Dear Webinar Attendee:

Welcome and thank you for registering for the webinar, “New Clery Act Amendments: Compliance Guidelines for Your Campus” scheduled for Friday, March 16, 2012 at 1 pm ET. Please check your time zone for the correct local time. The live webinar will be displayed on your computer as you listen to the audio portion from your telephone. **Please note: Your registration will have a unique dial-in pin code and be able to log onto the webinar with only one email address.**

WEBINAR INSTRUCTIONS
***Important Webinar Access Instructions***

1. **15 minutes before the webinar is scheduled to begin:**
   a. Click on the “log-in link” to connect to the live, on-line web portion through the information provided in the body of the email you received.
   b. Dial into the audio portion via telephone. Refer to the email for your CUSTOMER PIN CODE

   **DIAL-IN NUMBER:** 1-866-740-5060

2. Please dial in to the audio portion no sooner than 15 minutes before the webinar is scheduled to begin. The PIN CODE will not function until then.

3. Please dial in no later than five (5) minutes before the webinar is scheduled to begin. You may miss the beginning if you call too close to the start time.

4. When prompted by the automated phone attendant enter your (Customer) PIN CODE
   - After entering the pin code, you will then be placed on hold until the webinar begins.
   - If you need assistance with the webinar, please call Higher Ed Hero at 800-964-6033 and speak with a customer service representative.
   - We recommend that you MUTE your speaker phone during the presentation, as background noise in your listening area can cause your phone to mute the presenter, causing you to miss part of the webinar.

Enclosed please find the following audio conference materials:

1. **Speaker Handouts** – “New Clery Act Amendments: Compliance Guidelines for Your Campus” handouts.
2. **Video CD Discount** - This webinar will be recorded for your future use. You may purchase your own copy for just $99 (versus the $199 regular price). To reserve your Video CD, please complete the attached order form and return it to Higher Ed Hero or call us toll free at 800-964-6033. Please note: It is a violation of copyright laws to record the program.

3. **Webinar Evaluation Form** – After participating in the Webinar, each participant is asked to complete the evaluation form and return it to Higher Ed Hero. We would very much appreciate your comments and suggestions for future programs.

**Download the Reference Materials**: Please refer to the email titled, “**IMPORTANT WEBINAR INFORMATION FOR REGISTRANTS**” to access the link to download the reference materials for the webinar.

**Interactive Question and Answer Period during the 60-Minute Program**

- The question and answer period of the conference will be interactive. We have scheduled the last 15 minutes of the program for this part of the session.
- The operator will announce when the Q&A period is ready to begin. You will be prompted to press *1 (star, one) on your touch-tone phone if you have a specific question for the speaker.
- When the time comes to ask your question we ask that you use the handset and not the speakerphone. This will ensure all attendees will be able to hear the question clearly.
- The operator will bring you onto the live audio conference, introduce your company, and prompt you to ask your question.
- If you decide you do not want to ask your question, please press *1 (star, one) again and you will be removed from the question queue.

Again, welcome and thank you for your enrollment. If you have any questions, please contact us at 800-964-6033.

Sincerely,

Michelle Myers
Conference Producer
New Clery Act Amendments: Compliance Guidelines for Your Campus

presented by Doug Tuttle
University of Delaware

March 16, 2012
New Clery Act Amendments: Compliance Guidelines for Your Campus

- This session on the Clery Act is presented by Mr. Doug Tuttle – Instructor & Policy Scientist, Coordinator of Local Government Training, and former Director of Public Safety at the University of Delaware.
- Mr. Tuttle is a Past President of IACLEA, and a current member of IACLEA’s Government Relations Committee [which he chaired during 1989-93 and 1996-97].
- The opinions expressed are Mr. Tuttle’s and do not represent the position of the University of Delaware.
- This program is not intended to provide, or substitute for, legal advice.
Clery Act compliance obligations

1. Collect, maintain, and disclose data regarding reported on and off-campus crimes
2. Develop and provide accurate statements of security policies and procedures to the campus community, prospective students, and prospective employees
3. Alert the campus community to crime threats, significant emergencies and dangerous situations
4. Test emergency response and evacuation procedures on an annual basis
Higher Education Opportunity Act of 2008

