

The Handbook for Campus Safety and Security Reporting

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**Based on the Handbook for Campus Safety and Security Reporting provided by the U.S.
Department of Education**

U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting*, Washington, D.C., 2011.

<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

I. GEOGRAPHY

Clery Geography

The Clery Act requires institutions to disclose statistics for reported crimes based on:

- Where the crimes occurred,
- To whom the crimes were reported,
- The types of crimes that were reported, and
- The year in which the crimes were reported.

QCC must disclose crime statistics for Clery-reportable offenses that occur only on its so-called “Clery Geography.” Clery Geography includes three general categories:

- **On-campus:** (1) 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 institutions educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in 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).
- **Non-campus building or property:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation, to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Reasonably contiguous refers to a building or property your institution owns or controls that’s in a location that you and your students consider to be, and treat as, an integral part of your main or core campus; and is covered by the same security policies as your campus. An example might be a house two blocks from campus that’s owned by your institution and has been converted into an art studio for your students.

QCC is located at 1594 Ft. Campbell Blvd. in Clarksville TN. The building is leased by the owner of the Tradewinds North Shopping Center. Based on these three general categories, the Clery Geography of QCC, were determined to be on-campus. An overhead view of QCC can be seen in **Figure 1**.



Figure 1: The Clery Geography of QCC is highlighted in yellow.

II. CRIME STATISTICS

Classifying and Counting Clery Act and VAWA Crimes

The *Clery Act* requires QCC to disclose three general categories of crime statistics:

- **Criminal Offenses**

Criminal Homicide, including:

- a) Murder and Non-negligent Manslaughter
- b) Negligent Manslaughter

Sex Offenses including:

- a) Forcible
- b) Non-forcible

Other crimes including:

- a) Robbery
- b) Aggravated Assault
- c) Burglary
- d) Motor Vehicle Theft; and
- e) Arson.

- **Hate Crimes** - Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias

- **Arrests and Referrals for Disciplinary Action** for Weapons (Carrying, Possessing, Etc.), Drug Abuse Violations and Liquor Law Violations.

The *Violence Against Women Act* (VAWA) requires QCC to disclose crime statistics involving:

- a) Domestic Violence;
- b) Dating Violence; and
- c) Stalking.

Types of Criminal Offenses for the Clergy Act

1. Criminal homicide. These offenses are separated into two categories: Murder and Non-negligent Manslaughter, and Negligent Manslaughter.

A) Murder and Non-negligent Manslaughter is defined as *the willful (non-negligent) killing of one human being by another.*

B) Negligent Manslaughter is defined as *the killing of another person through gross negligence.*

Gross negligence is *the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.*

2. Sex offenses. Sex offenses are separated into two categories: forcible and non-forcible.

A) Sex Offenses—Forcible is defined as *any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.*

There are four types of Forcible Sex Offenses:

- **Forcible Rape** is *the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.*

- **Forcible Sodomy** is *oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.*

- **Sexual Assault With an Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.

- **Forcible Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

B) Sex Offenses—Non-forcible is defined as *unlawful, non-forcible sexual intercourse.*

There are two types of Non-forcible Sex Offenses:

- **Incest** is *non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.*

- **Statutory Rape** is *non-forcible sexual intercourse with a person who is under the statutory age of consent.*

3. Robbery. Robbery is *the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.*

4. Aggravated Assault. Aggravated assault is *an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.*

5. Burglary. Burglary is *the unlawful entry of a structure to commit a felony or a theft.*

6. Motor Vehicle Theft. Motor vehicle theft is *the theft or attempted theft of a motor vehicle.*

7. Arson. Arson is *any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc*

The Hierarchy Rule

When counting multiple offenses, you must use the FBI's *UCR* Hierarchy Rule. This rule requires you to count only the most serious offense **when more than one offense was committed during a single incident.** A single incident means that the offenses were committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant. Beginning with the most serious offense, the following list shows the hierarchy for *Clery Act* reporting:

- Murder and Non-negligent Manslaughter
- Negligent Manslaughter
- Forcible Sex Offenses
- Non-forcible Sex Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arrests
- Referrals for Disciplinary Action

Hate Crimes

A **hate crime** is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. **Bias** is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

Although there are many possible categories of bias, under Clery, only the following six categories are reported:

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national origin.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Hate crimes can be any of the previously mentioned criminal offenses and also include the following:

- **Larceny-Theft** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) **Constructive possession** is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- **Simple Assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it

Arrests and Disciplinary Referrals for Violation of Weapons, Drugs, and Liquor Laws

The third category of crime statistics QCC must disclose is the **number of arrests and the number of persons referred for disciplinary action**. An **Arrest** for *Clery Act* purposes is defined as *persons processed by arrest, citation or summons* for the following law violations:

1. Weapons: Carrying, Possessing, Etc.
2. Drug Abuse Violations
3. Liquor Law Violations

- **Referred for disciplinary action** is defined as *the referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction*.
- **Weapons: Carrying, Possessing, Etc.**, is defined as *the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature*.
- **Drug Abuse Violations** are defined as *the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture,*

distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

- **Liquor Law Violations** are defined as *the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.*

Criminal Offenses for the VAWA

- **Domestic Violence** A felony or misdemeanor crime of violence committed: By a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; By a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred, or; 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 in which the crime of violence occurred.

- **Dating Violence** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- **Stalking** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: Fear for the person's safety or the safety of others; or Suffer substantial emotional distress.

Acquiring Crime Statistics

QCC, does not have a security department and, therefore, is not required to maintain a crime log. Local law enforcement personnel patrol near campus and our Clery crime statistics are obtained from their department for the Annual Safety Report (ASR).

- Local law enforcement refers to outside law enforcement agencies or departments with jurisdiction over some or all of our Clery geography.

