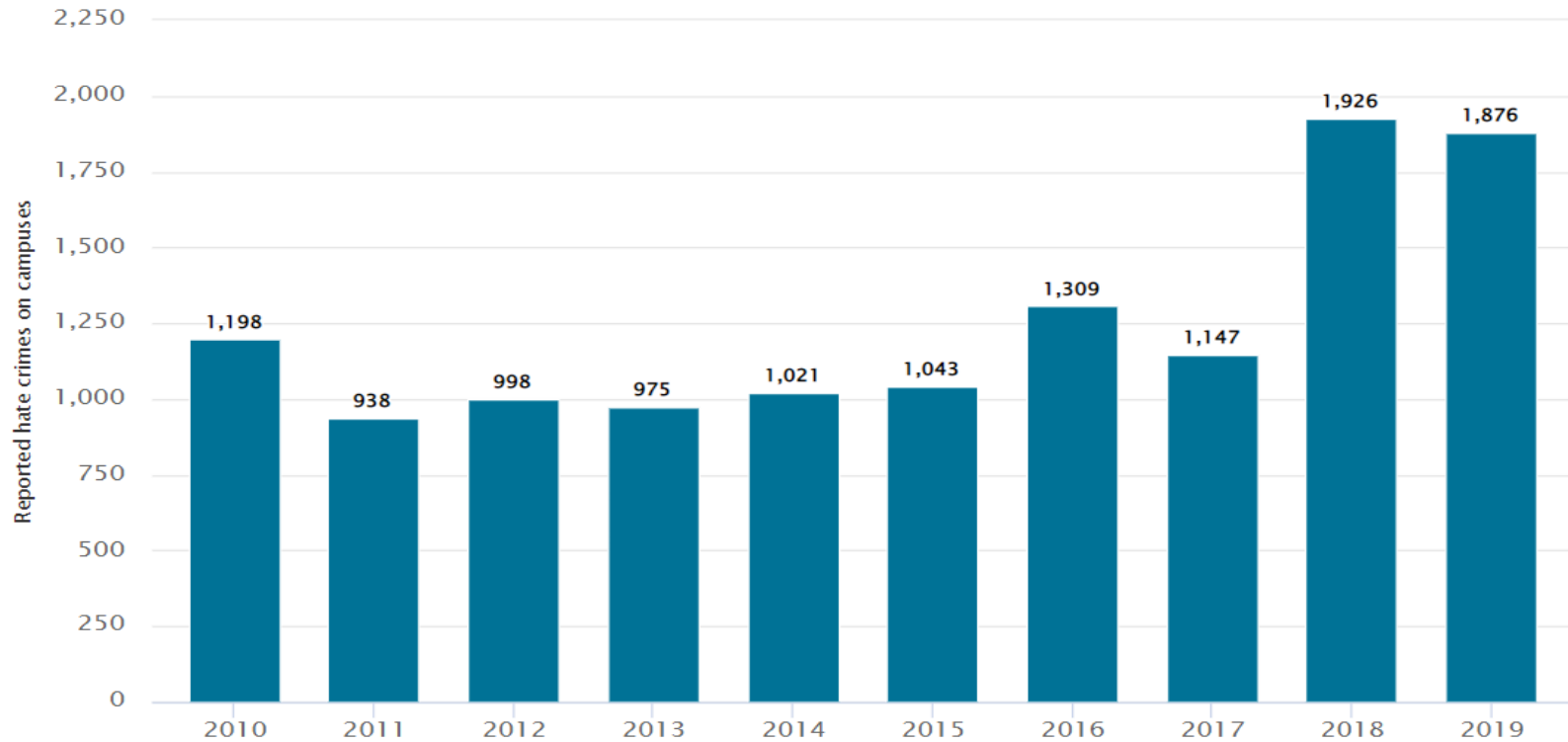
Bias Motivation Categories in 2020



US Department of Justice, <https://www.justice.gov/hatecrimes/hate-crime-statistics>



Reported Hate Crimes on College Campuses, 2010–19



Source: U.S. Department of Education, Office of Postsecondary Education, Campus Safety and Security (CSS) survey

Congressional Findings Leading to Proposed **CAMPUS HATE** Crimes Act



- Increase in Bias Motivated Violence
- Violence Motivated by Hatred Disrupts Communities
- SPLC Data indicates Schools a Familiar Place for this Violence
- Escalation in Hate Based Crime
- Increase in Hate Groups Targeting Campuses
- Concerns that IHEs may not be Properly Responding to Hate Crimes

CAMPUS HATE Crimes Act (H.R. 761)



- Introduced by Rep. Anthony Brown (D-MD)
- 13 cosponsors
- To amend the Higher Education Act of 1965 to strengthen prevention and response measures for hate crimes on college campuses by establishing robust accountability measures, providing needs-based grants, and amending the Clery Act.

