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The 2016 Clery Handbook: New Developments and Important Changes

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Overview and Brief Description

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STATUTE/REGULATION SOURCE

The Clery Act, as amended by the Violence Against Women Act, 20 USC 1092(f); 34 CFR 668.46.

BRIEF DESCRIPTION

On November 8, 2015, the Clery Act, a set of law and regulations that governs how colleges report on and work to prevent crimes on campus, turned a quarter century old. Over the course of 25 years, the law has been amended and expanded several times, most recently by the 2013 reauthorization of the Violence Against Women Act and its regulations.[4] In 2005, the United States Department of Education ("ED") Office of Postsecondary Education issued The Handbook for Campus Crime Reporting.[5] ED used the 200-page Handbook as a guide when conducting program reviews of compliance with the Clery Act. In February 2011, ED released a 285-page The Handbook for Campus Safety and Security Reporting ("2011 Handbook").[6] Author Storch wrote an article to detail the changes between the 2005 and 2011 Handbooks.[7] On June 23, 2016, ED issued The Handbook for Campus Safety and Security Reporting 2016 Edition ("2016 Handbook").[8] This piece dives into the changes in the 2016 Handbook

1 The authors are deeply grateful to the University Risk Management & Insurance Association, especially Executive Director Jenny Whittington, and its Government and Regulatory Affairs Committee, Co-Chairs Sally Alexander and Leta Finch, and Board Liaison Marjorie Lemmon, for support of this publication and for their work assisting risk managers and higher education professionals in complying with this and other complex areas of the law, and to expert colleagues Alison Kiss and Abigail Boyer of the Clery Center for Security On Campus and John Graff of Hirsch Roberts Weinstein LLP for their helpful insights and comments.

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4 Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat 54 (2013) ("VAWA statute").

5 U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Crime Reporting,* Washington, D.C., 2005.

6 U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting*, Washington, D.C., 2011.

7 *See* Joseph Storch, *The 2011 Clery Handbook: New Developments and Important Changes*, NACUA Note, National Association of College and University Attorneys (NACUA), vol. 9 n. 12 (June 10, 2011).

8 U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting, 2016 Edition*, Washington, D.C., 2016.

to aid in complying with the Clery Act, as interpreted by ED. While the 2016 Handbook clocks in at only 265 pages, this reduction mostly comes by deleting 65 pages of statutory and regulatory language as well as sample policy documents printed in 2005 and 2011. Removing that section, the 2016 Handbook is about 4,500 words/45 pages longer than in 2011.

In 2005 and 2011, the Handbook was issued under the authorship of Westat, ED's Clery Act contractor, and included endorsement limitation language, "The views expressed herein do not necessarily represent the positions or policies of the U.S. Department of Education" (2011 Handbook copyright page). The 2016 Handbook removes the reference to Westat as author and does not include that disclaimer language. Like the Handbooks before it, the 2016 Handbook was neither subject to formal notice and comment rulemaking or informally given to higher education representatives[9] for comment and feedback.[10] It was not issued as "significant guidance" under federal government rules[11] like the 2011, 2013, and 2015 Dear Colleague Letters from the Office for Civil Rights. ED says the Handbook represents "the Department's interpretations and guidance as of the date of publication" (1-4, 15); it makes significant compliance changes and, while affirming that the law "allows institutions a great deal of flexibility in complying" (1-5, 16), states on its face that ED auditors will hold institutions to its standards (1-4, 15).

9 As a contemporaneous comparison, on August 18, 2015, ED's Family Policy Compliance Office (the Office that regulates compliance with Family Educational Rights and Privacy Act [FERPA]) issued a *Draft Dear Colleague Letter* on access to student mental health records. Department of Education, Family Policy Compliance Office, *Draft Dear Colleague Letter*, http://familypolicy.ed.gov/sites/fpco.ed.gov/files/DCL%20Final%20Signed-508.pdf (Aug. 2015). On August 19, 2015, ED widely distributed the draft letter to higher education institutions and associations through (among other methods) its Student Privacy ListServ. Electronic mail message from Kathleen M. Styles, Chief Privacy Officer, Department of Education (on file with authors). ED requested comments by October 2, 2015, and made the comments available to the public on a website, http://familypolicy.ed.gov/dear-colleague-letter-to-school-officials-at-institutions-of-higher-education. ED's Office for Civil Rights and other divisions have likewise sought input from higher education associations and institutions in development of guidance.

10 ED did conduct calls with members of the VAWA Negotiated Rulemaking team and asked higher education, through the National Association of College and University Attorneys (NACUA) and other organizations, to submit resources and feedback (some of which were incorporated in the Handbook), but to the knowledge of the authors and all those they have spoken with, ED did not provide drafts or partial drafts for review or comment, or reach back out to the higher education community for input on specific language.

11 Office of Management and Budget, Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), https://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2007/m07-07.pdf.

Potential/Actual Impact to Higher Education

Complying with the Clery Act is a campus-wide responsibility. Whether the reader is in risk management, compliance, student affairs, law enforcement/public safety, or the counsel's office, it is critically important to review the institution's development of its Clery Act policies and statistics. Even if your institution is a national leader in crime prevention and safety education, you must technically and wholly comply with the Clery Act, as interpreted by ED in its most recent published Handbook. ED officials have stated that colleges must act consistently with the interpretations in the June 2016 Handbook when they issue their October 1, 2016 Annual Security Report (ASR) and must report 2015 calendar year data using the interpretations described in the June 2016 Handbook.[12] For comparison, the 2011 Handbook had the same rule but was published in February of that year. Fines for "substantial misrepresentations" can be $35,000 per incident (1-11, 22). The impact of a negative audit finding can go beyond civil financial penalties. ED reaffirms its commitment to a technical compliance regime[13] cautioning that campuses "remember to maintain detailed documentation of your compliance with each requirement" (1-6, 17).

A note of caution, when developing or updating policy statements to address the requirements in the Handbook, make sure that your institution has actual policies, procedures, and practices behind those statements. ED requires that institutions include "statements of policy" in the ASR, and not necessarily the entire policy (although an institution may do so) (7-1-7-2, 152-153). But when updating the statement of policy, make sure that the underlying documents are updated to match. Not doing so risks a negative audit finding.

