

Augusta University

Policy Library

Jeanne Clery Act Compliance Policy

Policy Manager: Office of Audit, Compliance, Ethics and Risk Management

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. The Augusta University shall each year in the Clery Act Annual Security Report (ASR) disclose, as required by 34 CFR § 668.46(k), a summary of each type (including student, faculty, and staff) of VAWA Sexual Misconduct disciplinary proceeding used by the institution. Such information will be reviewed annually to ensure that it is current and accurate prior to publication of the ASR.

The purpose of this policy is to outline the roles and responsibilities for Augusta University's ongoing compliance with the Jeanne Clery Act.

AFFECTED STAKEHOLDERS

Indicate all entities and persons within the Enterprise that are affected by this policy:

- Alumni Faculty Graduate Students Health Professional Students
 Staff Undergraduate Students Vendors/Contractors Visitors
 Other:

I. DEFINITIONS

These definitions apply to these terms as they are used in this policy:

- A. **Annual Fire Safety Report (AFSR)** - Each Campus that maintains an on-campus student housing facility must publish and distribute annually by October 1st, an Annual Fire Safety Report (AFSR). The AFSR includes the fire statistics and the fire safety policies and procedures for each on-campus student housing facility for the three most recent calendar years. The AFSR may be filed separately or combined with the Annual Security Report (see below).
- B. **Annual Security Report (ASR)** - The Clery Act requires those postsecondary institutions participating in the Higher Education Act's Title IV student financial assistance programs and each of their separate campuses to annually publish by October 1st, a report containing the campus safety policy statements and Clery crime statistics for the three most recent calendar years. This annual report is known as the Annual Security Report (ASR).
- C. **Campus Security Authority (CSA)** - Campus Security Authorities (CSAs) are individuals designated by the University to report alleged Clery Act crimes to the University. These CSAs are designated because of the scope of their employment or specific role at Augusta University. The Clery Act defines CSA as follows:

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1. A campus police department or campus security department;
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department;
3. 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
4. An official of an institution who has significant responsibility for student and campus activities.

The complete list of CSAs for the University is managed and maintained by the Clery Compliance Program.

D. **Clery Act Crimes** - Crimes occurring on campus Clery Geography (as defined below) tracked and reported annually in October by the campus to the U.S. Department of Education and shared with the University community. The following offenses are Clery Crimes:

- Criminal Homicide (Murder and Negligent/Non-Negligent Manslaughter)
- Sexual Assault (Rape, Fondling, Statutory Rape, and Incest)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Hate Crimes (including the previously listed crimes, as well as Larceny-Theft, Simple Assault, Intimidation, and Destruction/Vandalism of Property motivated by bias)
- Violence Against Women Act (VAWA) Crimes (Dating Violence, Domestic Violence and Stalking)
- Arrests and referrals for disciplinary action pertaining to: (a) Liquor Law Violation, (b) Drug Law Violations and (c) Weapon Law Violations.

E. **Clery Geography** - The campus geographic areas, as defined by the Clery Act, for which Clery Crimes are required to be reported. The geographic categories include the following:

1. **On-Campus** - Any building or property (i) owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes, including residence halls; (ii) that is within or reasonably contiguous to the campus that is owned by the University but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
2. **Public Property** - All public properties, including thoroughfares, streets, sidewalks, and

- parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.
3. **Non-Campus Property**
- a. Building or property that are:
 1. Owned or controlled by the University;
 2. Used in direct support of, or in relation to, the University's educational purposes;
 3. Frequently used by students;
 4. Not within the same reasonably contiguous geographic area of the University campus; or
 - b. Any building or properties owned or controlled by a student organization that is officially recognized by the University; or
 - c. Any property outside of the United States if the property otherwise meets the definition of Non-Campus Property described above in subsections a. or b.
- F. **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.
- G. **Notice** - Notification of the availability of information to an individual through an appropriate mailing or publication, including direct mailing through the U.S.P.S., campus mail, or electronic mail.
- H. **Fire Log** – A log that records all reported fires, including arson, in on-campus student housing.
- I. **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.
- J. **Daily Crime Log** – A public log that records, by date reported, all crimes reported to the Augusta University Police Department.
- K. **Augusta University Community** – Students, faculty, and staff, as well as contractors, vendors, visitors, and guests.
- L. **Complainant** - An individual who is alleged to be the victim of conduct that is prohibited by this policy. A complainant may be a student, employee, other affiliate, or unaffiliated with the institution.
- M. **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.

