

# University Policy #116

## Clery Act Compliance

Initially approved: August 12, 2013

Policy Topic: Governance & Administration

Administering Office: Vice Chancellor for Administration and Finance

### I. POLICY STATEMENT

The Jeanne Clery Disclosure of Campus Crime Security Policy and Campus Crime Statistics Act of 1998 (“Clery Act”) requires colleges and universities receiving federal financial assistance to gather and make public information about certain crimes on or near their campuses and publish policy statements concerning campus safety and security. It is the policy of Western Carolina University (the “University”) to comply with all requirements of the Clery Act. This policy sets forth guidelines and procedures intended to ensure that the University continues to comply with the Clery Act’s reporting disclosure obligation as required by policy and law.

### II. SCOPE AND APPLICATION OF POLICY

This policy applies to all University personnel who have responsibility for an aspect of campus security, and offices and individuals with significant responsibility for student and campus activities as defined in this Policy.

### III. DEFINITIONS

“**Campus Security Authority**” (“CSA”) are persons designated by the University who, as a result of their functions and duties at the University, have an obligation under the law to notify the University Police Department of alleged Clery Crimes that are reported to them in accordance with Section VIII below. CSAs need not be employees of the University (e.g., students and volunteers).

“**Clery Crime**” means any one (1) or more of the following major categories of crimes reportable under the Clery Act:

- Criminal Homicide, including murder, non-negligent manslaughter, and negligent manslaughter;
- Sex Offenses including forcible and non-forcible offenses;
- Robbery;
- Aggravated Assault;
- Burglary;
- Motor Vehicle Theft;
- Arson;
- Dating violence;

- Domestic violence; or
- Stalking

“**Dating Violence**” means violence committed by a person – (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; *and* (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

“**Domestic Violence**” means felony or misdemeanor crimes of violence committed – (i) by a current or former spouse of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or (v) by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

“**Stalking**” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (i) fear for his/her safety or the safety of others; or (ii) suffer substantial emotional distress.

“**Hate Crime**” means a criminal offense against a person or property that is motivated, in whole or in part, by the offender’s bias based on another person’s actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability. Hate crimes offenses are murder and non-negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny/theft, simple assault, intimidation, or destruction/damage/vandalism of property.

“**Annual Security and Fire Safety Report**” is the annual security and fire safety report the University is required to publish no later than October 1 of each year.

“**Daily Crime Log**” is the log of any and all alleged criminal incidents that are reported to the University Police Department, which is maintained by the University Police and is subject to public inspection.

“**Emergency Notification**” means a notification to alert the campus community about significant emergencies or dangerous situations that pose immediate threats to the health and safety of students or University employees.

“**Fire Log**” is the log of any fire that occurs in an on-campus student housing facility, which is maintained by the University Police and is subject to public inspection.

“**Fire**” is any instance of open flame or other burning in a place not intended to contain the burning, or in an uncontrolled manner.

“**On-Campus Property**” means any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University’s educational purposes, including residence halls. The term also means any building or property that is owned by the University within the same reasonably contiguous geographic area, but controlled by another person (e.g., a food or other retail vendor).

**“On-Campus Student Housing Facility”** means any student housing facility that is owned or controlled by the University, or is located on property that is owned or controlled by the University, and is within the reasonably contiguous geographic area that makes up the campus.

**“Non-campus Property”** means any building or property owned or controlled by a student organization that is officially recognized by the University; or any building or property owned or controlled by the University that is used in direct support of, or in relation to, the University’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University.

**“Public Property”** means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**“Timely Warning”** means a notification to the campus community about crimes that pose a serious or continuing threat to the safety of the campus community, which will aid in the prevention of similar crimes.

**“Emergency Response and Evacuation Procedures”** means the procedures the University will use to immediately notify the campus community 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.