12 Personal communication to the Clery Center for Security on Campus (June 2016).

13 *Compare* with the ED Family Policy Compliance Office enforcement of FERPA.

Discussion

To ease understanding of the changes, we have developed three documents. This URMIA GRAC White Paper is generally organized by Handbook chapter and discusses the major substantive changes, providing analysis and links to resources. We have also created a table of major and minor substantive changes and have uploaded an MS Word Compare document of the 2011 and 2016 Handbooks which includes all changes. Users can feel free to use any, all, or part of the content created by the authors for non-commercial educational purposes in any way that is helpful. The 2016 Handbook changed pagination from prior Handbooks to be by chapter rather than the document in total. This can be confusing, so to aid understanding, we will cite to the Handbook using the system: (Chapter-Page, Page in this PDF of the Handbook).

CHAPTER 2: GEOGRAPHY

The Handbook makes significant changes in the area of institutional control, reasonably contiguous property, international programs, and mobile classrooms.

ED updated its past regulatory statements on housing owned and operated by third parties[14] to state firmly that an institution is considered to "control" any buildings or property that are directly owned by an associated entity (such as a foundation, holding company, subsidiary, alumni association, athletic booster club, etc.) if it is used to support educational purposes (2-3, 26). Readers should check with their financial and real property management colleagues to ensure that all parties are on the same page regarding property.

The Handbook adds complexity to the reporting requirements in hospital and medical centers that are owned or controlled by the institution. The language reaffirms traditional Clery guidance about Non-campus property by differentiating between agreements for geography and agreements for programming (2-21, 44). Simply sending students to a program at an off-campus site (hospital, clinical, student teaching, other internship-type site) is not control for Clery reporting purposes if there is not a specific written agreement for geography (e.g. contract or lease for control of the second floor or a set of offices on the seventh floor) (2-21, 44). However, in the On Campus section a few pages earlier there are new factors to consider to determine when an institution controls an institution-associated hospital or medical center, including: "overlapping faculty/doctors, overlapping boards of directors or officers, use of the hospital or medical center as part of the institution's educational program, geographic proximity,

14 "One commenter requested clarification of what would be considered an "on-campus student housing facility." Specifically, the commenter questioned how this definition should be applied in cases in which there are public-private partnerships or third parties who may own or control property on areas contiguous to the campus or on university-owned property. Discussion: The Department recognizes that there are a myriad of possible arrangements that an institution may have for housing facilities for students. Regarding whether a particular student housing facility is an "on-campus" facility, we refer to the current definition of the term "campus" in Sec. 668.46(a). To clarify, any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility." 74 Fed. Reg. 55901, 55912 (Oct. 2009).

an ongoing relationship between the institution and the hospital, and whether students consider the hospital or medical center to be part of the campus" (2-3, 26). Institutions affiliated with hospitals are advised to seek clarification from ED because some of the new standards (ongoing relationship and student opinions) are very subjective and may change over time.

The Handbook has a new, more expansive example of "reasonably contiguous," a term referring to institutionally owned or controlled property that's considered or treated as On Campus property. While the previous Handbook only included an example of a school's art studio two blocks from campus, the new Handbook gives the general guidance that it is "reasonable to consider locations within one mile of your campus border to be reasonably contiguous" (2-3, 26). ED goes on to add that campuses should conduct a case-by-case analysis to determine whether property or buildings within one mile but separated by a river or major highway (without a pedestrian walkway) are Noncampus or On Campus, and prepare to explain the basis for that decision. The one mile concept is a guide that campuses can use to improve comparability among institutions, and colleges should document their decisions to classify such property as either Noncampus or On Campus.

Unlike Noncampus Property, whether the property is "frequently used by students" is not an element in the first part of the On Campus definition. For instance, if the college maintains office space used by Government Relations employees with no students coming to the building for any purpose in a location 10 miles from the campus, it would not count as Noncampus property since even though it is owned or controlled by the institution and used for institutional purposes, it is not frequently used by students. It is also not On Campus because it is not reasonably contiguous. If that same building or property is located a half-mile from the campus, it would count as On Campus, even though students do not go there.

For Separate On Campus Locations, the 2011 Handbook said that a location would count if it had administrative personnel and offered an Organized Program of Study (OPOS). The 2016 Handbook echoed oral guidance provided since by defining an OPOS to mean that the location "offers courses in educational programs leading to a degree, certificate, or other recognized credential." Unfortunately, the Handbook language is not as detailed as the oral guidance, which added that a student can take an entire program at that separate location without ever having to take a class on the main campus. If this new sentence is interpreted as covering any location that offers courses and has administrative personnel, it would dismantle much of the Noncampus Property definition (e.g. 2-7, 30 [locations where students take a course or two] 2-19 and 2-20, 42-43 [rent a high school to offer classes but not an organized program of study]) and transform Noncampus locations into separate campuses.

The previous oral guidance is consistent with ED's discussion of how a Noncampus location becomes a separate Campus; an institution offers some classes and has administrative personnel at a rented facility, and when the location becomes popular, the institution rents additional space and offers a certificate program (2-22, 45). Here, a student can earn that certificate entirely at the location, making it an OPOS. Along with administrative personnel (also better defined in the 2016 Handbook), an OPOS makes a location a separate campus rather than Noncampus Property, and it must publish its own ASR (or clearly differentiate statistics and policies in a single report with the other campus) (2-6, 29). Additions under "Other Locations" include non-contiguous Research Campuses and Athletic Campuses or Complexes owned by the institution with an administrator on site as potential separate campuses if they meet certain requirements. Such Research Campuses must be "used by students for recurring

classes, recurring field trips, internships, student jobs, or other regularly scheduled use," and the Athletic Campus or Complex must have "classrooms used for courses that are part of an organized program of study" (2-8, 31).

ED writes about Research and Athletic Campuses that the institutions "own," as opposed to the phrase "own or control" used elsewhere in the chapter (including in the following paragraph about a foreign location "that a U.S. institution owns or controls that has an organized program of study and administrative personnel on site"), but these are cited examples of "other institution-owned or -controlled locations" (2-8, 31). Either this is a further limitation for Research and Athletic Campuses, or simply a drafting inconsistency.

