



Clery Act Compliance Policy

Title: Clery Act Compliance Policy

Effective Date: July 23, 2024

Responsible Office: Randolph College Campus Safety

Clery Compliance Officer: Director of Campus Safety, Bill Breedlove

Last Updated: First Version

Scope

This policy applies to all of Randolph College. It applies to members of the college community, specifically faculty, staff, students, and third parties designated as Campus Security Authorities (CSA), as defined in this policy, and to departments with specific responsibilities for compliance of this policy.

Purpose

Randolph College is committed to maintaining a safe and secure environment for its faculty, staff, employees, students, and visitors. This policy establishes requirements and responsibilities 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 college property for students, faculty, and staff members in the community.

Definitions

- **The Annual Security Report (ASR)** is a public report disseminated to employees and students annually on October 1st. It includes statistics of campus crime for the preceding three calendar years, plus details about efforts taken to improve campus safety, policy statements regarding (but not limited to) crime reporting, campus facility security and access, law enforcement authority, the incidence of alcohol and drug use, and the prevention of and response to sexual assault, domestic or dating violence, and stalking.



- **Campus Security Authority (CSA)** means individuals employed or contracted by the college who are designated annually because their job functions obligate them under the Clery Act to notify the Randolph College Director of Campus Safety/Clery Compliance Officer of alleged Clery Act Crimes observed by or reported to them in good faith. Federal law defines four categories of Campus Security Authorities or CSAs: College or University Police; Non-police security staff (Campus Safety) responsible for monitoring College property; People/offices designated under our policy as those to whom/which crimes should be reported; and Officials with significant responsibility for student and campus activities.

On the Randolph College campus, the following departments, offices, or individuals are identified as CSAs:

- **Campus Safety Department – primary receiver of campus incident reports**
- **Campus Safety Officers**
- **Communications Operators**
- **Dean of Students**
- **Assistant Dean of Students**
- **Title IX Coordinator, Deputy Title IX Coordinator, and Title IX Investigator,**
- **Human Resources Office**
- **Residence Life Staff**
- **Resident Assistants (RAs)**
- **Head Residents (HRs)**
- **Director of Residence Life & Conduct**
- **Coordinator of Student Engagement**
- **Esports Head Coach**
- **Director of the Health Center**
- **Director of the Counseling Center**
- **Chief Diversity Officer and Director of Identity, Culture, and Inclusion**
- **Judiciary Chair and Vice-Chair**



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- **Director of Athletics**
 - **Coordinator of Athletics Operations**
 - **Associate Athletic Director**
 - **Head Coaches**
 - **Assistant Coaches**
 - **All part-time and volunteer coaches**
 - **Faculty and Staff advisors to student organizations**
 - **Provost and Vice President for Academic Affairs**
 - **Associate Provost**
 - **Director of Student Success**
 - **Program Coordinator (Student Success)**
 - **Director of the Academic Services Center**
 - **Coordinator of Access Services**
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- **Clery Act Crime** means a crime required by the Clery Act to be reported in the Annual Security Report, including criminal homicide (murder and negligent/non-negligent manslaughter); sex offenses (rape, fondling, statutory rape, and incest); 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); dating violence; domestic violence; stalking; 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** means property that is owned, leased, or controlled by the college, 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 college owns controls or leases, that is frequented by students and used in support of educational purposes.



- **Emergency Notification** means an announcement triggered by a significant emergency event or dangerous situation involving an immediate threat to the health or safety of the college community.
- **Emergency Notification System** is the mechanism established for the purpose of and dedicated to enabling college officials to quickly contact or send messages to faculty, staff, employees, and students in the event of an Emergency Notification or Timely Warning.
- **Non-Campus Property** means any building or property owned or controlled by a student organization officially recognized by the institution or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Timely Warning** means an alert to the campus community when the Director of Campus Safety/Clery Compliance Officer determines that a Clery Act Crime which has already been committed or attempted, presents a serious or continuous threat.