#### **IV. UNIVERSITY RESPONSIBILITIES**

##### **A. Reporting Crimes**

**ANY STUDENT WHO IS THE VICTIM OF AN ON-CAMPUS CLERY CRIME IS STRONGLY ENCOURAGED TO REPORT THE CRIME TO THE UNIVERSITY POLICE IMMEDIATELY BY CALLING THE CAMPUS EMERGENCY NUMBER: (828) 227-8911.**

**UNIVERSITY FACULTY AND STAFF WHO ARE AWARE OF AN ON-CAMPUS CLERY CRIME ARE REQUIRED TO REPORT THE CRIME TO THE UNIVERSITY POLICE IMMEDIATELY BY CALLING THE CAMPUS EMERGENCY NUMBER: (828) 227-8911.**

University students, University contractors, visitors, and others who are aware of an on-campus Clery Crime are strongly encouraged to report the crime to University Police immediately by calling the campus emergency number: (828) 227-8911.

The University must compile and disclose statistics of reports of Clery Crimes for its campus, the immediately adjacent public areas and public areas running through the campus, remote classroom facilities, and certain non-campus facilities. In reporting crime statistics, the University will classify crimes based on the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting Handbook (UCR) and in accordance with Clery Act definitions and requirements. Definitions from the FBI’s National Incident-Based Reporting System (NIBRS) edition of the UCR will be used for sex offenses.

The University must also compile and disclose statistics concerning Hate crimes, which will be classified according to the FBI’s Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection.

The University must also disclose the number of arrests and the number of students referred to the Department of Student Community Ethics ("DSCE") for disciplinary action related to weapons, drug abuse, and alcohol violations.

## **B. Anonymous Reporting of Crimes**

Students and other non-employees may report a suspected crime anonymously. While it is preferred that a reporting person provide their name and contact number so that the University Police can fully investigate, it is not necessary for the caller to provide his or her name and contact information. It is important to note that the TIPS Line and Silent Witness reporting systems are not monitored 24/7 and should not be utilized for crimes-in-progress.

### ***Crimes in Progress or Emergencies***

#### ***Emergency Communications Center Number - 828.227.8911- Monitored 24/7/365***

If you suspect that behavior that you detected is actually a crime-in-progress or another emergency, please call the University Police emergency number. The tele-communicator will ask for information regarding the nature of the crime /emergency and other information to determine the appropriate public safety response (e.g., University Police, Cullowhee Fire Department or MedWest EMS). The tele-communicator will ask for name and contact information but it is not necessary to provide it. A response will be initiated regardless if the identity of the caller is obtained or not.

#### ***Police TIPS Line - 828.227.TIPS (8477) Not Monitored***

The TIPS line is an unmonitored telephone line that allows the caller to leave a recorded message. Since the TIPS line is unmonitored, it should not be used to report crimes-in-progress. When leaving a message, the caller should be prepared to give as much information as possible about the person, vehicle, or situation. The caller does not have to leave his or her name.

#### ***Silent Witness Web Site Not Monitored***

The [Silent Witness web site](#) allows a user to send an e-mail message to the University Police. It should not be utilized to report crimes-in-progress. The message does not capture the sender's e-mail address; therefore, the message is submitted anonymously. When sending a message, the person reporting should be prepared to give as much information as possible about the person, vehicle, or situation. It is optional if the sender wishes to provide his or her name and contact information.

For more information regarding crime reporting:

<http://www.wcu.edu/about-wcu/campus-services/university-police/campus-safety-crime-information/how-to-report-suspicious-activity.asp>

## **C. Emergency Notification / Emergency Response and Evacuation Procedures**

The Chief of Police (or his/her designee), the Emergency Manager (or his/her designee), the Emergency Communications Center, and the Office of Communications and Public Relations are jointly responsible for issuing emergency notifications. The University shall maintain and disclose an emergency notification policy that addresses procedures to immediately notify and disseminate information to the campus community upon 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. The policy will address who has the responsibility for confirming and sending the notification, methods and systems that will be used to notify the campus community, and procedures for testing the systems. The University Emergency Manager shall be responsible for maintaining the policy, procedures, and systems required for emergency notification.