As before, Noncampus property[15] has two definitions, and crimes occurring in properties that meet either definition are combined into a single number in the ASR. In the section of the definition that refers primarily to fraternities and sororities, ED adds organizations that are "registered" in addition to the long-standing "recognized," perhaps a nod to Christian Legal Society v. Martinez,[16] where UC Hastings registered a certain exclusionary student organization but would not recognize it (2-18, 41). The 2005 Handbook included institutionally-owned research vessels that carry students participating in educational programs as Noncampus property.[17] The 2011 Handbook clarified that the students must be on the ship or boat for educational purposes.[18] The 2016 Handbook created the umbrella term "mobile classroom" and added "van" to "research boats/ships" from 2011; such mobile classrooms that meet the requirements of a separate campus (2-6, 29) for any part of the year should be considered a separate campus for that full year, as opposed to Noncampus (2-22, 45).

The most significant change in the Handbook unanticipated by statute or regulation is the treatment of overnight trips of two nights or more, including study abroad experiences (2-25-2-26, 48-49). First, ED incorporated guidance from 2012[19] about repeated use of a location for school-sponsored trips and short-stay away trips in a new Noncampus sub-section for "Trips to Off-Campus Locations" (2-25, 48). In 2012, ED had written that a trip of short duration, such as an overnight at a one-time-only location, would not trigger considerations for Noncampus property, but a three-week study abroad trip was of sufficient "long duration." Institutions could reasonably infer from the example that three weeks was a threshold time period, and trips of that duration would require an analysis for Noncampus property. The 2016 Handbook says, "If your institution sponsors short-stay "away" trips of more than one night for its students, all locations used by students during the trip, controlled by the institution during the trip and used to support educational purposes should be treated as noncampus property" (emphasis added, 2-25, 48). That same three-week example follows, however the plain language of the new interpretation would count a trip anywhere from two nights or more with the same result. No useful examples are added, so consider the following: An institution sponsors a one-time trip to New York City where students will stay in a hotel for two nights, go to the Museums of Modern Art and Natural

15 "Any building or property owned or controlled by a student organization that is officially recognized by the 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" (2-18, 41).

16 561 U.S. 661 (2011).

17 2005 Handbook at 15.

18 2011 Handbook at 31.

19 "Clery Act: Department of Education Approved Clarifications," Campus Safety Help Desk, http://www.higheredcompliance.org/resources/resources/Clery_Campus_Safety_Survey.pdf.

History, attend a lecture at the 92nd Street Y, and finally, see Hamilton on Broadway. The lecture hall at the Y was rented by the institution, and a speaker chosen to address this school group was arranged by a third-party contractor. If the museums and Broadway show are open to the public and the institution does not have an agreement for the use of a particular space, those locations are not reportable for Clery purposes. The lecture hall at the Y and relevant space at the hotel (certain rooms, public areas, stairwells, elevators, and hallways) where the group is staying are Noncampus property for the times and dates specified in the institution's agreements.

This new language on short-stay away trips may severely complicate study abroad and short trips. It is unclear from the 2012 guidance or the 2016 modifications how to consider property that varies throughout a multi-day trip. For example, if a faculty-led student trip is more than one night but changes hotels every night along the way, is each hotel (and rented/leased classroom space) Noncampus property? It reads as though the length of the trip is what matters, not the length of the stay in any particular place. If the trip is four days and each day a different classroom is used, by written agreement, are each of those classrooms Noncampus property for that duration? These questions aside, these changes will clearly require significantly more staff time[20] devoted to tracking travel and compliance. Author Storch will update a relevant NACUA Note to reflect these Handbook changes.

The following chart covers the new interpretation of ED as to distance travel:

One Night in Hotel, Once Per Year	One Night in Hotel, More than Once Per Year	More than One Night
Does Not Count	Noncampus (Repeated Use)	Noncampus (Stay Away Trip)

CHAPTER 3: CRIME STATISTICS

The major changes to this Chapter arise from the VAWA amendments to Clery. ED requires that institutions report all Clery crimes in Clery geography reported to local law enforcement or a Campus Security Authority.[21] Therefore, ED has determined that institutions should not consider whether there was consent under state law or college policy[22] when counting reports of sexual assault (3-7, 58, 8-6, 167). Contrary to this instruction, an earlier paragraph requires that institutions consider state law to determine whether a victim was capable of consent in Statutory Rape situations (3-7, 58). The Handbook says "if force was used or threatened, or the victim was incapable of giving consent because of his/her age . . . the offense is Rape, not Statutory Rape" (3-7, 58, emphasis added). The authors believe this may be a typo and ED meant to say "and" instead of "or." Otherwise there would be no situation where an institution would classify a crime as Statutory Rape.

ED acknowledges the January 2012 updated UCR definition of Rape used by the VAWA Negotiated Rulemakers to interpret Fondling narrowly such that a Fondling is only reportable if the Fondling is the only crime. If the Fondling is part of an occurrence that includes any other element of Rape, Rape

20 ED suggests assigning "someone at your institution" with the role of tracking all the geographic requirements (2-19, 42), many of which will change each year. Unfortunately, at many campuses, this may require more than one person to track local and distant geography.

21 Campus law enforcement and public safety are included in the definition of Campus Security Authority (4-2, 109).

22 The VAWA Negotiated Rulemaking Committee declined to develop a national consent definition, Violence Against Women Act, 79 Fed. Reg. at 62,784, 62755-62756 (34 C.F.R. 668.46[a]) ("VAWA Regulations").

should be reported and Fondling subsumed in the hierarchy (3-6, 57).[23] Note that if the Rape and Fondling are tied to a Hate Crime, both crimes would appear in Hate Crimes while only the Rape would appear in Primary Crimes.

The Handbook adds a new Aggravated Assault example wherein someone uses drugs to subdue a victim but does not commit a sexual assault (3-11, 62). ED reasonably assumes that the use of such drugs is intended to inflict bodily harm and finds that such action would meet the Aggravated Assault standard, and also considers use of a date rape drug to be a Poisoning, which must be included as an Aggravated Assault (3-10, 61). If the person administering the drug commits sexual assault, it would be reported in Part I as a Rape or Fondling, and the Aggravated Assault would be subsumed via the hierarchy rule. Note that if the drugging and assault are tied to a Hate Crime, both crimes would appear in Hate Crimes while only the Rape or Fondling would appear in Primary Crimes.

