

## **NOVA Clery Policy    Date Policy authorized:**

### **1.0 Policy**

Northern Virginia Community College (NOVA) is committed to providing a healthy and safe educational environment for all students, employees, and visitors by complying with the Clery Act. (the “College community”).

### **2.0 Purpose**

The purpose of this policy is to provide guidance and to clarify responsibilities to all members of the College community regarding the Crime Awareness and Campus Act better known as the “Clery Act” which is contained in section 485 of the higher education act, codified at 20 U.S.C. § 1092.

The law requires colleges and universities receiving federal funding to prepare, publish, and distribute by October 1 of each year, campus security, safety policies and crime statistics in the form of an Annual Security Report (ASR). College community members are notified annually in September of the availability of the report and how and where to access the ASR.

### **3.0 Authorities**

The Northern Virginia Community College Vice President of Finance and Administration is responsible for the overall coordination and enforcement of this policy and associated procedures.

Federally, the Department of Education is responsible for Clery Act compliance oversight.

### **4.0 Applicability**

The policy applies to all members of the College community, including students, faculty, staff, employees, contractors, vendors, and visitors.

All members of the College community are responsible for adhering to this policy.

### **5.0 Responsibilities**

In the event of a crime in progress or at any time there is a risk of harm to persons or property, call 911 or the College Police at (703) 764-5000.

The College encourages everyone to report suspicious or criminal activity to the College Police Department as soon as possible.

Crimes may be reported to the College Police Department by calling (703) 764-5000 or by submitting an electronic Clery report form which is located at the following link. ([Clery Form Link](#)). Reporting an incident may be done anonymously.

To promote safety and security at NOVA and in compliance with the Clery Act, the College does the following:

- Collects, classifies, and counts crime reports and crime statistics
  - The College, through the NOVA Police Department, is responsible for collecting crime reports from the Student Judicial Officers, Deans of Students, Local Law Enforcement, Human Resources, Campus Security Authorities, Title IX Coordinator, Athletic Director, and others not specifically identified but having Clery reporting responsibilities
- Submits crime statistics to the United States Department of Education
  - Each year, the College, through the NOVA Police Department, submits crime statistics for Clery Act crimes by type, location and year to the U.S. Department of Education
  - NOVA’s latest Annual Security Report can be found at the following link. ([ASR Link](#))

- After collecting and sorting the data from various sources, the NOVA Police Department submits the data electronically to the Department of Education prior to October 1<sup>st</sup> of each year
- Identifies and trains Campus Security Authorities (CSAs)
  - CSAs are responsible for notifying the NOVA Police Department of any incidents that may be Clery related and
  - Upon request by the NOVA Police Department, provide details and statistics of Clery crimes reported to that CSA.
  - For additional coverage, the NOVA Police Department may also conduct Clery educational awareness sessions which are included in newsletters or by other appropriate methods.
- Issues campus alerts and emergency notifications.
  - NOVA issues timely warnings to the College community
    - When there is information that a Clery crime has occurred that represents a serious or ongoing threat to campus safety.
  - NOVA issues emergency notifications
    - Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees. The NOVA Alert system will be tested annually through the Information Technology Department and the Office of Emergency Management and Safety.

Alerts and emergency communications are authorized and sent as outlined in the NOVA Crisis Communications Protocol that is maintained by the Office of Emergency Management and Safety and can be found at [http://www.nvcc.edu/emergency/docs/CrisisCommunicationProtocols\\_11\\_03\\_14-Final.pdf](http://www.nvcc.edu/emergency/docs/CrisisCommunicationProtocols_11_03_14-Final.pdf)