The University shall maintain and disclose emergency response and evacuation procedures that address significant emergencies or dangerous situations that pose immediate threats to the health and safety of students or University employees. University emergency preparedness plans, notification procedures, emergency preparedness information and resources, and emergency training and exercises shall be the responsibility of the University Emergency Manager who may be contacted at (828) 227-3445.

#### **D. Timely Warning**

The Chief of Police or his/her designee will issue timely warnings of Clery Crimes that are considered by the University to represent a serious or continuing threat to the campus community. Timely warnings will be communicated in accordance with the policies and regulations maintained by the University Police.

#### **E. Policy Statements**

In accordance with the Clery Act, the University shall maintain and disclose in its Annual Security and Fire Safety Report its policies regarding:

- **how students and others should report crimes and emergencies:** <http://www.wcu.edu/about-wcu/campus-services/university-police/index.asp>
- **security of and access to University facilities:** <http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-82.asp>
- **crime prevention:** <http://www.wcu.edu/about-wcu/campus-services/university-police/campus-safety-crime-information/>
- **University law enforcement:** <http://www.wcu.edu/about-wcu/campus-services/university-police/index.asp>
- **alcohol and drugs:** <http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-38.asp>

- **sex offenses:** <http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-53.asp>; <http://www.wcu.edu/student-life/division-of-student-affairs/departments/student-community-ethics/code-of-student-conduct.asp> ; and
- **how to obtain sex offender information:** <http://www.wcu.edu/about-wcu/campus-services/university-police/campus-safety-crime-information/index.asp> ; <http://sexoffender.ncdoj.gov/>

Additionally, under the *Violence Against Women Reauthorization Act of 2013*, the University must provide:

- policy statements concerning reporting requirements;
- policies encouraging accurate and prompt reporting of all crimes to University Police and appropriate law enforcement when the victim wants to or is unable to make a report;
- statements of the standard of proof/evidence used in sexual assault, stalking, dating violence, and domestic violence cases (e.g., the standard of proof in student disciplinary cases is the “preponderance of the evidence”, which differs from the “beyond reasonable doubt” standard in criminal prosecutions);
- policies on required educational programs;
- policies regarding on-going prevention and awareness campaigns;
- procedures victims should follow (victim resources);
- procedures for University disciplinary actions, including the requirement of annual training by officials conducting investigations and hearings; and
- policies on equal opportunity regarding choice of advisors.

## **F. Crime Log / Fire Log / Annual Security and Fire Safety Report**

The University must publish and distribute the Annual Security and Fire Safety Report no later than October 1<sup>st</sup> of each year. It must be distributed to all currently enrolled students and all employees in one of two ways: (1) directly by U.S. Postal Service mailings, campus mail, University email or a combination of these methods; or (2) posting the Annual Security and Fire Safety Report on an Internet or Intranet website that is reasonably accessible to enrolled students and to current employees. The University will provide the Annual Security and Fire Safety Report to any prospective student or prospective employee upon request.

The University must submit crime statistics and fire statistics from the Annual Security and Fire Safety Report to the Department of Education no later than October 1<sup>st</sup> of each year.

University Police must maintain a daily crime log of all crimes reported to campus security. The daily crime log is available to the public at the University Police Department at the address listed in Section XII.

The University must maintain a daily fire log of any fire that occurs in an on-campus student housing facility. Any student housing fire that is reported to a campus official must be documented in the fire log. Reported fires include fires that were already extinguished as well as those discovered while still burning. The Department of Emergency Services will generate the daily fire log, which is available to the public and maintained at the University Police Department.

## **G. Missing Students**

The University must maintain and follow a missing student policy and notification procedure. The Missing Person Notification Protocol is administered by the Division of Student Affairs and the University Police and may be found at: <http://www.wcu.edu/about-wcu/campus-services/university-police/>

## **H. Educational Programs**

The University conducts educational programs to promote safety awareness, such as Campus Safety Training, Red Zone, and Party Smart. For more information about University safety programs, contact the Office of the Vice Chancellor for Student Affairs at (828) 227-7234 or the University Police at (828) 227-7301.