In identifying dating violence, ED cautions that students may describe the underlying relationship in different ways that would still be counted as dating violence, including "hanging out" or "hooking up" (3-36, 87); the assessment of whether there is a social relationship of a romantic or intimate nature is made by the reporting party, consistent with counting other Clery crimes based on reports. The Handbook cannot possibly keep current with potential student slang ("DTF," "Netflix and Chill"), and notes that victims may or may not describe such a dating relationship as "serious" or "monogamous" (3-36, 87).

In counting stalking, ED recognized that stalking does not end at the campus gates and, in fact, may occur on multiple campuses; institutions are encouraged (but not required) to notify other institutions of stalking that occurred on their Clery geography (3-40, 91). At a time when several states (like New York and Virginia) have instituted transcript notations for policy violations involving VAWA offenses, it represents an interesting shift for the Handbook to include this shift in an institution's duty (or at least suggestion) to warn.

ED continues its advice from 2010 that marijuana possession should not be reported in states that have decriminalized the drug (since drug, alcohol, and weapons arrests and referrals only count if they are violations of state law) (3-48, 99) and adds that use "of legally obtained, personal prescription drugs... by the owner in a manner not consistent with the instructions provided by the physician" is not a reportable drug offense (3-48, 99).[24] Inasmuch as the arrests and referrals are for state and local law violations, ED removed from the 2016 Handbook a confusing (and inconsistent) 2011 Handbook reference to the federal Controlled Substances Act (2011 Handbook at 69).

Unfounding a reported crime is the only way that a Clery statistic can be removed after it is reported. The law about how to unfound reported crimes has not changed, but ED added new requirements to the VAWA Regulations about disclosing unfounded crimes to address its belief that colleges were routinely unfounding crimes so as to hide them and keep numbers low.[25] The 2014 VAWA final regu-

23 See VAWA Regulations at 62768 (removing sex crimes from the hierarchy only when conducted at the same time as a murder).

24 Institutions interested in reviewing compliance with the Drug Free Schools and Drug Free Workplace requirements may wish to use this resource: http://system.suny.edu/compliance/topics/safety/drug-free/.

25 VAWA Regulations at 62765-62766. To date, ED has not published a program review or finding of such behavior.

lations said: "An institution must report to the Department and disclose in its ASR statistics the total number of crime reports listed in paragraph (c)(1) of this section that were 'unfounded' and subsequently withheld from its crime statistics pursuant to paragraph (c)(2)(iii) of this section during each of the three most recent calendar years."[26] Unfounding is not when someone is found not guilty, not arrested, or not charged; instead, it is an extreme and rare measure to be used when, using a reasonable investigative standard, sworn/commissioned law enforcement believes a reported crime is false or baseless (more than just not guilty in criminal court or not responsible in a student conduct process) (3-51-3-54, 102-105). ED requires a full and completed investigation of such crimes before unfounding (3-51, 102) and "the determination to unfound a crime can be made only when the totality of available information specifically indicates that the report was false or baseless" (3-51, 102).

ED added to the 2016 Handbook a list of examples that colleges may not count as unfounded crimes. Among them are crimes that were initially misclassified (for example, Simple Assault instead of Aggravated), initially reported as occurring on Clery geography but later determined to have occurred elsewhere (3-52, 103), motor vehicle thefts "where investigation determined that the car was misplaced by the owner," or "burglaries where investigation determined that the items were misplaced by the owner and Burglary did not occur and was not attempted" (3-54, 105). These examples appear in a list alongside other scenarios where it was well understood that the crime was not unfounded, such as withdrawn complaints, not guilty verdicts, or the return of stolen property. The plain language of the Handbook says that these examples should not be counted and disclosed as Unfounded Crimes in the ASR. It does not say whether such examples should be counted as crimes and otherwise disclosed in the ASR, which may lead to confusion. Consider this example: a student calls campus police and says "I was robbed!" When officers arrive, the student states that a phone was stolen from a classroom table. This is a non-Hate Crime Larceny and not reportable, but the "initial" report was Robbery. We know from the Handbook that an initial misclassification is not counted as an Unfounded Crime. But because it was initially reported as a Robbery, is it counted in Primary Crimes, even though police quickly determined that it was a larceny?

Similarly, Witness calls the Title IX Coordinator to say they saw Respondent fondle Victim in the hallway of their residence hall, obviously against Victim's consent. When the Coordinator follows up with Victim, Victim states that when Respondent pinched Victim's rear it was consensual, and they are a couple. Further, Victim is having a roommate quarrel with Witness. Here, the Victim, Respondent and all administrators would agree that the crime of Fondling did not occur. It is not clear from the Handbook whether the insistence that it is not Unfounded means it must be counted in Primary Crimes as Sexual Assault.

It is possible that this is simply a drafting error by ED; in the Chapter on the Crime Log, ED states if "a crime is reported and entered into the crime log but the resulting investigation shows that the initial description was inaccurate, you should update the description. Do not list the initially recorded crime as unfounded due to misclassification, or delete an entry once it has been made. Update the nature of the crime instead" (5-5, 130). Perhaps ED intends for colleges to apply this Crime Log reasoning to the ASR as well, but the examples on 3-52-3-54, 103-105 add compliance risk to reclassifying and not counting examples like the ones cited above.

26 VAWA Regulations at 62788.

The 2016 Handbook later includes examples on the format to disclose unfounded crimes. They may be presented in a table or narrative format (as with Hate Crimes). They need not be broken down by geographic category or type of crime. With tables growing significantly anyway, it will likely be easier for colleges to simply state "There were three unfounded crimes in 2013, ten unfounded crimes in 2014 and five unfounded crimes in 2015" (9-7, 192). Traditionally, ED has not required colleges to gather statistics in a new category until the year after new regulations are final (e.g. Higher Education Opportunity Act regulations of 2009). The example in the Handbook displays Unfounded statistics for 2013, 2014, and 2015, which may be a clue that ED will be looking for these statistics in the October 2016 ASRs.[27] Note that the new requirement to disclose Unfounded Crimes came from the VAWA final regulations, which became effective in summer 2015. Colleges with large police departments that did not disclose unfounded crimes prior to the regulation (or even prior to the statute which was only passed in early 2013) may have significant compliance work ahead of them prior to October 1, 2016.

