

## **Compliance with the Clery Act**

### **Purpose**

To establish the parameters for compliance with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998” (commonly referred to as the “Clery Act”) at all College locations.

### **Background**

The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998,” commonly referred to as the “Clery Act,” requires institutions of higher education receiving federal financial aid to report specified crime statistics on college campuses and areas within the same reasonably contiguous geographic area of college campuses, and to provide other safety and crime information to members of the campus community.

### **Definitions**

“Campus Security Authority (CSA)” – individuals at the College who, because of their function for the College, have an obligation under the Clery Act to notify the College of alleged Clery Crimes that are reported to them in good faith, or alleged Clery Crimes that they may personally witness. These individuals, by virtue of their position due to official job duties, ad hoc responsibilities or volunteer engagements, are required by federal law to “report” crime when it has been observed by, or reported to them by another individual. They individuals typically fall under one of the following categories:

1. A member of a campus security department.
2. Individuals having responsibility for campus security in some capacity, but are not members of a campus security department (e.g., an individual who is responsible for monitoring the entrance to College property).
3. People or offices that are not members of a campus security department, but where policy directs individuals to report criminal offenses to them or their office.
4. Officials having significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings.

Common examples of CSAs include (but are not limited to):

- Security personnel
- An administrator of students
- Athletic Directors
- Athletic Coaches

- Faculty advisors to student organizations
- Resident Assistants/Advisors
- Coordinators of Student Affairs
- Title IX Coordinators

“Clery Act Crimes (“Clery Crimes”)” – are crimes required by the Clery Act to be reported annually to the College community, including: criminal homicide (murder and negligent/non-negligent manslaughter); sex offenses (forcible and non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes (including larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that are motivated by bias); dating violence; domestic violence; stalking; and arrests and referrals for disciplinary action for any of the following: (a) liquor law violations, (b) drug law violations, and (c) carrying and possessing illegal weapons.

“Emergency notification” – is an announcement 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 upon the definition of “timely warning” (see below), as it includes both Clery Act crimes and other types of emergencies (examples: a fire, infectious disease outbreak, terrorist attack, natural disaster, weather emergency).

“Missing student notification” – the College has provided a list of titles of persons and offices to which students, employees or others can contact if they have reason to believe a student who lives in on-campus student housing has been missing for 24 hours. The intent of this notification process is to direct others who believe a Treasure Valley Community College (TVCC) student is missing to immediately notify specific staff in the College Administration, Campus Safety and local law enforcement.

“Professional counselors” – are individuals whose official responsibilities include providing mental health counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification. Professional counselors, when acting within the scope of the official responsibilities, are not Campus Security Authorities.

“Reasonably contiguous” (as pertaining to a college campus) – means buildings or property owned or controlled by the institution, located in an area that is considered and treated as an integral part of campus and covered by the same security policies as the main campus.

“Timely warning” – is an announcement made to alert the campus community about Clery Crimes and other serious incidents in the event that a reported crime may pose a serious or continuing threat to the campus and surrounding community.

## **Policy**

In accordance with the requirements the Clery Act, the College shall:

1. Via issuance of timely warnings, alert the campus community of Clery Crimes that pose a serious or continuing threat to the campus and surrounding community. Timely warnings will be disseminated throughout the College as soon as pertinent information is available and will provide information that will allow the College to take precautions to protect themselves and prevent similar crimes from occurring.

2. Via issuance of emergency notifications, alert and 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”.
3. Maintain a daily crime log of all crimes reported. This log will be available for public inspection, upon request.
4. Maintain a daily fire log of all fire-related incidents reported. This log will be available for public inspection, upon request.
5. Compile and disclose statistics of reports on the types of Clery Crimes reported for the College’s campuses, the immediately adjacent public areas and public areas running through the campuses, remote classroom facilities and certain non-campus facilities.
6. Collect reports of Clery Crimes made to the Compliance and Training Coordinator, local law enforcement, Campus Security and others associated with the College who have significant responsibility for student and campus activities.
7. Create and publish an annual report to the Oregon Department of Education disclosing statistics of Clery Crimes reported over the past three years, as well as College policies and procedures addressing campus security and safety.
8. Annually disclose/provide access to the campus community and the public, the Annual Security Report, which provides:
  - a. Crime data (by type);
  - b. Fire incident data;
  - c. Security policies and procedures in place to protect the community; and
  - d. Information on the handling of threats, emergencies and dangerous situations.
9. Identify CSAs on a regular, ongoing basis, and notify these individuals of their obligations under the Clery Act to report any and all Clery Crimes that they witness, or are reported to them.
10. Provide regular, mandatory training for all CSAs.
11. Work with the Compliance and Training Coordinator and other appropriate departments to create, establish and conduct programs at all College campus locations to educate the campus and surrounding community about the Clery Act and Clery Act obligations, and to promote general awareness of all crime and safety-related issues at all College locations.
12. In the event that a person is reported as missing, contact the appropriate College offices, notify local law enforcement that has jurisdiction in the geographical area around the specific campus location, and utilize the emergency contact information available for the missing person to notify those listed as emergency contacts for the alleged missing person.

