

Procedure: 3.4.1p5. (II. D. 5a.)

Clery Act Compliance

Revised: July 23, 2018; January 17, 2017

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Adopted: November 7, 2013



I. PURPOSE:

Several processes are included in the support of security efforts to the TCSG technical colleges and work units. These processes include, but are not limited to, reporting to the U.S. Department of Education regarding the Annual Security Report (ASR) or Annual Security and/or Fire Safety Report (ASFSR) (frequently referred to as the “Clery Report”) and maintaining appropriate emergency response notifications with particular processes associated with the safety and security of student housing.

II. RELATED AUTHORITY: N/A

III. APPLICABILITY:

All technical colleges associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Clery Act: The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* or *Clery Act* is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46. The *Clery Act* requires all colleges and universities that participate in federal Title IV student financial assistance programs keep and disclose information about crime on and near their respective campuses.

Campus Security Authority (CSA): A CSA is any of the following four groups of individuals and organizations associated with a college: campus police department or a campus security department of a college; any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into college property); any individual or organization specified in a college’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; an official of a college who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the college.

Contiguous (Reasonably): Contiguous refers to a building or property owned or controlled at a location that the technical college or students consider to be, and treat as, an integral part of the main or core campus; and is covered by the same security policies as the campus. This concept must meet all three of the following criteria: owned by the college but does not control them;

frequently used by the college's students; and used to support the college's educational purposes.

Controlled by College: A building, property or a portion of a building or property that is directly or indirectly rented or leased by the college, even if no payment is involved in the transactions. Note any type of written agreement (including an informal one, such as a letter or an e-mail) for use of a building or property, or a portion of a building or property by the college will result in the control by the college.

Directly Support College's Educational Purposes: The function of a building or property that directly supports or relates to the institution's educational purposes. Examples include, but are not limited to, residence halls, classrooms, labs, and administrative buildings.

Crime Statistics: Four general categories of crime statistics required to be gathered and reported by the *Clergy Act* include criminal offenses; hate crimes; VAWA offenses and arrests and referrals for disciplinary action.

On-campus Geography: 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; and any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-campus Housing Facility: Any student housing facility that is owned or controlled by the college, or is located on property that is owned or controlled by the college, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Non-campus Geography: Non-campus designation refers to any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the college's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property: All property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Examples include but are not limited to: public road or public bike path running through the campus and public sidewalks that border the campus, the public street along the sidewalk and the public sidewalk on the other side of the street.

Separate Campus: A property or building owned or controlled by the technical college that is not reasonably geographically contiguous with the main campus; that has an organized program of study and at least one person assigned in an administrative capacity. Each separate campus must comply independently with all of the *Clergy Act* and the fire- and safety-related HEA requirements, including publishing its own annual security report. The technical college may publish and distribute to students and employees a single annual security report as long as it clearly differentiates each campus's policies and statistics.

V. ATTACHMENTS:

- 3.4.1p5.a1. *Clery* Reporting Information
- 3.4.1p5.a2. *Clery Act* Compliance Checklist: Colleges without Housing
- 3.4.1p5.a3. *Clery Act* Compliance Checklist: Colleges with Housing
- 3.4.1p5.a4. TCSG Annual Security Report and Annual Security and Fire Safety Report Template
- 3.4.1p5.a5. Security Resources

