



| CLERY ACT COMPLIANCE POLICY | |
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| Responsible Official: Chief Operating Officer | Responsible Offices: Public Safety and University Compliance |

Policy Purpose

This policy specifies how ETSU will comply with the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (Clery) and the Violence Against Women Act (VAWA) amendments to the Clery Act reporting and disclosure obligations, and its obligation to make campus security, and safety policy statements available to the campus community and the public as prescribed by the law.

Policy Statement

ETSU employees are required to comply with all requirements of Clery and VAWA. ETSU employees are required to promptly report any activity that is perceived as criminal, potentially dangerous, or suspicious to Public Safety or to a known Campus Security Authority. All Campus Security Authorities shall report Clery Crimes to Public Safety as soon as reasonably possible. Campus Security Authorities may hear or receive information of alleged crimes that are reported to them in good faith by others. Campus Security Authorities may also personally witness crimes. Under either scenario, Campus Security Authorities are required to report such crimes to Public Safety.

Pursuant to the Clery Act , ETSU must publish an Annual Security Report on campus crime statistics from the previous three calendar years for ETSU Clery Geography.

The Annual Security Report will be posted on the ETSU public safety website. Hard copies will be made available at Public Safety upon request.

Questions regarding the Annual Security Report may be directed to Campus Safety at 423-439-4480.

I. Clery Act Compliance.

In accordance with the requirements of the Clery Act, ETSU shall:

- A. 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 community as soon as pertinent information is available and will provide information that will allow the community to take precautions to protect themselves and prevent similar crimes from occurring.

- B. 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."
- C. Maintain a daily crime and fire log of all crimes and fire incidents reported. This log will be available for public inspection, upon request or via the Public Safety website.
- D. Compile and disclose statistics of reports on the types of Clery Crimes reported for all ETSU campuses, the immediately adjacent public areas and remote classroom properties and certain non-campus property.
 - a. It is the responsibility of ETSU employees involved in oversight of overnight trips, that are more than two (2) nights, with students to comply with the crime statistics reporting for the appropriate location of the trip.
 - b. Forms for overnight travel will be available on the Public Safety website.
 - c. Any questions regarding whether crime statistics reporting is required for your activity should be directed to Public Safety.
- E. Collect reports of Clery Crimes made to ETSU Public Safety and Campus Security Authorities.
- F. Create, publish, disseminate, and provide access to an Annual Security Report to the U. S. Department of Education disclosing statistics of Clery Crimes reported over the past three years, as well as required ETSU policies and procedures addressing campus security and safety, and information on the handling of threats, emergencies, and dangerous situations, as required by federal law.
- G. Identify Campus Security Authorities 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. ETSU will provide Campus Security Authorities with mandatory training.
- H. Work with the Public Safety and other appropriate departments to create, establish and conduct programs 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 University locations.
- I. If a person is reported as missing, notify local law enforcement that has jurisdiction in the geographical area around the specific campus location where the student was last seen, and utilize the emergency contact information available for the missing person to notify those listed as emergency contacts for the alleged missing person.

Authority: Violence Against Women Act, Campus SaVE Act, Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act; T.C.A. § 49-8-203(1)(D)

Previous Policy: N/A

Defined Terms

A defined term has a specific meaning within the context of this policy.

Annual Security Report: Clery requires universities to annually submit a report to the Department of Education containing the following: statistics for Clery Crimes by type location and year; statistics of fires in on-campus student housing; campus safety and security related policy statements that address crime reporting and prevention; law enforcement data bases of registered sex offenders; drug, alcohol and sex offenses; procedures for issuing Timely Warning to the campus of potentially dangerous criminal and emergency situations; campus evacuation procedures; and policy statements, procedures, and programs to prevent dating violence, domestic violence, sexual assault and stalking.

Campus Security Authority: Clery defines four groups of individuals and organizations associated with an institution who, as a result of their functions at ETSU are required to report Clery crime information to ETSU Public Safety.

There are four general categories of Campus Security Authorities:

1. Campus police department or a campus security department of an institution - the Office of Campus Safety is the College's campus security department and all its members.
2. 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 institutional property).
3. Any individual or organization specified in an institution's statement of security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. Clery Act broadly defines "official" as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Clery Crimes: Crimes which are defined by the federal Uniform Crime Reporting Handbook and according to federal law under the Violence Against Women Reauthorization Act of 2013 and the Campus SaVE (Sexual Violence Elimination) Act. Crimes required by the Clery Act to be reported annually to the ETSU community, including: criminal homicide (murder and negligent/non-negligent manslaughter); sex offenses (rape, fondling, incest, statutory rape); 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: 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.” ETSU maintains a multi-layered emergency notification system which is activated when an immediate notification must be made to the entire community. The intent of this system is to provide immediate, real-time information to the ETSU community concerning emergencies that could affect their safety and health

ETSU Cleary Geography (1) Any building or property owned or controlled by an institution within the same reasonable 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 (2) any building or property that is within or reasonable contiguous to section (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).

Immediate Threat: An imminent or impending threat that includes, but is not limited to a significant fire, outbreak of a serious illness, extreme weather conditions, gas leak, armed suspect, terrorist incident, bomb threat, civil unrest, explosion, chemical spill, or other dangerous situation.

Timely Warning: An alert sent to the ETSU community regarding certain crimes that pose a serious or continuing threat to the campus and surrounding community. The decision to issue a Timely Warning is made on a case-by-case basis in light of all the facts surrounding a crime, including such factors as: the nature of the crime; the continuing danger to the campus community, and/or the possible risk of compromising law enforcement efforts

Policy History

Effective Date: 9/20/21

Revision Date:

Procedure

I. Employee Reporting.

ETSU employees promptly report any activity that is perceived as criminal, potentially dangerous, or suspicious to Public Safety or a known Campus Security Authority. ETSU employees can report via phone call, email, or in person.

II. Campus Security Authorities Reporting.

All Campus Security Authorities report Clery Crimes to Public Safety as soon as reasonably possible. Campus Security Authorities can report via phone call, email, or in person.

III. Public Safety Response.

Public Safety will:

- A. issue Timely Warnings alerts to the campus and surrounding community about Clery Crimes through the ETSU emergency alert warning system;
- B. issue Emergency Notifications to the campus and surrounding community when deemed necessary and appropriate through the ETSU emergency messaging system;
- C. record and maintain accurate and updated daily fire and crime logs; and
- D. work with appropriate ETSU employees to compile necessary statistics and reports and establish Clery Act related educational programs and promotion of safety awareness programs.

IV. Coordination of Clery Reporting.

Public Safety and the Office of University Compliance coordinate the following tasks:

- a. Compile and disclose statistics of reports on the types of Clery Crimes reported on university lands, and the immediately adjacent public areas.
- b. Collect reports of Clery Crimes made to Public Safety, local law enforcement, University officials and other associated with the University who have significant responsibility for student and campus activities.
- c. 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 University policies and procedures addressing campus security and safety.

- d. Annually disclose/report, to the campus community and the public:
 - i. Crime data (by type);
 - ii. Fire incident data;
 - iii. Security policies and procedures in place to protect the community; and
 - iv. Information on the handling of threats, emergencies, and dangerous situations.
- e. Provide regular, mandatory training for all Campus Security Authorities.
- f. Work with departments to establish Clery Act-related educational programs and promotion of safety awareness programs

Effective Date: 9/20/21

Revision Date:

Related Form(s)

Clery Travel Forms

Scope and Applicability

Primary: Compliance

Secondary: Public Safety