CHAPTER 4: COLLECTING STATISTICS

The Handbook removed the 2005 and 2011 Handbooks' limitation that CSA's only document crime reports that he or she believes were made "in good faith"[28] (4-1, 108). Lifting the burden of determining "good faith" also minimizes the risk of responses that are not trauma-sensitive, no matter how well-meaning. Removing the good faith limitation will bring more reports forward to the professionals best trained to address them.[29] Later, ED observes that "CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA. This means that CSAs are not responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner" (4-5, 112, emphasis supplied). This advice brings the Handbook into alignment with Office for Civil Rights guidance.[30]

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27 See also Lynn B. Mahaffie, U.S. Department of Education, *Dear Colleague Letter*, https://ifap.ed.gov/dpcletters/GEN1515.html (July 22, 2015) (stating that Unfounded crimes must be included in 2015 ASR, but not specifying for which year or years).

28 "If a campus security authority receives the crime information and believes it was provided in good faith, he or she should document it as a crime report" (2011 Handbook at 73).

29 Good faith does not completely disappear from the Handbook. In Chapter 4, ED states, "If there is reason to believe that a crime report was not made in good faith, and your institution does not include the reported incident in its crime statistics, we strongly suggest that you document the justification for not including the crime in those statistics" (4-10, 117).

30 Department of Education, Office for Civil Rights, *Questions and Answers on Title IX and Sexual Violence*, http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf (Apr. 2014). See also Andrea Stagg, *Distilling the April 29, 2014 OCR Questions & Answers on Title IX and Sexual Violence*, http://system.suny.edu/media/suny/content-assets/documents/compliance/Distilling-the-4-29-14-Q-and-Q---Stagg-Final.pdf (May 2014).

The 2016 Handbook expands examples of Campus Security Authorities in a way that may surprise professionals in light of recent guidance from ED's Office for Civil Rights (OCR). After stating in its 1999 regulatory preamble that "A physician in a campus health center or a counselor in a counseling center whose only responsibility is to provide care to students are unlikely to have significant responsibility for student and campus activities,"[31] ED now declares "the director of a campus health or counseling center" to be an example of a CSA (4-3, 110), although it may be that the directors actively see patients.[32] It later states that if "your institution directs students or employees to report crimes to other individuals, then those individuals are also CSAs. These individuals could include physicians in a campus health center; counselors, including peer counselors (except for professional or pastoral counselors addressed later in this chapter); and health educators, including peer health educators" (4-4, 111). Also included for the first time in the CSA sample list is an "ombudsperson (including student ombudspersons) [and] victim advocates or others who are responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.; [and] members of a sexual assault response team (SART) or other sexual assault advocates" (4-3-4-4, 110-111). Later, ED adds as a CSA example "a triage nurse at the student health center or crisis intervention staff at the rape crisis clinic at your institution" who does not have the pastoral or professional counselor exemption and "otherwise [has] significant responsibility for student and campus activities" (4-8, 115). While some of these positions are consistent with similar language in the 2011 Handbook (75), some examples can be seen as directly contrary to the privacy and confidentiality spirit of past ED regulations on the topic,[33] and may also put campuses in a difficult position trying to thread a needle between ED's discussion here and OCR guidance.

OCR developed a classification of individuals who, while not pastoral or professional counselors, were people that should be treated like them—nonprofessional counselors and advocates.[34] These individuals are not required to report identifying information to the Title IX Coordinator about incidents of sex discrimination, including sexual violence, that may be reported to them. Also, the institution designates the nonprofessional counselors and advocates, and it may be that at one college peer health educators are in this category, but at another college they are not. Nonprofessional counselors and advocates are still required to provide aggregate data to the Title IX Coordinator, who is ultimately responsible in tracking patterns and trends in order to address prevention and response.[35] It may be

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31 64 Fed. Reg. at 59059, 59062 (Nov. 1999).

32 James Moore of ED responded to a question on a Clery Center for Security on Campus webinar that if a counselor who had confidentiality told their director who is a CSA about a disclosure, that would *not* break the confidentiality and require that the statistic, told to the counselor in confidence, be disclosed (July 7, 2016).

33 "We agree with the commenters about the importance of victims' being able to obtain confidential counseling. We also agree that although reporting a statistic is not likely, of itself, to identify the victim, the need to verify the occurrence of the crime and the need for additional information about the crime to avoid double-counting can lead to identification of the victim. Representatives of psychological counselors informed us that counselors would, as a matter of professional obligation, be required to inform a patient at the beginning of any session that detailed information may be disclosed to other parties for statistical reporting purposes. In their experience, this disclosure has a chilling effect on access to professional counseling by causing a victim to decline or be wary of professional assistance. Given the importance of access to counseling, the availability of statistics from other sources on campus, and the provisions we included in this regulation concerning confidential reporting, we believe this regulation strikes the appropriate balance between individuals' need for counseling and the community's need for complete statistics." 64 Fed. Reg. 59059, 59063 (Nov. 1999).

34 U.S. Department of Education, Office for Civil Rights, *2014 Questions and Answers on Title IX and Sexual Violence*, at 18-24, available at http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf ("2014 DCL").

35 2014 DCL at 23-24. *See also* U.S. Department of Education, *Intersection of Title IX and the Clery Act*, https://notalone.gov/assets/ferpa-clerychart.pdf.

that such aggregate reporting is seen as similar to disclosing a Clery statistic (which doesn't require personally identifiable information), but the increasingly complex web between Title IX and Clery and distinguishing Responsible Employees and those exceptions from Campus Security Authorities seems more difficult than is reasonable. We would note that inasmuch as the Title IX Coordinator is a CSA (4-3, 110), a report to the Coordinator should also satisfy Clery Act reporting requirements.