## **V. CLERY COORDINATOR RESPONSIBILITIES**

The Chancellor shall appoint a University Clery Coordinator. In discharging the responsibilities set forth in this Section V, the Coordinator shall report to the University Chief of Police.

The Coordinator shall have the following general responsibilities:

- Serve as the designated “campus safety survey administrator,” as that term is defined by the Department of Education;
- Develop and coordinate the University’s Clery Compliance program and related activities, including policy development and implementation;
- Prepare, publish, and distribute the Annual Security and Fire Safety Report and submit statistics to the Department of Education;
- Maintain the official list of CSAs, and provide annual training to the CSAs;
- Gather and consolidate crime and disciplinary referral data from various internal and external sources, such as the DSCE and local and state law enforcement agencies;
- Coordinate with campus departments to ensure compliance with HEA Fire Safety regulations;
- Manage the University’s timely warning report program;
- Collaborate with the Department of Emergency Services to ensure compliance with emergency notification requirements of the Clery Act;
- Train key University stakeholders on the Clery Act;
- Maintain an accurate list of buildings and properties owned and/or controlled by the University;
- Serve as the record custodian for all Clery Act associated records;
- Serve as the Chair of the Annual Security and Fire Safety Report Committee; and
- Stay abreast of amendments to the Clery Act and other laws or regulations affecting the Clery Act.

## VI. ANNUAL SECURITY AND FIRE SAFETY REPORT COMMITTEE RESPONSIBILITIES

The Chancellor hereby establishes a University standing administrative committee designated as the Annual Security and Fire Safety Report Committee ("ASSR"). The ASSR shall be responsible for the oversight of the University's Clery Act compliance activities. The Chair of the ASSR will be the Clery Coordinator. The ASSR shall be comprised of representatives from the University Police Department, Legal Counsel's Office, Academic Affairs Division, the Department of Athletics, the Department of Emergency Services, the Department of Student Community Ethics, Residential Living, Safety and Risk Management, Counseling and Psychological Services, and Intercultural Affairs.

## VII. UNIVERSITY POLICE DEPARTMENT RESPONSIBILITIES

The University Police shall have the authority to investigate crimes and determine, authoritatively, whether a crime took place or is "unfounded".

The University Police shall collect and compile statistics regarding Clery Crimes and shall provide those collected and compiled statistics to the Clery Coordinator on an annual basis.

## VIII. CAMPUS SECURITY AUTHORITY RESPONSIBILITIES

The University CSAs must immediately verbally report via telephone at (828) 227-8911 information about potential crimes, including Clery Crimes, to the University Police Department for investigation, if possible, and potential inclusion in the Annual Security Report, in accordance with this Policy. CSAs who are unsure whether an incident is a Clery Crime should report it. Notice to the University Police Department should be made orally where circumstances demand, but shall be followed with written notice. All documentation of a crime report shall be preserved pursuant to federal, state and local law as well as University policy.

The Chancellor, members of the Chancellor's Executive Council, and Deans shall identify persons within their areas who are designated as CSAs under this Policy. ***The names of all identified persons shall be provided to the Clery Coordinator no later than August 1 of each year.*** Employees who are hired after August 1 and are designated as CSAs under this policy must be identified to the Clery Coordinator and must receive CSA training within thirty (30) calendar days from the employee's start date.

CSA's are defined by their University function; not by job title. If someone has significant responsibility for student and campus activities, he or she is a CSA. While an individual's ordinary responsibilities and functions at the University would not classify them as a CSA, the individual may take on a responsibility which would then qualify them as a CSA. Individuals who have responsibility for campus security, other than University Police or the Director of Emergency Management, are also CSAs, such as security personnel at athletic events.

