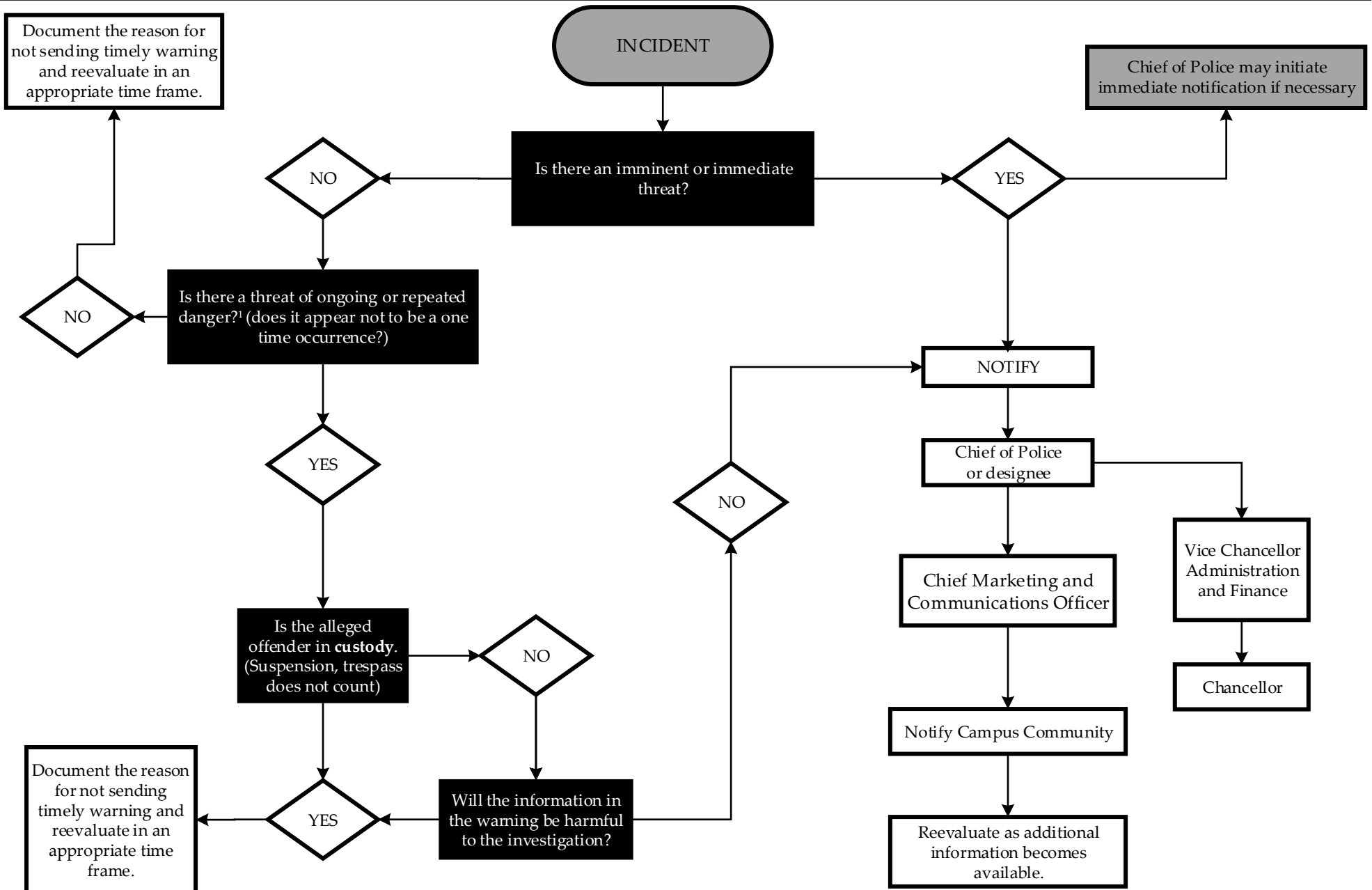


# Timely Warning and Emergency Notification Decision Chart



# Timely Warning and Emergency Notification Decision Chart

## Timely Warning and Emergency Notification Legal Language

### What is an Emergency Notification?

“Any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.”  
(Department of Education Handbook, 2016)

### What is a Timely Warning?

“A timely notification for a Clery crime category that is considered by the institution to represent a serious or continuing threat to student and employees.”  
(Department of Education Handbook, 2016)