• Expanded hate crime reporting
• Specific disclosure of inter-agency MOUs
• New emergency notification, response and evacuation procedures
• New missing student notification policy
• New campus fire safety reporting rules
• Clarification of what is on-campus housing
• Reinforced crime of violence/sex offense disciplinary procedure disclosure requirements
The New Handbook

- Published February 2011
- Addresses the new requirements wrought by the HEOA of 2008
- Also provides new explanations of Clery compliance items that were not amended
- Supersedes the *Handbook for Campus Crime Handbook* of 2005

http://www2.ed.gov/admins/lead/safety/campus.html
Handbook Highlights

• The 2011 document is 304 pages, including appendices versus 216 pages in the original Handbook for Campus Crime Reporting from 2005

• Concise guide to “what to do when”

• 54 supplemental figures, providing examples of geography, timely warnings, policy statements, logs, and tables

• Updated compliance checklist (Appendix E)
Handbook updates

• Of 14 chapters, 5 are entirely devoted to new requirements, while other additions or amendments from the HEOA of 2008 are reflected in 3 other chapters
• Throughout the Handbook, guidance is provided in greater detail than in the original edition, typically reflecting interpretations that have been developed through institutional program reviews
What to do When

<table>
<thead>
<tr>
<th>What to Do</th>
<th>When to Do It</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Have emergency notification and evacuation procedures</strong> for alerting the campus community about significant emergencies or dangerous situations. Disclose your policies and procedures in the annual security report.</td>
<td>Use emergency notification procedures whenever there is an immediate threat to the health or safety of students or employees on campus.</td>
</tr>
<tr>
<td><strong>Issue timely warnings</strong> to alert the campus community about crimes that pose a serious or continuing threat to safety. Disclose your policy in the annual security report.</td>
<td>Issue a warning whenever there is a threat that a crime is ongoing or may be repeated.</td>
</tr>
<tr>
<td><strong>Keep a crime log</strong> that records, by date reported, all crimes reported to the campus police or security department.</td>
<td>Update your log within two business days of the crime report. Make the log available to the public during business hours.</td>
</tr>
<tr>
<td><strong>Keep a fire log</strong> that records by date reported, all</td>
<td>Update your log within two business days of the</td>
</tr>
</tbody>
</table>
If You Have On-Campus Student Housing Facilities

• Comply with the new Missing Student policy requirements
• Collect, maintain, and disclose data related to fires that occur in on-campus student housing facilities
• Publish an annual Fire Safety Report
Campus Crime Reporting

- Additional Hate Crime categories
- “On Campus” geography clarification
- “Accessible” public property
- Burglary classification guidance
- Campus Security Authorities’ roles
- Crimes reported to local police
Hate Crimes

• Hate Crimes are classified on the basis of the perpetrator’s bias against the victim’s actual or perceived:
  – race, gender, religion, sexual orientation, ethnicity/national origin, or disability

• Hate Crime disclosure was previously limited to the enumerated list of Clery Act offenses, plus “any other crime involving bodily injury”
  – the HEOA added larceny-theft, simple assault, intimidation, and vandalism
Jump in Hate Crime Numbers

• Per the FBI’s national data for 2009:
  • 28% of the all hate crimes involved intimidation, and
  • 32% of the all hate crimes were classified as acts of
destruction, damage, or vandalism.

• 83% of Clery Act hate crime statistics for 2009
were in the previously unreported categories:
  • 26% were classified as intimidation,
  • 46% were classified as acts of destruction, damage,
or vandalism, and
  • 11% were classified as larceny-theft (vs. only 2% of
the FBI’s hate crime numbers).
Hate Crime Investigation

• FBI Hate Crime Data Collection Guidelines

• FBI training guide for Hate Crime data collection

• For the 2009 national statistics, see
  – http://www2.fbi.gov/ucr/hc2009/incidents.html
What is “On Campus”? 

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls [or that is owned by the institution, controlled by another, and frequently used by students]
What is “Control”?  