Policy Requirements of the Clery Act:

Publish an Annual Security Report (ASR)

By October 1st of each year, the Director of Campus Safety/Clery Compliance Officer will publish an ASR on the college website documenting three calendar years of Clery Act Crime statistics, as well as college structure, prevention, and response to overall campus safety and crimes of sexual violence, including sexual assault, dating violence, domestic violence, and stalking. The annual report also includes statements pertaining to the college's structure, preparedness, and response to emergency management.

This report must be made available to all current employees and students. Prospective employees and students must be notified of the ASR's existence and provided a copy upon request. Paper copies of the report will be available upon



request from Campus Safety at the Reception and Information Desk located in Main Hall.

Identify, Notify, and Train Campus Security Authorities (CSAs)

The Director of Campus Safety/Clery Compliance Officer identifies positions that meet the definition of a CSA on an ongoing basis and notifies individuals in these roles of their obligations under the Clery Act and this policy to report all Clery Act Crimes that they witness or that are reported to them, which may have occurred in a Clery Reportable Location. The college provides annual training on CSA responsibilities and reporting requirements to all individuals designated as CSAs.

Disclose Crime Statistics

The Director of Campus Safety/Clery Compliance Officer is responsible for requesting crime statistics from Campus Security Authorities, local law enforcement agencies with jurisdiction over campus property, and other law enforcement agencies with jurisdiction over non-campus property. Statistics are also requested for four additional crime categories if the crime committed is classified as a hate crime, for Clery Act Crimes as well as the following crimes:

1. Larceny/Theft
2. Simple Assault
3. Intimidation
4. Destruction/Damage/Vandalism of Property

The Director of Campus Safety/Clery Compliance Officer is responsible for collecting statistics from the Dean of Students Office in the following categories of arrests or referrals for disciplinary action if an arrest was not made:

1. Liquor Law Violations
2. Drug Law Violations
3. Carrying or Possessing Illegal Weapons



Licensed mental health counselors and pastoral counselors are exempt from CSA designation. Clery Act Crimes that would otherwise be reportable but are reported to a licensed mental health counselor or pastoral counselor in the context of a privileged (confidential) communication are not subject to the disclosure requirement to Campus Safety.

Issue Timely Warnings

Randolph College employees designated as Campus Security Authorities **MUST** promptly report Clery Act crimes to the Director of Campus Safety/Clery Compliance Officer, so a timely warning can be sent out to the campus community if warranted. The college must provide timely warnings about Clery Act Crimes that occur in a Clery Reportable Location that pose a serious or ongoing threat to the campus community. Timely warnings are provided to notify students, faculty, and staff of certain crimes that may represent a serious or ongoing threat to the campus community and to heighten safety awareness. Timely warnings include information about the crime that triggered the warning, but do not include personally identifiable information about the victim of the crime. Timely warnings are made only in response to the occurrence of crimes specified in the Clery Act. Because the nature of criminal threats is often not limited to a single location, timely warnings must be issued in a manner likely to reach the entire campus community.

Issue Emergency Notifications

Randolph College is required to inform the campus community about a significant emergency event or dangerous situation involving an immediate threat to the health or safety of individuals in the campus community. Emergency events may be localized; therefore, notifications may be tailored exclusively to the segment of the campus community at risk.

Randolph College also must have emergency response and evacuation procedures in place specific to its on-campus facilities. A summary of these procedures must be disclosed in the ASR. Additionally, the emergency response procedures must be tested at least once annually.



Emergencies where issuing a notification would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or mitigate the emergency are not subject to the emergency notification requirement.

Responding to Reports of Missing Students

Anytime a member of the Randolph College community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify the Department of Campus Safety at 434-947-8000 or call 911 to alert the Lynchburg Police Department. Campus Safety will fully cooperate with local police to generate a missing person report and initiate an investigation.

