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# TIMELY WARNING GUIDE

## HOW TO USE THIS GUIDE

The Clery Act requires institutions to issue a timely warning when a Clery crime, occurring within Clery geography, poses a serious or on-going threat to the campus community. The Department of Education emphasizes the importance of making determinations for issuing timely warnings on a case-by-case basis using policies pre-established by the institution that align with Clery requirements. Developing such policies and procedures and analyzing when it is or is not necessary to issue a timely warning in response to a situation that arises on campus can be a challenging task. Institutions are constantly weighing the needs of individuals versus the needs of the overall community when making decisions about how and when to issue such warnings. Attempting to manage this balance can be difficult and hard to communicate to the greater campus community.

Clery Center created this resource to help colleges and universities develop action items for creating a robust timely warning policy and communicating that policy, its intentions, and uses to the campus community at large. Providing as much transparency as possible with students and staff about the background and purpose of a timely warning can help create buy-in and trust in the decision to issue or not issue a warning. Use this guide to help you and your team revisit your own philosophy and processes guiding issuance of timely warnings and how that philosophy aligns with your own campus' unique mission and culture.

The document does not reflect every step a particular institution should take to meet Clery requirements – it is intended to provide a structure through which you can determine what actions are needed for your specific campus. We provide context for why we include certain information or how it can be tailored to a particular institution. With that in mind, keep an eye out for the **blue boxes** throughout the document that will suggest things to consider in relation to your own college or university.

If you have any questions as you review this document or move forward with analyzing your own timely warning policies or procedures please do not hesitate to contact us:



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*While this document contains a discussion of general legal principles and specific laws, it is neither intended to be given as legal advice nor as the practice of law, and should not be relied upon as such. Before taking any action, always check with a licensed attorney in your jurisdiction to ensure compliance with the law.*



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## INTRODUCTION

The *Timely Warning Guide* outlines areas institutions of higher education should consider when developing, revising, or educating about their own timely warning policies and procedures. Campus community members might not be familiar with the nature of timely warnings, the circumstances under which they are issued, or the requirements necessitating their use. Therefore, they might walk away with a misunderstanding of why a timely warning is or is not disseminated. To prevent such misunderstanding, use this guide to create transparent resources, policy language, and educational resources that clearly communicate the intentions and uses of timely warnings.

Clery Center believes Clery compliance teams are the most helpful route to ensuring the institutionalization of Clery compliance. The work required for Clery Act compliance cannot be fully achieved by one part-time or full-time person, although the role of a Clery coordinator is often critical in guiding campus efforts. Compliance is an institutional responsibility and a multi-disciplinary team brings various areas of expertise and perspectives to the table.

While this guide could be used by just one person, it is ideal for a team of individuals that work together, or in subcommittees, to tackle various areas of Clery compliance. The steps are general enough that they can be adapted to fit any individual, group, team or institution.

### Background Information

The Handbook for Campus Safety and Security Reporting (2016) states,

*The Clery Act requires you to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although 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.*

*You must issue a timely warning for all Clery Act crimes that occur on your Clery Act geography that are*

- *reported to campus security authorities or local police agencies; and*
- *considered by the institution to represent a serious or continuing threat to students and employees.*

(page 6-12, Handbook for Campus Safety and Security Reporting)

*Your timely warning policy should not be limited to certain types of Clery Act crimes and it may include non-Clery Act crimes. That is, although the Clery Act mandates timely warnings only for Clery Act crimes, nothing in the law prohibits timely warnings for other crimes that may pose a serious or continuing threat to the campus community (e.g., a kidnapping on campus or a rash of robberies in a public parking lot across the street from the shopping plaza where your school is located). If your policy states that you also will issue timely warnings for these or similar types of situations, you must follow that policy.*

(page 6-13, Handbook for Campus Safety & Security Reporting)

### Who should use this Guide?

- An individual charged with Clery compliance responsibilities
- The individuals currently responsible for writing the timely warning policy
- The individual(s)/office(s) responsible for issuing timely warnings
- A Clery compliance team
- An institutional compliance committee reviewing policies and procedures



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## POLICY ANALYSIS

**Objective:** Develop or revise an existing timely warning policy that aligns with Clery Act requirements while also speaking specifically to the unique campus culture of the institution.