• An institution can be in control of a building or property [including a parking lot] per a lease, or any type of written agreement, even something as informal as an email.  

• No payment is required to be made  

• If control of only part of a building is conveyed to the institution, crimes must also be reported if they occur in an area that students must use to access that space.
More Clarifications

• If an institution-associated foundation owns or controls a building or property that is operated in support of, or related to, the institution’s educational purposes.... the institution is considered to be in control

• On campus housing includes buildings where the owner has a written agreement with the institution to provide student housing – no matter who pays the rent
Public Property

• “Accessible” public property means that it is not separated from your campus by a barrier – or that even though it is separated by a barrier, that barrier is frequently ignored or overcome by students for the specific reason of entering or departing from your campus
  – A “standard of use” has been established
Public Property
Burglary: 3 Key Elements

• Unlawful entry [trespass]
  – “Tailgating” into access-controlled building
  – “Guest” status has expired

• Occurs within a *structure*
  – 4 walls, a roof, and a door
  – Each resident room within a housing facility
  – Each bedroom of a suite, plus the commons

• Intent of entry was to commit theft or felony
Campus Security Authorities

- **Officials** are any persons with the authority and the duty to take action or respond to particular issues on behalf of the institution.
- CSA responsibility is to report information about alleged offenses to the office or the official who has been designated by the institution to collect and report crime data.
  - This includes plausible 3rd-party reports.
- CSAs should be identified and trained.
More Explicit Examples

- Individuals who meet the criteria for being campus security authorities include:

- A physician in a campus health center, a counselor in a campus counseling center or a victim advocate or sexual assault response team in a campus rape crisis center if they are identified by your school as someone to whom crimes should be reported or if they have significant responsibility for student and campus activities. However, if these individuals are not identified as people to whom crimes should be reported or do not have significant responsibility for student and campus activities, they would not be considered CSAs.
Crimes reported to local police

- Contact all jurisdictions on/abutting campus
- Inform them of the Clery Act obligations
- Provide detailed geographic parameters
- Emphasize the timely warning requirement
- Especially critical if no campus police
- Document all information & cooperation requests
Campus Security Relationships

- The policy statement concerning campus law enforcement must be expanded as necessary to reflect:
  - (ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses
Alerting the Campus: Timely Warnings

- All institutions are subject to the Timely Warning requirement of the Clery Act – regardless of the nature of their campus security force (if any)
- Any crime reported to campus security authorities, or to the local police, could pose a serious or continuing threat to students and employees – so a systematic method of evaluation and response is required
- No format is prescribed for the warning, but it must be timely, and reasonably likely to reach the entire campus community and aid in the prevention of similar crimes
- Fines have been imposed for failure to issue warnings, highlighting the need to focus on this requirement
When must information be provided?

- When crimes that are considered to pose a threat to students and employees have been reported to designated campus security authorities:
  - as soon as pertinent information is available to alert the campus community, enabling them to protect themselves and assisting in preventing similar crimes; and
  - as frequently and systematically as needed to provide the most accurate and complete consumer information possible.
Emergency Notification Response and Evacuation Procedures

• There is now a requirement that if there is an immediate threat to the health or safety of students or employees occurring on campus,
  – an institution must follow its emergency notification procedures.
• Having done so, the requirement to issue a timely warning will have been satisfied,
  – but the institution must provide adequate follow-up information to the community as needed.
Emergency Notification Response and Evacuation Procedures

• The HEOA added a new definition of Test:
  – “Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities,”

• and requires that tests be conducted on at least an annual basis
Campus Safety Policy Disclosure

• A new policy statement regarding emergency response and evacuation procedures must be included in the annual security report.
  – Unlike most of the policy disclosures that are required, the content has been mandated.
  – but the regulations do not specify the use of any particular mode(s) of communicating with the campus community or the larger community [which may include parents]
Requirements

• A description of the institution’s process used to:
  – Confirm that there is a significant emergency or dangerous situation on campus;
  – Determine the appropriate segment(s) of campus to receive a notification;
  – Determine the content of the notification; and
  – Initiate the notification system.