Designated staff from the following functional areas are included in the Clery Coordinator's list of CSAs:

- University Police;
- Student Crisis Response Team members;

- Residential Living staff, including Resident Assistants, Resident Directors, and administrative staff;
- Health Services staff;
- Emergency services staff;
- Counseling and Psychological Services staff;
- Advisors to Recognized Student Organizations;
- Intercultural Affairs staff;
- Vice Chancellor for Student Affairs and other Student Affairs professional staff designated by the Vice Chancellor;
- Athletic Director and all Athletic Department staff;
- Building coordinators;
- Director of Highlands Biological Station;
- Director of Cherokee Center;
- Director of WCU Programs at Biltmore Park;
- Advisors to club sports;
- Student Success staff, including:
  - Disability Services staff;
  - Advising Center staff;
  - Tutoring Center staff;
  - Registrar/One Stop staff;
  - First Year Experiences staff; and
  - Academic Success Programs staff
- Deans, Associate/Assistant Deans and their administrative staff;
- International Programs and Services staff;
- Academic advisors/student support specialists in the colleges;
- Director of Equal Opportunity and Diversity Programs;
- Center for Service Learning staff; and
- Career Services staff.

## **IX. RETALIATION**

There shall be no retaliation against anyone who exercises rights under the Clery Act and other related federal laws, including Title IX.

## **X. RECORD RETENTION**

The supporting records used in compiling the Annual Security and Fire Safety Report shall be retained for three (3) years from the latest publication of the report to which they apply. Records to be kept include, but are not limited to: copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to and from local police having to do with Clery Act compliance; letters to and from CSAs; correspondence with the Department of Education regarding Clery Act compliance; and copies of notices to student and employees about the availability of the Annual Security Report. All documentation should be dated.

## XI. POLICY REVIEW

This policy shall be reviewed and revised as necessary every two (2) years.

## XII. RELATED POLICIES AND RESOURCES

**University Policies:** <http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/index.asp>

**University Policy #38, Illegal Drugs and Illegal Use or Abuse of Alcohol:** <http://www.wcu.edu/about-wcu/leadership/office-of-the-chancellor/university-policies/numerical-index/university-policy-38.asp>

**Student Affairs/Student Life/Where to Go for Help:** <http://www.wcu.edu/student-life/where-to-go-for-help.asp>

**Student Affairs/Helping Students:** <http://www.wcu.edu/student-life/division-of-student-affairs/student-concern-response-team/what-is-a-student-concern/helping-students/index.asp>

**Guide for Assisting Students in Need:** [http://www.wcu.edu/WebFiles/PDFs/Helping\\_Students.pdf](http://www.wcu.edu/WebFiles/PDFs/Helping_Students.pdf)

**Student Affairs/ Department of Student Community Ethics:** <http://www.wcu.edu/student-life/division-of-student-affairs/departments/student-community-ethics/index.asp>

**Code of Student Conduct:** <http://www.wcu.edu/student-life/division-of-student-affairs/departments/student-community-ethics/code-of-student-conduct.asp>

**Emergency Preparedness:** <http://www.wcu.edu/about-wcu/campus-services/university-police/emergency-preparedness/>

**University Police Website:** <http://www.wcu.edu/about-wcu/campus-services/university-police/index.asp>

**Campus Safety and Crime Information:** <http://www.wcu.edu/about-wcu/campus-services/university-police/campus-safety-crime-information/index.asp>

**Daily Activity Reports:** <http://www.wcu.edu/about-wcu/campus-services/university-police/daily-activity-reports.asp>

**Clery Act Annual Safety Report:** <http://www.wcu.edu/about-wcu/campus-services/university-police/campus-safety-crime-information/annual-safety-report/index.asp>

**NC Sex Offender Registry:** <http://sexoffender.ncdoj.gov/>

**FBI Uniform Crime Report:** <http://www.fbi.gov/about-us/cjis/ucr/ucr>

**University Police Contact Information:**

University Police Department  
114 East University Way  
Cullowhee, NC 28723  
(828) 227-7301 (Police services and non-emergencies)  
**(828) 227-8911 (Emergencies)**

**REACH of Macon County**

Macon Office: (828) 369-5544  
Jackson Office: (828) 586-8969  
<http://www.reachofmaconcounty.org/home/>

**Jackson County Sheriff's Office**

399 Grindstaff Cove Road  
Sylva, NC 28779  
(828) 586-8901  
**911 (Emergency)**  
[jacksonnc.org](http://jacksonnc.org)