EXECUTIVE SUMMARY
Clery Act Review

Highlights taken from the original commissioned report submitted by
D. Stafford & Associates

From the office of Vice Chancellor for Facilities / College Police
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Executive Summary Introduction

The report and appendices summarized below are taken from the final version of the Clery Act Review conducted by D. Stafford & Associates. This summary details the consultant’s observations and findings, and recommendations to improve our process and methodology for complying with the Clery Act/Higher Education Opportunity Act (HEOA) security and safety requirements.

Overview

Overall, Pima Community College has done a commendable job of prioritizing compliance with the Clery Act. The College has some areas of noncompliance, as identified within this report. The Department of Education focuses on the details of compliance when they conduct Clery Act audits, so all areas of noncompliance that may appear to be minor issues are treated the same as the more serious issues. All of the issues of noncompliance can result in a fine of $35,000 per violation and as such, all of them need to be rectified.

In comparison to other institutions that the consultant has audited, the College made a good faith effort to comply with the requirements of the Clery Act. There were some errors and omissions, as described within this report, but none of them appeared to be intentional and most of them were caused by a lack of understanding of some of the nuances of this complex law.
Section I. Geography/Campus Maps

Pima Community College Police (PCC Police) did not have an official Clery Map of its campuses (based on the Clery Act definition of a campus), but it appears that the department was generally capturing statistics for the Pima Community College geography in a sufficient manner for reporting crimes for Clery Act purposes.

- PCC Police should develop a Clery Geography list that is consistent with the final Clery Map.
- College has not previously identified any properties that are owned, leased or controlled by the College, used for educational purposes and that are frequently used by students for any purposes that are outside of the core campus. These locations would be considered “Non-campus” locations for Clery Act reporting purposes.
- College needs to develop a system to gather information from faculty and staff, Office of the Registrar and Athletics about non-College owned space that is being leased, rented or used for PCC events and activities. This information needs to be provided to PCC Police for a case-by-case assessment and determination of whether crime statistics need to be gathered and reported for each event.
- There is no formal procedure currently in place to automatically notify the PCC Police any time the College purchases, sells, leases or changes the use of a property, which is a critical practice, as the PCC Police must keep track of all PCC property for purposes of Clery Act reporting.

The Consultant provided a total of 19 recommendations for this section of the report and a support document (Appendix No. 1).

Section II. Local/State Police Department Statistics

Pima Community College (PCC) sends an annual email request for crime statistics for the West and Downtown Campuses to Tucson Police Department, Arizona Department of Public Safety and the University of Arizona.

- Request included all of the required information regarding the specific crime categories that need to be requested, but did not request all of the required geographic areas for
which the crime statistics must be requested, such as the specific public property within and adjacent to each campus.

- PCC Police does not have a formal procedure in place with the local police department(s) to ensure that they are notified about crimes reported to the local police that occur on or near the PCC campuses so that PCC can issue a Timely Warning Notice to the campus community and PCC Police has not historically notified the local police agency about this requirement.

The Consultant provided a total of 7 recommendations for this section of the report and a support document (Appendix No. 2).

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**Section III. Timely Warning Notice**

The College has not developed a protocol or standard operating procedure (SOP) that governs the Timely Warning Notice process (previously called Campus Watch) and should develop one that explains the process thoroughly. It is critical that the College's Timely Warning Notice statements in the Annual Security Report are consistent with any operating procedures developed by the College and that the individuals responsible for implementing those procedures follow the process that is outlined in them. The Department of Education looks for inconsistencies in what a College says they will do in their procedures and what actually occurs when a Timely Warning Notice is distributed.

- Who assesses the situation and who writes, approves and sends the warning needs to be consistent in the operating procedures and the policy statements published in the Annual Security Report.
- The Timely Warning Notice statement that was published in the Annual Security Report was insufficient. The statement was missing three required components, including:
  - The circumstances under which a warning will be issued.
  - The individual or office responsible for writing or developing the content of the warning.
  - The individual or office responsible for issuing (initiating) the warning.
- College should develop a system to send out information regarding a security or safety situation or a crime that does not meet the threshold for distributing a Timely Warning Notice. These communications could be called Public Safety Advisories, for example.
There are standards that need to be met for sending a Timely Warning Notice that would not be required for a Public Safety Advisory that was informational in nature.