• A list of the titles of the person(s) or organization(s) responsible for carrying out the actions detailed above
Campus Fire Statistics

• Applies only to schools with on-campus student housing facilities

• Report annually on in-housing occurrences
  – Number of fires, and cause of each
  – Number of **persons** who suffer fire-related injuries requiring medical treatment
  – Number of deaths related to fire
  – Value of property damage caused by fire
  – Number of regular mandatory supervised fire drills
Campus Fire Log

- A log must be kept of all fires in on-campus student housing facilities that includes the nature, date, time and general location of each fire, and
- An annual report of this information must be made to the campus community
  - The requirements for dissemination and notice of its availability to prospective students and prospective employees mirror those for the Annual Campus Security Report
# Campus Fire Log

## November 28, 2010

<table>
<thead>
<tr>
<th>Incident #</th>
<th>Time</th>
<th>Occurred Date/Time</th>
<th>Description</th>
<th>Location</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-14804</td>
<td>0010</td>
<td>11/28/10 0010</td>
<td>Moving Traffic Violation</td>
<td>Library Avenue/Main Street</td>
<td>Arrest</td>
</tr>
<tr>
<td>10-14811</td>
<td>0654</td>
<td>11/28/10 0255</td>
<td>Criminal Mischief</td>
<td>Trabant Garage</td>
<td>Pending</td>
</tr>
<tr>
<td>10-14814</td>
<td>1013</td>
<td>11/28/10 0100-1000</td>
<td>Criminal Mischief</td>
<td>Marriot Hotel Parking Lot</td>
<td>Pending</td>
</tr>
<tr>
<td>10-14815</td>
<td>1000</td>
<td>11/28/10 0820-0930</td>
<td>Recovered Property</td>
<td>Laird and West Campus</td>
<td>Service Clear</td>
</tr>
<tr>
<td>10-14819</td>
<td>1324</td>
<td>11/28/10 1324</td>
<td>Moving Traffic Violation</td>
<td>South Chapel Street/Wyoming Road</td>
<td>Arrest</td>
</tr>
<tr>
<td>10-14825</td>
<td>1452</td>
<td>11/28/10 1452</td>
<td>Non-Moving Traffic Violation</td>
<td>Delaware Avenue/Academy Street</td>
<td>Arrest</td>
</tr>
<tr>
<td>10-14826</td>
<td>1451</td>
<td>11/23-11/28/10 1630-1415</td>
<td>Theft</td>
<td>Harrington E</td>
<td>Unfounded</td>
</tr>
<tr>
<td><strong>10-14834</strong></td>
<td><strong>2153</strong></td>
<td><strong>11/28/10 2152</strong></td>
<td><strong>Fire Detail</strong></td>
<td><strong>Christiana East Tower</strong></td>
<td><strong>Service Clear</strong></td>
</tr>
<tr>
<td>10-14835</td>
<td>2155</td>
<td>11/28/10 2154</td>
<td>Possession of Marijuana</td>
<td>Dickinson A/B Commons</td>
<td>Administrative Sanction</td>
</tr>
</tbody>
</table>

March 16, 2012

New Clery Act Amendments
## Annual Campus Fire Report

### 2010 Fire Statistics for On-campus Student Housing Facilities

<table>
<thead>
<tr>
<th>Location</th>
<th>Date/Time</th>
<th>Cause</th>
<th>Injuries</th>
<th>Deaths</th>
<th>Property Damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christiana West Tower, Room 1110</td>
<td>1/1/2010 2:44 am</td>
<td>Unattended Cooking-Stove</td>
<td>0</td>
<td>0</td>
<td>None</td>
</tr>
<tr>
<td>Rodney A, 1st Floor Lavatory</td>
<td>3/5/2010 4:58 am</td>
<td>Malicious Burning</td>
<td>0</td>
<td>0</td>
<td>None</td>
</tr>
<tr>
<td>Conover East Apt. 13</td>
<td>8/16/2010 1:00 pm</td>
<td>Unattended Cooking-Oven</td>
<td>0</td>
<td>0</td>
<td>$30.00</td>
</tr>
<tr>
<td>Dickinson E Mechanical Room</td>
<td>10/30/2010 2:18 pm</td>
<td>Hot Water Circulating Pump Overheated</td>
<td>0</td>
<td>0</td>
<td>$300.00</td>
</tr>
<tr>
<td>Christiana East Tower, Room 1107</td>
<td>11/28/2010 9:52 pm</td>
<td>Unattended Cooking Toaster Oven</td>
<td>0</td>
<td>0</td>
<td>$50.00</td>
</tr>
</tbody>
</table>
Campus Fire Policies