Wisely, ED slightly expanded the part of the CSA definition covering directors of athletics, team coaches, and faculty advisors (2011 Handbook at 75) to include all athletic coaches, including part-time employees and graduate assistants as CSA's (4-3, 110). ED advises that colleges "reevaluate the CSA status of all employees (including student employees) on at least an annual basis and document the rationale of the determinations" (4-5, 112) and accurately notes that "while there may be some overlap, persons considered to be CSAs for Clery Act reporting are not necessarily the same as those defined as "responsible employees" for Title IX" (4-5, 112 emphasis supplied).[36]

In the new Handbook, ED affirms throughout that the hierarchy rule only applies to Part I Primary Crimes, which it also calls Criminal Offenses (3-2, 53; 3-24, 75; 3-32, 83). The hierarchy rule states that, with some exceptions, when more than one reportable crime occurs in the same occurrence, the institution should only report the more grave crime, and should subsume less grave crimes.[37] The Department has slowly chipped away at the hierarchy since its adoption. First it removed arson from the hierarchy, requiring that institutions always count arsons even when graver crimes occur. In 2014, the VAWA negotiated rules partially exempted sexual assault from the hierarchy; sexual assault will subsume lesser crimes but never be subsumed by graver crimes.[38] The 2011 Handbook placed the concept of inapplicability of the hierarchy to Hate Crimes in an example, but the 2016 Handbook states it more clearly (3-2, 53). As a result, the Primary Crime and Hate Crime statistics may differ, leading to confusion as to how many incidents actually occurred. The hierarchy is not used in the Crime Log (5-1, 126).[39]

Additionally, ED changed its approach to hierarchy between Primary Crimes and Arrests/Referrals for drug, alcohol and weapons crimes. In 2011, the Handbook stated "Although arrests and referrals are technically not part of the hierarchy, they are shown here to illustrate their place in counting crimes. For example, if a student is arrested for Aggravated Assault and a Drug Abuse Violation, disclose only the Aggravated Assault" (2011 Handbook at 53). In 2016, that paragraph is removed, and a different section states "that arrests and referrals for these law violations are not covered by the Hierarchy Rule used to count Criminal Offenses. Therefore, you must count arrests for Weapons, Drug Abuse and Liquor Law Violations in addition to the most serious Criminal Offense when occurring in a single incident. For example, if an Aggravated Assault is committed with the use of a firearm in violation of a

36 For more information, *see* Andrea Stagg and Joseph Storch, *Crime and Incident Reporting Guidelines for CSAs and Responsible Employees*, http://system.suny.edu/media/suny/content-assets/documents/compliance/Crime-and-Incident-Reporting-Guidelines-for-CSAs-and-Responsible-Employees-FINAL.pdf (Sep. 2014).

37 For instance, if in the course of a burglary in a campus office the burglar discovers a professor and kills the professor, the burglary would be subsumed into the murder count. The count would be one On Campus Murder/Non-Negligent Manslaughter.

38 If the crimes are Rape and Murder, we count both Rape and Murder. If the crimes are Rape and Burglary, we only count Rape.

39 In the earlier example, we would count only the Murder and not the Burglary in the professor's office as Primary Crimes; if the act was committed because of animus against the professor as a member of a covered group, we would count both the Murder and the Burglary as Hate Crimes.

weapons law, count both the Aggravated Assault and the arrest or referral for the Weapons Law Violation" (3-42, 93). In addition, although ED does not call it a "hierarchy," for individuals who are arrested and referred for the same violation or a different violation in the same occurrence (arrested for weapons, referred for drugs), ED continues its call for institutions to report only the arrest and subsume the referral (3-42, 93). As to which of the three violations within arrest or referral to count, the Handbook recommends officer discretion with documentation to justify the choice (3-44, 95). ED has informally approved of a simpler model, a mini-hierarchy which establishes standards for consistent reporting of arrests and referrals in all cases at an institution.[40]

CHAPTER 6: EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS

The 2016 Handbook adds slight complications to complying with the Emergency Notification requirements added in the 2008 Higher Education Opportunity Act and treated in depth in the 2011 Handbook. While the 2011 Handbook said the "regulations don't require your institution to use a particular mode of communication...We do encourage you to consider overlapping means of communication in case one method fails or malfunctions...If any of the emergency notification services require the campus community to sign up, include information on how to do this" (2011 Handbook at 100), the 2016 Handbook adds to this language a requirement that institutions "ensure that notifications and warnings can be transmitted quickly to all students and employees. Therefore, an institution would not be able to rely solely on a text messaging system if all members of the campus community are not required to participate in that system. Similarly, relying on an e-mail would not be adequate for institutions that do not establish an e-mail account for all students and employees, or require each member of the campus community to register an e-mail address with the institution" (6-4, 137). Institutions should consider how they will meet the compliance requirement of reaching all "members of the campus community," especially considering that some students do not use text messaging or do not wish to receive text messages. Requiring "all members of the campus community" to be part of at least one of the overlapping systems of emergency notification may mean significant policy, compliance and cultural changes at an institution. Institutions may need to seek out additional bandwidth to use during emergencies, as some locations report a slowing of emergency messages when local bandwidth cannot support tens or hundreds of thousands of simultaneous messages during an emergency. Further, this requirement may be interpreted as not allowing an "opt out" of emergency notifications where an institution cannot otherwise guarantee that those who opt out of one system are otherwise covered by another system, since ED auditors may be instructed to measure against the Handbook language requiring that absolutely all members of the community receive every emergency notifications through a single or multiple overlapping methods.

VAWA made a minor change to Timely Warnings requiring that institutions "withhold as confidential the names and other identifying information of victims" (FR 62787). Although the regulations and the statute are clear, the relevant Handbook chapter is silent on it. A near reference is a statement that an "institution may, in appropriate circumstances, include personally identifiable information in a

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40 The hierarchy would be to report the gravest of the following for all acts in the same occurrence:
1. Weapons arrest
2. Drug arrest
3. Alcohol arrest
4. Weapons referral for discipline
5. Drug referral for discipline
6. Alcohol referral for discipline

timely warning" under FERPA (6-15, 148). That paragraph is similar to the 2011 Handbook (2011 Handbook at 114) but seems to ignore the more recent statutory and regulatory change. This may be a situation where the Handbook's statement that "The HEA and its regulations take precedence if there are any differences between them and the handbook" (1-4, 15) applies.[41] Of course, while VAWA expressly prohibits an institution from naming or providing identifying information about a victim in a timely warning,[42] a deductive reading of the statute would say that an institution may name a suspect in a warning.[43] It is unclear whether ED is trying to give institutions more or less flexibility in issuing Timely Warnings with the slight change of language regarding assessing continuing risk for an apprehended perpetrator.[44]

CHAPTER 7: POLICY STATEMENTS

Surprisingly, ED doesn't provide significant context to the concept of reporting "when the victim of a crime elects to, or is unable to, make such a report" (7-6, 157). This was a much-discussed issue in negotiated rulemaking, and the regulations has "unable" cover "physical and mental incapacitation of a victim" rather than "unwillingness to report."[45] The Handbook does not provide this crucial information, referencing instead "a balance between empowering victims to make the decision about whether and when to report a crime, and encouraging members of the campus community to report crimes of which they are aware" (7-6, 157).

