

# Nashville State Community College

## NSCC Policy 07-01-00: Clery Act Timely Warning Policy

### Purpose

The purpose of this policy is to establish guidelines for the issuance timely warnings at Nashville State Community College when a crime has occurred on or near campus and is considered a continuing threat to the safety of the campus community.

### Definitions

1. The Clery Act -- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 U.S.C. § 1092(f) et seq. as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies.
2. Campus Security Authority – A Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:
  - a campus police department or campus security department of an institution;
  - any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department;
  - any individual or organization to which students and employees should report criminal offenses;
  - an official of an institution who has significant responsibility for student and campus activities, including but not limited to, student discipline, and campus judicial proceedings. **An official is defined as** any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

### Policy/Guideline

- A. Implement a Timely Warning
  1. A warning must be issued when all three of the following conditions are met:
    - i. It occurs on or near a Nashville State campus.
    - ii. One of the following Clery Act crimes are committed:
      1. Arson
      2. Aggravated Assault
      3. Burglary
      4. Murder
      5. Manslaughter
      6. Motor Vehicle Theft
      7. Robbery
      8. Sex Offenses

9. Arrest for Weapons Violations
  10. Arrest for Liquor Law Violations
  11. Arrest for Drug Violations
  12. Hate Crimes involving
    - a. Larceny – theft
    - b. Intimidation
    - c. Simple Assault
    - d. Destruction, damage, or vandalism of property
- iii. The crime is considered by the Campus Security Authority to represent a continuing threat to students or employees.
  2. A warning may be issued regarding other crimes (e.g., burglaries where force may have been used to gain entry, illegal weapons possession) as deemed necessary by Campus Authorities.
  3. The timely warning issuance decision is documented on an Incident Report Form.
  4. The Chief of Police and the Guard on duty will review each incident and make a recommendation to the Senior Staff as to the requirement to issue a timely warning.
  5. Based upon this recommendation, Senior Staff is responsible for making the decision whether a timely warning will be issued.
  6. If circumstances are such that consultations cannot take place, the Chief of Police has exclusive authorization by the President to activate alert systems as warranted and without delay.

#### B. Determining Whether a Continued Threat Exists

1. Whether a reported crime constitutes a continuing threat must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.
2. Examples of crimes that could constitute a continuing threat include, but are not limited to:
  - i. A serial crime that targets certain campus populations such as sex crimes, or race-based crimes in which the perpetrator has not been apprehended.
  - ii. A crime in which there is no apparent connection between perpetrator and victim and the perpetrator has not been apprehended.
3. Examples of crimes that would not constitute a continuing threat include, but are not limited to:
  - i. Crimes in which the perpetrator has been apprehended, thereby neutralizing the threat.

- ii. Crimes in which the perpetrator targets specific individuals to the exclusion of others, such as domestic violence.

#### C. Timely Warning Notice Content

1. The warning must contain sufficient information about the nature of the threat to allow members of the campus to “take action” to protect themselves.
  - i. A brief description of the incident;
  - ii. Possible connection to previous incidents, if applicable;
  - iii. Physical description of the suspect;
  - iv. Photo evidence of the suspect, if available;
  - v. Date and time the warning was released; and
  - vi. Other relevant and important information.
2. In some cases, law enforcement may need to keep some facts confidential to avoid compromising an investigation.

#### D. Timely Warning Distribution

1. The Office of Campus Safety and Security, in coordination with the Office of Marketing and Public Information, is responsible for issuing timely warnings.
2. If a crime is considered by the College to represent a serious or continuing threat, e.g., an armed intruder on campus, a warning shall be issued immediately with few facts and then be continually updated until the threat is contained or neutralized
3. Depending on the circumstances, any of the following methods, or combinations thereof, may be used:
  - i. Text alerts to registered mobile phones.
  - ii. Campus-wide e-mail.
  - iii. Posting to the College’s home page.
  - iv. Posting of notices.
  - v. Public address and paging system.
  - vi. Press release.

#### **Sources**

Jean Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Crime Awareness and Campus Security Act of 1990

Higher Education Act of 1965; Violence Against Women Reauthorization Act of 2013

The Handbook for Campus Safety and Security Reporting, USDOE

#### **Related Policies**

*Approved by President's Cabinet 8/9/21*