

UNIVERSITY OF NORTH GEORGIA
DEPARTMENT OF PUBLIC SAFETY
STANDARD OPERATING PROCEDURES

Chapter 19 – Jeanne Clery Act Compliance

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SPECIAL INSTRUCTIONS:

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I. PURPOSE

To outline the roles and responsibilities for compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

II. POLICY

The Clery Act is a federal law that requires institutions of higher education participating in Title IV student aid programs to disclose information about certain crimes, emergencies, and various safety-related policies with the goal of enhancing campus safety. This policy sets forth guidelines intended to ensure the University's ongoing compliance with the Clery Act's obligations.

III. DEFINITIONS

- A. **Campus Security Authority (CSA)** – A Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution. A campus police or security department of an institution, any individual(s) who have responsibility for campus security but who do not constitute a campus police or security department, any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses, and 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.
- B. **Clery Act Crimes** – Crimes required by the Clery Act to be reported annually in the Annual Security Report (ASR) 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/vandalism of property that are motivated by bias), Dating Violence, Domestic Violence, Stalking, arrest and referrals or disciplinary action for any of the following; liquor law violations, drug law violations, weapon: carrying, possessing, etc.
- C. **Complainant** – An individual lodging a complaint under this policy. The complainant may not always be the alleged victim.
- D. **Confidential Contact** – A contact of the student's choosing that will be notified if a student is believed to be missing. This is to be used only for investigation of a missing student. This is not the same as a student's emergency contact.
- E. **Consent** – Words or actions that show a knowing and voluntary willingness to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, intimidation, or coercion, by ignoring or acting in spite of objections of another, or by taking advantage

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of the incapacitation of another, where the Respondent knows or reasonably should have known of such incapacitation. Minors under the age of 16 cannot legally Consent under Georgia law.

- F. **Daily Crime Log** – A public log that records, by date reported, all crimes reported to University Police.
- G. **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.
1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 2. For the purposes of this policy:
 - a) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b) Dating Violence does not include acts covered under the definition of Domestic Violence.
 3. For the purposes of complying with the requirements of this policy any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- H. **Domestic Violence** - A felony or misdemeanor crime of violence committed:
1. By a current or former spouse or intimate partner of the victim;
 2. By a person with whom the victim shares a child in common;
 3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 5. 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.
 6. For the purposes of complying with the requirements of this policy, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- I. **Emergency Notification** - Immediate notification to the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees.
- J. **Fire Log** – A log that records all reported fires, including arson, in on-campus student housing facilities.

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- K. **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of their age or because of their temporary or permanent mental incapacity.
- L. **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- M. **Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.
- N. **Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1. Fear for the person's safety or the safety of others; or
 2. Suffer substantial emotional distress.
 3. For the purposes of this policy:
 - a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - b) A reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - c) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 4. For the purposes of complying with the requirements of this policy, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- O. **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of Consent.
- P. **Timely Warning** – An alert to the campus community of Clery crimes in a manner that is timely and will aid in the prevention of similar crimes. The intent of a warning regarding a criminal incident is to enable people to protect themselves. The warning should be issued as soon as pertinent information is available.
- Q. **University Community** – Students, faculty and staff, as well as contractors, vendors, visitors, and guests.

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IV. PROCEDURES

A. Daily Crime Log

The department will create and maintain a public log of all crimes reported to the department that occurred on any property owned, leased or rented by the University or within 500 yards of that property or within granted patrol jurisdiction. The Daily Crime Log must include the nature, date, time, general location, and disposition of each reported crime. All entries must be added to the Daily Crime Log within two business days of the report. The log will be made available for public inspection via the University website and at the University Police department during regular business hours. The University of North Georgia Department of Public Safety will never jeopardize the confidentiality of the victim.