Communication to the campus and greater Lynchburg community will be guided through the Office of College Relations, law enforcement authorities, and local media outlets, to best elicit public assistance, as deemed necessary.

A student may be considered a "missing person" if the person's absence from campus is contrary to their usual pattern of behavior or if unusual circumstances may have caused the absence. Such circumstances may include, but are not limited to, a report or suspicion that the person may be a victim of foul play, has expressed suicidal thoughts, is influenced by alcohol or drugs, is in a life-threatening situation, or is overdue to return to campus and is unheard from after giving a specific return time to friends or family. All reports of missing persons will be investigated. If the missing student is under the age of 18 and is not an emancipated individual, the Department of Campus Safety, or a representative of the Dean of Student's office/Administrator on Call, will notify the student's custodial parent or legal guardian immediately. If the preliminary investigation indicates a need, local law enforcement agencies and parents will be notified immediately.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Randolph College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the College will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so through the



College's Dean of Student's office, or via self-service on the College's intranet. Contact information is accessible only by the Dean of Students, the Director of Campus Safety, or designee.

Compile, Report & Publish Fire Data

The Higher Education Opportunity Act of 1998 (HEOA) amended the Clery Act to include fire statistics. The Director of Campus Safety/Clery Compliance Officer produces an Annual Fire Safety Report (AFSR) by October 1st each year. The Director of Campus Safety/Clery Compliance Officer must collect and disclose fire statistics for each on-campus student housing facility separately for the three most recent calendar years for which data are available in accordance with HEOA regulations. Each such facility must be identified in the statistics by name and street address, regardless of whether any fires have occurred.

Additionally, the Director of Campus Safety/Clery Compliance Officer will provide a description of the fire safety system in each student housing facility, to include mechanisms (e.g., fire extinguishers, fire doors, posted evacuation routes, etc.) or systems related to the detection, warning, and control of a fire. The Director of Campus Safety/Clery Compliance Officer will submit the AFSR to the Office of Compliance & Equity by September 25th each year for inclusion in the Annual Security Report and for submission of the statistics reported to the U.S. Department of Education.

Maintain a Daily Crime Log

The college must maintain a daily crime log documenting the "nature, date, time and general location of each crime" reported to the Campus Safety Department within the last 60 days and the disposition, if known, of the reported crimes. Incidents must be entered into the log within two business days of receiving the report. The Daily Crime Log is available at the reception and information desk located in Main Hall during normal business hours. Requests for public inspection of daily crime log entries beyond 60 days must be made in writing and will be made available within two business days of the request.



Maintain a Daily Fire Log

The college must maintain a daily fire log documenting the nature of the fire, the date the fire occurred, the date and time the fire was reported, and the general location of each fire-related incident in an on-campus student housing facility reported to any college official. Incidents must be entered into the log within two business days of receiving the report, and the previous 60 days of fire log entries must be available for public inspection during normal business hours. The Daily Fire Log is available at the reception and information desk located in Main Hall during normal business hours. Requests for public inspection of daily fire log entries beyond 60 days will be made available within two business days of the request.

Responsibilities of Individuals or University Departments:

Director of Campus Safety/Clery Compliance Officer

- Monitor the College's compliance with the Clery Act.
- Issuing timely warning alerts to the campus community about Clery Crimes.
- Update the requirements in this policy as necessary when the federal legislation has been amended.
- Annually review geographic categories for inclusion.
- Establish a procedure for processing instances of short-stay away trips to designate a CSA to disclose any Clery crimes reported during the trip to be included in the ASR.
- Identify those positions with CSA responsibilities and notify those individuals.
- Maintain a list of Randolph College's CSAs.
- Develop procedures for reporting crime statistics by CSAs.
- Assess crime statistics reported by CSAs to determine whether the incident will be counted in the ASR.
- Educate and train CSAs and personnel as necessary.
- Publish the ASR and disclose statistics of Clery Crimes reported over the past three years.