- The Timely Warning Notices issued in 2012 and 2013 were reviewed and were generally well written and all of the Timely Warning Notices included information that would assist in the prevention of similar crimes, which is a required element of the Timely Warning Notice requirements.
- The subject line of the Timely Warning Notices that we reviewed were inconsistent. The notices typically list the subject of the email as “Campus Watch” and “Campus Watch Bulletin” which are not consistent. The College should identify a consistent subject line used each time a Timely Warning Notification is distributed. An alternative to consider is “Crime Alert.”

The Consultant provided a total of 9 recommendations for this section of the report and a support document (Appendix No. 3).

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**Section IV. Distribution of Compliance Document to Current Students/Employees**

All faculty, staff and students are required to have a Pima Community College email address. The campus sends an email blast each year to all students and employees to notify the campus community of the availability of the Annual Security Report.

The notice includes:

- Statement of the report’s availability.
- Brief description of the contents.
- Statement that a paper copy will be provided upon request.
- Exact electronic address (URL) of the report, as required.

The Consultant provided a total of 1 recommendation for this section of the report.
Section V. Distribution of Compliance Document to Prospective Students/Employees

The required notice of availability is currently available on the Apply webpage under the New Students Tab. It does not appear all students would see it on this page. The consultant recommended that the notice be moved to the Admissions Login Page on the Online Application. Every applicant, except international students, must go through this page to apply to Pima College.

Additional considerations are:

- Notice of availability is not currently on the (paper) hard copy application.
- The application for International Students is a separate application and is available in hard copy only and notice of availability is not on this application.
- The applications for Adult Education Programs are separate applications and one of them is a State Application that is available in hard copy only and the notice of availability is not on this application. We recommend that the College add a supplemental page to all of the applications that are part of the Adult Education Program to provide the notice availability.
- The required notice of availability is currently available on the Human Resources webpage under the Information for Job Applicants link. It was determined that the proper location for the notice of availability is on the Pima Jobs landing webpage. A prospective employee does not have to click on the Information for Job Applicants page to apply for a job, therefore, not all prospective employees are being provided with the required notice of availability.

The Consultant provided a total of 7 recommendations for this section of the report.
Section VI. Gathering Statistics from Campus Security Authorities

Pima Community College (PCC) has not been gathering crime statistics from Campus Security Authorities (CSAs). The College needs to come into compliance with this requirement as soon as possible. The request should be sent at least once a year in January to be in compliance with this requirement, but the best practice is to send a request twice a year: once in May (for the Spring semester) and again in January (for the previous calendar year) to ensure that everyone who was a CSA during the previous year receives the request in a timely manner. PCC uses contract and event security to provide security services at the various events on campus and during an emergency where additional security staff is needed. The current contract does not address the issue of the supervisors and officers for these companies working at PCC being identified and trained as Campus Security Authorities.

- College should immediately develop a list of all CSAs, which includes the name, department, title and email address of each CSA. The College is required to request crime statistics from each CSA at least once a year.
- College should add language to the contract to notify the event staff that they are CSAs and the requirements.
- College must include all individuals who have responsibility for student and campus activities.

The Consultant provided a total of 5 recommendations for this section of the report and support documents (Appendix No. 4, Appendix No. 5 and Appendix No. 6).

Section VII. Separate Campuses

The College has been complying with the requirement to publish a separate crime statistics chart for each of the identified separate campuses, but the College has not been complying with all of the requirements for separate campuses because they have not been
reporting policy statements that are different for the various campuses in the Annual Security Report.

PCC Police has been treating the District Office as a separate campus, i.e. reporting crime statistics in a separate chart in the Annual Security Report. This practice should be discontinued in light of the District Office’s status as a Non-campus property rather than a separate campus (see Recommendation 1.3).

- College should review all sites that are not contiguous to the main campus to determine if they meet the definition of a separate campus for Clery Act purposes.
- If the noncontiguous locations do not meet the separate campus definition, the College should count those locations as Non-campus properties.

The Consultant provided a total of 5 recommendations for this section of the report.