Some detail is added to the work of the rule makers in the area of educational programs and campaigns. ED acknowledges the lack of long-term data on efficacy of many promising sexual and interpersonal violence prevention programs and while requiring that schools use programming that is

41 While it is possible that ED assumed readers are already familiar with the confidentiality provision in statute, this assumed depth of all readers is belied by ED's education on how an institution can figure out how to find a local police department if an institution does not know how to otherwise find the police (4-14, 121). "If you are unsure where to begin [finding local law enforcement], call your local area information number (generally 411), and give your institution's address to the operator. He or she can give you the telephone number of the local police who respond to calls for your location. You can also find this information on the Internet by searching for 'law enforcement' along with the zip code in which your institution is located"). It can be surmised that an institution that cannot find its local police department without specific instructions may not be aware of the details of timely warning confidentiality.

42 *See* 20 U.S.C. § 1092(f)(3); VAWA Regulations at 62,787.

43 *Compare* restriction on identifying information in the Annual Security Report, "Identification of the victim or the accused. The statistics required under paragraph (c) of this section do not include the identification of the victim or the person accused of committing the crime," VAWA Regulations at 62,787, with restriction on identifying information in timely warnings, "An institution must [issue timely warnings] in a manner that is timely and that withholds as confidential the names and other identifying information of victims," *Id. See also id.* at 62,769. This is not to say that an institution must name a suspect or even to take a position on whether it should; it is simply to say that this is allowed when the provisions are read together. Institutions should consider several factors when determining whether to name a suspect, including whether the suspect is at large, armed, dangerous or likely to pose a continuing danger to the community, or whether the suspect is in custody or at a distant location. There is some persuasive case law that would (if followed by other courts) give institutions some flexibility in naming suspects in a Timely Warning, even when that warning was not strictly and technically required by the letter of the statute. *See Havlik v. Johnson and Wales University*, 509 F.3d 25 (1st Cir. 2007) (awarding judgment to the defendant university in a defamation lawsuit for reporting that a crime occurred outside of Clery geography, because the College believed it was covered).

44 *Compare* 2011 Handbook at 112 ("For example, if a Rape is reported on campus and the alleged perpetrator has not been caught, the risk is there. If the alleged perpetrator was apprehended, *there is no* continuing risk") to 2016 Handbook at 6-13, 146 ("For example, if a Rape is reported on campus and the alleged perpetrator has not been caught, there is a risk of similar crimes. If the alleged perpetrator was reported or apprehended, *there may not be a* continuing risk"). Emphases added.

45 VAWA Regulations at 62760.

"informed by research," also states "This does not preclude you from using promising practices that have been assessed by members of your institution, or other institutions, for value, effectiveness or outcome but not yet subjected to scientific review" (8-4, 165). Further, the Handbook is flexible in allowing institutions to meet more than one training requirement in a single session or otherwise combine concepts within a campaign (8-4, 166). Colleges are required to use good-faith efforts to reach students, but as per the decision of the VAWA negotiators, the Handbook encourages but does not require that institutions make attendance at training mandatory for students.[46]

The Handbook provides slight guidance on information that must be included in written notifications to victims, stating that victims should be given information about "both on- and off-campus services, as applicable [and if] there are no are no on- or off-campus services, you must state this fact in your policy statement" (8-14, 175). Campuses without on campus immigration attorneys available to students may use the VAWA Visa and Immigration Resource to provide visa and immigration information for victims, customized to the institution, and automatically translated into a growing list of languages.

Regarding assistance and adjustments for those reporting violence, ED requires that colleges state that the "institution is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense" (8-14, 165). Note that to be consistent with the lessons of trauma-informed treatment of victims, institutions may wish to reword "alleged sex offense" to "incident of sexual or interpersonal violence."

In a change from 2011, the Handbook requires that "Protective measures should minimize the burden on the victim. For example, if the complainant and alleged perpetrator share the same class or residence hall, the school should not, as a matter of course, remove the victim from the class or housing while allowing the alleged perpetrator to remain without carefully considering the facts of the case" (8-15, 176). This is now consistent with OCR guidance.[47] Also coming into alignment with OCR guidance is a requirement that the VAWA policies on violation response (not the counting) be followed "regardless of where the alleged case of dating violence, domestic violence, sexual assault or stalking occurred (i.e., on or off your institution's Clery Act geography)" (8-16, 177).

The section addressing the description of the standard of evidence may mislead institutions. Since April 2011, a few months after the last Handbook was issued, OCR guidance has required that colleges use a preponderance of the evidence standard to evaluate sexual harassment and violence complaints.[48] The 2016 Handbook says that common standards of evidence used in legal proceedings are preponderance of the evidence, clear and convincing evidence, and beyond a reasonable doubt, but reaffirms that "[t]he Clery Act does not require a specific standard of evidence" (8-16, 177). The Handbook next says that "the Clery Act does require that each institution choose which standard of evidence they will use in their disciplinary proceedings arising from allegations of dating violence, domestic violence, sexual assault or stalking, and describe that standard in this statement" (8-16, 177). ED (FSA) declines to reference OCR's more narrow requirement, which institutions must apply to sex discrimination under Title IX (and whether dating violence or stalking are always sex discrimination under Title IX is its own article). Some VAWA crimes clearly do not implicate Title IX, such as a father punching a son at a

46 VAWA Regulations at 62769-62770.

47 United States Department of Education, Office for Civil Rights, *Dear Colleague Letter* (Apr. 2011) at 15-16, http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf ("2011 DCL").