- Clery crime statistics from local law enforcement agencies that have jurisdiction over the school's Clery geography

III. CAMPUS SECURITY AUTHOURITIES

Now that you know what crimes to disclose and how geography fits into compliance with campus safety and security regulations, you need to know how to obtain crime statistics associated with that geography. This requirement involves collecting crime reports from CSA's and requesting crime statistics from local law enforcement agencies.

Under Clery, a crime is "reported" when it is brought to the attention of a CSA 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 institution. If a CSA receives the crime information and believes it was provided in good faith, he or she should forward the crime report to the local police.

- In "good faith" means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

What you must disclose, therefore, are statistics from reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a CSA, nor must a finding of guilt or responsibility be made to disclose the statistic. If your institution is in doubt as to whether a crime has been reported, rely on the judgment of law enforcement professionals.

What a CSA Should and Should Not Do

The CSA for QCC is Brandie Gross. The function of a CSA is to collect crime report information for the allegations of Clery Act crimes that were made in good faith. These crime reports are then forwarded to the local police.

A CSA is not responsible for determining authoritatively whether a crime took place—that is the function of law enforcement personnel. A CSA should not try to apprehend the alleged perpetrator of the crime. That too is the responsibility of law enforcement. It's also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so.

Reporting Crimes Policy

All victims and witnesses are encouraged to promptly and accurately report crimes and emergencies to the local police by calling 911. For non-emergency situations, reports should first be evaluated by the CSA, and then reported to local police if necessary.

IV. DAILY CRIME LOG

According to the Handbook for Campus Safety and Security Reporting provided by the U.S. Department of Education, your institution is not considered to have a security department and, therefore, is not required to maintain a crime log if you only have:

- Local law enforcement personnel who patrol on or near your campus, but who do not have a written agreement or contract with your institution for these services.

For this reason, QCC is not required to maintain a daily crime log but is required to obtain crime statistics for our Clery Geography from the local police departments.

V. EMERGENCY RESPONSE AND EVACUATION PROCEDURES

When is an emergency response necessary?

Under clery, QCC is required to immediately notify 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. An “immediate” threat as used here encompasses an imminent or impending threat, such as an approaching forest fire, as well as a fire currently raging in one of your buildings.

Some other examples of significant emergencies or dangerous situations are:

- Fire
- Outbreak serious illness
- Approaching tornado or other extreme weather conditions
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil unrest or rioting
- Explosion
- Nearby chemical or hazardous waste spill

Due to the small size of QCC, the campus will be verbally notified 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.

Additionally, the campus encourages students to enroll in it’s “student text list” for up to date emergency information. This program requires a student to text the word

“STUDENT” to 36000, allowing their cell phone number to be added to the campus’ data base. Should a situation arise as previously stated, a text message would be sent to all enrolled students providing additional notification.

QCC Emergency Procedure

Emergency Response

General information about the emergency response and evacuation procedures for QCC are publicized each year as part of the institution’s Clery Act compliance efforts and that information is available on the www.queencitycollege.com. QCC conducts numerous emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Tests may be announced or unannounced and are documented after evaluation.

QCC staff and students are notified on an annual basis that they are required to notify the local police department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or staff on campus. QCC has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. Federal Law requires that QCC immediately notify the campus affected by the situation.

Notification to the QCC campus about an Immediate Threat

The administrative office or owner’s receive information from students/staff, the local police department, news, and radio about emergencies or dangerous situations. If the administrative office or owner’s confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the QCC campus, the owner’s and staff will collaborate to determine the content of the message and will use some or all of the available methods to communicate the threat to the QCC campus. These methods of communication include announcements from the administrative office or owner’s, on the QCC website, as well as media outlets such as television and social media.

VI. TIMELY WARNINGS

The clery act requires QCC to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although clery doesn’t define “timely,” because the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves this means that a warning will be issued as soon as the pertinent information is available. Even if all the facts surrounding a criminal incident are not known, a warning will still

be issued to ensure safety of staff and students. Updates will be made when additional information becomes available.

Timely Warning Policy

In the event that a situation arises, either on or off campus, that, in the judgment of the chief of local police, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be posted throughout the school and announced by staff and owners. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the administrative office or owner’s may also post a notice on the QCC website, providing the community with more immediate notification. Anyone with information warranting a timely warning should report the circumstances to the local police, the administrative office, or the owner’s.

The Family Educational Rights and Privacy Act (FERPA) and the Timely Warning Requirement

The *Clery Act* does not require confidential reporting of crimes. Although personally identifiable information is generally precluded from disclosure, such information may be released in an emergency situation. Our May 1996 Dear Colleague Letter on Campus Security Issues reads in part:

FERPA does not preclude an institution’s compliance with the timely warning provision of the campus security regulations. *FERPA* recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, *FERPA* is not implicated as those records are not protected by *FERPA*.

Crimes Subject to a Timely Warning

Only Clery Act crimes that occur on QCC Clery Geography are required to have a timely warning in compliance with the Clery Act. Non-Clery crimes may also have timely warning even though they are not required.

VII. QCC EXCEPTIONS

QCC does not have on-campus student housing facilities and therefore is not required to maintain:

- Missing student notification procedures,
- Fire safety log,
- Fire safety statistics, or
- Annual fire safety report

VIII. REFERENCES

- U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting*, Washington, D.C., 2011.
<https://www2.ed.gov/admins/lead/safety/handbook.pdf>
- <http://police.vanderbilt.edu/crimeinfo/AnnualSecurityReport2014P2.1.pdf>
- <https://www.notalone.gov/assets/ferpa-clerychart.pdf>
- http://www.vanderbilt.edu/student_handbook/sexual-misconduct/