 Jeanne Clery Act Compliance Policy

**I. POLICY PURPOSE**

The purpose of this policy is to outline the roles and responsibilities for compliance with the Jeanne

Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) at Dalton State College.

**II. DEFINITIONS**

1. **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.
2. **Clery Act Crimes –** Crimes required by the Clery Act to be reported annually in the Annual Security Report (ASR) include 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.
3. **Complainant –** An individual lodging a complaint under this policy. The complainant may not always be the alleged victim.
4. **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.

1. **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 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.
2. **Daily Crime Log –** A public log that records, by date reported, all crimes reported to Campus Police.
3. **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:
		1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
		2. 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.
4. **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.
5. **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.
6. **Fire Log –** A log that records all reported fires, including arson, in on-campus student housing facilities.
7. **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.
8. **Incest –** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
9. **Notice -** Notification of the availability of information the University is required to disclose by this policy, provided to an individual on a one-to-one basis through an appropriate mailing or publication, including direct mailing through the United State Postal Service, campus mail, or electronic mail.
10. **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.
11. **Respondent –** An individual who is alleged to have engaged in conduct prohibited by this policy.
12. **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:
		1. 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.
		2. A reasonable person means a person under similar circumstances and with similar identities to the victim.
		3. 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.
13. **Statutory Rape –** Sexual intercourse with a person who is under the statutory age of Consent.
14. **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.
15. **College Community –** Students, faculty and staff, as well as contractors, vendors, visitors, and guests.

**III. POLICY STATEMENT**

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.

1. Administrative Roles and Responsibilities
	1. Clery Act Coordinator
		1. Responsible for collecting, classifying and counting crime reports for use in preparing and publishing annual crime statistics.
		2. Oversees the Classification Review Work Group, which is responsible for determining the classification and counting of crime statistics.
		3. Oversees the Clery Act Committee, which is a multidisciplinary team that provides strategic vision and planning for Clery Act compliance.
		4. Responsible for notification to CSAs of their reporting obligations and training

 on the reporting process.

* 1. Clery Act Committee

The committee meets on a quarterly basis to discuss vision and planning for Clery Act compliance and policy development to enhance campus safety. Members of the committee are subject matter experts from multiple departments.

* 1. Classification Review Work Group

The work group meets quarterly to review all cases from the previous month(s) to classify and count crime reports for Clery reporting purposes.

* 1. Campus Security Authority (CSA)
		1. CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA.
		2. CSAs record information about the crime(s) reported to them in a timely manner by completing a CSA Incident Reporting Form.
		3. CSAs contact Campus Police immediately if the incident poses an imminent threat to the campus community.
1. Annual Security Report (ASR)
	1. Dalton State will produce an Annual Security Report by October 1 that contains a summary of campus security policies and specific crime statistics.
		1. Dalton State must provide a Notice to all enrolled students and current employees that includes a statement of the report’s availability, description of the contents, exact URL where the report is posted and how to obtain a printed copy of the report.
		2. Dalton State must provide a Notice to prospective students and prospective employees that includes a statement of the report’s availability, description of the contents, exact URL where the report is posted and how to obtain a printed copy of the report.
	2. In preparing for the compilation of the ASR, the Clery Act Coordinator must ensure that all information to be included in the ASR is current, relevant, and applicable by communicating with various departments.
2. Crime Reporting
	1. Crimes should be reported to the Campus Police Department. A crime can also be reported when it is brought to the attention of a CSA or a local law enforcement agency.
	2. Pursuant to 34 CFR §668.46(b)(4)(iii). Dalton State has Adopted a Clery-specific policy that “encourages accurate and prompt reporting of all crimes.”
3. Ongoing Disclosures
	1. Timely Warnings – the Campus Police Department will issue Timely Warnings for any Clery Act crimes that Dalton State determines represent an ongoing threat to the safety of students, employees or the College Community.
	2. Emergency Notifications – the Campus Police Department will issue an Emergency Notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees or College Community.
	3. Daily Crime Log – The Campus Police Department will create and maintain a public log of all crimes reported to Campus Police that occurred at any property owned, leased or rented by the College 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 at the Campus Police Department during regular business hours.
4. Missing Students
	1. Residence Life employees receiving a report of a missing student must immediately notify Campus Police at 706-272-4461.
	2. Each residential student has the option to identify a Confidential Contact to be notified by Campus Police in the event a student is deemed to be missing. Students under the age of 18 who are not emancipated will be informed each academic year that the institution is required to notify the custodial parent not later than 24 hours after the time the student is deemed to be missing.
	3. Campus Police will investigate the missing person report and determine if the student is missing following their policy.

