



CLERY COMPLIANCE POLICY

OFFICE FOR DIVERSITY, EQUITY & INCLUSION

Revised January 15, 2024

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CAMPUS SECURITY-CLERY ACT: UVA Wise is committed to helping the campus community provide for their own safety and security. The Annual Security Report and Fire Safety Report containing information on campus security and personal safety, including alerts, fire safety, crime prevention tips, and crime statistics is available at www.uvawise.edu/ASR. A copy is available upon request by calling 276-328-0190 or 276-376-3451.

The University of Virginia's College at Wise is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award the baccalaureate degree. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of The University of Virginia's College at Wise.

INTRODUCTION

UVA Wise (the “College”) is committed to maintaining a respectful, professional and nondiscriminatory academic, living and working environment for students, faculty, staff, and visitors. Requirements have been established to assist the College in complying with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998,” (commonly referred to as the “Clery Act”) thereby facilitating compliance with the Clery Act and increasing overall safety on and near the College.

POLICY APPLICATION

This policy applies to students, faculty, staff and third parties (consisting of contractors, vendors, visitors, applicants, guests, etc.).

NOTICE OF NON-DISCRIMINATION & NOTICE OF COORDINATION WITH NON-DISCRIMINATION POLICY

The University of Virginia’s College at Wise does not discriminate on the basis of age, color, disability, gender identity and/or expression, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, military status (which includes active duty service members, reserve service members, and dependents), veteran status, and family medical or genetic information, in its programs and activities as required by Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990, as amended, Section 504 of the Rehabilitation Act of 1973, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Governor’s Executive Order Number One (2018), and other applicable statutes and University policies. The College prohibits sexual and gender-based harassment, including sexual assault, and other forms of interpersonal violence.

CRIMES & TRAINING

Clery Act Crimes (Clery Crimes):

Crimes required by the Clery Act to be reported annually to the University community, including:

Criminal homicide (murder and negligent/non-negligent manslaughter);

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);

Violence Against Women Act

Dating violence;

Domestic violence;

Stalking;

Sex offenses (rape, fondling, statutory rape, and incest);

AND arrests and referrals for disciplinary action for any of the following:

(a) liquor law violations, (b) drug law violations, and (c) carrying or possessing illegal weapons.

Clery Reportable Location:

Property that is owned, leased, or controlled by the University which includes: (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that the University owns, controls, or leases, is frequented by students and used in support of educational purposes.

Campus Security Authority (CSA):

While the College recommends that all crimes and incidents be reported to Campus Police, it is recognized that reports may go to other individuals instead. The Clery Act defines individuals at colleges and universities that may typically receive such reports as Campus Security Authorities (CSAs). CSAs are individuals and organizations in functions related to: campus law enforcement or security, responsibility for monitoring access to facilities or serving as event security, or significant responsibility for student and campus activities. CSAs may be full-time, part-time or volunteer, and maybe employees, students or volunteers in these roles. CSAs are trained annually by the Office for Diversity, Equity & Inclusion. The log of those trained and accompanying documents are stored in the Office for Diversity, Equity & Inclusion. CSAs are trained to forward to Campus Police in a timely manner any reports of crimes or incidents they receive.

At UVA Wise, CSAs include individuals in these areas:

- The Office for Diversity, Equity & Inclusion | 276-376-3451
- Campus Police Department | 276-328-0190
- Counseling Center* | 276-376-1005
- Housing & Residence Life, including Resident Advisors | 276-376-4517
- Club Advisors and Presidents | 276-376-1000
- Slemp, Ely, Greear Facility, Desk Supervisors & Lifeguards | 276-376-1000
- Supervisors of Student Workers | Human Resources | 276-376-1067
- Athletics Staff * | 276-328-0206
- Designated CSAs who Oversee Overnight Trips

*Exceptions to CSA Reporting**

While the College recommends that all crimes and incidents be reported to Campus Police, it is recognized that reports may go to other individuals instead. The Clery Act defines individuals at colleges and universities that may typically receive such reports as Campus Security Authorities (CSAs).CSAs are individuals and organizations in functions related to: campus law enforcement or security, responsibility for monitoring access to facilities or serving as event security, or significant responsibility for student and campus activities. CSAs may be full-time, part-time or volunteer, and maybe employees, students or volunteers in these roles. CSAs are trained annually by the Office for Diversity, Equity & Inclusion. The log of those trained and accompanying documents are stored in the Office for Diversity, Equity & Inclusion. CSAs are trained to forward to Campus Police in a timely manner any reports of crimes or incidents they receive.

