

# NOVA's Clergy Training



# The Clery Law

- Crime Awareness & Campus Security Act (Clery Act)
  - Contained in section 485 of the Higher Education Act, codified at 20 U.S.C. § 1092.
- Campus safety is a vital concern to NOVA. In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990* (Title II of Public Law 101-542), which amended the *Higher Education Act of 1965 (HEA)*. This act requires all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the *Clery Act*
- On August 14, 2008, the *Higher Education Opportunity Act or HEOA* (Public Law 110-315) reauthorized and expanded the *Higher Education Act of 1965*, as amended. *HEOA* amended the *Clery Act* and created additional safety-and security-related requirements for institutions. NOVA police and the Office of Emergency Preparedness and Safety work together to ensure compliance of the Clery Act for the safety of NOVA's students, faculty and staff and community

# Jeanne Ann Clery's Legacy



- Raped & murdered April 5, 1986 in her residence hall
  - Fellow student she didn't know
- History of violent crime on campus
- Led to national awareness of campus crime
- Federal Clery Act

# NOVA's Clery Policy

- Highlights
  - Approved by Admin Council in Fall of 2014
  - All faculty, staff, and contract employees are responsible reporters (CSA's)
    - CSA (Campus Security Authorities)
  - All faculty, staff, and contract employees must take Clery training
  - All trips longer than two or more nights are NOVA Clery reportable locations
  - Maintained by the NOVA College Clery Committee
    - Can be found on the Clery Compliance webpage via the College Police Department's page

# NOVA's Weapons Policy

- Highlights
  - Defines College property and weapons
  - Explains that possession or carrying of any weapon by any person on college property in academic buildings, administrative buildings, student centers, child care centers, dining facilities is prohibited unless you fall under an exception
    - Exceptions
      - Current sworn and certified local, state, or federal law enforcement officer
  - Policy maintained by the College Police Department

# NOVA's Clery Crime Log

- NOVA Police maintain a Crime Log that is accessible by anyone and list all criminal incidents and alleged criminal incidents
- Crimes are entered into the log within two business days of when it was reported to campus police or a CSA's
  - Contains
    - Date and Time crime was reported
    - Date and Time crime occurred
    - Nature of the Crime
    - General Location of the Crime
    - Disposition of the Compliant
  - Disposition changes are recorded within two business days

# NOVA's Annual Security Report (ASR)

- The ASR is required to be published each year by October 1<sup>st</sup> of the year.
- The ASR must contain related NOVA polices as well as the ASR reportable Clery crimes
  - Statistics are requested of local law enforcement agencies, Director of HR, Title IX, Deans of Students, Athletic Coaches, Military Liaisons
- Each year an email from the Chief of Police announces the latest version
  - Prior 7 year reports are available on the NOVA Police website

# NOVA's Campus Security Authority's

- You are a CSA (Campus Security Authority)
  - If someone reports to you circumstances surrounding a crime at a minimum you **must** fill out NOVA Form 105-174 which can be done anonymously or tell a NOVA police officer
  - Listen, Inform, and Report
    - Listen to the victim about the alleged allegations
    - Inform and encourage the person to report the crime to NOVA Police
      - A person who talks to you may not want to talk to the police – and they do not have to
    - **YOU** are the liaison and are required to forward the information regarding the reported crime via the Clery report form (105-174)
      - Do not identify the victim if they don't want to be identified



# NOVA's Clery Geography

- NOVA's Clery Geography has 3 elements (On-Campus, Non-Campus, & Public Property)
- On-Campus
  - Any building or property owned or controlled by NOVA within the same reasonably contiguous geographic area of NOVA and used by NOVA in direct support of, or in a manner related to NOVA's educational purposes
  - Property within the same reasonably contiguous geographic area of NOVA that is owned by NOVA but controlled by another person, is used by students, and supports NOVA's purposes (Any associated NOVA Clery locations within a mile of the campus locations are considered On-Campus).