1. The Sergeant of Professional Services is responsible for submitting changes in the disposition on the Crime Summary. The Sergeant of Professional Services will update the changes within two (2) business days. Exceptions to updates must be put into writing and approved by the Chief of Police. These written exceptions must be retained for a period of seven years. Exceptions will only be granted if the change will potentially:
 - a) Be Prohibited by law;
 - b) Jeopardize the safety of any individual(s);
 - c) Jeopardize an ongoing investigation;
 - d) Cause a suspect to flee or evade detection; or,
 - e) Result in the destruction of evidence.
2. The Sergeant of Professional Services shall provide hard copies for requests for crime logs prior to the previous sixty (60) days within two (2) days from receipt of the request. All requests will be maintained in a file for a period of one (1) year.
3. The Captain of Support Services will follow all procedures listed in the Uniform Crime Report ("UCR") handbook in the reporting of crime statistics and will ensure all Clery Act-related statistical documentation is maintained for a period of seven (7) calendar years.
4. The Office of University Compliance will train all UNG Department of Public Safety employees on Clery Act Compliance, as well as procedures for handling requests for copies of the Crime Summary and Annual Security & Fire Report.

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Note: This list is not exhaustive. For further Clery information, reference 34 CFR §668.46 and 20 USC § 1092.

B. Fire Log

The Clery Act requires that a Fire Log be maintained by the University of North Georgia. The Fire Log is to be a record fires that occur inside of on-campus housing facilities.

1. A fire shall not be limited to fires occurring at the time of discovery, but shall include those already extinguished prior to discovery.
2. The log may be maintained by hard copy or in electronic format and must be accessible from any campus with on-campus student housing facilities. The log will be maintained on the Department of Public Safety website.
3. A printed text copy shall be provided to anyone requesting a copy.
4. The log shall be updated within two business days (business days shall consist of Monday through Friday, except on days when the institution is closed) with incidents meeting the requirements.
5. The log shall contain incidents from the most recent 60 days. Information older than the most recent 60 days shall be made available if requested.
6. Fire logs must be archived for seven years.
7. Information to be recorded on the Fire Log shall be:
 - a) Date Reported – The date recorded shall be the date the fire was reported to any University official.
 - i. An official, for the purposes of the fire log, shall be any person that has the authority and the duty to take action or respond to particular issues on behalf of the institution.
 - b) Case Number – The case number issued by the UNG Department of Public Safety's Communication Center. A case number is not mandatory by the Clery Act but should be included in the fire log.
 - c) Nature of Fire – The nature of fire should provide the reader with a description of what occurred.

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- d) Date and Time of Fire – The date and time is the time frame in which it is believed the fire occurred.
 - e) General Location of Fire – The location of where the fire occurred. Do not use personally identifiable information. An example would be the “Second Floor, North Georgia Suites” rather than “Room 201, North Georgia Suites.”
8. The required information shall be included in the Annual Fire Report, which may be combined with the Annual Security Report.
9. The maintaining and posting of the fire log will be the responsibility of the Sergeant of Professional Services.

C. Timely Warnings

1. A Timely Warning may be sent to alert the campus community about any reported crime that represents a continuing or ongoing threat to the University community, and is designed to heighten safety awareness and aid in the prevention of similar crimes. The circumstances of any specific situation coupled with the Department’s assessment of the threat potential or ongoing status will dictate the need and manner of issuance of a campus Timely Warning. The decision as to whether a Timely Warning should be issued rests with the on-duty Department of Public Safety shift supervisor or higher level of authority.

Crimes to which warnings may be required include, but are not limited to:

- a) Murder/non-negligent manslaughter
- b) Negligent manslaughter
- c) Robbery
- d) Aggravated assault
- e) Rape/Fondling
- f) Arson
- g) Burglary
- h) Weapon law violations
- i) Drug or alcohol violations

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- j) Sexual assault
- k) Stalking
- l) Dating and domestic violence

Timely Warnings are not limited to only Clery Reportable Offenses, violent crimes, or crimes against persons. They may also include ongoing threats against property.