- Publishes and maintains an Annual Security Report (ASR)
  - The ASR contains safety and security related policy statements and statistics of Clery Act crimes occurring on College property, adjacent property, and non-College property owned or controlled by the College
  - To prepare the Annual Security Report, the College, through the NOVA Police Department, collects, classifies and counts crime reports and crime statistics. The Annual Security Report, ([ASR Link](#)) is available annually to all current and prospective students and current and prospective employees of the College. A hard copy of the Annual Security Report may be obtained through NOVA College Police at (703) 764-5000
  - Upon completion of the ASR, the NOVA Police Department notifies the College community through email of the reports availability on the NOVA website
- Maintains a Daily Crime Log
  - The NOVA Police Department maintains a daily crime log of alleged criminal incidents. The log is open to public inspection and available at the following link. ([Crime Log Link](#))
- Tests the emergency response and evacuation procedures(Exercise, Test, & Drills)
  - NOVA's Office of Emergency Management and Safety (OEMS) conducts regularly scheduled drills, exercises and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities
  - OEMS maintains all emergency test documentation required under the Clery Act
  - OEMS will publicize the College's emergency response and evacuation procedures in conjunction with at least one test per calendar year
- Publishes and maintains an Emergency Action Plan
  - The Office of Emergency Management and Safety maintains the Emergency Action Plan. The Plan establishes procedures to be followed by employees in the event of an emergency
  - It is the responsibility of all College employees to be knowledgeable of the Emergency Action Plan. Faculty members are responsible for ensuring that students are familiar with emergency procedures
- The Emergency Action Plan can be found at [https://www.nvcc.edu/emergency/docs/EmergencyActionPlan3\\_14.pdf](https://www.nvcc.edu/emergency/docs/EmergencyActionPlan3_14.pdf)

## 6.0 Campus Security Authorities (CSA):

All NOVA College/ Campus faculty, staff, and contract employees are considered "Campus Security Authorities" except Pastoral and Professional Counselors.

- Pastoral counselor: A person, 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
- Professional counselor: A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution
  - AT NOVA, academic counselors are not considered professional counselors as defined by Clery and therefore they are CSAs

All NOVA faculty, staff, and contract employees are required to complete Clery- Training which can be accessed on the NOVA Academy at the following link: ([NOVA Academy Link](#)) and searching for "Clery".

- New employees will be assigned the training as part of new hire orientation
- Current employees will be notified by Human Resources of the requirement
- The supervisor of each employee is responsible for a statement indicating that each staff and faculty member is a CSA and required to complete associated duties will be included in each impacted employee work profile (EWP) and will be distributed to faculty during contract periods.

## 6.1 CSA Procedures

Employees, known as Campus Security Authorities (CSAs), have a legal obligation to file a report of suspected criminal activity with the NOVA Police Department to ensure statistical inclusion of all crimes as specified by the Clery Act in the College Annual Security Report.

Reportable crimes are those crimes that occur on or near College Property, including on-campus property, property immediately adjacent to the campus, and off-campus property owned or controlled by the College. For definitions of these locations, please refer to section 7 of this policy.

As outlined in the Clery Training, available through the NOVA Academy each individual identified by the College as a CSA is expected to report Clery Act crimes.

While CSAs must report any Clery Act crime that comes to their attention, at the request of the victim the identity of the victim may remain anonymous.

### CSA Crime Reporting – (When a crime is reported to a CSA)

- Ask the reporting person if they would like to report it to College Police
  - If so, contact College Police at (703) 764-5000
  - If the CSA has firsthand knowledge / confirmation that the reporting person filed a police report with College Police, then they are not obligated to complete and submit a Campus Security Authority Crime Report Form 105-174 ([Crime Report Form Link](#))
- However, if the reporting party says they will file a police report with College Police and departs (no CSA firsthand knowledge / confirmation that a police report was filed), then the CSA must still complete and submit a Campus Security Authority Crime Report Form
- CSAs are encouraged to report all crimes reported to them, in a timely manner to College Police by submitting the electronically available Campus Security Authority Report form 105-174

If the reported crime is made in good faith, meaning that there is reasonable basis for believing that the information is not rumor or hearsay, then the crime is Clery reportable.

CSAs, when interacting with the crime reporting person, need to gather incident information that would provide sufficient detail to properly classify the incident.

- This means CSAs need to document the reporting person's responses or lack thereof
- Reporting person identifying information should only be included if the reporting person is willing (see Anonymous Reporting section below)
- CSAs should not investigate the crime or attempt to determine whether a crime occurred
- When in doubt a report should be completed and submitted

### **Anonymous Reporting**

Although not preferable, victims or witnesses can report crimes to CSAs in a voluntary and anonymous status. The statistics for these are included in the Annual Security Report crime totals and are required to be provided to the NOVA Police.