Circumstances may include:

* + 1. A student is out of contact after reasonable efforts have been made to reach the student via phone, email, text and visits to on-campus room.
		2. Conditions that may indicate an act of criminality is involved.
		3. Conditions that may indicate physical safety is in danger.
		4. Conditions become known that indicate medicine dependence may threaten health, and/or
		5. Existence of physical/mental disability indicating the student’s physical safety could be in danger.
	1. If the student is deemed missing, Campus Police or College Administration will notify the student’s Confidential Contact no later than 24 hours after the student is determined to be missing. For students under the age of 18 who are not emancipated, Campus Police or College Administration will notify the custodial parent no later than 24 hours after the time the student is deemed to be missing.
1. Alcohol and Other Drugs
	1. Alcohol – Dalton State College prohibits:
* Consumption, possession, or transportation of alcoholic beverages by any

person under legal age; and

* Furnishing and/or distributing alcoholic beverages to any student under legal age.
1. Drugs – Dalton State College prohibits:
	* The possession, use (without valid medical or dental prescription), manufacture, furnishing, or sale of any narcotic or dangerous drug controlled by federal or Georgia law;
	* Possession of drug paraphernalia; and
	* Being under the influence of a narcotic or other controlled substance except as permitted by law or valid medical prescription.
2. Education and Prevention

Programming is provided by multiple departments across all campuses. This is assessed during the biennial review process.

1. Violence Against Women Act
	1. Prohibition of Offenses

Dalton State College prohibits the crimes of dating violence, domestic

violence, sexual assault (rape, fondling, incest, statutory rape) and stalking, as defined

in this policy.

* 1. Disciplinary Processes
		1. Disciplinary proceedings are conducted by the departments below consistent with this policy:
			1. Title IX
			2. Student Conduct
			3. Human Resources
	2. Accommodations and Protective Measures
		1. When the Title IX Coordinator has received information regarding an allegation of sexual misconduct, including, but not limited to, dating violence, domestic violence, sexual assault (rape, fondling, incest, statutory rape) and stalking, the victim will be provided with written information about support services. Support services are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without charge.
		2. Support services may include existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, and other services.
		3. Accommodations may include assistance with requesting changes to academic, living, transportation, and working situations or protective measures.
		4. Dalton State will make such accommodation or provide such protective measures if the victim requests them and if they are reasonably available. Such assistance will be provided regardless of whether the victim chooses to report the crime to Campus Police or local law enforcement.
		5. Dalton State will maintain as confidential any accommodation or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
		6. Supportive measures must be offered regardless of whether an investigation is pending or ever occurs.
	3. Educational Programming

Programming is provided to students, faculty and staff by multiple departments across both campuses.

1. Retaliation

No officer, employee or agent of Dalton State College may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act or this policy. Violation of this provision is subject to the disciplinary process of Human Resources or Student Conduct.

1. Submitting Crime Statistics to the U.S Department of Education (ED)

Dalton State is required to submit the Clery crime statistics to ED. An annual survey is conducted by ED known as the Campus Safety and Security Survey. This web-based survey is used to collect the statistical data published in the ASR. Prior to the collection, ED sends a letter and a registration certificate to the appropriate personnel. This letter contains information necessary to access the survey and enter the data. The information is then entered, and the submission is locked on ED website. This is mandatory data collection.

**IV. SUPPORT INFORMATION**

[20 USC §1092(f)](https://www.govinfo.gov/content/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap28-subchapIV-partF-sec1092f.pdf)

[34 CFR §668.41](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp&SID=754fb230bdec254e8150a367f23a745b&mc=true&n=sp34.3.668.d&r=SUBPART&ty=HTML)

[34 CFR §668.46](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp&SID=754fb230bdec254e8150a367f23a745b&mc=true&n=sp34.3.668.d&r=SUBPART&ty=HTML)

[34 CFR §668.49](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp&SID=754fb230bdec254e8150a367f23a745b&mc=true&n=sp34.3.668.d&r=SUBPART&ty=HTML)

[34 CFR §668, Subpart D, Appendix A](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp&SID=754fb230bdec254e8150a367f23a745b&mc=true&n=sp34.3.668.d&r=SUBPART&ty=HTML) F. [USG Sexual Misconduct Policy](https://www.usg.edu/policymanual/section6/C2655)

**V. POLICY APPROVAL**

**** 5/10/2023

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 Dalton State College President Date