Clery Act Compliance Policy

Policy Number	110.03.01	**Custodian**	President
Approved Date	5/1/2017		
Effective Date	5/1/2017	**Review Date**	
References: Security Policies and Procedures Human Resources Policies and Procedures Student Handbook Clery Act, Code of Federal Regulations, Title 34: Education, Part 668			

1. **Purpose**

   The purpose of this policy is to ensure that the White Earth Tribal and Community College (WETCC) is in compliance with the Clery Act.

2. **Persons Affected**

   2.1. Students
   2.2. Staff

3. **Policy**

   This policy is to ensure the following:

   3.1. To define and comply with the Clery Act.

4. **Definitions**

   4.1. Business Day. Opening at 7:00 a.m. and closing at 4:30 p.m. or at the time the last class is dismissed, Monday through Fridays, excluding designated holidays or any other day WETCC is sanctioned as closed.

   4.2. Campus. 1) any building or property owned or controlled by WETCC within the same reasonably contiguous geographic area and used by WETCC in direct support of, or in a manner related to, WETCC's educational purposes; and 2) any building or property that is within or reasonably contiguous to the area identified in (1), is frequently used by students, and supports WETCC as an institution.

   4.3. Campus Security Authority. Designated security officer or in their absence, the director of development or designee.

   4.4. Clery Act Crimes.
   - Primary crimes:
     - Criminal homicide
       - Murder and nonnegligent manslaughter

        - Negligent manslaughter
    - Sex offenses:
        - Rape
        - Fondling
        - Incest
        - Statutory rape
        - Robbery
        - Aggravated assault
        - Burglary
        - Motor vehicle theft
        - Arson
    - Arrests and referrals for disciplinary actions, including:
        - Arrests for liquor law violations, drug law violations, and illegal weapon possession.
        - Persons not included in b.i. of this section who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.
    - Hate crimes, including:
        - The number of each type of "Primary Crimes" that are determined to be hate crimes
        - The number of the following crimes that are determined to be hate crimes:
            - Larceny-theft
            - Simple assault
            - Intimidation
            - Destruction/damage/vandalism of property
    - Dating violence, domestic violence, and stalking as defined in this policy.

4.5. Clery Geography. 1) buildings and property that are a part of WETCC campus, 2) WETCC non-campus buildings and property, and 3) public property within or immediately adjacent to and accessible from the campus, 3) any area within the patrol of WETCC security.

4.6. 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.

- 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, and the frequency of interaction between the persons involved in the relationship.
- For the purpose of this definition:
    - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - Dating violence does not include acts covered under the definition of domestic violence.

- This includes, but is not limited to: sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence.
- For the purpose of Clery Act compliance, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

4.7. 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 a 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.
- For the purpose of Clery Act compliance, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

4.8. Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program. A nationwide, cooperative statistical effort in which law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of Crimes and the requirements for classifying crimes.

4.9. Hate Crime. is usually identified during an investigation of an incident and is defined as a crime reported to a local police agency or campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purpose of complying with the Clery Act, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

4.10. Hierarchy Rule. A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

4.11. Noncampus Building or Property.
- Any building or property owned or controlled by a student organization that is 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.

4.12. Pastoral Counselor. A person sanctioned by WETCC who is associated with a religious order or denomination, is recognized by that religious order or denomination as

someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

4.13. Professional Counselor. A person sanctioned by WETCC whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

4.14. 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.

4.15. Campus Disciplinary Action Referral. Referral of any person to any campus official who initiatives a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

4.16. Sexual Assault. An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

4.17. 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:
  - 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.
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- For the purposes of complying with the Clery Act, any incident meeting this definition is considered a crime for the purposes of reporting Clery Act incidents on the Annual Crime Report.

4.18. Test. Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

5. Procedures

5.1. All departments and staff members will comply with the requirements for the Clery Act.

5.2. The WETCC President will ensure the organizational policies and procedures comply with the Clery Act.

5.3. The Director of Development will ensure security policies and procedures comply with the Clery Act.

5.4. The dean of student services will ensure student policies and procedures comply with the Clery Act. The dean of student services is responsible for handling any student disciplinary actions deemed necessary.

5.5. The dean for academics will ensure academic policies and procedures comply with the Clery Act.

5.6. The human resources technician will ensure human resources policies and procedures comply with the Clery Act.

5.7. Supervisory staff will handle any employee disciplinary actions deemed necessary.

5.8. Compliance with the Clery Act does not constitute a violation of FERPA.

5.9. WETCC, WETCC officers, employees, or agents may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of the Clery Act.

5.10. WETCC reserves the right to take action to prevent unwanted contact with an alleged assailant, including, but not limited to, transfer of the complainant and/or the respondent to alternative classes or an alternative work site if such alternatives are available and feasible.

Revision History

Rev. Date	Rev. No.	Revision