CAMPUS HATE Crimes Act



Annual distribution to students and employees:

- Standards of conduct
- Clear definition of hate crimes or hate incidents
- Applicable legal sanctions
- Appropriate support resources
- Interim measures
- Description of institutional sanctions
- Quadrennial review of awareness and prevention programming and prevalence of incidents

Equality Act (H.R. 5)



Introduced by Representative David N. Cicilline (D-RI)

- Introduced on February 18, 2021
 - Passed the House on February 25, 2021
 - Currently 224 Cosponsors (All Democrats)
 - Companion Bill in the Senate
-
- This bill prohibits discrimination based on sex, sexual orientation, and gender identity in areas including public accommodations and facilities, education, federal funding, employment, housing, credit, and the jury system.

Equality Act (H.R. 5)



- **PURPOSE.**—It is the purpose of this Act to expand as well as clarify, confirm and create greater consistency in the protections and remedies against discrimination on the basis of all covered characteristics and to provide guidance and notice to individuals, organizations, corporations, and agencies regarding their obligations under the law.

How to Move Forward?



- HEA Reauthorization

- Reconciliation Process as an Amendment

- Stand Alone Bill
 - Pass basic foundation and punt to ED

CCO Designation Act

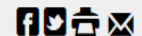


Press Releases

Kuster, Stauber Introduce Legislation to Protect Students and Hold Institutions Accountable

Washington, DC, March 2, 2020

Tags: [Ending Sexual Violence](#)



Reps. Annie Kuster (NH-02) and Pete Stauber (MN-08) introduced the *Clery Compliance Officer Designation Act of 2020*, legislation directing schools to designate specific staff to ensure the accurate and timely reporting of sexual violence and other crimes on college and university campuses.

“Students and their families in the Granite State and across the country deserve accurate, timely information about campus safety as they make decisions about where to attend school, and while they are enrolled,” **said Kuster, founder and co-chair of the Bipartisan Task Force to End Sexual Violence.** “The Clery Act continues to play a critical role in informing and protecting students against sexual violence and other crimes that can occur on campuses. The *Clery Compliance Officer Designation Act* will strengthen this landmark legislation by ensuring institutions have designated specific staff to carry out this critical work.”

“For decades, the Clery Act has played a critical role in protecting students from sexual violence by requiring colleges and universities across the country to disclose campus crime statistics,” **said Rep. Stauber.** “The Clery Compliance Officer Designation Act of 2020 builds on this vital effort by ensuring that this information is released in a timely manner, so students and their families can make more informed decisions about where to enroll in school. As a father and former law enforcement officer, safety on college campuses remains a top priority of mine and I am proud to work with Congresswoman Kuster on this critical issue.”

What Should We Expect



- Antihazing policies
- Awareness and education programs for student organization leaders and members
- Mandatory reporting for “college officials”
- Training for faculty, staff and student leaders
 - Recognizing and reporting hazing activities
- Antihazing policy statements for the ASR
- Annual hazing statistical disclosures for the ASR and/or IHE websites

9th ANNUAL NACCOP CONFERENCE



In-Person in Baltimore, MD

Pre-Conference - July 19, 2022

Conference - July 20-22, 2022

More information will be available in early 2022 at www.naccop.org

2022 NACCOP Webinar Series



NACCOP is excited to continue our webinar series which provides an overview of the foundational topics related to Clery Compliance activities. The NACCOP Webinar Series is updated annually to include the changes and updates to the requirements for complying with the Clery Act each year.