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**Section VIII. Daily Crime Log**

The PCC Police Department maintains a Daily Crime Log notebook at the PCC Headquarters and at every campus where there is a PCC security presence, as required. The College is meeting the requirement of maintaining a hard copy of the crime log for at least sixty days. The expectation is that someone can immediately hand the log to the consumer, upon request.

- There are instructions in the Daily Crime Log notebook, but we would suggest that the PCC Police add definitions of the dispositions to the log.
- Specific information reported to PCC Police by Student Development, by individual Campus Security Authorities and the local police agencies has not previously been added to the Daily Crime Log. Once the incidents are reported to PCC Police, the personnel there have two business days to add that information into the Daily Crime Log.
- Dispatchers and Officers working at the various campuses should be trained to immediately provide the Daily Crime Log to a consumer upon request, with no questions asked.
- The disposition of the crime log must be changed on the original entry.
- PCC Police Officers have concurrent jurisdiction in the State of Arizona, thus, the Department should ensure that there is appropriate language in the Administrative
Directive Manual that requires officers to write a report for any incident that they respond to, whether they are the lead officer or they stop to assist another law enforcement officer.

The Consultant provided a total of 12 recommendations for this section of the report and support documents (Appendix No. 7 and Appendix No. 8).

**Section IX. Education Programs: Security Awareness/Crime Prevention**

The Annual Security Report included a solid description of the crime prevention and security awareness education programs that are presented to the campus community, but most are available only upon request. The ASR did not include the frequency of the programs.

The Consultant provided a total of 3 recommendations for this section of the report and a support document (Appendix No. 9).

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**Section X. Emergency Response/Communication**

The College has not developed a policy or procedure that governs the Emergency/Immediate Notification process and should develop one that explains the process thoroughly. It is critical that the College’s immediate/emergency notification statements in the Annual Security Report are consistent with the operating procedures developed by the College and that the individuals responsible for implementing those procedures follow the process that is outlined in them.

Required Policy Statements:

- A statement of current campus policies regarding evacuation procedures.
- A statement of current campus policies regarding the use of electronic and cellular communication, i.e. list all systems that the campus will use to communicate and emergency/immediate notification to the campus community.
- Include a list of the titles of the person(s) or organization(s) responsible for providing a description of the process the institution will use to determine the appropriate segment or segments of the campus community to receive a notification.
• If there is an immediate threat to the health or safety of students or employees occurring on campus, describe how the institution will provide follow-up information to the university community.

The Consultant provided a total of 4 recommendations for this section of the report.

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**Section XI. Emergency Test (Exercise and Drill)**

Pima Community College is in compliance with the requirement to conduct at least one test of the emergency response and evacuation procedures each year. There is no documentation of exercises prior to 2013, because the process was not centralized through the college’s Environmental Health and Safety (EHS) department. PCC did not include a mandatory required objective in the exercises that were completed. There are several detailed tasks listed below that the College needs completed each year to be in complete compliance with all of the requirements.

• Institutions must invite their local first responders to participate in the annual HEOA exercise.
• Exercise must include the leaders of the College and the Directors of the key departments that would be required to respond to an emergency on campus.
• Local first responder agencies (minimally, local Police, Fire and EMS) must be invited to send a representative.
• College should document who was invited and who participated.
• All units that would be expected to respond to a major incident or emergency on each campus is expected to participate in the HEOA exercise each year.
• Exercise must include a mandatory required objective and one of the required objectives of the annual exercise portion of the test must include addressing emergency response and evacuation on a campus-wide scale (PCC is not required to actually evacuate the campus).
• Environmental Health & Safety (EHS) should document all exercise objectives, including this required objective, in an “After Action Report” following the exercise portion of the test.

PCC has not met the requirement of publicizing a summary of both components of the test and a summary of the emergency response and evacuation procedures in conjunction with at least one test per year. This publication must be widely distributed (using email or some
other communication system) to the PCC community at least once each calendar year immediately following the completion of all components of the test.

- EHS should provide a list of completed exercises and drills with the date, time, location, whether it was announced or unannounced, and a brief description of the drill or exercise.
- After Action Report (AAR) for the HEOA Test each year should also be provided to the Clery Compliance Officer.
- The list and AAR should be maintained by the Clery Compliance Officer and should be filed in the annual compliance file.

