

POSITION STATEMENT



Higher Education Act

Issue: The IAEM Universities & College Special Interest Committee request that the IAEM Board adopt a position supporting certain provisions of Senate Bill S.1642 and rejecting certain provisions in House Bills (H.R. 4137 & H.R. 5735) as they relate to the Higher Education Act.

Reference: See “*Amendments to the Higher Education Act Section on Institutional and Financial Information for Students*” prepared by the IAEM Universities and Colleges Committee (UCC).

Background: Three pieces of legislation seek to amend Section 485(f)(1) of the Higher Education Act (20 U.S.C. §1092):

- §477 in Senate Bills (S.1642);
- §488 in House Bill (H.R.4137);
- entirety of House Bills (H.R.5735).

Recommendation(s): The recommendation of IAEM UCC Committee is for the IAEM Board of Directors and Government Affairs Committee to:

1. Adopt or support certain provisions in the Senate version (S.1642), which requires notification of the campus community in a “*reasonable and timely manner*” of an emergency “*occurring on a campus.*”
2. Reject certain provisions in House bills, H.R.4137 and H.R.5735, which seek to place a specific time limit (30-minutes) when notifications must take place, and include a requirement for notification to the campus community when an emergency takes place off the campus or on public property.
3. Reject certain provisions in House bills, H.R.4137 and H.R.5735, which seek to require campus public safety and law enforcement organizations to initiate the warning systems. In many instances, college campuses do not have a law enforcement entity employed on campus. H.R.5735 specifically requires that campus law enforcement be responsible for notification; this is both overly limiting and unreasonable since many campuses do not have law enforcement agencies. Furthermore, warning messages need to be carefully crafted so that the messages do not conflict with one another when issued; they must be centrally coordinated, and issued under a unified command authority.
4. Reject certain provisions of the bills that lack a uniform national definition or standard for the terms “*emergency,*” “*significant emergency,*” and “*dangerous situation.*” The bills do not contain a reasonableness standard on this matter. The national definition of emergency has no relevance or correlation to the local or campus emergencies referenced in the three proposed bills. In

addition, the US Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), and the major public safety associations – the International Association of Campus Law Enforcement Administrators (IACLEA), International Association of Emergency Managers (IAEM), National Emergency Management Association (NEMA), International Association of Fire Chiefs (IAFC), and International Association of Chiefs of Police (IACP) University and College Police Section, and National Association of Police Organizations (NAPO) have yet to agree or establish a consensus on the terms "*emergency*," "*significant emergency*," and "*dangerous situation*."

5. Reject certain provisions under H.R.4137, requiring notifications to the campus community for incidents that originate or occur "*in or on noncampus buildings or property, and on public property*," as well as rejecting certain provisions of H.R.5735, requiring notifications when an emergency exists on "*public property*." College and university officials cannot control when public law enforcement and other emergency response agencies share information, there is no guarantee that when a situation occurs on public property, the campus officials will know about it in time to make a notification to the students, faculty, and staff.
6. Reject certain provisions of H.R.5735 that could establish conflicts or set aside elements of the National Incident Management System (NIMS) and Incident Command System (ICS), as well as a variety of state laws that define authority for incident management. As a crisis develops, many agencies come together as the situations and conditions escalate. In some circumstances, incidents originate outside the physical boundaries of a campus and are under the jurisdiction of a number of response agencies or unified command authority.
7. Reject certain provisions of the under H.R. 4137 and H.R. 5735 (*in a 30-minute time frame*), for college campuses to implement mass notification systems as unfunded federal mandate that could cost campuses nationwide an estimated \$4 billion dollars.
8. Adopt certain provisions of H.R.4137 that seeks to add a new section to the Higher Education Act, establishing a "*National Center for Campus Public Safety*." The recommendation of IAEM is to adopt this new section, with some key changes to the language contained in the bill that would change the name of Center to the "*National Center for Campus Public Safety and Emergency Management*" to reflect an all-hazards mission.

Negative Aspects of the Proposed Bills

House bills would create a 30-minute time frame for emergencies. All three bills seem to require that a uniform national definition or standard be established for the terms "*emergency*," "*significant emergency*," and "*dangerous situation*." The House bills (H.R.4137 & H.R.5735) do not contain a reasonableness standard on this matter.

H.R.4137 requires notifications from campus communities for incidents that originate or occur "*in or on noncampus buildings or property, and on public property*," as well as H.R.5735, requiring notifications when an emergency exists on "*public property*."

Positive Aspects of the Proposed Bills

Senate version (S.1642), creates a "*reasonable and timely manner*" standard for an emergency "*occurring on the campus*."

Next Steps: Place the issue on the IAEM Board of Director's agenda. The Government Affairs Committee Chair and UCC 1st Vice Chair may present and discuss recommendations on the matter before the IAEM Board of Director's meeting at EMI (Emmittsburg, Maryland) on Saturday, June 7, 2008.

Action Taken: On June 7, 2008, the U.S. Government Affairs Committee recommended that the IAEM Board approve the position to support certain provisions of S.1642 and reject certain provisions of H.R.4137 and H.R.5735 as it relates to the Higher Education Act, as noted above. IAEM President Mike Selves, CEM, moved, seconded by Russ Decker, CEM, to adopt the position and to give the Committee approval to take action consistent with the concepts presented. The motion passed by unanimous vote.

Approved IAEM Board of Directors, June 7, 2008

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