

Jeanie Clery Act Charter & Compliance Policy

I. Policy Purpose

- A. The purpose of this policy is to outline roles and responsibilities for compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (hereinafter the "Clery Act") at Georgia Southwestern State University. 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. Georgia Southwestern State University is committed to ensuring a safe learning and working environment for all members of the GSW community and complying with all aspects of the Clery Act.
- B. This policy establishes the Clery Act compliance infrastructure and provides a structured and consistent process for oversight, policy and procedure review, and appropriate training and education for Clery Act awareness and compliance.
- C. This is a new university-wide policy to be supplemented by applicable departmental policies and procedures.
- D. This policy, as well as the Annual Security Report (ASR) and the Annual Fire Safety Report (AFSR), are monitored and evaluated regularly based on guidelines provided by the Board of Regents of the University System of Georgia. These guidelines are mandated by the U.S. Department of Education.

II. Definitions

- A. **Campus Security Authority (CSA):** Individuals who, because of their responsibilities with the University, have an obligation under the Clery Act to share information with the University about alleged Clery Crimes that are either reported to them in good faith and/or are personally witnessed by them. These individuals, by virtue of their position, due to official job duties, ad hoc responsibilities, or volunteer engagements, are required to report these crimes to the University. These individuals typically fall under one of the following categories:
 - 1. A campus police department or a campus security department of an institution.
 - 2. Any individual(s) who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring entrance into institutional property).
 - 3. Any individual or organizations specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

4. 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. 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. Common examples of CSAs include, but are not limited to:
- A. University President (or designee)
 - B. Public Safety (Chief)
 - C. Academic Affairs (Provost/VP)
 - D. Accommodations & Access / Testing Center (Director)
 - E. Athletics (Director, Asst. Director, Development Officer, Coaches)
 - F. Auxiliary Services (Director)
 - G. Business & Finance (VP)
 - H. Enrollment Management (Director)
 - I. Experimental Learning (Director)
 - J. Financial Aid (Director)
 - K. First-Year Experience (Director)
 - L. Human Resources (Director)
 - M. Information & Institutional Technology (Director)
 - N. Physical Plant (Director, Safety & Services Coordinator)
 - O. Recruitment & Admissions (Director, Asst. Director)
 - P. Residential & Campus Life (Director, Coordinator of Residential Living & Student Activities, Coordinator of Recreation & Wellness)
 - Q. Student Affairs (VP, Coordinator of Intramural & Outdoor Recreation, Student Activities Coordinator, President Jimmy Carter Leadership Program Coordinator, Director of Student Rights & Responsibilities, Greek Life)
 - R. Student Government Association (President or designee)
 - S. University Advancement / GSW Foundation (Director)
 - T. University College (Director)
 - U. University Relations (Director)

Examples of individuals who *would not* meet the criteria for being a CSA include:

- 1. A faculty member who does not have any responsibility for student and campus activity beyond the classroom; and
- 2. Clerical or cafeteria staff

B. Clery Act Crimes (“Clery Crimes”): Specific crimes, as defined by the Clery Act, for which the University is required to report statistics annually to the campus community and U.S. Department of Education (“ED”):

- 1. Homicide (Murder and Non-negligent Manslaughter, Negligent Manslaughter)
- 2. Sex Offenses (Rape, Fondling, Incest, Statutory Rape)
- 3. Robbery
- 4. Aggravated Assault
- 5. Burglary
- 6. Motor Vehicle Theft
- 7. Arson
- 8. Hazing

9. Hate Crimes (for the aforementioned crimes and in addition Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property)
10. Dating Violence
11. Domestic Violence
12. Stalking
13. Arrests and disciplinary referrals for:
 1. Liquor Law Violations
 2. Drug Law Violations
 3. Illegal Weapons Possession

C. **Clery Geography:** All buildings or property that meets the definition of on-campus, public property, or non-campus buildings or property as defined below, where the university is required to report Clery Crime statistics:

1. **On-Campus** - Any building or property:
 - A. 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.
 - B. Within or reasonably contiguous to the area identified above in section a., but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor).
 2. **On-Campus Student Housing Facility** (Subset of On-Campus): A dormitory or other residential facility for students that is in the university's on-campus geography as defined above.
 3. **Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
 4. **Non-Campus Building or Property:** Any buildings or property, including those located outside the United States, which are owned or controlled by a student organization that is officially recognized by the University; or any building or property owned or controlled by the University that is used in direct support of, or in relations to, the University's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University.
 5. **Daily Crime Log Jurisdiction/Geography:** Any location within 500 yards of property owned, leased, or rented by the University.
- D. **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.
- E. **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 necessarily the same as a student's emergency contact.
- F. **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 despite 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.

