

# Massachusetts Department of Higher Education Campus Safety and Violence Prevention (CSVP) - 2021 Annual Survey FAQs

## Annual Reporting

- **What will the reporting time period be for this initial report due December 1?**

Calendar year 2020, January 1, 2020 – December 31, 2020, similar to Clery. IHEs will have from December 1, 2021 – December 31, 2021 to complete this year's annual report.

- **What will the reporting time period be going forward?**

Calendar year basis, similar to Clery. Next year's report will cover January 1, 2021 – December 31, 2021.

- **When will the portal be made available?**

December 1, 2021

- **Will there be training on how to use the portal?**

Additional information and resources, including a blank version of the report, will be made available on DHE's CSVP webpage: <https://www.mass.edu/strategic/csvp.asp>. Questions regarding the law should be directed to Amanda Robbins, [arobbins@dhe.mass.edu](mailto:arobbins@dhe.mass.edu); and technical questions regarding submission of the annual report and the annual reporting portal should be directed to Alex Nally, [alex.nally@dhe.mass.edu](mailto:alex.nally@dhe.mass.edu). Campus presidents and CSVP contacts should anticipate notice regarding an additional Q&A session to be hosted via Zoom on a date to be determined.

- **Can reports be amended after they are submitted?**

Yes, but for a limited amount of time. When a report is submitted, it is placed in a "Submitted" status until DHE either "Reverts" the report for IHEs to make additional edits or "Approves" the report after which point the IHE will no longer be able to edit the report. If an IHE needs to amend a report prior to DHE's approval/acceptance of the report, the IHE can request DHE to "Revert" the report while it is in the "Submitted" status.

If an IHE needs to amend a report after it has been "Approved" and accepted by the DHE, the IHE can always start a new one and communicate the reason for the subsequent submission.

- **College's that have both Title IX Harassment Policies that comply with the August 2020 Federal Title IX regulations often also have broader equity policies that cover conduct outside of the recently narrowed scope of Title IX. How will the department address cumulative data where definitions of conduct may vary widely from school to school as it pertains to those broader equity policies?**

The statute defines sexual misconduct; and requires institutions to report annually on incident data which align with the statute's definition. Institutions should note the scope of the statute's definition of sexual misconduct and ensure that data reported to the DHE include incidents which may have been reported or addressed through other institutional policies, e.g. regarding gender-based harassment if the institution's Title IX policies do not include incidents within the scope of the statute's definition of sexual misconduct.

- **What is the definition of sexual misconduct?**

Sexual misconduct is defined in the statute; note, it may include behaviors which are beyond the scope of T9.

- **What is meant by a report? Do claimants need to be identified for something to be considered a report? This is an important distinction because institutions receive many complaints that do not include identification.**

Report is not defined in the statute, but DHE interprets it as reaching out to file a complaint against a particular person, by a student or employee of that campus or against a student or employee of that campus, regardless of where the incident allegedly occurred.

- **If an institution is concerned regarding its interpretation of the reports required by the statute, compared to other reporting criteria under the Clery Act, will institutions be able to provide information regarding their methodology to the DHE in the report?**

Institutions will have the ability to communicate any concerns they have regarding data quality in the annual reporting portal. Since this is year 1, DHE understands data may vary across institutions as they adjust to the new reporting requirements. It is recommended that for year 1 institutions try to identify the appropriate data and a consistent process for compiling these data to ensure a smooth submission process for 2022.

- **Are Presidents/CEOs required to initial each President/CEO field, or can a designee initial those fields on behalf of the President/CEO?**

A President or CEO may log in directly to initial the fields themselves if they choose to do so; but if they would prefer that another CSVP contact do so on their behalf, that is also acceptable because only Presidents/CEOs and CSVP contacts will be able to access the CSVP Report. Please note that the portal will log which user initials each field for documentary purposes.

- **Will institutions be able to revise their submissions if any corrections need to be made?**

If an institution submits a report and has subsequent concerns or needs to update the information submitted in the report, they will be able to amend the report for a limited time in 2022 before the report is finalized and "accepted" for 2021.