- **Each webinar begins at 2pm ET**
- Visit www.naccop.org and select “Trainings and Webinars” to register
- **FREE for NACCOP Members!**

#	Webinar Title		Webinar Date
0	Developing a Clery Compliance Committee	75 minutes	Dec 9, 2021
1	Campus Security Authorities	90 minutes	Jan 6, 2022
2	Clery Geography	90 minutes	Jan 27, 2022
3	Classifying and Counting Crimes	2 hours	Feb 10, 2022
4	Drug, Liquor and Weapons Arrests and Referrals	2 hours	Feb 24, 2022
5	Annual Security Report Statements of Policy	90 minutes	Mar 10, 2022
6	Timely Warnings and Emergency Notifications	90 minutes	Mar 31, 2022
7	Violence Against Women Act	2 hours	Apr 14, 2022
8	Daily Crime Log and Fire Log	75 minutes	Apr 28, 2022
9	Fire Safety Disclosures and Missing Persons	75 minutes	May 12, 2022
10	Preparing for a U.S. Department of Education Program Review	90 minutes	May 26, 2022

Clery Act Compliance Training Academy: In-Person Classes



- The Clery Act Compliance Training Academy is nationally recognized as the preeminent training program designed to teach practitioners how to comply with the complex requirements of the Clery Act. This training academy experience will benefit individuals who have not had previous Clery Act training (we start with the basics and work into the advanced concepts) and those who want to enhance their knowledge of the law.
- 8:00 PM EDT – 5:00 PM ET (ends at 3:00 PM on Day 5)
- **Class Dates:**
 - ~~January 10-14, 2022~~
 - June 13-17, 2022
 - August 1-5, 2022
 - October 10-14, 2022
- **Cost:**
\$775.00



D. STAFFORD
& ASSOCIATES

Register at www.dstaffordandassociates.com

Clery Act Compliance Training Academy: Live, Virtual Classes



- The Clery Act Compliance Training Academy is nationally recognized as the preeminent training program designed to teach practitioners how to comply with the complex requirements of the Clery Act. This training academy experience will benefit individuals who have not had previous Clery Act training (we start with the basics and work into the advanced concepts) and those who want to enhance their knowledge of the law.
- 12:00 PM EDT – 4:30 PM Eastern Time (10 half days)
- **Class Dates:**
 - March 14-18 and March 21-25, 2022
 - December 5-9 and December 12-16, 2022
- **Cost:**
\$775.00



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Register at www.dstaffordandassociates.com

DSA Advanced Clery Act Training Academy: Practical Application



The ADVANCED Clery Act Compliance Training Academy is a 3 ½ day training program that provides an opportunity for attendees to build upon the foundation provided in the D. Stafford & Associates Clery Act Compliance Training Academy through a combination of instruction, discussion, and group-based learning activities that explore how to practically apply relevant laws and ED guidance to some of the most vexing issues facing practitioners. This experience is designed to be interactive, with attendees participating in group analysis and exercises throughout the 3 ½ days. Participants will be able to assess their ability to competently apply the law to specific scenarios and problems while evaluating pertinent operating procedures and practices that relate to complying with the Clery Act.

- **Class Dates:** - 8:00 PM EST – 5:00 PM EST (ends at 11:00 AM on Day 4)
 - ~~February 1-4, 2022 (University of Texas Arlington in Arlington, TX)~~
 - May 3-6, 2022 (Maryville University in St. Louis, MO)
 - September 12-15, 2022 (Suffolk University in Boston, MA)
 - November 8-11, 2022 (Carin University in Langhorne, PA – Outside of Philadelphia)

- **Cost:** \$895.00

Register at www.dstaffordandassociates.com



Comprehensive, Integrated Clery Act Solutions

SOLUTIONS	TIER 1	TIER 2	TIER 3
Reports	✓	✓	✓
Clery Geography	✓	✓	✓
Local Law Enforcement	✓	✓	✓
CSAs	✗	✓	✓
Incident Reports (Standard)	✗	✓	✓
Clery Audit	✗	✓	✓
Daily Crime Log	✗	✗	✓
Alerts	✗	✗	✓
Incident Reports (Premium)	✗	✗	✓

- Visit www.getcleryedge.com to view a detailed description of each solution and to sign up for a demo

NACCOP Clery Compliance Officer Certification Program



- For more information on the program, including program requirements, costs and application instructions, visit: <http://www.naccop.org/cco-certification>



Questions??

Contact Email: blafferty@naccop.org