The Consultant provided a total of 7 recommendations for this section of the report and a support document (Appendix No. 10).

Section XII. Records Retention

The College does not have a Records Retention Policy/Procedure. All records and documents relating to the Clery Act/HEOA security/safety provisions must be maintained for seven years. The College is currently working on creating an Institutional Records Retention Policy and schedule related to the Clery Act.

The Consultant provided a total of 3 recommendations for this section of the report.

Section XIII. Reported Statistics (Charts)

The crime statistics have not previously been reported in a manner that is fully consistent with the requirements of the Clery Act. This includes being reported using the correct geographic areas and the correct crime categories (per UCR/NIBRS).

- Crime statistics charts are not in compliance and should be modified.
- Statistics charts need to be modified to include a Non-campus column.
All charts should have a footnote that says: “There are no Residential Facilities at this location.”

The Consultant provided a total of 6 recommendations for this section of the report and supporting documents (Appendix No. 11 and Appendix No. 12).

Section XIV. Audit of PCC Police Criminal Incident Reports

Consultant reviewed approximately 154 of the 2012 incident reports from the Spillman Records Management System for all of the reported crime categories that need to be published in the Annual Security Report (ASR) for the Downtown and West Campuses. Larceny and Simple Assault reports were also reviewed for these campuses.

PCC Police does not have an electronic records management system that is used by Officers to generate incident reports. Instead, Officers use a report template created with Omni Form Filler, a commercially-available forms management software used by PCC Police to standardize incident reports. Omni is not; however, an electronic records management system. The fact that Officers type reports into one system and the same reports then have to be re-typed into another system by administrative or support personnel is a significant drain on department resources. The volume of reports being filed does not allow staff to manage records in a timely manner and perform the other tasks in their job description effectively.

The Department of Education Auditors notifies institutions of a scheduled audit for maintaining detailed information about the crime statistics being counted for Clery Act purposes. The audit trail documents that were provided to the consultant lacked some of the necessary information, including the Clery geographic categories for which the incident was counted in the crime statistics. The consultant found various errors in the statistics originally reported in 2012 which were caused by misclassified reports (wrong crime category) or correctly classified but not properly counted.

- The leadership of the PCC should research and implement a Records Management System and should then conduct an assessment of the current process for managing records.
- Process should be streamlined by having officers enter the report into a primary records management system, thus allowing the administrative/support staff to make any necessary corrections to reports and file them as quickly as possible, to allow more time to manage other tasks, including Clery compliance work.
The Consultant provided a total of 46 recommendations for this section of the report and a support document (Appendix No. 13).

Section XV.  Audit of Student Development Records and Processes

The consultant identified issues during an on-site review of student conduct records for calendar year 2012. Compliance efforts by PCC need to be enhanced where it pertains to the collection and classification of Clery-reportable crimes that could be maintained in student conduct records, including referrals for disciplinary action involving liquor law, drug law and weapons law offenses, as defined by the Clery Act.

- 36 files were reviewed in the College’s in-house electronic student conduct records management system (the Code of Conduct Log, i.e., “the Log”) for incidents pertaining to the Downtown and West Campuses.
- Most of the incidents reviewed involved instances of disruptive conduct or academic dishonesty. Only one incident involving alcohol was discovered during the spot check of student conduct records. However, the incident was not reported properly as a Liquor Law Violation Referral.
- All cases stored in the Log that involve liquor, drugs and/or weapons should be reviewed to determine whether the narrative of the report establishes the presence of countable liquor, drug or weapons law violations (in accordance with state laws and local ordinances that correspond to Clery-reportable UCR Liquor, Drug and Weapons Law Violations).
- A formal records retention and destruction policy should be established for all student conduct records maintained in the Log. The policy should ensure that all records are maintained for no less than seven years in compliance with the Clery Act and that records will be destroyed upon expiration of the retention period.