VI. PROCEDURE:

- A. The President is directly responsible for the implementation of this procedure and shall provide sufficient resources, personnel, and administrative support to accomplish this end.
- B. Technical colleges shall collect, classify and count crime reports and crime statistics categorized by the US Department of Education including:
 - 1. Criminal offenses including:
 - a. Criminal Homicide including: Murder; Non-Negligent Manslaughter and Negligent Manslaughter;
 - b. Sex Offenses including: Forcible and Non-Forcible; Fondling; Incest; and Statutory Rape;
 - c. Robbery;
 - d. Aggravated Assault;
 - e. Burglary;
 - f. Motor Vehicle Theft; and
 - g. Arson
 - 2. Hate crimes which include any of the criminal offenses in the categories mentioned above; as well as any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias; and Forcible or Nonforcible Sex Offenses; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
 - 3. Arrests and referrals for Disciplinary Action for Weapons which include the following: carrying, possessing, etc., as well as drug abuse violations and liquor law violations.
 - 4. VAWA offenses including dating violence, domestic violence, and stalking violence. (Note that Sexual Assault is also considered a VAWA offense but is included in the Criminal Offenses category for *Clery Act* reporting purposes.)
- C. Technical Colleges shall provide an Annual Security Report (ASR) or Annual Security and Fire Safety Report (ASFSR) to the TCSG System Office for review by August 1, and also submit it in the Web-based data collection process to the U.S. Department of Education by October 1 of each calendar year.
- D. Technical colleges shall publish an Annual Security Report (ASR) or Annual Security and Fire Safety Report (ASFSR) containing safety- and security-related policy statements and crime statistics and distribute it to all current students and employees. Schools also must inform prospective students and employees about the availability of the report.
- E. Technical colleges shall disclose crime statistics for incidents that occur on campus(es), in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities. The statistics must be gathered from campus police or security, local law enforcement and other school officials who have "significant responsibility for student and campus activities".
- F. Technical colleges shall issue campus alerts to include timely warnings about *Clery Act* crimes which pose a serious or continuing threat to the safety of students and/or employees as well as emergency notifications 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.

- G. Technical colleges shall devise and emergency response, notification and testing policy to inform the college community about significant emergencies or dangerous situations involving an immediate threat to the health and safety of students and/or employees occurring on the campus.
- H. Technical colleges shall provide educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault and stalking.
- I. Technical colleges shall have procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking.
- J. Technical colleges with on-campus housing shall keep a fire log that is open to public inspection; publish an annual fire safety report containing policy statements as well as fire statistics associated with each on-campus student housing facility, including number of fires, cause of fires, injuries, deaths and property damage; inform prospective students and employees about the availability of the report; and compile and submit fire statistics to the US Department of Education in the Annual Security and Fire Safety Report (ASFSR) in the Web-based data collection process by October 1.
- K. Technical colleges with on-campus housing shall enact policies and procedures to address reports of missing students and must disclose the missing student notification procedures that pertain to students residing in those facilities.
- L. Technical colleges with a police or security department are required to maintain a daily crime log documenting the nature, date, time, and general location of each crime and its disposition, if known, of alleged criminal incidents. The daily crime log shall be open to the public for inspection.
- M. Technical colleges shall submit a monthly report of weapons-related incidents and sex offenses to the System Office.

VII. RECORD RETENTION:

Annual Security Reports (or Annual Security and Fire Safety Reports) must be retained for a period of seven (7) years.

Attachment 3.4.1p5.a1. Clery Reporting Information

Clery Reporting Information

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)), hereafter referred to as “the Clery Act”, requires colleges and universities disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Clery Act is enforced by the United States Department of Education.

The law was amended in 1992 to add a requirement that technical colleges afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. Subsequent amendments in 2000 and 2008 added provisions dealing with registered sex offender notification and campus emergency response. The 2008 amendments also added a provision to protect crime victims, "whistleblowers", and others from retaliation.

In addition, the Violence Against Women Reauthorization Act (VAWA) of 2013 imposes new obligations on colleges and universities under its Campus Sexual Violence Act (SaVE Act) provision which are effective March 7, 2014. The SaVE Act provision, which amends the campus crime provisions of the Higher Education Act, expands the information colleges must incorporate into their annual crime reports to include acts of domestic violence, dating violence and stalking. Technical colleges must review and modify policies and procedures for handling asserted sexual offenses, and carefully train personnel in this area.

The Clery Act requires that colleges:

- A.** Publish and submit to federal authorities, an Annual Security Report (ASR) by October 1, documenting three calendar years of select campus crime statistics including security policies and procedures and information on the basic rights guaranteed victims of sexual assault. The law requires technical colleges make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Technical colleges may comply with this requirement via the internet if required recipients are notified and provided exact information regarding the on-line location of the report. Paper copies of the ASR should be available upon request. All crime statistics must be provided to the U.S. Department of Education.
- B.** Keep a public crime log. Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours; remain open for 60 days and, subsequently, made available within two business days upon request.