• The Annual Fire Safety Report must also include
  – A description of each on-campus student housing facility fire safety system, including the fire sprinkler system
  – Rules on portable electrical appliances, smoking & open flames
  – Policies regarding fire safety education & training programs provided to students, faculty & staff
  – Plans for future improvements in fire safety [if determined necessary by the institution]
Missing Student Policy

• Institutions that maintain an on-campus student housing facility must establish, for students who reside in such on-campus housing,
  – a missing student notification policy that allows students to confidentially register a contact person, and
  – procedures by which that contact person would be notified that the student was missing.
When a student who resides in an on-campus housing facility is determined to have been missing for 24 hours:

- each institution’s procedures must include notification, within 24 hours, of:
  - The local law enforcement agency having jurisdiction; and
  - The student’s contact person, if one has been designated; and
  - The custodial parent or guardian of a student who is under age 18 and not emancipated.
Common Compliance Shortcomings

• Miscoding of specific incidents
• Not reporting incidents from all campus sources
• Omitting crimes reported only to local police
• Not including all institutional properties
• Failing to document and disclose all of the required campus security policies
  – Including the timely warning policy, and the mandatory policies that pertain to victim assistance and disciplinary procedures related to sex offenses
• Failing to properly notice/provide URL for report
Campus Safety & Security Compliance Team

• This is an institutional responsibility, so involve leadership at the highest level
• Identify the key players – both on campus and off
• Designate the “point person” responsible for gathering all crime & fire statistics
• Assess CSA training needs and the available resources
Train Campus Security Authorities

• Centralize liaison responsibilities
• Annually notify all CSAs of their status and their obligations
• Provide training so they know what to do when a crime is reported to them
  – Emphasize timely warning responsibilities
• Provide definitions, geographic information and standardized report forms
Records retention

• All supporting records, including daily logs, must be kept for 3 years following the publication of the last annual campus security report to which they apply

  – Supporting records for any calendar year 2008 statistics that were included in the October 1, 2011 annual report must be retained through September 30th, 2014 — nearly 7 years after any incidents that were reported in January of 2008.
Plan Now to Survive an Audit

• Not all program reviews are complaint-driven, institutions have been randomly selected for compliance verification

• Conduct a realistic self-assessment
  – Make use of the Checklist found in Appendix E of the new Handbook

• Role-play the various aspects of an on-site program review, making unannounced visits to critical offices
Questions?
HIGHER ED HERO CONFERENCES
New Clery Act Amendments: Compliance Guidelines for Your Campus (Event #3918)
March 16, 2012
IMPORTANT ATTENDEE EVALUATION FORM

Please help us improve our training by promptly responding to this brief survey at the end of the presentation. Honest feedback is valued. It normally takes less than five minutes.

JOB IMPACT

<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
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<td>2.</td>
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<td>3.</td>
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<td>4.</td>
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INSTRUCTOR

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<td>6.</td>
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</tr>
<tr>
<td>7.</td>
<td>5</td>
<td>1</td>
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MAIN REASON FOR TAKING THE TRAINING

<table>
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INTEREST IN FUTURE TRAINING AND DEVELOPMENT

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<td>1</td>
</tr>
<tr>
<td>3.</td>
<td>5</td>
<td>1</td>
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</tbody>
</table>
**Training Content:**

1. Were the stated learning objectives met?  
   - Yes_____  
   - No_____  

2. If applicable, were prerequisites appropriate?  
   - Yes_____  
   - No_____  

3. Were program materials accurate?  
   - Yes_____  
   - No_____  

4. Were the program materials relevant and did they contribute to the achievement of the learning objectives?  
   - Yes_____  
   - No_____  