2. The following factors should be evaluated on a case-by case basis when determining if a timely warning should be issued. The Timely Warning Decision Matrix Form should be used in each case to document the decision process. The narrative section of the Form should include the details of the incident and a conclusion of fact as to why or why not a timely warning was issued and included with the case file.
 - a) The nature of the crime or conduct and whether the reported incident represents a crime reportable under the Clery Act;
 - b) The location of the incident and whether the incident occurred within the University's Clery reportable geography;
 - c) The time elapsed between when the incident occurred and when the incident was reported to the department (depending on the specific facts of an incident, the more time that has elapsed between occurrence and time of report, the less helpful a Timely Warning may benefit the campus community);
 - d) The nature and duration of any relationship between the individuals involved in a reported incident, and the alleged conduct in the context of their relationship;
 - e) A determination as to whether the incident is believed to represent a serious or continuing threat to the University community;
 - f) Whether sufficient and reliable information is available about the reported incident, or meaningful safety education can be provided along with the notice about the incident, so that if disseminated, members of the University community can reasonably use it to protect themselves or prevent a similar crime from occurring.

A Timely Warning may be issued even if all the facts surrounding a reported incident are not yet available and are subject to further development in an investigation.

3. Timely Warnings are issued without delay, as soon as the pertinent information is available; provided, the University may release an alert to the community prior to all information being gathered about an incident when doing so would best serve the safety

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of the University community. Timely Warnings may be communicated via:

- i. Broadcast email to the campus community, including students, faculty, and staff;
 - ii. Broadcast via UNG Alert; and/or
 - iii. Posting on the UNG Department of Public Safety's web page; and/or,
 - iv. Posting on official University social media platforms; and/or
 - v. Posting on various UNG websites at the determination of the Chief of Police and the Office of University Relations; and/or,
 - vi. Posting of written alerts in relevant campus buildings and appropriate surrounding areas when deemed advisable by the UNG Department of Public Safety.
- b) Timely Warnings typically will include the information set forth below; provided, when circumstances are such that safety will best be served by sending out a Timely Warning before complete information is known, the University may initially distribute a Timely Warning comprised only of a description of the incident and appropriate safety recommendation:
- i. A synopsis of the incident;
 - ii. Appropriate safety recommendations;
 - iii. Physical description of the suspect;
 - iv. Any connection to previous incidents;
 - v. Other relevant and important information and
 - vi. Date and time the Timely Warning was released.

The goal is to provide information that would enable the University community to be better protected.

D. Emergency Notifications and Evacuations – UNG Alert

The Department recognizes the importance of providing emergency information and notifications to the university community. The Division of Emergency Preparedness shall maintain overall responsibility for the development, maintenance, and operation of

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the University's emergency notification and evacuation procedures. The decision as to whether an emergency exists rests with the on-duty Department of Public Safety shift supervisor or higher level of authority.

The Central Dispatch Center is the primary 24-hour operation designated to initiate campus emergency notifications (UNG Alert). The Emergency Preparedness Division, Department Command Staff, and the university's Emergency Operation Center also have the authority and the capacity to initiate the emergency notification system.

The Emergency Preparedness Division and The Office of University Relations may distribute additional notifications as an incident progresses through one or more of the available communications systems (including but not limited to: cellular text messaging, the use of web and cable banners, social media, and mass e-mail notifications to the University Community).

1. Upon confirmation by the Department of an emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the on-duty supervisor will, without delay, determine the appropriate message for distribution and initiate the notification process. Depending on the type of emergency and the extent of the threat posed, the emergency message may be distributed to the entire University, or distribution may be limited to a specific campus or segment of the population. If activation of the emergency notification system would compromise efforts to assist a victim, contain the emergency, respond to the emergency or otherwise mitigate the emergency, the on-duty supervisor may delay activation of the system.
 - a) Examples of situations where UNG Alert may be utilized:
 - i. Armed Assailant
 - ii. Severe Weather
 - iii. Earthquake
 - iv. Gas leak or chemical spill
 - v. Terrorist Incident
 - vi. Bomb Threat
 - vii. Civil Unrest
 - viii. Explosion or Fire
 - ix. Any other incident that poses a significant and immediate threat to the safety of persons on campus
 - b) The Department may utilize several different methods for emergency notifications and information distribution. These include sirens; public address systems; text messaging; social media messaging; cable banner messaging; media advisories; LiveSafe safety app messaging; and mass e-mail. Collectively, these tools comprise the University's emergency notification system. UNG Alert contains numerous pre-scripted messages that may be utilized during an emergency. Additional messaging may be developed and

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directed based on the circumstances, and at the discretion of the incident commander or on-duty supervisor, based on the impacts to the safety and security of the campus community.

