



## POSITION STATEMENT

# Campus Security Authorities

The North-American Interfraternity Conference (NIC) supports efforts of academic institutions to provide education to volunteer advisors for student organizations on what can be done to address instances of potential criminal activity including sexual assaults. However, the NIC **strongly opposes** academic institutions deeming volunteer chapter advisors for collegiate fraternity chapters as Campus Security Authorities (“CSAs”) under the Clery Act, and for the following reasons.

- There is nothing in the Act that necessitates these volunteers being designated as CSAs.
- These volunteer advisors take time from their families and from their work to provide guidance to their chapters. There is not an abundance of capable persons willing to volunteer for these positions. Deeming these volunteers CSAs under the Act carries with such designation a potential for a volunteer’s personal liability where no such potential liability exists without the designation. This would be a significant impediment to attracting and retaining these volunteer advisors.
- A designation by the academic institution of volunteer advisors being designated CSAs requires educational programming by the institution. These have included required attendance by the volunteer at on campus programming events. These additional requirements or expectations and requisite time commitments would be additional impediments to attracting and retaining these volunteer advisors.
- Educational programming by the academic institution for volunteer advisors who are designated CSAs creates potential liability for the academic institution based on claims that what was done was not enough, was not often enough, or that it failed in some other regard.
- The potential liability arising from such a designation includes potential claims by an alleged victim and by an alleged assailant. As an example, see *King v. DePaul University*, No. 2:14-CV-70-WTL-DKL, 2014 U.S. Dist. LEXIS 117075 (S.D. Ind. Dec. 30, 2014) where plaintiff (alleged assailant) sought leave to pursue litigation claim against the student who initiated the university disciplinary process against him, asserting false statements with damage to reputation, and that alleged false statements constituted an interference with a business relationship.
- Any liability claims against volunteer advisors due to their designation as a CSA also provides potential liability to the chapter’s national organization under an agency theory.
- Instances have occurred where advisors have resigned rather than accept a designation by the academic institution as a CSA under the Act.
- There are two bills under consideration by the 114<sup>th</sup> Congress (H.R. 3403 and H.R.3408) that would prohibit campuses from designating volunteer student organization advisors as a CSA.

NIC **supports** efforts to provide continuing education to volunteer advisors on what they can do to address potential criminal acts. However, care should be taken to avoid creating significant bars to a person agreeing to serve or continuing to serve in the voluntary chapter advisor position.