For the purposes of this definition, dating violence –

- includes, but not limited to, sexual or physical abuse or the threat of such abuse; and
- does not include acts covered under the definition of domestic violence.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

N. **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 or family 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.

O. **Proceeding** - All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, factfinding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and parties concerning accommodations or protective measures to be provided to a party.

P. **Respondent** - An individual who has been reported to be the perpetrator of conduct that is prohibited by this policy. A respondent may be a student, employee, other affiliate, or unaffiliated with the institution.

Q. **Sexual Assault** - An offense that meets the definition of rape, fondling, incest, or statutory rape as defined in this policy.

1. **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.

2. **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 his/her age or because of his/her temporary or permanent mental incapacity.
3. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

R. **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.

For the purposes of this definition –

- 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. 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.

Any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting.

S. Violence Against Women Reauthorization Act of 2013 amendments to the Clery Act, Public Law 113-4 Section 304.

T. **VAWA Sexual Misconduct:** Dating violence, domestic violence, sexual assault, and stalking as defined by this policy whether or not it is alleged to have occurred on or off-campus. VAWA Sexual Misconduct need not be on the basis of sex.

II. COMPLIANCE AND RESPONSIBILITIES

A. Implementation Responsibilities

Each campus must:

1. Have procedures that allow for students and employees to voluntarily and anonymously notify the University of crimes on and around campus.
2. Designate, notify, and train a Clery Coordinator.

3. Identify, notify, and train all Campus Security Authorities (CSAs).
4. Ensure there are local implementing procedures in place to comply with the Clery Act.

B. Clery Act Coordinator

The Clery Coordinator, or designee responsibilities include, but are not limited to the following:

1. Collaborating with the AUPD for collecting, classifying, and reporting crime statistics for Clery Crimes on Clery Geography as defined in the Clery Act.
2. In preparing for the compilation of the ASR, ensure that all information to be included in the ASR is current, relevant, and applicable by communicating with various AU departments.
3. Publishing and distributing annual crime statistics through the ASR.
4. Collaborating with the AUPD, reviewing the statistics for accuracy prior to submission to the U.S. Department of Education.
5. Coordinating with campus real estate and/or other similar departments, developing and classifying local Clery Geography parameters.
6. Coordinating the distribution of this policy, and related campus procedures, with appropriate campus offices.
7. Chairing the Clery Act Committee.
8. Chairing the Clery Act Classification Committee.
9. Serving as liaison with the U.S. Department of Education regarding Clery Act matters.
10. Coordinating with the campus fire marshal to ensure compliance/coordination of the AFSR.
11. Distribute the ASR/AFSR to current employees, enrolled students, prospective employees, and prospective students with a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the campus will provide a paper copy of the report upon request.
12. Identifying all Campus Security Authorities (CSAs) and notifying them of their designation and responsibilities as a CSA.
13. Ensuring that all CSAs are trained and provided with ongoing training as appropriate.
14. Submitting the ASR to the Office of Ethics, Compliance & Audit Services, and Office of the President for informational purposes.
15. Communicating with appropriate campus units regarding emergency management items related to the Clery Act, including a statement of policy regarding disclosure of emergency response and evacuation procedures, conducting, and publicizing a Clery Act compliant Emergency Response & Evacuation Procedure Test at least once per year, and maintaining appropriate documentation for each test.
16. Coordinate as appropriate with other campus units, such as the Title IX office, to ensure comprehensive response and prevention with respect to Clery crimes.

C. **Clery Act Committee**

The Clery Act Committee is a multidisciplinary group that provides strategic vision and planning for Clery Act compliance. The committee meets on a quarterly basis and is chaired by the Clery Act Coordinator. Members of the Clery Act Committee represent:

- Compliance & Risk Management
- Human Resources
- Dean of Students
- Athletics Compliance
- Environmental Health & Safety
- Title IX (Chair)
- Housing and Residence Life
- Legal Affairs
- Public Safety (Co-Chair)
- Critical Prep and Response
- Facilities Management

D. **Clery Classification Committee**

The Clery Classification Committee is a sub-committee which meets on a quarterly basis to review all cases from the previous month(s) to count and determine classification of crimes reported for Clery reporting purposes. Member of the Clery Classification Committee represent:

- Dean of Students
- Title IX
- Public Safety
- Legal Affairs

E. **Campus Security Authority (CSA)**

Augusta University will identify and inform student employees, staff employees and faculty if deemed to be a CSA, based on their function, and provide the CSA with appropriate training.