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- Annually, request in writing crime statistics from local law enforcement with jurisdiction over Clery Reportable Locations of the College.
- Maintain and publish College policies and procedures addressing campus safety.
- Submit the crime and fire statistics to the U.S. Department of Education.
- Report crime statistics (as specified in the Clery Act).
- Investigate all reports of missing students by notifying and cooperating with other law enforcement agencies, as necessary.
- Maintain the daily crime log.
- Maintain the daily fire log.

Campus Security Authorities

- **Immediately** report any Clery Act-related crimes to the Director of Campus Safety/Clery Compliance Officer at 434-947-8144 or in person for a timely warning and ASR consideration.
- Understand the requirements of the Clery Act pertaining to Clery Act Crimes and general awareness of Clery Reportable Locations.
- Complete training and education as determined by the Director of Campus Safety/Clery Compliance Officer.
- Complete a CSA Crime Report Form. This can be found on the Randolph College Campus Safety website or can be emailed to you by the Director of Campus Safety/Clery Compliance Officer.

Dean of Students Office

- In collaboration with Campus Safety, respond to missing student reports.
- Report Liquor, Drug, and Possession of Weapon disciplinary referral statistics to the Director of Campus Safety/Clery Compliance Officer.

Human Resources

- Notify and provide to prospective faculty and staff the online location of the ASR and a brief description of the report.



- Provide a paper copy of the ASR upon request to a prospective or current faculty or staff member.
- Immediately report any Clery Act-related crime to the Director of Campus Safety/Clery Compliance Officer for a timely warning and ASR consideration.
- Annually, provide all conduct referral data to the Director of Campus Safety/Clery Compliance Officer for inclusion in the Annual Security Report.

Procedures:

How to Report a Clery Crime

When a Campus Security Authority (CSA) becomes aware of conduct or behavior that reasonably appears to constitute a Clery Act crime that occurred on our Clery Act geography, they **must immediately report** the incident to the Director of Campus Safety/Clery Compliance Officer via telephone 434-947-8144 or in person and complete a CSA Crime Report Form.

When to Report a Clery Crime

An employee may become aware of a criminal incident by witnessing an incident involving criminal behavior or by being told about such an incident. The Campus Security Authority (CSA) should not attempt to decide as to whether there is adequate evidence of a crime or whether the alleged incident occurred. The Campus Security Authority may not wait for criminal charges to be brought, arrests to be made, or determinations of guilt to be made.

A Campus Security Authority (CSA) **must report the incident as soon as possible** unless they (1) have good reason to doubt the validity of the information or (2) are certain that the incident has already been reported to the Director of Campus Safety/Clery Compliance Officer.

The Campus Security Authority (CSA) **must report** even if the information regarding the incident was shared with them in confidence (confidentially). If a victim does not want their identity revealed, the Campus Security Authority (CSA) may withhold the



identity of the victim when making the report, **except for incidents of sexual violence or sexual harassment.**

What to Report

Campus Security Authorities (CSAs) must clearly identify themselves to the Director of Campus Safety/Clery Compliance Officer that they are reporting as a Campus Security Authority (CSA).

The Campus Security Authority (CSA) should provide as much detail about the incident as possible to ensure an appropriate response and accurate recording of the incident.

It is particularly important for the Director of Campus Safety/Clery Compliance Officer to know where the incident occurred (or is alleged to have occurred) and to have enough detail to determine whether they already are aware of the incident.

The **Clery Compliance Guidance & FAQs** provides more information about crime reporting.

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 College policies. The U.S. Department of Education may impose a \$69,733 civil penalty per violation or may suspend the college from participating in federal financial aid programs.

Authority & Amendment

This policy was approved by the College President on July 23, 2024. The President has authorized the Director of Campus Safety/Clery Compliance Officer to make minor or technical amendments, such as revisions to the list of Clery Act crimes, in response to legal or regulatory developments.



