

The International Association of Campus Law Enforcement Administrators

Issue Briefs

2016 Issue Brief: The Sean Collier Act

Goal

To expand eligibility for federal death benefits to the families of sworn officers killed in the line of duty who are employed by private colleges and universities.

Background

When Officer Sean Collier was killed in the line of duty during the search for the Boston Marathon bombers, he was a sworn police officer employed by the Massachusetts Institute of Technology in their campus public safety agency. This fact and this fact alone made his family ineligible for federal death benefits which are paid to law enforcement officers who give their lives while on the job. Had Officer Collier been employed by the Cambridge, MA police department or a public institution of higher education, his family would have been eligible for benefits.

Officer Collier was killed for one reason alone – those allegedly responsible for the bombing saw him as a police officer. Yet his employing agency's status as a non-profit private institution negated consideration of benefits for his family. IACLEA believes that the cut and color of a uniform should not be the determining factor for eligibility for federal death benefits for sworn police officers. He was killed because he was a police officer and should be treated as a matter of fairness as a police officer.

Bipartisan legislation has been introduced in the House and Senate in years past to remedy this disparity. Officers at other institutions over the years have also been denied eligibility for benefits, from Butler University in Indiana to Brown University in Rhode Island. It seems a small issue and has been lost in consideration of other pressing challenges as well as routine legislative business. To the family of Officer Collier and to those of other sworn officers killed in the line of duty, nothing could be more important. And to the thousands of sworn officers working to protect students, faculty and staff at our nation's private colleges and universities, it is no small issue either. They are police officers willing to lay their lives on the line for their campus community and the communities that host them alike.

The financial cost is small to recognize such a large sacrifice. We urge Congress to pass this legislation that would put sworn officers at private institutions on par with other law enforcement professionals. It is a simple act of fairness.

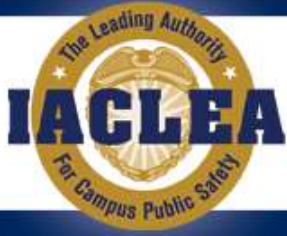
Request

Congress should take immediate steps to reintroduce, consider, and enact The Officer Sean Collier Campus Police Recognition Act (The Sean Collier Act). If you are interested in co-sponsoring the attached legislation, please contact Rep. Michael Capuano or Senator Jack Reed.

For additional information please contact IACLEA Director of Government & External Relations Tom Netting at netting@iaclea.org or (202) 824-1724.

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2016 Issue Brief: Reauthorization of the Higher Education Act

Goal

To simplify federal statute and regulations and avoid duplication, confusion and unnecessary expense in complying with U.S. Department of Education requirements for campus public safety reporting and practices.

Background

The six pages of law that govern college and university campus public safety has been translated into over 600 pages of regulations, sub-regulatory guidance and a resource handbook for compliance by the US Department of Education. What began as reporting of crime statistics for prospective and current students and their families has become recordkeeping of incidents, many not classified as crimes, which comes at a cost to colleges and universities equivalent to more than one officer on the beat. (Old Dominion University study, 2014)

We fully support transparency about the safety of our campuses. We believe that regulations requiring reporting one incident 19 times does more than confuse those reading the numbers. However that is what the regulations require.

Another example of regulatory requirements is the reporting of community crime near a facility where students may spend a short time on a field trip, including abroad. Campus Chiefs of Police and Directors of Public Safety must seek crime statistics for the area surrounding a hotel, school owned facility or foreign housing that are visited by students in areas as varied as Beijing, China and Moscow. This requirement is contained in sub-regulatory guidance – not in law – nor is it grounded in the intent of the law. Guidance for reporting was simply issued by the Department of Education.

Some regulations require reporting of crimes that are not crimes in all states. In some cases regulations do not define terms, nor are those terms defined in state law. And in some instances, ED definitions are at odds with state definitions.

Simply put, compliance is not an easy task, and it takes away valuable patrol and training time from those who could and should be available to students who need them. Further it is not always a task that leads to clarity or useful information for the consumer.

Request

Congress should review and support the regulator reform proposals contained by the Task Force on Federal Regulation of Higher Education entitled *Recalibrating Regulation of Colleges and Universities* – with emphasis on the recommendations related to Uniform Definitions of Clery Crimes, Timely Warnings About Threats to Campuses, Definition of Non-campus Property, and Regulations Unrelated to Education, Safety, or Stewardship.

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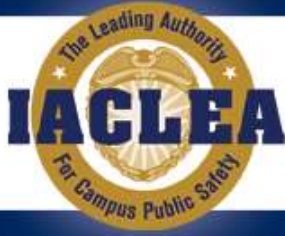
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IACLEA assisted the American Council of Education in the development of the specific recommendations detailed within in report, and urges their inclusion in the development of revisions to the HEA.

In brief, IACLEA supports:

- **Uniform Definitions** – The federal government should rely on the expertise of the Department of Justice in creating the standard definitions for crimes, and the Clery Act should require reporting on crimes as they are defined in the Uniform Crime Reporting regulations.
- **Timely Warnings** – Campus law enforcement must have clear authority to use their own expert judgment to determine when a serious or continuing threat exists and when they have the appropriate information to issue a Timely Warning. The Department, except in cases of clear negligence, should give deference to the judgment of the law enforcement professionals who implement these rules on campus day in and day out, and it should acknowledge good faith efforts by institutions to protect their campus communities by appropriately informing them of safety threats.
- **Non-campus Property** – The definition of non-campus property should be clarified and narrowed to focus more directly on property that is a core part of a college or university. At a minimum, it should exclude all foreign locations as well as short stays in domestic hotels.
- **Un-related Regulations** – Congress should use the upcoming reauthorization to review all of the HEA's Clery and Title IX campus safety and gender violence provisions, the intent and federal purpose behind their inclusion, and simplify them by striking provisions that are unnecessary, duplicative, or unrelated to the roles and responsibilities of institutions of higher education.