Other than members of the AUPD, CSAs may not investigate any crime or seek to apprehend any perpetrator. Nothing contained herein is intended to preclude a CSA from ascertaining necessary information for crime reporting purposes.

The CSA's responsibilities include, but are not limited to the following:

1. Reporting immediately or as soon as reasonably practical, to AUPD and/or the Clery Act Coordinator, allegation of crimes or incidents which they have been made aware of, or witnessed, including information regarding:
 - a. When the crime or incident occurred,
 - b. When the crime or incident was reported to them,

- c. Where the crime or incident occurred, and
 - d. The nature or description of the crime or incident.
2. The CSA is not a confidential resource. Therefore, the CSA is encouraged to inform victims of crimes of their confidential resources. These resources include employees whose official responsibilities include providing professional or pastoral counseling to members of the AU community and who are functioning within the scope of their license or certification.
 3. The CSA shall not disclose the identity of the victim or alleged perpetrator unless the victim consents to being identified after being informed of their right to remain anonymous unless the victim is a minor which may trigger separate mandated reporting obligations. If the victim does not consent to being identified, the CSA shall not identify the alleged perpetrator either.

For reports of crimes involving sexual assault, domestic violence, dating violence or stalking, and other instances of Prohibited Behavior as defined by AU Policy on Sexual Misconduct, a CSA who is designated as a Responsible Employee under the AU Policy on Sexual Misconduct shall also notify the campus Title IX Office of such reports in accordance with that policy and local campus procedures.

Any CSA who knowingly fails to report a crime may be subject to disciplinary action.

III. ANNUAL SECURITY REPORT (ASR/AFSR)

By October 1st each year, the Augusta University Clery Compliance Program will produce and publish an Annual Safety Report, that contains for three calendar years, a summary of campus security policies, Clery crime statistics and On-Campus student housing fire statistics. The report will also contain statistics and information on the basic rights guaranteed to victims of Violence Against Women Act (VAWA) crimes.

Notice of publication of the ASR must be provided to all enrolled student and current employees, to include 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. In addition, prospective students and employees must be notified of the ASR's existence, including 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.

ASR/AFSR and supporting documents will be retained, by the Augusta University Clery Compliance Program, for seven years, from the latest publication of the report to which they apply. All records pertaining to pending, foreseeable or ongoing litigation, investigation, or audit, or a request for records will not be destroyed until these actions have been completed or resolved.

IV. CRIME REPORTING

- A. Crimes should be reported to the Augusta University Police Department, at (706) 721-2911. A crime can also be reported when it is brought to the attention of a CSA or a local law enforcement agency.
- B. Pursuant to 34 CFR §668.46(b)(4)(iii) institutions must adopt a Clery-specific policy that “encourages accurate and prompt reporting of all crimes.”

V. ONGOING DISCLOSURES

- A. Timely Warnings – The Augusta University Police Department will issue Timely Warnings for any Clery Act crimes that are determined to represent an ongoing threat to the safety of students, employees, or the University Community.

Emergency Notifications – The Augusta University 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 the University Community.

- B. Daily Crime Log – The Augusta University Police Department will create and maintain a public log of all crimes reported that occurred at 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 disclosure via the University website and at the Augusta University Police Department during regular business hours. Daily Crime Log entries older than 60 days must be made available within two business days of a request for public disclosure.

(The Daily Crime Log entries are archived from the website on a monthly basis, with the most current 60 days publicly available, and retained electronically as required by records retention guidelines.)

VI. MISSING STUDENTS - For institutions having student housing.

- A. Residence Life employees receiving a report of a missing student must immediately notify Augusta University Police at 706-721-2911.
- B. Each student living in University-operated residences have the option of contacting the Office of Housing and Residence Life at (706) 729-2300 to list or update a confidential contact to be notified by AUPD in the event a student is deemed to be missing.

- C. 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.

VII. ALCOHOL AND OTHER DRUGS

- A. Alcohol – the Augusta University prohibits:
 - 1. Consumption, possession, or transportation of alcoholic beverages by any person under legal age; and
 - 2. Furnishing and/or distributing alcoholic beverages to any student under legal age.
 - 3. Illegally driving under the influence of alcohol
 - 4. Visible intoxication due to the consumption of alcohol
 - 5. Distribution of alcoholic beverages without a license
 - 6. Drinking games and other rapid consumption techniques/devices
- B. Drugs – the Augusta University prohibits:
 - 1. The possession, use (without valid medical prescription), manufacture, furnishing, or sale of any narcotic or dangerous drug controlled by federal or Georgia law;
 - 2. Possession of drug paraphernalia; and
 - 3. Being under the influence of a narcotic or other controlled substance except as permitted by law or valid medical prescription.
- C. Education and Prevention
Programming is provided by multiple departments across all campuses. This is assessed during the biennial review process.