G. **Daily Crime Log:** A public log that records, by date reported, all crimes reported to University Police.

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

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

J. **Emergency Notification:** Immediate notification to the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus that involves an immediate threat to the health or safety of students or employees.

K. **Fire Log:** A log that records all reported fires, including arson, in on-campus student housing facilities.

L. **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 U.S.P.S., campus mail, or electronic mail.

M. **Proceeding:** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding 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.

N. **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.

O. **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.

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

Q. **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.

R. **University Community:** Students, faculty and staff, as well as contractors, vendors, visitors, and guests.

S. **VAWA:** 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.

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. Georgia Southwestern State University is committed to ensuring a safe learning and working environment for all members of the GSW community and complying with all aspects of the Clery Act.

The University encourages accurate and prompt reporting of all crimes to University Public Safety and/or appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. This policy sets forth guidelines intended to ensure the University's ongoing compliance with the Clery Act's obligations.

Georgia Southwestern State 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.

A. Administrative Roles and Responsibilities

1. Clery Act Coordinator

The Clery Coordinator, under the guidance of the Director of Public Safety, serves as the Chair of the Clery Act Committee and the Classification Review Work Group. The Clery Coordinator's responsibilities include:

- A. Develop meeting agenda designed to inform policy and procedures review, evaluation of training and education needs, and planning to incorporate new and/or revised laws and regulations pertaining to the Clery Act
- B. Schedule and facilitate quarterly meetings of the committee
- C. Provide or arrange for the documentation of the activities of the Clery Committee
- D. Responsible for collecting, classifying and counting crime reports for use in preparing and publishing annual crime statistics.
- E. Oversees the Classification Review Work Group, which is responsible for determining the classification and counting of crime statistics.
- F. Oversees the Clery Act Committee, which is a multidisciplinary team that provides strategic vision and planning for Clery Act compliance.
- G. Responsible for notification to CSAs of their reporting obligations and training on the reporting process.

2. Clery Act Committee

The University has identified a multidisciplinary team to support the work of the Clery Coordinator. This committee meets on a quarterly basis to discuss vision and planning for Clery compliance and policy development to enhance campus safety. The purpose of the Clery Committee shall be to provide strategic vision and planning for Clery Act compliance, including, but not limited to:

- A. Ensuring their respective departments or units understand the relevance and requirements of the Clery Act that may impact departmental operations,
- B. Providing relevant information regarding their departmental operations to the Clery Coordinator and other Clery Committee members,
- C. Reviewing relevant University policies and procedures that may affect Clery Act Compliance, and
- D. Facilitating appropriate training and education for Clery Act awareness and compliance.

3. Classification Review Work Group

The Clery Act Committee also serves on the Classification Review Work Group. The Work Group will meet quarterly to review reports of alleged criminal activity in various University reporting systems, including, but not limited to CrimeStar and Maxient. The primary function of the Work Group is to ensure complete and accurate identification and appropriate classification of Clery-reportable crimes, arrests, and disciplinary referrals in preparation for quarterly report submission to the University System of Georgia, the annual submission of Clery Act crime statistics, and preparation of the Annual Security Report & Annual Fire Safety Report. The Clery Coordinator is responsible for scheduling and facilitating regular meetings of the Work Group. Clery Act Committee / Classification Review Work Group membership will be reviewed periodically to ensure appropriate input, representation, and leadership.

