MEMORANDUM

DATE: September 25, 2009

TO: Jeff West, IPC Committee Chair
    Senate Executive Committee

FROM: Michael K. Young

SUBJECT: Regulations Library, Interim Rule R5-210

Attached, please find Interim Rule R5-210. I am requesting the IPC to put this Interim Rule into effect by no later than October 1, 2009, pursuant to the authority of Policy 1-001(III)(4)(d). Extraordinary circumstances require that this rule be implemented on an interim basis prior to presentation to the Executive Committee, and/or without the prior approval by or consultation with the Senate.

On August 25, 2009, representative of the U.S. Department of Education conducted an audit of the University’s compliance with the Clery Act, 20 U.S.C. § 1992(f). During the audit process, the University learned that it has not been in compliance with the Clery Act because it does not have a written policy governing sexual assault prevention and response. The University also concluded during the audit that it should have in place several other policies that educate the campus community about safety and crime reporting. In response to the audit, the University committed to having the required sexual assault policy in place by October 1, 2009 and to having drafts of recommended policies written and submitted for the University approval process by November 1, 2009. The attached rule is necessary to meet these commitments to the Department of Education.

The attached rule is patterned closely after a form policy recommended by the Department of Education. Because the Department of Education expects to see this information in a policy (rather than a rule), the Office of General Counsel will be working with the Chief of Police and others during the upcoming year to promulgate a policy that will encompass the content of this rule and will replace this rule.

MKY/Im
Attachment