Questions about this policy should be directed to the Director of Campus Safety/Clery Compliance Officer at bbreedlove@randolphcollege.edu.

Definition of Clery Act Crimes

- **Aggravated assault**
- **Arrests for liquor law, drug abuse, weapons violation**
- **Arson**
- **Burglary**
- **Dating violence**
- **Domestic violence**
- **Hate crimes**
- **Motor vehicle theft**
- **Murder and manslaughter**
- **Robbery**
- **Sex offenses**
- **Stalking**

Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually involves a weapon or means likely to cause death or great bodily harm.

Arrests for drug abuse, liquor law, and weapons violations must be reported.

- **Drug abuse violations** are violations of laws prohibiting the production, distribution, or use of certain controlled substances and associated equipment; unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic; and arrests for violations of state and local laws the relating to the



unlawful possession, sale, use, growing or manufacturing and making of narcotic drugs.

- **Liquor law violations** are defined as violations of laws or ordinances prohibiting the manufacture, sale, possession, transporting, or furnishing of intoxicating liquors or alcoholic beverages and all attempts to commit any of the aforementioned. (Public drunkenness and driving under the influence are not included).
- **Weapons violations** are violations of laws or ordinances dealing with weapon offenses, such as manufacture, sale, or possession of deadly weapons; carrying of deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of these acts.

Arson is maliciously burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

Burglary is the unlawful entry into a structure to commit a felony or theft. Theft or unlawful entry into open-access areas, such as dining halls and libraries, is not burglary. A structure is a physical space enclosed by four walls, with a roof and door, and so does not include lockers, tents, or cars, for example. Shoplifting is not burglary.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be determined based on the reporting party's statement and considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts included under the definition of domestic violence.



Domestic Violence is a violent crime (either a felony or misdemeanor) committed by:

1. A current or former spouse or intimate partner of the victim.
2. A person with whom the victim shares a child in common.
3. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
4. A parent, child, stepparent or stepchild, sibling (full or half), grandparent or grandchild of the victim.
5. The victim's mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, if they reside in the same home with the victim; or
6. Any other person who cohabits or, within the previous 12 months, cohabitated with the victim.

Hate crimes are defined for Clery Act purposes as certain crimes committed against a person or property when such crimes are motivated, in whole or in part, by the offender's (perpetrator's) bias. Bias is defined as a performed negative opinion toward a group of persons based on their race, gender, religion, ethnic/national origin, disability, sexual orientation, or gender identity. These crimes are:

- murder and non-negligent manslaughter
- forcible and non-forcible sex offenses
- robbery
- aggravated assault
- burglary
- motor vehicle theft
- arson
- larceny-theft
- simple assault
- intimidation (unlawfully placing another person in reasonable fear of bodily harm through threatening words and/or other conduct but without displaying a weapon or subjecting the victim to an actual physical attack)



- destruction/ damage/ vandalism to property.

Motor vehicle theft is defined as the theft or attempted theft of a motor vehicle. (This classification also includes "joyriding"). Motor vehicles are defined broadly to include not only cars and trucks but any self-propelled vehicle that runs on land surface and not on rails, such as golf carts, motor scooters, motorized wheelchairs, and ATVs.

Murder and Non-Negligent Manslaughter are the willful (non-negligent) killing of one human being by another.

Negligent Manslaughter is the killing of another person through gross negligence.

Robbery is the taking or attempting to take anything of value from the care, custody, and control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

A sex offense is any of the following:

- **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.
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim.
- **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent. In Virginia, the age of consent is 18, although there are exceptions for intercourse between minors aged 13-17; these exceptions are complex, and to ensure appropriate reporting, all sexual intercourse with a minor should be reported.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:



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1. Fear for the person's safety or the safety of others; or
2. Suffer substantial emotional distress. Such distress does not have to be severe enough to require medical or other professional treatment or counseling to be substantial emotional distress.

Stalking requires 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.