# NOVA's Clery Geography – Non-Campus

- Non-Campus
  - Any building or property owned or controlled by a student organization recognized by NOVA
    - &
  - Any building or property (non-branch) owned or controlled by NOVA that is used in direct support of in relation to NOVA's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of NOVA

# NOVA's Clery Geography - Public Property

- Public Property
  - Means all public property that is within the same reasonably contiguous geographic area of NOVA's **ON-CAMPUS PROPERTY**, such as sidewalks, streets, or thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by NOVA if the facility is used by NOVA in direct support of, or in a manner related to the NOVA's educational purposes
    - The public property requirement does not extend to NOVA's Non-Campus Properties

# NOVA's Clery Geography Examples

- Campus (NOVA had 14 Clery Campuses)
  - Annandale, Alexandria, Arlington Center, Loudoun, Reston, Manassas, Innovation Park, Pender/ Fairfax, Woodbridge, Medical Education Campus, Pitney Bowes/ Brault Annex, Fort Myers/ Henderson Hall, Quantico, Fort Belvoir
    - Includes request for each building's individual address if appropriate
    - Note MIP closed on October 31, 2016 and the Arlington Center closed on March 1, 2016.
- Public Property
  - Includes request for intersections and 100 blocks on streets and roads surrounding NOVA's Clery campuses
- Non-Campus
  - High-Schools
  - Physical Education Classes (Gold's Gym, bowling)
  - Early Childhood classes
  - Parks and Recreation Classes
  - Athletics (practice, games, tournaments)
  - Student Services Activities (conferences)
  - Study Abroad Trips
  - Workforce Development non-credit
  - Misc. Biology classes, geology classes (trips to MT, WY)
  - Global Studies/ International Students (apartments)
  - Music Classes (local church's)

# Crime Reporting

- In determining whether a crime should be included in the annual crime report, institutions should ask the following three questions?
  - Was the crime reported to a Campus Security Authority (CSA)?
  - Does the information contain information about a criminal offenses?
  - Did the crime occur in a Clery reportable geographic area?
- Note
  - All crimes are included within the NOVA Daily Crime Log
  - Only certain crimes are included within NOVA's Annual Security Report (ASR)
    - Both can be reviewed via the NOVA College Police Clery Compliance webpage

# ASR Reportable Clery Crimes and Offenses

- Crime statistics include all reported offenses

- Four Categories

- Criminal Offenses

- Homicide Non-negligence Manslaughter
    - Rape, Fondling, Incest, & Statutory Rape
    - Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, & Arson

- Hate Crimes

- Any above and below and Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property motivated by BIAS

- VAWA Offense

- Domestic Violence, Dating Violence, Stalking

- Arrest & Referrals for Disciplinary Action

- Weapons – Carrying, Possessing
    - Drug Abuse Violations
    - Liquor Law Violations

Statistics must be disclosed separately for each of these four general categories. When an incident meets definitions in more than one of these categories it must be reported in each category. Therefore one incident may have multiple associated statistics



# Crime Classification Questions

- Individual crime classifications as well as examples can be found on the NOVA College Police Clery Compliance webpage
- You can also speak to any NOVA officer in person, or call 703-764-5000 to speak with an officer who would be able to assist you in determining how an incident should be classified

# NOVA's Emergency Notifications

- Under the *Clery Act*, every institution is required to immediately notify 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.
  - An “**immediate**” threat as used here includes an imminent or impending threat, such as an approaching forest fire, or a fire currently raging in one of your buildings.
  - Inherent in this requirement is a statement that your institution **will** immediately notify the campus community upon confirmation of an emergency or dangerous situation.
  - **Confirmation** means that an institution official (or officials) has verified that a legitimate emergency or dangerous situation exists. Confirmation doesn't necessarily mean that all of the pertinent details are known or even available.
- Some other examples of significant emergencies or dangerous situations are
  - outbreak of meningitis, norovirus or other serious illness;
  - approaching tornado, hurricane or other extreme weather conditions;
  - earthquake;
  - gas leak;
  - terrorist incident;
  - armed intruder;
  - bomb threat;
  - civil unrest or rioting;
  - explosion; and
  - nearby chemical or hazardous waste spill;
- This requirement does **not** apply to emergency situations in or on non-campus buildings or property.



