



EAST TENNESSEE STATE
UNIVERSITY

Clery Act Compliance Policy

Policy Name: Clery Act Compliance Policy

Policy Purpose

This policy specifies how East Tennessee State University (ETSU) will comply with the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (Clery Act) 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.

Applicability

This policy is applicable to all faculty, staff, students, visitors, third party vendors, etc.

Responsible Official, Office, and Interpretation

The Chief University Compliance Officer is responsible for the review and revision of this policy. For questions about this policy, please contact The ETSU Office of University Compliance or the ETSU Police Department. The Chief Operating Officer, in consultation with the Office of University Counsel, has the final authority to interpret this policy.

Defined Terms

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

Annual Security Report

The Clery Act requires universities to submit an Annual Security Report to the U.S. Department of Education. The report must contain: 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.

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Campus Security Authority

The Clery Act 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 Police Department.

There are four general categories of Campus Security Authorities:

1. Campus police department or a campus security department of an institution – this includes the campus police or 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. The Clery Act broadly defines an "official" as any person who has the authority and the duty to act on/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. These crimes are 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.

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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.

Campus Community

Under the Clery Act, a "campus community" refers to the entire population associated with a college or university, including students, faculty, staff, third-party contractors, and anyone else who regularly uses the institution's property, essentially encompassing everyone who should be informed about potential safety concerns or crimes occurring on or near campus that could impact their well-being.

ETSU Clery 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

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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

ETSU employees are required to comply with all requirements of The Clery Act and the Violence Against Women Act (VAWA). ETSU employees are required to promptly report any activity that is perceived as criminal, potentially dangerous, or suspicious to ETSU Police Department or to a known Campus Security Authority (CSA). All CSAs shall report Clery Crimes to ETSU Police Department as soon as reasonably possible. CSAs may hear or receive information of alleged crimes that are reported to them in good faith by others. CSAs may also personally witness crimes. Under either scenario, CSAs are required to report such crimes to ETSU Police Department.

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 Police Department website. Hard copies will be made available at ETSU Police Department upon request.

1. Clery Act Compliance.

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

- 1.1.** Issue Timely Warnings to 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.
- 1.2.** Issue Emergency Notifications to 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.”
- 1.3.** 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 ETSU Police Department website.

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- 1.4. 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.
 - 1.4.1. Clery Travel.
 - 1.4.1.1. 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.
 - 1.4.1.2. Forms for overnight travel will be available on the ETSU Police Department website.
 - 1.4.1.3. Any questions regarding whether crime statistics reporting is required for your activity should be directed to ETSU Police Department.
- 1.5. Collect reports of Clery Crimes made to ETSU Police Department and CSAs.
- 1.6. 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.
- 1.7. 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. ETSU will provide CSAs with mandatory training.
- 1.8. Work with the ETSU Police Department 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.
- 1.9. 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. Insert Title of Subsection.

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Procedures

1. Clery Act Reporting

1.1. ETSU Employee Reporting.

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

1.2. CSAs Reporting.

All CSAs report Clery Crimes to ETSU Police Department as soon as reasonably possible. CSAs can report via phone call, email, or in person.

1.3. ETSU Police Department Response.

The ETSU Police Department will:

- 1.3.1. Issue Timely Warnings alerts to the campus and surrounding community about Clery Crimes through the ETSU emergency alert warning system;
- 1.3.2. Issue Emergency Notifications to the campus and surrounding community when deemed necessary and appropriate through the ETSU emergency messaging system;
- 1.3.3. Record and maintain accurate and updated daily fire and crime logs; and
- 1.3.4. Work with appropriate ETSU employees to compile necessary statistics and reports and establish Clery Act related educational programs and promotion of safety awareness programs.

1.4. Coordination of Clery Act Reporting.

ETSU Police Department and the Office of University Compliance will coordinate the following tasks.

- 1.4.1. Compile and disclose statistics of reports on the types of Clery Crimes reported on University property, and the immediately adjacent public areas.
- 1.4.2. Collect reports of Clery Crimes made to ETSU Police Department, local law enforcement, University officials and other associated with the University who have significant responsibility for student and campus activities.
- 1.4.3. 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.
- 1.4.4. Annually disclose/report, to the campus community and the public:

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- 1.4.4.1. Crime data (by type);
- 1.4.4.2. Fire incident data;
- 1.4.4.3. Security policies and procedures in place to protect the community; and
- 1.4.4.4. Information on the handling of threats, emergencies, and dangerous situations.
- 1.4.5. Provide regular, mandatory training for all CSAs.
- 1.4.6. Work with departments to establish Clery Act-related educational programs and promotion of safety awareness programs

Applicable Forms and Websites

Clery Act Student Travel Form

Authority and Revisions

Authority: [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(20 USC § 1092\(f\)\)](#); Violence Against Women Act Amendments to the Clery Act, Campus SAVE Act, T.C.A. § 49-8-203, et seq.

Previous Policy: N/A

The ETSU Board of Trustees is charged with policy making pursuant to TCA § 49-8-203, et seq. On March 24, 2017, the Board delegated its authority to ETSU's President to establish certain policies and procedures for educational program and other operations of the University, including this policy. The delegation of authority and required process for revision to this policy can be found on the [Policy Development and Rule Making Policy webpage](#).

To suggest a revision to this policy, please contact the responsible official indicated in this policy. Before a substantive change to the policy section may take effect, the requested changes must be: (1) approved by the responsible office; (2) reviewed by the Office of University Counsel for legal sufficiency; (3) posted for public comment; (4) approved by either Academic Council or University Council; and (5) approved by ETSU's President.