### What is “Timely”

“The *Clery Act* doesn’t define “timely,” **the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves.** This means that a **warning should be issued as soon as pertinent information is available.** This is critical; even if you don’t have all of the facts surrounding a criminal incident that represents a serious and continuing threat to your students and employees you must issue a warning.” (Department of Education Handbook, 2016)

*Recommendation from D. Stafford: If you can't say with certainty that no further threat exists, put out the warning or notice and do it quickly. You can always update it when and if there is no longer a potential threat.*

## Is the incident a Clery crime?

The Clery Act requires colleges and universities to issue a Timely Warning Notice to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated. This notification is required for certain specific crimes that are reported to campus security authorities or local law enforcement AND are reported or believe to have occurred on campus, on campus residence hall, non-campus building or property, or public property contiguous to campus. Notices are not limited to violent crimes or crimes against persons, and can be issued for threats to persons or to property.

### Clery Act Crime Examples include, but are not limited to:

- Criminal Homicide
- Sex Offenses (Stranger or Acquaintance)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Hate Crimes
- Emergency Situations that are life threatening (person(s) with weapon(s), threat of violence, etc.)
- Any act or immediate threat of interpersonal violence (consistent pattern of violent behavior, hate crimes, domestic situations)

# Timely Warning and Emergency Notification Decision Chart

## Is there a threat of ongoing or repeated danger?<sup>1</sup>

This decision should be made on a case-by-case basis in light of all the facts surrounding the crime, including factors such as:

After a Clery crime is reported, determine whether the students and employees are at risk of becoming victims of a similar crime.

1. Has the perpetrator been caught?

Example: a rape is reported on campus and the alleged perpetrator has not been caught, the risk is there. (Clery Handbook, 2011)

Recent decision by DOE: suspension does not achieve the requirement, the potential of a serious threat continues. (Lasalle University Case)

2. Does the incident appear to be a one-time occurrence or fall into a pattern of reported crimes?

Example: a student sets some posters on fire after the homecoming football game, the arsons are probably a one-night event. However if an unknown person is randomly setting fires on campus, there is a continuing threat (Clery Handbook, 2011)

## Timing, content, and decision for issuing a Timely Warning.

The Clery Act does not define “Timely,” however it should be decided on a case-by-case basis and issued **as soon as the pertinent information is available** – the intent is to alert the campus community of continuing threats allowing the community to protect themselves. You do not have time to review video footage, interview involved parties, complete an investigation, etc.

The Clery Act does not specify what information should be included in the Timely Warning, but should include all necessary information for the campus community to protect themselves.

The decision to issue a Timely Warning includes, but not limited to:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromise law enforcement efforts

A general Timely Warning will included:

- Type of reported crime
- Time and location of reported crime
- Specific advice for the campus regarding steps to take to avoid becoming a victim

Unless the below information will make an immediate, material difference for public safety, avoid:

- Descriptions of alleged suspects based on perceptions of ethnicity or race
- Wording that could lead members of the community to feel stereotyped, marginalized, or profiled

# Timely Warning and Emergency Notification Decision Chart

## What constitutes an “Immediate or imminent threat” for issuance of an Emergency Notification?

Emergency Notifications have a wide focus on any significant emergency or dangerous situation, which may include Clery crimes.

An Emergency Notification is triggered by an event that is currently occurring on or imminently threatening campus.

An Emergency Notification should be initiated for *any significant emergency or dangerous situation involving an immediate threat to the health and safety of student or employees occurring on campus.*

Examples of significant emergencies or dangerous situations include, but are not limited to:

- Approaching severe weather
- Medical outbreak (meningitis, norovirus or other serious illness)
- Earthquake
- Gas leak
- Terrorist incident
- Armed person(s)
- Bomb Threat
- Civil unrest or rioting
- Explosion
- Chemical or hazardous waste spill

## FERPA and the Timely Warning Requirement

The Clery Act does not require confidential reporting of crime. Although personally identifiable information is generally precluded from disclosure, such information may be released in an emergency situation.

A May 1996 Dear Colleague Letter on Campus Security Issues reads in part:

*“FERPA does not preclude an institution’s compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA.”*

## Reference

2016 Handbook for Campus Safety and Security Reporting – Department of Education, Office of Postsecondary Education