- c) Emergency messages will include the information set forth below; provided, when circumstances are such that safety will best be served by sending out an emergency alert before complete information is known, the University may initially distribute an alert with only of a description of the incident and appropriate safety recommendation:
 - i. Topic of the alert;
 - ii. Appropriate safety recommendation; and
 - iii. Any other relevant and important information.
- d) UNG Alert will be used to provide instructions or information during and after a situation where student, faculty or staff's health and safety may be at risk due to a natural disaster, criminal activity, severe weather or other threats. The system may also be used to notify, recall, and provide guidance to faculty and staff members responding to or managing the event.
- e) As appropriate, public safety officers may decide to either partially or totally evacuate any University building in response to an emergency situation. Under a partial evacuation request, occupants may be simply asked to relocate to another portion of the building deemed safe by the police, fire department or other first responders. Complete evacuation will result in all persons leaving the building and moving to a designated assembly area.
- f) On a case-by-case basis, the on-duty supervisor shall complete the Timely Warning / Emergency Notification Decision Matrix Form in each case to document the decision process. The narrative section of the Form should include the details of the incident and a conclusion of fact as to why or why not an emergency notification was issued and included with the case file.

2. Testing and Exercises

Employees responsible for disseminating information via the UNG Alert system shall conduct, at a minimum, annual training on proficiency using the system.

3. System Testing and Maintenance

- a) The UNG Alert system shall be tested each semester (Spring, Summer, and Fall) to ensure all components of the system are operational.

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- b) Each test should be announced in advance via the appropriate communications methods as determined by University Relations.
- c) Records of system testing shall be maintained by the Support Services Division.
- d) The Department shall conduct and/or participate in at least one (1) exercise annually to test established emergency operations procedures.
 - i) All exercises shall document a description of the exercise, the date and time of the exercise, and whether it was announced unannounced.

E. Security Concerns

The UNG Department of Public Safety works closely with members of the University community in developing recommendations to enhance safety and security on our campus.

1. When a department expresses a security concern, the Chief of Police or his/her designee will coordinate with the appropriate division to schedule a date and time to meet with the concerned party and discuss the concerns and any possible resolutions.
2. Any recommended or possible recommendations will be discussed with the appropriate UNG department to assist in analyzing or correcting the concern.
3. Facilities & Operations may also be requested to make recommendations about the following:
 - a) Door locks
 - b) Window locks
 - c) Exterior lighting
 - d) Access controlled systems
 - e) Bushes or trees that should be trimmed for better visibility
 - f) Motion sensing exterior lights
 - g) Smoke detectors
 - h) Alarm systems

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i) Camera systems

4. The Department participates in safety checks with the Student Government Association. Any issues or concerns that are discovered are passed onto the appropriate department for analysis and consideration. At any time, the campus community is highly encouraged to report safety and security concerns including, but limited to: exterior lighting, overgrown foliage, emergency telephone malfunctions, to the Department of Public Safety.

F. Safety Escort Services

The UNG Department of Public Safety provides safety escort services upon request. For students and staff who are on campus in the evenings, an officer will meet and accompany the requestor to their on campus destination on foot, from a vantage point where they can watch the requestor travel from the starting point to the desired destination, or in a marked escort vehicle.

1. To notify the campus population of the existence of escorts, information is provided through UNG Department of Public Safety's website, the annual security report, and through orientations for new students and personnel.
2. A requestor shall contact the UNG Department of Public Safety's Central Dispatch to request a safety escort. An officer will then be dispatched, if available.
3. A CAD entry shall be made documenting the safety escort and applicable information. Applicable information is:
 - a) Gender
 - b) Race
 - c) UNG Number or Driver's License Number
 - d) Starting and ending mileage, if requestor is of the opposite gender.

G. Missing Persons – On-campus Residential Students

In accordance with the Higher Education Opportunity Act (HEOA) of 2008, the University has enacted policies and procedures to investigate and respond to reports of missing students.

Policies and procedures related to missing on-campus residential students are found in Chapter 16 – Patrol Functions and S.O.P. 16-13 Missing Persons within this manual.