VIII. VIOLENCE AGAINST WOMEN

- A. Prohibition of Offenses - The Augusta University prohibits the crimes of Dating Violence, Domestic Violence, Sexual Assault (Rape, Fondling, Incest, and Statutory Rape), and Stalking as defined in this policy. This policy covers alleged misconduct whether or not it is alleged to have occurred on or off-campus, and whether or not it is on the basis of sex.
- B. Survivor’s Brochure - The Augusta University provides written notification to students and employees regarding the resources and services available and procedures related to sexual misconduct.
- C. Disciplinary Proceedings - All VAWA Sexual Misconduct proceedings will include “a prompt, fair, and impartial process from the initial investigation to the final result” as defined by 34 CFR § 668.46(k)(3)(i). This includes, but is not limited to, the following procedural safeguards for all parties:

1. The Augusta University will provide timely and equal access to the complainant, the respondent, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.
2. The Augusta University will provide simultaneous notification, in writing, to both the complainant and the respondent, of:
 - The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - The institution's procedures for the respondent and complainant to appeal the result of the institutional disciplinary proceeding;
 - Any change to the result; and
 - When such results become final.
3. If an appeal is filed by either party Augusta University will notify the other party in writing within 5 business days and afford them an opportunity to respond in writing within 5 business days.

D. Disciplinary Processes – Disciplinary proceedings are conducted by the departments below consistent with this policy:

1. Title IX
2. Student Affairs
3. Human Resources

E. 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. Supportive measures must be offered regardless of whether an investigation is pending or ever occurs.

F. Educational Programming

Programming is provided to students, faculty, and staff by multiple departments to promote safety and security across all campuses. Safety education and prevention programs include,

but are not limited to; Rape Aggression Defense (RAD) courses, new student and employee Sexual Misconduct Training, Healthy Relationships Workshops, sexual assault and domestic violence awareness campaigns, and promotion of the RAVE Guardian app.

IX. RETALIATION

No officer, employee, or agent of Augusta University 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 Affairs.

X. SUBMITTING CRIME STATS TO THE U.S. DEPT. OF EDUCATION (DoED)

Augusta University is required to submit the Clery crime statistics to DoED. An annual survey is conducted by the DoED 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, the DoED 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 the DoED's website. This is mandatory data collection.

XI. SEX OFFENDER REGISTRY

Augusta University will publish the link to the Georgia Sex Offender Registry as part of the Annual Security Report.

PROCESS & PROCEDURES

Augusta University Police Department
<https://www.augusta.edu/police/>

Augusta University Police Department Online Report Tool
<https://www.augusta.edu/police/onlinereport.php>

Title IX Sexual Misconduct Report Form
https://augusta-advocate.symplicity.com/titleix_report/index.php/pid416300

REFERENCES & SUPPORTING DOCUMENTS

- A. 20 USC §1092(f)
- B. 34 CFR §668.41
- C. 34 CFR §668.46(k)
- D. 34 CFR §668.49
- E. 34 CFR §668, Subpart D, Appendix A
- F. <https://gbi.georgia.gov/services/georgia-sex-offender-registry>

RELATED POLICIES

Missing Resident Student Notification Process

<https://www.augusta.edu/services/legal/policyinfo/policy/missing-resident-student-notification-process.pdf>

Sexual Misconduct Policy for Students and Employees

<https://www.augusta.edu/services/legal/policyinfo/policy/sexual-misconduct-policy-students-employees.pdf>

University System of Georgia Sexual Misconduct Policy

<https://www.usg.edu/policymanual/section6/C2655>

Alcohol and Other Drugs Policy

<https://www.augusta.edu/services/legal/policyinfo/policy/drug-alcohol-policy.pdf>

Non-Retaliation Policy

<https://www.augusta.edu/services/legal/policyinfo/policy/non-retaliation.pdf>

Issuance of Emergency Notifications and Timely Warnings (AUPD)

https://www.augusta.edu/police/documents/issuance_of_emergency_notifications_and_timely_warnings.pdf

APPROVED BY:

Executive Vice President for Academic Affairs and Provost, Augusta University

Date: 8/19/2024

President, Augusta University

Date: 8/24/2024