- C.** Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement and other technical college officials who have "significant responsibility for student and campus activities." The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions:
1. Criminal Homicide
 - a. Murder & non-negligent manslaughter
 - b. Negligent manslaughter
 2. Sex Offenses
 - a. Forcible
 - b. Non-Forcible
 3. Robbery
 4. Aggravated Assault
 5. Burglary, where:
 - a. There is evidence of unlawful entry (trespass), which may be either forcible or not involve force.
 - b. Unlawful entry must be of a structure - having four walls, a roof, and a door.
 - c. There is evidence that the entry was made in order to commit a felony or theft.
 6. Motor Vehicle Theft
 7. Arson

Technical colleges are also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):

1. Liquor Law Violations
2. Drug Law Violations
3. Illegal Weapons Possession

Hate crimes must be reported by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime:

1. Larceny/Theft
2. Simple Assault
3. Intimidation
4. Destruction/Damage/Vandalism of Property

Statistics are also required for violence against women.

- D.** Issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees. Institutions must provide timely warnings in a manner likely to reach all members of the campus community. This mandate has been part of the Clery Act since its inception in 1990. Timely warnings are limited to those crimes an institution is required to report and include in its ASR. There are differences between what constitutes a

timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees.

- E.** Devise an emergency response, notification and testing policy. Technical colleges are required to inform the campus community about a “significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.” An emergency response expands the definition of timely warning as it includes both Clery Act crimes and other types of emergencies (i.e., a fire or infectious disease outbreak). Technical colleges with and without on-campus residential facilities must have emergency response and evacuation procedures in place. Institutions are mandated to disclose a summary of these procedures in their ASR. Additionally, compliance requires one test of the emergency response procedures annually and policies for publicizing those procedures in conjunction with the annual test.
- F.** Compile and report fire data to the federal government and publish an annual fire safety report. Similar to the ASR and the current crime log, institutions with on-campus housing must report fires that occur in on-campus housing, generate both an annual fire report and maintain a fire log that is accessible to the public.
- G.** Enact policies and procedures to handle reports of missing students. This requirement is intended to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it’s believed that student has been missing for 24 hours.
- H.** The Violence Against Women Reauthorization Act (VAWA) under its Campus Sexual Violence Act (SaVE Act) provision of 2013, effective March 7, 2014, requires that colleges:
 - 1.** Add domestic violence, dating violence, and stalking to the categories that, if the incident was reported to a campus security authority or local police agency, must be reported under Clery.
 - 2.** Add “national origin” and “gender identity” to the hate crime categories, involving intentional selection of a victim based on actual or perceived characteristics, that must be reported under the Clery Act.
 - 3.** With respect to the “timely reports” the Clery Act mandates for crimes considered a threat to other students and employees, that victims' names be withheld.
 - 4.** Institutional policy must also include information on:
 - a. victims' option to, or not to, notify and seek assistance from law enforcement and campus authorities.
 - b. victims' rights and institutional responsibilities regarding judicial no-contact, restraining, and protective orders.
 - 5.** Adhere to VAWA standards for investigation and conduct of student discipline proceedings in domestic violence, dating violence, sexual assault, and stalking cases.
 - 6.** New students and new employees must be offered “primary prevention and awareness programs” that promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

Attachment 3.4.1p5.a2. Clery Act Compliance Checklist: Colleges Without Housing

Clery Act Compliance Checklist: Colleges Without Housing

Clery Act Compliance Checklist

Colleges Without Housing

College: _____

Date checked: _____

For statistical information, the technical college is to use the Federal Bureau of Investigation’s Crime Definitions. Crimes shall be reported for the following locations:

1. On any technical college campus
2. In dormitories or other on-campus residential facilities for students
3. In or on a non-campus building or property (any building or property owned or controlled by a student organization officially recognized by the school, or any building or property owned or controlled by the school that is not within the same reasonably contiguous geographic area of the school)
4. On public property that is within any technical college campus, or immediately adjacent to and accessible from the campus.