CSA's are determined by criteria established in United States Department of Education's [The Handbook for Campus Safety and Security Reporting](#).

*Exceptions include the following individuals in these areas who are NOT designated as CSAs at UVA Wise: The Counseling Center's LPCs (excluding the director), Health Clinic RN and FNP and the College's licensed athletic trainers. As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be Campus Security Authorities. Campus pastoral counselors and professional counselors, when acting as such, are not considered to be CSAs and are not required to report crimes

for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis for inclusion into the annual crime statistics. The rule-making committee defines these exempted counselors as:

Pastoral Counselor(s)

*Exceptions include the following individuals in these areas who are NOT an employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor. NOTE: During calendar year 2021, UVA Wise did not employ any pastoral counselors.

Professional Counselor(s)

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. NOTE: During calendar year 2021, UVA Wise employed two licensed professional counselors.

DRUG FREE SCHOOLS & COMMUNITIES ACT

In compliance with the Drug Free Schools & Communities Act (DFSCA), UVA Wise publishes information regarding the College's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state and local laws, and College policy; a description of associated health risks; and, treatment programs and resources for UVA Wise students and employees. More information about these topics, which are provided for the campus community in an annual notification, is available online at www.uvawise.edu/DFSCA.

NOTIFICATIONS & ALERTS

All notices and alerts may be distributed via email and website. Flyers and face-to-face communications may also be used in affected campus buildings.

TIMELY WARNINGS

In the event that a situation arises that constitutes a serious or ongoing threat for Clery Act crimes in our Clery geography, a campus-wide timely warning will be issued that withholds the names of victims as confidential and to aid in the prevention of similar occurrences. NOTE: UVA Wise may, in appropriate circumstances, include a suspect's personally- identifiable information in a timely warning. FERPA regulations (34 CFR 99.36) outline disclosure of information in health and safety emergencies.

The decision to issue a timely warning will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by Campus Police. Timely Warnings are typically issued for the following Uniformed Crime Reporting Program (UCR)/ National Incident-Based Reporting System (NIBRS) crime classifications: major incidents of arson, aggravated assault, criminal homicide, robbery, and sex offenses.

For example, if an assault occurs between two students who disagree, there may be no ongoing threat to other UVA Wise community members and a timely warning would not be distributed. Because cases

involving sexual assault may be reported long after the incident has occurred, sometimes a timely warning will not be issued, as the benefit of timeliness has passed.

Upon receipt of a Clery-reportable crime, Campus Police will contact the Office for Diversity, Equity & Inclusion for assessment of a timely warning. Upon the determination that a timely warning should be issued, it is drafted and disseminated by the Office for Diversity, Equity & Inclusion or designee.

Some crime classifications and instances do not require dissemination of a timely warning notice under the Clery Act, but in the interest of promoting public safety, a Cavalier Community Communication may be issued to keep the campus community informed and aware of safety-related incidents.

Notices and alerts may be distributed via email and website. Flyers and face-to-face communications may also be used in affected campus buildings.

EMERGENCY & IMMEDIATE NOTIFICATIONS

UVA Wise will immediately distribute emergency notifications to the campus community upon confirmation of a significant emergency or dangerous situation on campus involving an immediate threat to the health or safety of students, employees and/or visitors. Emergencies on campus are typically confirmed by Campus Police in consultation with other administrative offices, local first responders, and/or the National Weather Service. Examples of emergencies that would warrant such notification include but are not limited to an active shooter on campus, a hostage/barricade situation, a riot, a bomb threat, a tornado, a fire/explosion, suspicious death, structural damage to a college-owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, or a significant hazardous materials release.

Campus Police make the initial recommendation for activating immediate notification systems for any threats to the campus community, and for determining the appropriate segment of the campus community if the threat is limited to a particular building or segment of the population.

The UVA Wise Vice Chancellor for Finance and Operations, or designee, and Campus Police will, without delay, and taking into account the safety of the community, determine the content of the emergency notification and initiate the appropriate notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Associate Vice Chancellor for Marketing and Communications, or designee, will determine the content of email, website, social media, and press releases where needed.

ANNUAL TESTING FOR EMERGENCIES

UVA Wise Campus Police coordinate annual testing procedures to prepare the campus and responders for potential threats, weather events, and other emergency situations. These testing procedures may be announced or unannounced, and serve as an opportunity to teach safety protocol and familiarize the campus community with evacuation and shelter-in-place tactics.

On September 21, 2022, the UVA Wise Crisis Management Team conducted an exercise to test procedures regarding on-campus domestic violence, aggravated assault, and weapon use.

