

Understanding the New Emergency Notification Provisions of the HEOA

What they are, what to do with them and how to keep them from driving you crazy

In October 2009, the Department of Education finalized the rules to the Higher Education Opportunity Act amendment that Congress passed in 2008. The changes affected many parts of the original act, but significant changes were put in place that impact emergency management and reporting. Institutions of higher learning must have mass notification plans and provide detailed reports to the Department of Education about campus security and fire safety. There are strict guidelines in place regarding what information must be included in these reports and how the institution should provide access to the reports to current and prospective students and employees.

With all the responsibilities that come with being in charge of safety and emergency management at an institution of higher education, it's impossible to find time to read intensive, lengthy legislation. To make your life a little easier, Inova Solutions has studied the ins and outs of the HEOA amendment. This e-book explains, in plain English, everything you need to know about the new provisions for Timely Warning and Emergency Notification, the Annual Security Report, and the Annual Fire Safety Report.



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Timely Warning and Emergency Notification

Overview

Institutions are required to have a policy for emergency notification of the campus community upon “the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.”¹ Timely warnings must be issued when crimes that are considered a threat to students and employees are reported to campus security or local police agencies.

Upon confirmation of a dangerous situation, emergency notification policy procedures should be followed if there is an immediate threat to the health or safety of students or employees occurring on campus. To avoid flooding recipients with messages, an institution following its emergency notification procedures is not required to issue a timely warning based on the same circumstances, but adequate follow-up information must be provided to the community as needed. In other words, both a timely warning message and an emergency notification message do not need to be issued in order to avoid inundating students and employees with similar messages.

The new regulations also include a provision that ensures sufficient information is disseminated to the campus in situations where the emergency or investigation is still developing. The new requirement states that an institution use its emergency notification system to provide follow-up information to the community as needed.



Not only are mass notification systems important tools for emergency messaging, but these systems also provide excellent platforms for disseminating follow-up information. For example, Inova OnAlert™ integrates with virtually all mainstream emergency communication systems and allows for real-time transmission of messages. Authorized users can designate message priority and override existing

¹“General and Non-Loan Programmatic Issues; Final Rule,” 74 Federal Register 208 (29 Oct 2009), pp.55945.

messages for follow-up information. The flexibility Inova OnAlert provides allows institutions the ability to easily communicate emergency and follow-up messages when every second counts.

Annual Security Report

What it is

The Annual Security Report is a comprehensive account of virtually everything pertaining to campus safety. For example, some of the elements included are crime statistics and reporting, emergency notification policies and procedures, missing student notification policies and more.

Who to give it to

There are three main groups that must receive either a copy of the Annual Security Report or notice of the report's availability by October 1 of each year, beginning in 2010. These groups include:

1. All enrolled students and current employees
2. All prospective students and prospective employees
3. Secretary of the Department of Education

There are several ways to distribute the report (or notice of its availability). These include:

- o Direct mailing through the U.S. Postal Service
- o Publication provided directly to each individual
- o Post to Internet or Intranet website
 - Distribute notice including:
 - Statement of report's availability
 - Exact electronic address where report is posted
 - Brief description of contents
 - Statement that paper copy will be provided upon request

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Submitting the report to the Secretary of the Department of Education must be done each year, by the date and in a form specified by the Secretary.

What to include

A statement of policy regarding emergency response and evacuation procedures is the primary element of the Annual Security Report. This statement describes how the institution will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation, unless notification will compromise efforts to contain the emergency. Following is a detailed listing of the updated statement of policy elements that must be included in the Annual Security Report.

- o Description of how the institution will test its emergency response and evacuation procedures at least annually:
 - At least one test per calendar year, may be announced or unannounced
 - Document a description of the exercise, date, time and whether it was announced or unannounced
 - Procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, unless notification will compromise efforts to contain the emergency
 - Must provide follow-up information to the community as needed when emergency notification system is used
- o Description of the process the institution will use to:
 - Confirm there is an emergency/dangerous situation
 - Determine appropriate segments of the campus to notify
 - Determine content of the message
 - Initiate the notification system

The Annual Security Report must also contain a statement that the institution will, without delay, determine the content of the message and initiate the notification system unless notification will compromise efforts to assist a victim or mitigate



the emergency. Other items the report must contain include:

- o List the titles of who is responsible for carrying out the actions
- o Procedures for disseminating emergency information to the larger community
- o Statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities (only if the institution provides any on-campus student housing facility)

Important Considerations

For privacy and security purposes, the new regulations do not require institutions to publish in great detail how they would respond to specific emergencies. The new provisions also encourage the consideration for the needs of students and employees with disabilities in developing emergency response and evacuation policies and procedures.