4. Campus Security Authority (CSA)

CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in the capacity as a CSA. CSAs must forward information about the crime(s) reported to them in a timely manner to the Office of Public Safety and the Clery Coordinator. CSAs are required to contact University Police immediately if the incident poses an imminent threat to the campus community.

B. Annual Security Report (ASR)

1. The University will produce an Annual Security Report by October 1st that contains a summary of campus security policies and specific crime statistics. In addition:
 - A. The University 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.
 - B. The University 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.

C. Crime Reporting

1. Crimes should be reported to the University 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) institutions must adopt a Clery-specific policy that “encourages accurate and prompt reporting of all crimes.”

D. Ongoing Disclosures

1. Timely Warnings – the University Police Department will issue Timely Warnings for any Clery Act crimes that the University determines represent an ongoing threat to the safety of students, employees or the University Community. Timely Warning are generally issued via mass phone call, text, and email to registered users in the GSW Emergency Notification System (Blackboard Connect), and on the GSW website.
2. Emergency Notifications – the 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 University Community. Emergency notifications are generally issued via mass phone call, text, and email to registered users in the GSW Emergency Notification System (Blackboard Connect), and on the GSW website.
3. Daily Crime Log – The University Police department will create and maintain a public log of all crimes reported to University Police 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 inspection at the University Police department during regular business hours.

E. Missing Students

1. Residence Life employees receiving a report of a missing student must immediately notify GSW Public Safety at 229-931-2245.
2. Each residential student has the option to identify a Confidential Contact to be notified by Public Safety 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. GSW Public Safety will investigate the missing person report and determine if the student is missing. Circumstances may include:

- A. 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.
 - B. Conditions that may indicate an act of criminality is involved.
 - C. Conditions that may indicate physical safety is in danger.
 - D. Conditions become known that indicate medicine dependence may threaten health, and/or
 - E. Existence of physical/mental disability indicating the student's physical safety could be in danger.
4. If the student is deemed missing, GSW Public Safety 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, University Police will notify the custodial parent no later than 24 hours after the time the student is deemed to be missing.

F. Alcohol and Other Drugs

- 1. Alcohol – Georgia Southwestern State University prohibits:
 - A. Consumption, possession or transportation of alcoholic beverages by any person under legal age; and
 - B. Furnishing and/or distributing alcoholic beverages to any student under legal age.
- 2. Drugs – Georgia Southwestern State University prohibits:
 - A. 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;
 - B. Possession of drug paraphernalia; and
 - C. Being under the influence of a narcotic or other controlled substance except as permitted by law or valid medical prescription.
- 3. Education and Prevention

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

G. Violence Against Women Act

- 1. Prohibition of Offenses

Georgia Southwestern State University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are 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.

2. Survivor's Brochure – Georgia Southwestern State University provides written notification to students and employees regarding the resources and services available and procedures related to sexual misconduct.
3. Disciplinary Processes
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:
 - A. Georgia Southwestern State 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.
 - B. Georgia Southwestern State University will provide simultaneous notification, in writing, to both the complainant and the respondent, of:
 - I. The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;
 - II. The institution's procedures for the respondent and complainant to appeal the result of the institutional disciplinary proceeding;
 - III. Any change to the result; and
 - IV. When such results become final.
 - C. If an appeal is filed by either party, Georgia Southwestern State University will notify the other party in writing within three (3) business days and afford them an opportunity to respond in writing within three (3) business days.
4. Accommodations and Protective Measures
 - A. 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.
 - B. Support services include existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services.
 - C. Accommodations may include assistance with requesting changes to academic, living, transportation, and working situations or protective measures.
 - D. The University 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 University Police or local law enforcement.
 - E. The University 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.

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

5. Educational Programming

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

H. Retaliation

Georgia Southwestern State University, or an officer, employee, or agent of the institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision in this policy.

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

The University 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.

J. Sex Offender Registry

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

IV. Support Information

[20 USC §1092\(f\)](#)

[34 CFR §668.46](#)

[34 CFR §668, Subpart D, Appendix A](#)

[34 CFR §668.41](#)

[34 CFR §668.49](#)

[USG Sexual Misconduct Policy](#)

V. Procedures

Any related operating procedures must comply with and should reference this policy.