### Steps to Take:

1. If a policy already exists:
  - Review and assess if Clery required elements are captured:
    - i. Circumstances under which a timely warning would be issued
    - ii. Who issues the timely warning
    - iii. Dissemination methods used to send the warning
  - Ensure that circumstances align with Clery requirements, at a minimum:
    - i. Clery crime occurring within Clery geography reported to a CSA or local law enforcement
  - Confer with those involved in decision making for issuing timely warnings to ask what steps take place for each action: to confirm the need for a timely warning, to develop language for the warning, to issue the warning itself.
  - Analyze whether policy language aligns with procedures that take place.
  - Note any gaps that exist and draft language to address any such gaps.
  - Share revised policy language with those involved in both decision making around issuing and disseminating timely warnings.
  - Develop a final policy incorporating feedback.
2. If a policy does not exist:
  - Review the elements Clery requires for inclusion in a timely warning policy:
    - i. Circumstances under which a timely warning would be issued
    - ii. Who issues the timely warning
    - iii. Dissemination methods used to send the warning
  - Confer with individuals currently responsible for issuing timely warnings and ask what procedures they use and how they make decisions.
  - Draft language describing the three required elements and see if the language reflects current institutional practice and aligns with Clery requirements.
  - Share draft policy with individuals involved in making decisions to issue and issuing the warning itself; ask for feedback.
  - Create a final policy incorporating feedback from the peer review; policy should include campus-specific circumstances for issuing timely warnings that align, at a minimum, with Clery requirements.



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## POLICY ANALYSIS *continued*

### Points to Consider

- At a minimum, timely warnings should be issued for Clery crimes occurring within Clery geography that pose a serious or ongoing threat to the campus community that are reported to a CSA.
- Campuses may issue timely warnings for scenarios broader than this, including non-Clery crimes or Clery crimes occurring outside of Clery geography; however, the institution should apply such circumstances consistently across similar situations and decisions should align with campus policy.
- Define Clery-specific terms like “Clery crimes” and “Clery geography” if such terms are used within the policy. Provide examples of each so readers clearly understand.
- Annual security reports must include a policy statement on timely warnings. This statement must address the circumstances under which a timely warning would be issued, who issues the warning, and the dissemination methods used to issue the warning. Remember that policy statements are summaries of existing policies and procedures which means timely warning policy statements in an ASR must be grounded in existing policy at the institution.
- The policy analysis steps allow for institutions to note any gaps that might exist between what the institution says it does and what actually takes place. Bridging any such gaps procedurally must also be accurately captured in institutional policy. Addressing these gaps ensures a policy that more fully meets the required elements under the Clery Act.



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## ISSUING PROCEDURES

**Objective:** Determine if procedures in place for issuing timely warnings are streamlined and align with policy.

### Steps to Take:

1. Self-assess current process for issuing timely warnings through asking the following questions:
  - a. Who is involved in determining whether a timely warning is issued?
  - b. Who has the authority to determine if a timely warning should be issued?
  - c. Who has the authority to issue a timely warning?
  - d. Are there multiple levels of approval that must take place for either step: determining to issue and sending the warning itself?
  - e. If multiple levels of approval exist, do they create any barriers to sending information in a timely manner?
  - f. How are we operationalizing the phrase “serious or ongoing threat”?
  - g. What questions are we asking in analyzing a reported crime to determine if it meets the criteria for issuing a warning?
2. Determine if dissemination methods used reach all members of the campus community.
3. Evaluate if anyone else should be involved in determining whether to issue timely warnings.
4. Note any areas of concern or gaps in procedures that need to be filled.
5. Propose any needed changes to those individuals involved in determining whether or not a timely warning should be issued and disseminating the warning itself.
6. Work collaboratively on incorporating any changes or editing suggestions to best fit the campus culture and organizational structure.

### Points to Consider

1. The Department of Education has consistently expressed concerns – and even findings of noncompliance – regarding delay of notification because of an arduous consultative process.
2. As timely warnings contain more information than other types of alerts, email is a commonly used dissemination method; however, many institutions fear that students do not read emails. Ensure multi-modal dissemination methods are accurately conveying all needed information to the campus community. If using texts as a prompt to check email or updates on a website, confirm that such emails are opened or websites are accessed.
3. Streamlining the process by which a timely warning is approved for issuance ensures information gets sent more quickly and efficiently to those that need it most: the campus community.
4. Document any and all decision-making regarding why a timely warning was or was not issued and apply such decision-making consistently. The Department of Education has found institutions out of compliance if they could not offer documentation to show that a timely warning analysis took place.
5. Create a timely warning decision matrix that reflects the factors you determined would constitute a “serious or on-going threat” at your institution.