5. Was the time allotted to the learning activity appropriate?  
   - Yes_____  
   - No_____  

6. If applicable, were individual instructors effective?  
   - Yes_____  
   - No_____  

7. Were facilities and/or technological equipment appropriate?  
   - Yes_____  
   - No_____  

8. Were the handouts or advance preparation materials satisfactory?  
   - Yes_____  
   - No_____  

9. Were the audio materials effective?  
   - Yes_____  
   - No_____  

**OTHER COMMENTS**

What about this training and development was most useful to you?

What about this training was least useful to you (If any)?

If you feel you will be successful applying any of the learnings, please provide a few tangible examples of what or how that would be.

Please provide any additional comments or recommendations to help us continue to improve our training and development programs.
RATE FUTURE TOPICS
Please rate the following topics that we are considering for upcoming training? (5=very interested, 1=not at all interested)

- Keys to Successful Alumni Weekends: Bring Alumni Back to Campus & Increase Support 5 4 3 2 1
- Slip & Fall Prevention on Campus: OSHA Requirements 5 4 3 2 1
- Keys to Successful Volunteer Management for Alumni & Development Staff 5 4 3 2 1
- OSHA’s Hazard Communication Requirements for Your Campus 5 4 3 2 1

ADDITIONAL QUESTIONS

Gender  O Male  O Female

Your age:
O Under 25  O 25-29  O 30-34  O 40-44  O 45-49  O 50-54  O 55+

How many years have you been working in the current job?
O Less than 1 year  O 1-2 yrs  O 3-5 yrs  O 6-10 yrs  O 11-19 yrs  O over 20 yrs

TRAINING REQUIREMENTS
By signing this evaluation, I am confirming that I was in attendance for the ENTIRE conference presentation.

Conference Sign in Time:________________    Conference Sign Out Time:__________________

Print Name:____________________     Signature:__________________________________

Contact Information:
Name:____________________________  Title:____________________________________
Company:__________________________________________________________________
Address:_______________________________City:______________ State:__  Zip:_______
(please include your company address so your Continued Education Certificates can be mailed)
Phone:_________________  E-Mail:_____________________________________________

Thank you for completing this questionnaire. It helps us improve our training.
Yes! I want to reserve my copy of the “New Clery Act Amendments: Compliance Guidelines for Your Campus” Event #3918 webinar at the special discounted price of only $99 (regularly $199). This price is for conference attendees only.

Payment information:

☐ Check enclosed for $______
   (payable to Progressive Business Conferences)

☐ Please charge my credit card $______
   ☐ Visa      ☐ Mastercard
   ☐ AmEx      ☐ Discover

Account # __________________________
Exp. date _________________________
Signature ________________________

Contact information:

Name ____________________________
Title ____________________________
Company _________________________
Address __________________________
City _____________________________
State ____________________________
Zip _____________________________
Telephone (____ ) ________________
Fax (____ ) _______________________
E-mail __________________________
Customer Pin Code ________________

To help us serve you better, please supply all requested information.

Rush this form to:
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Malvern, PA 19355

For fastest service, call:
800-964-6033 or fax:
215-689-3435
IMPORTANT WEBINAR INFORMATION

Dear Webinar Attendee:

We have received a number of inquiries about webinars and the permissibility of copying and distributing materials, recording the conference as well as conferencing of calls to other sites by our listeners. Here are the main questions we receive.

Q: How many people may listen for the $199 conference fee?
A: The $199 registration charge is a “per phone line” charge. You may have as many people as feasible gather around one phone and listen to the conference.

Q: May I photocopy, fax or email a copy of my attendee packet to one or more colleagues for the purpose of calling from another location?
A: No. Only one phone line per registration is permitted. The first party to use your unique confirmation code will be the only phone line connected to the audio portion of the webinar.

Q: May we tape the conference during the call.
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Sincerely,

Michelle Myers
Conference Manager
Higher Ed Hero Conferences