Also, in the proposed rules, the Department of Education offers excellent advice for institutions planning and implementing a mass notification system. The Department does not specify that institutions use a particular mode of communication. The Department states that:

“Institutions may and should have multiple methods of communication with the campus community...the Department encourages institutions to consider overlapping means of communication in case one method fails or malfunctions. Additionally, institutions have the flexibility to alert only the appropriate segment or segments of the population that they determine to be at risk.”²

It is important to have the flexibility of multiple communication modes and the ability to target messages toward specific areas of the campus community. Inova OnAlert is a real-time notification system that instantly displays emergency messages on bright and visible LED signs throughout a facility. Inova OnAlert integrates seamlessly with virtually every mainstream mass notification platform. Therefore, an emergency manager can trigger an RSS/XML-based message on the Inova OnAlert signs at the same time that he is sending an emergency email or SMS/text message to any notification technology connected to the centralized system. Having multiple means of communication integrated into one emergency messaging system allows for ubiquitous messaging and valuable time savings during a crisis.

² “General and Non-Loan Programmatic Issues; Proposed Rule,” 74 Federal Register 161 (21 Aug 2009), pp.42397.

Annual Fire Safety Report

What it is

Institutions that maintain on-campus student housing facilities must publish an Annual Fire Safety Report and provide a copy of the report to the Secretary of the Department of Education. Just as its title describes, the report must detail virtually every aspect of fire safety and fires that have occurred in on-campus housing facilities. This report will include fire statistics, the cause of each fire, damages caused by the fire, and other details. It is important to note that reporting pertains to on-campus student housing facilities only.

Who to give it to

Since the new regulations allow an institution to publish the Annual Security Report and Annual Fire Safety Report together, distribution of the Annual Fire Safety Report is the same as described above for the Annual Security Report. However, the reports can only be published together as long as "the title of the document clearly states that it contains both the Annual Security Report and the Annual Fire Safety Report."³ If the institution chooses to publish the reports separately, it is required that instructions be included in both reports regarding how to directly access the other report.

Below is a reminder of who needs to receive the reports and how they must be distributed. The three main groups that must receive either a copy of the Annual Fire Safety Report or notice of the report's availability by October 1 of each year, beginning in 2010, include:

1. All enrolled students and current employees
2. All prospective students and prospective employees
3. Secretary of the Department of Education

Options for distributing the report (or notice of its availability) include:

- o Direct mailing through the U.S. Postal Service
- o Publication provided directly to each individual
- o Post to Internet or Intranet website



³ "General and Non-Loan Programmatic Issues; Final Rule," 74 Federal Register 208 (29 Oct 2009), pp.55927.

- Distribute notice including:
 - Statement of report's availability
 - Exact electronic address where report is posted
 - Brief description of contents
 - Statement that paper copy will be provided upon request

Submitting the report to the Secretary of the Department of Education must be done each year, by the date and in a form specified by the Secretary.

What to include

Data should be provided for the three most recent calendar years for which data are available. This requirement will be phased in beginning with the statistics for calendar year 2009 in the October 1, 2010 report. The first report that will contain the full three years of data will be the report due on October 1, 2012. Following is an itemized list and description of each revised element that must be included in the Annual Fire Safety Report.

- o Fire statistics
 - Number of fires and cause of each fire
 - Number of injuries related to a fire that resulted in treatment at a medical facility
 - Number of deaths related to a fire
 - Value of property damage caused by a fire
- o Description of each on-campus student housing facility fire safety system
- o Number of regular, mandatory, and supervised fire drills held during the previous calendar year
- o Institution's policies or rules on portable electrical appliances, smoking and open flames in on-campus student housing facilities
- o Procedures for student housing evacuation in case of a fire
- o Policies regarding fire safety education and training programs provided to students and employees
- o List of titles of person(s) or organization(s) to which students and employees should report that a fire occurred
- o Plans for future improvements in fire safety, if necessary

Fire log

What it is

The fire log holds a record of all reportable fires in on-campus student housing facilities. This log is very similar to the long-standing crime log institutions maintain and the reporting requirements were designed in accordance with the crime log.