48 2011 DCL at 10-11.

football game or a student stalking a faculty member seeking a grade. Still, the lack of a comprehensive discussion of these separate and overlapping pieces of guidance from the same government agency may lead to compliance problems and unnecessary confusion.

Without explanation, ED has extended the regulatory requirement that a campus publish all possible sanctions for VAWA violations (not just a range)[49] to require that institutions list the type and length of a suspension that is a possible sanction (8-7, 168). Of course, institutions use different lengths and types of suspensions depending on the nature of the violation as well as other factors such as the length of time the victim will remain at the college. To comply with this additional Handbook requirements, campuses may wish to develop a detailed list of all possibilities.[50] Note that the list of sanctions is distinct from providing information about the protective measures for reporting individuals, which does allow a range (8-17, 168).

ED's guidance on providing fair and impartial processes defines such processes to include "written notice to the accuser and the accused of the delay and the reason for the delay" (8-18, 179) and later states that while it does not require that institutions cancel or delay meetings because an advisor could not be present, it "encourage[s] institutions to consider reasonable requests to do so (8-20, 181). Not referenced, but crucial, is OCR's view that a "typical investigation takes approximately 60 calendar days."[51] Institutions may wish to put language into their Code of Conduct allowing each party (reporting individual and respondent) the ability to request a one-time delay that, if reasonable, will be granted by the Director of Student Conduct (or similar role) and to allow delays mutually agreed upon by all parties. In this way, an institution will be able to advance in its process within the time frame set by OCR, even if one student's attorney claims to not be available for months. ED also requires that a fair and impartial proceeding "be one that lacks hidden agendas and conditions" (8-18, 179) but does not explain what it means or will audit against for this phrase.

The Handbook applies the new standards equally to student investigation/discipline and to faculty/staff investigation/discipline (8-16, 177; 8-20, 181). Institutions may wish to reach out to employee relations and union representatives to make them aware of the guidance.

The Handbook follows longstanding practice allowing colleges to restrict the role of the advisor of choice (sometimes referred to as the "potted plant"), allows for removal of advisors who do not follow the restrictions (8-21, 182), and requires detail in findings letters: "in explaining the rationale for the result and sanctions, the official or entity must explain how it weighted the evidence and information presented during the proceeding, and explain how the evidence and information support the result and sanctions. You must describe how the institution's standard of evidence was applied. It is not sufficient to say only that the evidence presented either met or did not meet the institution's standard of evidence" (8-22, 183).

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49 VAWA Regulations at 62772-62773.

50 For example: residence hall suspension of one semester, two semesters, three semesters…; campus-wide suspension of one semester, two semesters, three semesters…

51 2011 DCL at 12.

CHAPTER 9: PUBLISHING THE ASR

As recently as last year, ED in oral guidance required that institutions with multiple campuses publish separate ASR's for each campus with separate policies and separate statistics. This was very difficult at distributed learning institutions with dozens of locations, and contrary to the previous Handbooks. The 2016 Handbook reaffirms that an institution may publish one ASR with separate crime statistics for different campuses (and specifics if policies differ at specific locations) (2-6, 29).

In addition to longstanding guidance requiring that all students receive notification of the availability of the ASR, including those students that are studying elsewhere, the Handbook adds that notification must go to those who are not taking courses but are completing thesis or dissertation work (9-11, 196). Readers are advised to work closely with Registrars and Provost's Office staff, since ABD students may not be officially registered for a time (even a significant time) after completing coursework but before defense. The Handbook includes no end date for sending the ASR to those who never complete their thesis, and campuses would be wise to send liberally to such individuals rather than risk a negative finding.

For the first time, the 2016 Handbook addresses institutions that correct their ASR (9-10, 195). ED requires that if there are any statistical changes or updates to policies after publication, that the institution correct, re-publish the ASR with a note explaining the change(s) and any reasons for the change(s), and re-notify current and prospective staff and students. Further, if older statistics are corrected, ED requires that the institution "correct the statistics in all previous annual security reports that included the statistics" (9-10, 195). This would seem to require that institutions maintain the most recent three (corrected) ASR's on a website, and not just post the most recent ASR, as many institutions currently do.

A NOTE ON LANGUAGE

The Handbook has minor changes in language throughout, such as interchanging disclose/include, classify/count, saying Clery Act instead of simply Clery, and other non-substantive alterations. The Handbook uses various language to refer to participants in crimes and the student conduct process (sometimes referencing the same person differently in the same section) that can be confusing. At various times, students reporting crimes are called "accuser," "complainant," "victim" and the person committing the crime or violation is called "accused" and "alleged perpetrator," (1-2, 13; 7-9, 160; 8-15, 176, 8-18, 179; 8-21, 182; 8-22, 183).

We recommend that institutions use the neutral and standardized language used in New York Education Law 129-B of "reporting individual" and "accused/respondent."[52] This law is also useful in providing the phrase "sexual and interpersonal violence"[53] as an umbrella term for the VAWA offenses; defining VAWA itself can lead to the misconception that these incidents are only crimes when perpetrated against women or against individuals of different sex/gender.

Some readers may find that certain examples in the Handbook unnecessarily use offensive language, including Hate Crime Scenarios 9, 10, 11 and 12 (3-35, 86) where ED could have simply made the exact same point by referencing "offensive word" or "biased statement" as it did with "Anti-gay threats" (3-29, 80). It is unclear what gain there is to students, faculty, or staff for a book published by ED itself to include terms offensive to members of our community.

52 New York Education Law §6439(7)-(9).
53 New York Education Law §6447(2)(a).

Action and Conclusion

ACTION

Colleges and universities that accept Title IV funding should carefully review the changes described in this GRAC White Paper alongside the complete 2016 Handbook to ensure changes are made before issuing the October 1, 2016 ASR.

CONCLUSION

Compliance with the Clery Act is complicated. The Handbook is an important compliance tool since it is the document that any ED auditor will use as a standard. By using this GRAC White Paper, the Handbook, and other resources created by members of URMIA and other higher education groups, an institution can develop programs and processes to comply.

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