Requirement	Posting Requirements (no specific requirements required if blank)	Available and Current?
Statistics for the <u>most recent 3 calendar years</u> including crimes reported to a Campus Security Authority or local law enforcement agencies: <ol style="list-style-type: none"> 1. murder and non-negligent manslaughter 2. negligent manslaughter 3. forcible and non-forcible sex offenses 4. robbery 5. aggravated assault 6. burglary 7. motor vehicle theft 8. arson 		
For the crimes listed above <u>and</u> for crimes of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and any other crimes reported to a campus security authority or to local police agencies		

Requirement	Posting Requirements (no specific requirements required if blank)	Available and Current?
involving bodily injury to any person in which the <u>victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.</u> These data are to be reported according to category of prejudice.		
Arrests and persons referred for campus disciplinary action, for liquor law violations, drug law violations, and illegal weapons possession.		
Schools must distribute, by October 1 each year, this security report or a notice of the report to all current students and employees.	If the school distributes the report by posting it on the school's website, the school must provide a notice by October 1 that includes a statement of the report's availability, the exact electronic address, a brief description of the report's contents, and a statement that the school will provide a paper copy upon request.	
The school must provide a notice to prospective students and employees that includes a statement of the report's availability, a description of its contents, and an opportunity to request a copy.	If the report is posted on a website the notice must include the exact electronic address and a statement that the school will provide a paper copy of the report upon request.	
The Report Must include Campus Policies:		
(1) for reporting criminal actions and emergencies		
(2) for responding to reports of criminal actions/emergencies		
(3) for making timely warning reports		
(4) for preparing annual disclosure of crime statistics		
(5) regarding security and access to campus facilities		
(6) security considerations used in maintenance of campus facilities		

Requirement	Posting Requirements (no specific requirements required if blank)	Available and Current?
(7) titles of persons on campus who should receive reports of criminal offenses		
(8) whether there are policies regarding confidential crime reporting to include in statistics. If so, description of the policies		
(9) state law enforcement authority of campus security and relationship with state and local law enforcement agencies		
(10) policy encouraging accurate and prompt reporting of crimes		
(11) Policies, if any, that encourage reporting of confidential crime reporting by professional counselors/pastoral counselors to include in statistics		
(12) Type and frequency of programs to inform students and employees about campus security practices and encourage responsibility for own security and security of others		
(13) Programs to inform students and employees about prevention of crimes		
(14) Policy regarding possession, use and sale of alcohol and enforcement of under-age drinking laws		
(15) Policy regarding the possession, use and sale of alcoholic beverages and enforcement of federal and state drug laws		
(16) Description of drug or alcohol abuse education programs		
(17) Statement advising the campus community where law enforcement agency information provided by a state concerning		

Requirement	Posting Requirements (no specific requirements required if blank)	Available and Current?
registered sex offenders may be obtained		
(18) Policy regarding campus sexual assault prevention programs and the procedures to be followed once a sex offense has occurred		
(19) Missing student notification policies and procedures		
(20) Policies regarding emergency response and evacuation procedures		

DRAFT

Attachment 3.4.1p5.a3. Clery Act Compliance Checklist: Colleges With Housing

Clery Act Compliance Checklist: Colleges With Housing

Clery Act Compliance Checklist

Colleges With Housing

College: _____

Date checked: _____

For statistical information, the school is to use the Federal Bureau of Investigation’s Crime Definitions. Crimes shall be reported for the following locations:

- a. On any technical college campus
- b. In dormitories or other on-campus residential facilities for students
- c. In or on a non-campus building or property (any building or property owned or controlled by a student organization officially recognized by the school, or any building or property owned or controlled by the school that is not within the same reasonably contiguous geographic area of the school
- d. On public property that is within any technical college campus, or immediately adjacent to and accessible from the campus.

Requirement	Posting Requirements (no specific requirements required if blank)	Available and Current?
Statistics for the <u>most recent 3 calendar years</u> including crimes reported to a Campus Security Authority or local law enforcement agencies: <ul style="list-style-type: none"> 1. murder and non-negligent manslaughter 2. negligent manslaughter 3. forcible and non-forcible sex offenses 4. robbery 5. aggravated assault 6. burglary 7. motor vehicle theft 8. arson 		
For the crimes listed above <u>and</u> for crimes of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and any other crimes reported to a Campus Security		