- **How can CEOs/Presidents designate new or additional CSVP contacts for the institution?**

To designate additional or new CSVP contacts, institutions may fill out [this form](#); or email [alex.nally@dhe.mass.edu](mailto:alex.nally@dhe.mass.edu) for assistance.

### **Law Enforcement MOUs**

- **The Regulations define Local Law Enforcement Agency as "A municipal or state law enforcement agency, with jurisdiction on or around an institution's campus, including property owned and not owned by the institution."**
  - **Is there an expectation that every College in the Commonwealth enter or attempt to enter into an MOU with the State Police?**

Only where the institution deems a State Police unit to have jurisdiction on or around the institution's campus, e.g. there is a reasonable likelihood that the State Police would be as likely to respond to a report of sexual misconduct as a local/municipal LEA. In most cases, it is expected that IHEs will only need to enter into MOUs with local/municipal LEAs.

- **The definition of Local Law Enforcement Agency further provides, "As set forth in 610 CMR 14.03(2), an institution subject to the jurisdiction of more than one local law enforcement agency may enter into one MOU with multiple law enforcement agencies." Section 14.03(1) then states,**

**“Each institution shall, to the extent feasible, enter into an MOU with each local law enforcement agency having jurisdiction to report as a first responder to an incident of sexual misconduct occurring on or around each campus of the institution.”**

- **Where institutions are in multiple jurisdictions *must* they attempt to enter into an MOU with each local law enforcement agency?**

Yes; especially if the institution for the purposes of Clery Act reporting has to report on incidents in multiple jurisdictions.

- **For institutions that have a main campus in one City of the Commonwealth, but may have satellite campuses (which are reportable under Clery), will those smaller satellite campuses need MOUs as well?**

Yes. For each campus which reports under Clery, the institution will need to submit a separate annual report for that campus, which indicates any applicable LEAs with jurisdiction on or around that campus, the status of its entrance into any applicable MOUs, and any applicable feasibility determinations the institution has made regarding that campus.

- **Is DHE reaching out to large urban PDs like Boston, Worcester, and Springfield to alert them that this is happening? (Boston PD has been very slow in even responding to timing questions.)**

DHE has been coordinating with state and municipal LEAs throughout the implementation of the statute and the promulgation and implementation of 610 CMR 14.00.

- **How should an institution that is currently developing a model MOU that it will use to start discussions with its local LEA(s) once finalized, report this status to the DHE?**

Pursuant to 610 CMR 14.04(2), if an institution has not entered into an MOU, the terms of which are in compliance with 610 CMR 14.03, with each LEA with jurisdiction on or around each of the institution’s campuses, the institution will need to certify that entrance into such an MOU or MOUs at this time is infeasible; and to indicate any applicable reasons. The CSVP annual report is designed to accommodate this scenario by providing institutions ample space to provide additional information regarding its efforts to enter into the required MOU or MOUs. For example, one potential reason provided that an institution could select is that an MOU could not be negotiated or finalized despite good faith efforts of both the LEA(s) and the institution. There is also an “other” field where the institution could provide more specific details, in addition to the “Status Update” field where institutions will provide a Status Update on compliance with 610 CMR 14.00.

### **Crisis Center MOUs**

- **168D(c) of the law states that the sexual assault crisis centers with whom institutions must enter into must be funded by the Department of Public health, but it’s our understanding that many crisis centers may not be funded by DPH. Is there any flexibility here?**

Per the statute, there is not.

- **If an institution provides its own Sexual Assault Crisis Service Center (SACSC) for students, but needs to enter into MOUs to provide crisis center services for its employees; or vice versa, how should an institution report on its status of compliance with Section 168D(c) of the statute?**

Institutions which provide their own SACSC for students and employees are exempt from this requirement. If an institution’s SACSC does not provide services to both students and employees, the institution is not exempt from this requirement because it must enter into the required MOUs to provide services to students or employees not already served by the institution’s SACSC. Therefore, an institution would need to request a waiver through the annual report by indicating that despite its good faith efforts, it requires additional time to enter into the required MOUs.

## *Campus Climate Survey*

- **Are there any updates on when we will see draft survey questions?**

The task force will be finalizing its report and recommendations to the Commissioner in December 2021.