STAYING INFORMED

Several alert systems are offered to the UVA Wise campus community that allows information to be dispersed and posted so that everyone can stay as informed and safe as possible. UVA Wise encourages students, faculty, and staff to stay up-to-date with these systems and to check them frequently. These systems include:

- Sirens: voice or tonal broadcasts on campus
- E-mail
- Emergency Alert System (EAS): Available to UVA Wise employees and students who may register up to six (6) numbers to receive alert calls and one (1) number to receive text messages. Inclement weather delays and cancellations will also be sent through the EAS System. For more information and to update these numbers, please visit <https://home.uvawise.edu/emergency-alert-system>
- UVA Wise Website: <https://www.uvawise.edu>
- Face-to-Face Communication

Using some or all of the identified alert systems, all emergency notifications will include two parts- an initial notification and a follow-up "all clear" notification when the threat or danger is over. The College's homepage, social media and/or the local news media may also be utilized to disseminate emergency information to the larger community, including neighbors, parents and other interested parties.

REQUIREMENTS

- 1. Publish the College's Annual Security & Fire Safety Report**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act the College will publish the ASFSR by October 1st each year.

- 2. Identify, Notify, and Train Campus Security Authorities (CSAs)**

- 3. Disclose Crime Statistics**

- 4. Notifications & Alerts Response**

- 5. Responding to Reports of Missing Students**

- 6. Compile, Report, and Publish Fire Data**

- 7. Maintain a Daily Crime Log**

- 8. Maintain a Daily Fire Log**

- 9. Compliance with the Drug Free Schools & Communities Act**

- 10. Assistance with Title IX as it relates to Violence Against Women Act (VAWA)**

COMPLIANCE WITH POLICY

Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination or expulsion in accordance with relevant University policies. The U.S. Department of Education may impose penalties per each violation.

POLICY BACKGROUND

Jeanne Clery was a 19-year-old Lehigh University freshman who was raped and murdered while asleep in her resident hall room on April 5, 1986. After her murder, it was discovered that students had not

been told about 38 violent crimes that occurred on the Lehigh campus in the three years before her murder. Thus Congress enacted the “Crime Awareness and Campus Security Act of 1990.”

In 1992, Congress amended the Act to:

1. Exclude campus law enforcement records from coverage under the Family Educational Rights and Privacy Act of 1974 (FERPA). Law enforcement records are not protected from disclosure on privacy grounds as “educational records.” Additionally, disclosure of the outcome of campus disciplinary proceedings concerning sexual assault to the victim and accused is not a violation of FERPA.
2. Incorporate the “Campus Sexual Assault Victims’ Bill of Rights,” which requires campus security policies to specifically address sex offense prevention and specifies procedures that must be included in a campus disciplinary proceeding.

These laws became effective September 1, 1992.

In 1998, expanded reporting requirement and formally renamed it the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

In 2000, a provision, modeled after Megan’s Law, was added that requires institutions to include in their annual campus security reports where information about registered sex offenders on campus can be obtained.

In 2008, implemented the Higher Education Opportunity Act which:

- Expanded hate crime reporting;
- Specific disclosure of inter-agency MOUs;
- New emergency notification, response and evacuation procedures;
- New missing student notification policy;
- Clarification of what is on-campus housing; and
- Reinforced crime of violence/sex offense disciplinary procedure disclosure requirements.

In 2013, the Violence Against Women Act, as reauthorized amended the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. It requires institutions to begin including in their annual security reports incidents of domestic violence, dating violence and stalking reported to campus security authorities or local police agencies.

COMPLIANCE EFFORTS

Compliance with this policy is an institutional effort, however, the Office for Diversity, Equity & Inclusion maintains this policy and ensures its intuitional implementation with strong collaboration from UVA Wise Campus Police.

The mission of The University of Virginia's College at Wise Police Department is to serve and protect the campus community and to enhance the quality of life on campus. This is achieved in conjunction with the campus community through the enforcement of laws, crime prevention activities, education and community awareness, and maintenance of accreditation. The foundation of our Department is community service. All people within the jurisdiction are served with respect and fairness.

The Office for Diversity, Equity & Inclusion assists all units of the College in the efforts to provide affirmative and encouraging environments for work and life at The University of Virginia's College at Wise. ODEI aspires to help create and sustain an institutional-wide culture that understands that diversity, equity, and inclusion (DEI) are essential to the College's mission and continued Inclusive Excellence efforts. The Office for DEI is committed to operating with integrity and honor in full compliance with all applicable federal and state laws and regulations, as well as College policies.

OFFICE FOR DIVERSITY, EQUITY & INCLUSION

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DEPARTMENT OF CAMPUS POLICE

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