Requirement	Posting Requirements (no specific requirements required if blank)	Available and Current?
Authority or to local police agencies involving bodily injury to any person in which the <u>victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.</u> These data are to be reported according to category of prejudice.		
Arrests and persons referred for college disciplinary action, for liquor law violations, drug law violations, and illegal weapons possession.		
Colleges must distribute, by October 1 each year, this security report or a notice of the report to all current students and employees.	If the school distributes the report by posting it on the school’s website, the school must provide a notice by October 1 that includes a statement of the report’s availability, the exact electronic address, a brief description of the report’s contents, and a statement that the school will provide a paper copy upon request.	
The college must provide a notice to prospective students and employees that includes a statement of the report’s availability, a description of its contents, and an opportunity to request a copy.	If the report is posted on a website the notice must include the exact electronic address and a statement that the school will provide a paper copy of the report upon request.	
The report must include college policies:		
1. for reporting criminal actions and emergencies		
2. for responding to reports of criminal actions/emergencies		
3. for making timely warning reports		
4. for preparing annual disclosure of crime statistics		
5. regarding security and access to campus facilities		

Requirement	Posting Requirements (no specific requirements required if blank)	Available and Current?
6. security considerations used in maintenance of campus facilities		
7. titles of persons on campus who should receive reports of criminal offenses		
8. whether there are policies regarding confidential crime reporting to include in statistics. If so, description of the policies		
9. state law enforcement authority of campus security and relationship with state and local law enforcement agencies		
10. policy encouraging accurate and prompt reporting of crimes		
11. Policies, if any, that encourage reporting of confidential crime reporting by professional counselors/pastoral counselors to include in statistics		
12. Type and frequency of programs to inform students and employees about campus security practices and encourage responsibility for own security and security of others		
13. Programs to inform students and employees about prevention of crimes		
14. Policy regarding possession, use and sale of alcohol and enforcement of under-age drinking laws		
15. Policy regarding the possession, use and sale of alcoholic beverages and enforcement of federal and state drug laws		
16. Description of drug or alcohol abuse education programs		
17. Statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained		

Requirement	Posting Requirements (no specific requirements required if blank)	Available and Current?
18. Policy regarding campus sexual assault prevention programs and the procedures to be followed once a sex offense has occurred		
19. Missing student notification policies and procedures		
20. Policies regarding emergency response and evacuation procedures		
21. Policy regarding missing student notification		
22. Annual fire safety report		

DRAFT

Attachment 3.4.1p5.a4. TCSG Annual Security Report Template

TCSG Annual Security Report Template

_____ (Year) Annual Security Report

for

_____ Technical College

<i>Incident Category</i>	<i>Number</i>	<i>Arrest Made?</i>	<i>Notes on Disposition of Incident</i>
Murder			
Manslaughter			
Forcible Sex Offense			
Non Forcible Sex Offense			
Robbery			
Aggravated Assault			
Burglary			
Motor Vehicle Theft			
Arson			
Any Other Crime Involving Bodily Injury			
Hate Crime (TOTAL)			
Race			
Religion			
Sexual Orientation			
Gender			

Disability			
Ethnicity			
National Origin			
Gender Identity			
Illegal Weapons Possession			
Drug Law Violation			
Liquor Law Violation			
Domestic Violence			
Dating Violence			
Stalking			
Alcohol Referral			
Drug Referral			
Vandalism			
Domestic Incident			
Student Misconduct			
Medical Reports			
Bomb Threat			
Ejection from Campus			
Thefts			

Note: Shaded categories above are reportable to the U.S. DOE annually under the Clery Act.

Attachment 3.4.1p5.a5. Security Resources

Clery Act or the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [20 U.S.C. § 1092\(f\)](#), with implementing regulations in the [U.S. Code of Federal Regulations](#) at 34 C.F.R. 668.46.

US DOE The Handbook for Campus Safety and Security Reporting:
<http://www2.ed.gov/admins/lead/safety/handbook.pdf>

2013 Department of Education Campus Safety and Security Survey
<https://surveys.ope.ed.gov/security/PrintFormsView.aspx?id=1>

Violence Against Women Reauthorization Act (“VAWA”) and Campus Sexual Violence Act (“SaVE Act”) provision, Section 304 (<http://www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf>)

US Department of Education, Office for Civil Rights April 4, 2011 Dear Colleague letter: Sexual Violence: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>