The Vice President of Student Development (VPSD) is required (as noted in the Student Code of Conduct) to input information into the Code of Conduct Log within 24 hours and determine if the referred student has a prior disciplinary history. The VPSD is also responsible for inputting into the Code of Conduct Log the final resolution of any disciplinary action taken.
In certain cases, the VPSD is also required to provide a copy of an incident report to the Student Behavioral Assessment Committee and the President of the University.

- The VPSD for each campus does not consistently uploading copies of Incident Reports or other supporting documentation into the Code of Conduct Log.
- Most of the records reviewed in the Code of Conduct Log did not contain the required attachments.

The Consultant provided a total of 16 recommendations for this section of the report and a support document (Appendix No. 14).

Section XVI. Drug Free Schools and Communities Act (DFSCA)

The Department of Education Clery Act Compliance Division has taken over the responsibility for auditing compliance with the requirements of the Drug Free Schools and Communities Act (DFSCA). The DFSCA’s implementing regulations are published in 34 C.F.R. Part 86 as the “Drug-Free Schools and Campuses Regulations” (hereafter, “Part 86 regulations”). The Part 86 regulations require that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education (IHE) must certify that it has adopted and implemented a program “to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees” both on the institution’s premises and as part of any of its activities.

The regulation requires an IHE to do the following:

- Annually notify each employee and student, in writing, of standards of conduct; a description of appropriate sanctions for violation of federal, state, and local law and campus policy; a description of health risks associated with AOD use; a description of available treatment programs; and a statement regarding the imposition of disciplinary sanctions.
- Develop a sound method for distributing annual notification information to every student and staff member each year.
- Prepare a biennial report on the effectiveness of its AOD programs and the consistency of sanction enforcement.

The consultant requested a copy of the DFSCA Policy and the last biennial review completed by the College and no report was provided. The appropriate officials of the
institution should review the requirements as outlined in Appendix #15—Summary of the Requirements of DFSCA and work to bring the institution into compliance with them.

The Consultant provided a total of 4 recommendations for this section of the report and a support document (Appendix No. 15).

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**Section XVII. Overall Recommendations**

In the past five years, the Department of Education has made significant changes that require institutions to focus more time and attention on Clery Act compliance issues. The number of institutions that have been audited is significantly more in each of the past five years than previously recorded in the 24 years this law has been in effect. In addition, the number of audits resulting in substantial fines has also increased significantly during the past five years.

Many campuses are now in the position of having to assess the amount of time and energy being expended on Clery compliance and to make necessary adjustments if the staffing levels are not appropriate to manage the complexities of this law. The responsibilities of the Clery Act have continued to expand over the years based on the new requirements that were added with each of the last five revisions to the law. The amount of work necessary to get into and maintain compliance has quadrupled since the passage of the original law in 1990.

The Clery Compliance Coordinator at PCC indicated that she spends approximately 50% of her time working on compliance issues related to the Clery Act. In our experience we have found that at a large institution, in order to maintain compliance with the Clery Act, it takes approximately 1.5 to 2 full-time equivalents to manage all aspects of compliance.

- PCC currently has less than 1 full-time employee working on Clery compliance.
- College should seek to make the necessary adjustments to staffing levels, as this report identifies a significant number of compliance-related issues that will require additional staff to address.

The Consultant provided a total of 11 recommendations for this section of the report.
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses. Compliance is monitored by the United States Department of Education, which can impose civil penalties, up to $35,000 per violation, against institutions for each infraction and can suspend institutions from participating in federal student financial aid programs.

The law is named for Jeanne Clery, a 19-year-old Lehigh University freshman who was raped and murdered in her campus residence hall in 1986. The backlash against unreported crimes on numerous campuses across the country led to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Clery Act, signed in 1990, was originally known as the Crime Awareness and Campus Security Act. There have been 6 amendments since its inception.

The College initiated the review with the consultant to review our current processes for collecting and reporting the data required by the Clery Act and to determine our level of compliance. The report provided will be used as an outline to help address the areas where the College needs to improve or revise our current operations. Pima Community College recognizes the importance of the Clery Act and the level of commitment it requires to fulfill all of the intricate and complex requirements of the Clery Act. The College is currently in the process of reviewing the consultant’s recommendations and is developing a strategy to move the college towards full compliance. The consultant has been retained on an annual contract by the College to further those efforts.