Questions may be directed to the Compliance and Training Coordinator.

## **Responsibilities**

### **All college faculty, staff and students on college facilities or property:**

- Promptly report any activity that is perceived as criminal, potentially dangerous or suspicious to a Campus Security Authority (CSA).
- In accordance with Policy Disclosure of Wrongful Conduct and Protection From Retaliation, “make good faith reports of suspected wrongful conduct, and to protect such individuals from retaliation for making such reports to the College or an appropriate authority, participating in any investigation, hearing, or inquiry by the College or an appropriate authority or participating in a court proceeding relating to an allegation of suspected wrongful conduct at the College.” No reporter making a report “in good faith” will be retaliated against, and all reports will be taken seriously.

### **All college visitors on college facilities or property:**

- Promptly report any activity that is perceived as criminal, potentially dangerous or suspicious to a Campus Security Authority (CSA).

### **Campus Security:**

- Compile and disclose statistics of reports on the types of Clery Crimes reported for the College's campuses, the immediately adjacent public areas and public areas running through the campuses, remote classroom facilities and non-campus facilities.
- Collect reports of Clery Crimes made to Campus Security, local law enforcement, College officials and other associated with the College who have significant responsibility for student and campus activities.
- Create and publish an annual report to the Department of Education disclosing statistics of Clery Crimes reported over the past three years, as well as College policies and procedures addressing campus security and safety.
- Annually disclose/report, to the campus community and the public:
  - Crime data (by type);
  - Fire incident data;
  - Security policies and procedures in place to protect the community; and
  - Information on the handling of threats, emergencies and dangerous situations.
- Provide regular, mandatory training for all CSAs.
- Work with College departments to establish Clery Act-related educational programs and promotion of safety awareness programs.

### **College Policy, Procedure and Security Programs:**

- Issue "timely warnings" alerts to the campus and surrounding community about Clery Crimes.
- Issue "emergency notifications" to the campus and surrounding community when deemed necessary and appropriate.
- Maintain a daily crime log of all crimes reported.
- Maintain a daily fire log of all fire-related incidents reported.
- Compile and provide to the Compliance and Training Coordinator, statistics of reports on the types of Clery Crimes reported for the College's campuses, the immediately adjacent public areas and public areas running through the campuses, remote classroom facilities and non-campus facilities.
- Collect and provide to the Compliance and Training Coordinator, reports of Clery Crimes at that location.
- Work with the Compliance and Training Coordinator to establish Clery Act related educational programs and promotion of safety awareness programs.

### **Campus Security Authorities (CSAs):**

- Hear/receive information of alleged crimes that are reported to them in good faith by others, or report alleged crimes that they may personally witness. Under the Clery Act, a crime is "reported" when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, other third party or even the offender. It doesn't matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the College.

- Record information about crimes reported to them. To record information about a crime reported, the Campus Security Authority must complete a Campus Security Authority Incident Report Form. (For further information, visit College website).
- Submit, either electronically or print/mail, all completed Campus Security Authority Incident Report Forms to the Compliance and Training Coordinator.

**Office of Student Conduct/Student Affairs:**

- Work with students to promote adherence to the College Student Rights, Freedoms and Responsibilities in minimizing behavior that is inconsistent with the essential values of the College community.
- Promptly report any Clery Act related crimes to the Compliance and Training Coordinator. If you are unsure whether or not the incident meets the criteria, it is still recommended that you contact Compliance and Training Coordinator.
- Annually, provide all conduct referral data to Compliance and Training Coordinator for inclusion in the Annual Security Report.

**Exemptions:**

The following individuals, when acting within the scope of the official responsibilities are not Campus Security Authorities, and as such, are exempt from the mandates of this policy:

- Pastoral Counselors
- Professional Counselors
- Persons uncertified, but acting under the supervision of an exempt counselor.
- Faculty, unless acting under additional responsibilities within the college outside of their faculty responsibilities.
- Certified advocates under Oregon House Bill 3476 (2015).