Nov/Dec 2009

- Cover Story
- Features
- Columns
- Article Archives
- News Archives
- Product Archives
- Campus Clique Archives
- Expert Insight
- Director Of The Year
- Online Store

RSS Feeds

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November 3, 2009

Final HEOA Rules Expand Universities' Responsibilities

WASHINGTON — The U.S. Department of Education released the finalized rules of the Higher Education Opportunity Act of 2008 (HEOA) on Oct. 29.

The updated regulations require that colleges and universities:

- Publish an annual fire safety report, maintain a fire log, and report fire statistics to the Department of Education
- Develop and make available a missing student notification policy and allow students who reside on campus to confidentially register contact information
- Expand the list of crimes that institutions must include in the hate crimes statistics reported to the Department
- Include in the annual security report a statement of emergency response and evacuation procedures

Exactly how college and university administrators should interpret the new regulations won't be clarified for several months. According to Security on Campus (SOC) Director of Public Policy S. Daniel Carter, the Department of Ed will not update the Clery handbook until next year, at the earliest. Because of this delay, SOC will be issuing some interim guidance on the new rules. "We anticipate putting out an analysis of the regulations [this] week to help explain them point by point," he says.

One aspect of the new rules that Carter believes might be overlooked is the requirement that campuses not only have an emergency response policy, but that it also be summarized in the school's annual report starting in 2010. Carter is quick to point out, however, that while colleges and universities must publish their policies, they should not release operational details.

"It's not like they should say, 'We're going to place three tactical officers at this location if there is a shooting at this building,' because that would obviously give away information that would threaten safety," says Carter.

That being said, Carter recommends institutions of higher education provide information that the campus community will find useful during an emergency, such as the potential agencies that might respond to a crisis on campus.

The Center for Campus Fire Safety (CCFS) is also providing assistance so institutions of higher education can comply with the updated HEOA regulations.

The CCFS has released a new fire incident tracking tool that is free for educational institutions. The tool allows campuses and local fire departments responding to campus incidents, to input incident data, create reports to analyze fires and tailor their public education and awareness campaigns to their specific needs. According to the CCFS, the tool can function as the required "fire log" institutions now must maintain pursuant to the new federal regulations.

To learn more about this data and information resource, visit www.campusfiresafety.org/campus-fire-data.

Click here to view the new HEOA regulations.

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