## **7.0 Definitions**

### **Clery Act Crimes:**

- murder/non-negligent manslaughter, negligent manslaughter,
- sex offenses,
- robbery,
- aggravated assault,
- burglary,
- motor vehicle theft,
- arson,
- stalking,
- dating violence, and domestic violence;
- hate crimes:
  - any of the above-mentioned offenses or any of the below crimes that were motivated based on race, religion, ethnicity/national origin, gender, sexual orientation or disability;
    - larceny-theft,
    - simple assault,
    - intimidation,
    - destruction/damage/vandalism of property
- arrests and referrals for disciplinary action for:
  - weapons: carrying, possessing, etc.,
  - drug abuse violations
  - liquor law violations

Information about any incident that may constitute the above crimes must be reported by Campus Security Authorities to the NOVA Police Department because the College is required to maintain statistics of these crimes for the Annual Security Report. Specific crime definitions can be found at <http://www.nvcc.edu/police/clery/crimes/index.html>

### **College Property: (as defined by Clery)**

- Campus Grounds, Buildings and Structures – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to such buildings or property that is owned by the institution but controlled by another person and is frequently used by students and supports institutional purposes
  - Examples: NOVA's campuses like Annandale Campus and NOVA's centers like Manassas Innovation Park and the Reston Center
  - Any non-campus property located within one mile of the main campus is considered On-Campus property

- Off-Campus (Non-Campus) and Affiliated 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
  - Examples: Athletic practice fields or home game locations not on campus, physical education classes held off campus, student club activities, global and international studies activities such as study abroad.
- Public Property – All thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus or centers
  - Examples: the sidewalk adjacent to campus property, the street and the median are included within public property

To comply with Clery defined property, NOVA trains CSAs and collects statistics from campuses as well as the majority of locations where NOVA provides instruction for credit and Workforce Development classes such as high schools, military bases, and private employers. In addition, athletic trips and student trips, if NOVA funds are utilized and/or the trip is longer than a single overnight stay (2 or more nights), falls within NOVA's Clery compliance activities. Also included are NOVA's sponsored international student residence apartments which require inclusion within NOVA's Clery compliance activities.

## 8.0 Forms

The NOVA CSA Clery Form 105-174 can be found at the following link. <http://www.nvcc.edu/forms/pdf/105-174.pdf>

## 9.0 Maintenance of Clery Related Data and Items

The Department of Education requires Clery related data and records to be maintained for seven years. To accomplish this requirement NOVA maintains its data by the following:

- CSA training: The official tracking mechanism for NOVA CSA training is the NOVA Academy (Knowledge Center software). Any in-person training conducted must be entered into the database for inclusion. Department of Human Resources maintains the NOVA Academy records in the database. (7 years)
- CSA statistics: Each CSA maintains their statistics for the calendar year until information is released to the NOVA Police (1 year)
- Violations of student conduct referrals for weapons, drug and alcohol violations: Dean of students at each campus (7 years)
- Annual Security Report : Police Department (7 years)
- Alerts and Emergency Notifications: NOVA Police (7 years)
- Police reports : NOVA Police (7 years)
- Crime logs: NOVA Police (7 years)
- Requests and responses concerning crime data with outside law enforcement agencies and CSA request and responses: NOVA Police (7 years)
- Written agreements and/or documents establishing use or control of locations where NOVA instructs: unit establishing relationship (7 years)
- Travel receipts related to student travel: unit completing travel with students (7 years)
- Maintain training records for specialized training in domestic violence, dating violence, and stalking will be within each respective department/ division for those responsible to conduct such investigations or proceedings. (7 years)

## 10.0 Clery Committee

Clery compliance is a College wide commitment requiring continuous updating. In addition to new requirements mandated by the Department of Education, each semester NOVA changes where it holds instructions thereby affecting the College's Clery compliance efforts. Often a change in location requires completion of new building/ facilities assessments and notification of local jurisdictions of the Clery implications. To effectively address and maintain a college wide commitment, NOVA has established a Clery Committee. This committee is chaired by the Vice President of Finance and Administration.