For additional information please contact IACLEA Director of Government & External Relations Tom Netting at tnetting@iaclea.org or (202) 824-1724.



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Issue Briefs

2016 Issue Brief: Gender Violence On Campus

Goal

To effectively address incidents of gender violence on campus using new and existing best practices and resources.

Background

It is hard to keep up with news reports and not read or hear about campus gender violence. As officers charged with keeping colleges and universities safe environments, we take our responsibilities very seriously.

To that end, we endorse many of the changes brought about in the Violence Against Women Act Amendments, whose regulations went into effect November 1, 2014. While the regulations contain some problem provisions, we do support transparency in reporting of gender crimes and believe the counseling and support programs mandated for victims is as important as a robust education session for incoming students, faculty and staff.

We recognize that these crimes and incidents require a victim-centered response. We also recognize many victims find it difficult to report an assault to public safety authorities for a variety of reasons. For many who do not report assault, there is no way for campus public safety to know about a specific problem or crime, and no way to investigate or refer to local law enforcement. In many cases the victim wishes to remain anonymous, which limits what campus safety can do and in some states that anonymity cannot be honored. Ongoing education of students about resources available to them to avoid an assault or report one is key to addressing this very real problem.

The regulations address campus education, victim support and public safety issues with an emphasis on victim centric programs and annual education for all those on campus in order to address the fullest extent of the problem.

We believe this law and these regulations, while including some provisions that are more paperwork than programs, still represent a significant change in campus administration as it relates to education of students, investigations of reports and administration of justice.

Campus public safety leaders have made a significant commitment to an initiative to make the law and regulation work for all institutions. IACLEA, the National Center for Campus Public Safety and the International Association of Chiefs of Police have sponsored two summit meetings to identify promising practices in sexual assault investigations training, protocols and procedures to ensure an effective response that meets the requirements of the Clery Act and Title IX of the Civil Rights Act.

While much has been done, it is clear that Congress believes that more can be done. Introduction of new legislation in the 114th Congress, including The Campus Accountability and Safety Act, The Safe Campus Act, The Hold Accountable and Lend Transparency on Campus Sexual Violence (HALT Act), and The Tyler Clementi

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Education Harassment Act to name just a few suggest that additional revisions to gender violence will continue to be considered.

Request

Before consideration of new programs and requirements related to gender violence, bias, and sexual assault on campuses at institutions of higher education, IACLEA asks that the new regulations have a chance to yield results that are sensitive to both victims and due process.

If new programs and requirements related to these atrocities are to be implemented before the new regulations have had a chance to be fully integrated into the fabric of institutions of higher education's policies and processes, IACLEA specifically requests that Congress ensure the following:

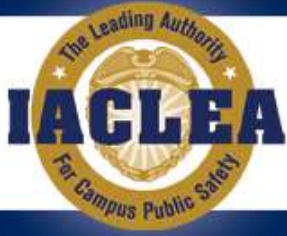
- **Investigative Authority** – Campus law enforcement deserves the right to be the lead investigative authority in response to reports of covered allegations, not the law enforcement agency of the unit of local government with jurisdiction to respond to such allegations. IACLEA believes strongly that campus law enforcement is better suited and positioned to conduct such investigations, working in collaboration with local law enforcement when and as needed.

We do agree that exceptions to this rule should be provided in circumstances where the victim chooses to either waive campus law enforcement investigations or expressly request that campus law enforcement not be involved.

Barring these limited exceptions, in support of the victims' rights, IACLEA opposes various proposals designed to direct the referral of these allegations to outside law enforcement first.

- **Memorandums of Understanding** – In general institutions of higher education, and more specifically campus law enforcement, have a collaborative and beneficial rapport and working relationship with local law enforcement which fosters the necessary sharing of information. IACLEA believes that these organic relationships are more favorable than efforts proposed to rigidly define such relationships through highly detailed and directive memorandums of understanding.
- **Actions in Good Faith** – Congress should acknowledge good faith efforts by institutions and their campus law enforcement offices in the pursuit of their roles and responsibilities under the Clery Act and Title IX and not take overly punitive actions when genuine errors in the pursuit of campus safety occur.

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2016 Issue Brief: Announcing IACLEA's Capitol Hill Report

It is with great excitement and enthusiasm that IACLEA announces the introduction of a new monthly report established to help keep interested parties on Capitol Hill aware of the latest positions and activities of our association and its members!

Each month, Members of Congress and their staff on key committees with jurisdiction over issues related to campus safety will receive a copy of our latest publication in their email inbox.

In order to assist us in making certain that this information is provided to the appropriate Legislative Director, Assistant, or Fellow in your office, if you would please RSVP to IACLEA's Director of Government & External affairs at tnetting@iaclea.org, we will immediately add you to our distribution list.

Thank you in advance for your support and we hope that you will find this new outreach both useful and informative.