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## TEMPLATE CONSTRUCTION

**Objective:** Create templates for various timely warning scenarios to streamline issuance and dissemination.

### Steps:

1. Create an outline of information the institution would like to address in any timely warning. An example might be:

*“Introduction: brief summary of the nature of the incident that poses a serious or ongoing threat and factors influencing safety (indicators of a serious or ongoing threat) or describing a pattern (suspect at large, egregious behavior, multiple incidents of similar nature occurring, etc.).*

*Prevention information related specifically to the nature of the incident itself.*

*Reminders on how to report any suspicious activity that might be related to this incident.”*
2. Create templates that contain the elements of the outline where information specific to the incident itself would need to be inserted to complete the warning.
  - a. Each template should address a separate incident that could warrant a timely warning at the institution. For example: sexual assault, robbery, and hate crimes are examples of three separate Clery crimes that, if reported to a CSA, occurring in Clery geography and posing a serious or ongoing threat, could warrant a timely warning. Each of these reported crimes requires specific, distinct prevention information.
  - b. Preparing templates for commonly reported crimes at your institution that could warrant a timely warning allows for collaboration from various subject matter experts prior to an actual incident and saves time when having to issue a warning.
3. Once templates are drafted consult fellow professional staff members (or even students) to review the language used to ensure it is clear, trauma-informed and to the point. Reviewers should analyze if:
  - a. There is a section for a description of the incident
  - b. The suggested prevention tips avoid blaming the victim
  - c. The suggested prevention tips include tips for avoiding being a perpetrator or remind readers of actions one should take to avoid being a victim or a perpetrator of the crime in question
  - d. If the prevention information includes tips for bystanders to use to intervene
  - e. Reminds readers of the appropriate ways to report similar situations
  - f. Ensures any links to other resources are accurate and working
4. Once reviewed, make any necessary edits or changes and keep templates on hand or readily accessible in alerting systems to use when appropriate. This helps save time when needing to issue timely warnings quickly. Additionally, it allows for consistent messaging across similar situations.



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## TEMPLATE CONSTRUCTION *continued*

### **Points to Consider:**

1. Descriptions of incidents in timely warnings should not include personally identifiable information about the victim.
2. Institutions have addressed concerns about prevention language used in timely warnings through holding events like town-hall meetings or focus groups as spaces for community members to voice their concerns and share language they feel would be more appropriate.
3. Creating templates in tandem with a graphic design or communications/marketing office at the institution ensures readability of information. Working with prevention partners helps to create messaging that can be both appropriate for the situation and targeted in prevention strategy and approach.
4. Ensure that templates created are flexible enough to be adapted to the current situation without losing the consistent tone and spirit that a template helps to create in the first place.
5. Language used in timely warnings should reflect the mission of the institution---create templates that use language that is commonly understood and familiar to the campus community to ensure such messaging aligns with the institution's values.



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## EDUCATING CAMPUS COMMUNITY

**Objective:** Clearly inform students and staff about the intention and purpose of timely warnings.

### Steps to Take:

1. Create a social norming campaign explaining what a timely warning is, when it is used, and how such warnings differ from other campus alerts.
  - a. Highlight how timely warnings are not used to simply inform but rather to draw awareness to a potential threat.
  - b. Provide examples of situations that would or would not warrant a timely warning.
  - c. Emphasize that while harmful behaviors are unacceptable not all incidents will result in a timely warning—a report must represent a serious or ongoing threat to the campus community for a timely warning to be issued.
2. Publish written information (either digitally or in hard copy) explaining the differences between the two alerts required under the Clery Act: timely warnings and emergency notifications.
  - a. Highlight how one is used to inform campus community members to do something differently immediately such as evacuate a building (emergency notification); whereas the other is designed to inform you of something that has already happened but may have a potential serious or ongoing impact on you or the community (timely warning).
3. Hold public forums addressing what timely warnings are and how they are utilized and be willing to answer questions about how decisions are made; holding such conversations in advance of a controversial situation builds trust in the community.

### Points to Consider

1. There will always be misunderstandings and confusion about what a timely warning is and why it is sent out (or not sent out); however, educating the community about the intention of timely warnings is a proactive way to mitigate some of the concern.
2. Lack of knowledge about Clery crimes and Clery geography creates confusion about understanding timely warnings—spend time educating the campus on all aspects of Clery and nuanced pieces like timely warnings will make more sense.
3. Involve student government and student media in developing awareness campaigns on timely warnings. Peer messaging is a highly effective tool in bridging learning gaps. Their messaging tools and access to the student body will enhance the viability of your message.

## CLOSING/TAKE-AWAYS

Timely warnings are an important and necessary alerting mechanism for institutions of higher education. Providing clarity about when they are used and how only helps to enhance the usefulness of this tool and encourages trust and buy-in from the campus community. Take the time to analyze whether or not policies and procedures align and satisfy Clery requirements as these are the building blocks for a successful system. Create procedures and templates that streamline your process to best serve you and the campus. Educate the campus community about all laws that promote transparency and accountability, but, in particular, the Clery Act, as its main goal is to create a safer campus.