Where to make it available

The log must be available for inspection by the public for the most recent 60-day period. Any portion of the log older than 60 days must be made available within two business days of a request for inspection.

Log maintenance and reporting

The fire log must be easily understood and should record, by the date the fire was reported, any fire that occurred in an on-campus student housing facility. Additions or changes to the log must be made within two business days of the receipt of the information.

There is not a specified format for the log, except that it should be organized by the date the fire was reported. Institutions must make an annual report to the campus community on the fires in the fire log, but can choose to issue this report in the Annual Fire Safety Report; meaning the fire log can become part of the Annual Fire Safety Report if the institution so chooses.

What to include

Elements to be included in the fire log are fairly straightforward and include:

- Any fire that occurred in an on-campus student housing facility
 - Date of each fire
 - Time of each fire
 - Nature of each fire
 - General location of each fire

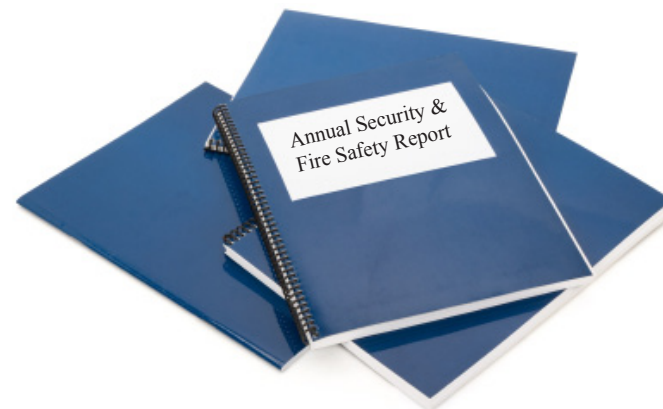
Important Considerations

The National Fire Protection Association (NFPA) has codes and standards that must be followed when planning for fire safety. The NFPA rules can be accessed at www.nfpa.org. These rules are intended to minimize the possibility and effects of fires and affect virtually every building, process, service, design, and installation both domestically and internationally.

When planning and implementing a mass notification system, institutions should also consider what role fire safety and fire alerts will play in emergency communications. Institutions must take into account the need for targeting specific areas of the campus and accommodating employees and students with disabilities. Inova OnAlert has the capability of integrating with various fire panels. This allows for emergency messages to be triggered by the fire panel to broadcast on Inova OnAlert LED displays when safety is at risk due to a fire. Messages can be pre-defined or customized by an authorized user and targeted to specific areas of a campus. Customizable, multi-modal messaging is an important feature of an effective emergency notification system.

Conclusion

So there you have it, the new guidelines and rules amending the HEOA in an easy to read and easy to follow format. We hope we have made it easier for you to implement these new provisions and that you've found some useful tips on mass notification systems and emergency communication along with your reading. For more information on how Inova Solutions can help you with your mass notification needs please visit <http://www.inovasolutions.com/mass-notification>.



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We hope this e-book will continue to be a valuable tool for you when it comes to your mass notification needs. To learn more about Inova Solutions please visit www.inovasolutions.com.

Please share this e-book with anyone who might find it helpful and continue the discussion on Twitter @inova_solutions

*Disclaimer: All information contained in the Higher Education Opportunity Act e-book published by Inova Solutions was taken from the 2009 HEOA proposed amendment and 2009 HEOA final amendment, published 08/21/2009 and 10/29/2009, respectively. Information is accurate as of 10/29/2009. The e-book pertains solely to aspects of the 2009 HEOA amendment related to mass notification, and does not claim to be a complete or exhaustive discussion of the amendment. This e-book is designed to be a helpful resource for mass notification planning and reporting, however all parties should refer to the complete requirements of the HEOA and its amendments for full details. Inova Solutions is not responsible for any form of incorrect interpretation or implementation of the HEOA requirements, in whole or in part, by any entity or person. By reading this disclaimer and/or Inova Solutions' e-book, in whole or in part, you release Inova Solutions and its employees from any and all responsibility regarding the HEOA requirements and you and your institution's implementation of the HEOA requirements. The General and Non-Loan Programmatic Issues Final Rule can be found at <http://edocket.access.gpo.gov/2009/pdf/E9-25373.pdf>.