# Emergency Notifications

- The clock starts ticking when you as the CSA are made aware of or become aware of a situation that would require NOVA to issue an Emergency Notification
  - examples of significant emergencies or dangerous situations are
    - outbreak of meningitis, norovirus or other serious illness;
    - approaching tornado, hurricane or other extreme weather conditions;
    - earthquake;
    - gas leak;
    - terrorist incident;
    - armed intruder;
    - bomb threat;
    - civil unrest or rioting;
    - explosion; and
    - nearby chemical or hazardous waste spill;

**\*\*\*\*Let the NOVA Police know immediately about any of the listed examples – 703-764-5000**

# NOVA's Crisis Communication Protocol

- The Director of The Office of Emergency Management and Safety (OEMS) and the Chief of Police are responsible for all Emergency Notifications.
- The below NOVA officials will have the authority to send or authorize NOVA Emergency Notifications and are considered "Responsible NOVA Authorities." At all times in this protocol, referenced positions at NOVA may be replaced by designees.
  - NOVA President
  - Executive Vice President
  - Campus Provost
  - Chief of Police
  - Director of Office of Emergency Management and Safety (OEMS)
  - Vice President of Finance and Administration
  - Vice President of Institutional Advancement
  - Vice President of Instructional and Information Technology
  - Vice President of Workforce Development
  - Police Dispatch (Can authorize and send severe weather alerts. All other alerts must be authorized by another Responsible NOVA Authority before the alert is sent by a Dispatcher)
- NOTE: Executive NOVA Officials and **NOVA Police Officers who are directly involved with the emergency response for safety and security incidents are designated as "Responsible NOVA Authorities" for purposes of confirming that a legitimate emergency/dangerous situation exists or authorizing a NOVA Emergency Notification.** They are limited to authorizing an initial alert in response to an incident or event within their direct area of responsibility and only in cases in which a delay could compromise the safety and security of NOVA.

# NOVA's Timely Warnings

- The *Clery Act* requires Colleges to alert the campus community to certain crimes in a manner that is **timely and will aid in the prevention of similar crimes**. Although the *Clery Act* doesn't define "timely," **the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves**. This means that a **warning should be issued as soon as pertinent information is available**.
- This is critical; even if you don't have all of the facts surrounding a criminal incident that represents a **serious and continuing threat** to your students and employees you must issue a warning.
- **Crimes Subject to a Timely Warning**
  - You must issue a timely warning for all *Clery Act* crimes that occur on your *Clery Act* geography that are reported to campus security authorities or local police agencies; **and**
  - considered by the institution to represent a **serious or continuing threat** to students and employees.
- The requirement for timely warnings is not limited to violent crimes or crimes against persons.

# Timely Warnings

- The clock starts ticking when you as the CSA are made aware of or become aware of a situation that would require NOVA to issue a Timely Warning
- Encourage all to report to College Police
  - If they choose not to report to the College Police
  - You Are Responsible
  - To fill out form 105-174 with all the pertinent information and submit to any College Police Office or Chief Dusseau so the College Police can evaluate the incident information to determine if Timely Warning implications need to be activated

# Emergency Notification vs. Timely Warnings

## Emergency Notification

- **Scope:** Wide focus on any significant emergency or dangerous situation (may include Clery Act crimes),
- **Why:** Emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. Initiate emergency notification procedures for **any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.**
- **Where:** Applies to situations that occur on your campus.
- **When:** Initiate procedures immediately upon confirmation that a dangerous situation or emergency exist or threatens.

## Timely Warning

- **Scope:** Narrow focus on Clery Act Crimes.
- **Why:** Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. Issue a timely warning for any **Clery Act crime** committed on your Clery Act geography that is reported to your campus security authorities or a local law enforcement agency, and that is considered by the institution to represent a serious or continuing threat to students and employees.
- **Where:** Applies to crimes that occur anywhere on your Clery Act geography.
- **When:** Issue a warning as soon as the pertinent information is available.

# NOVA's VAWA Requirements

- VAWA (Violence Against Women's Act)
- Requires NOVA to have programs to prevent Dating Violence, Domestic Violence, Sexual Assaults, and Stalking
  - Awareness Programs
  - Bystander Intervention Programs
  - Ongoing Prevention Programs
  - Awareness Campaigns
  - Primary Prevention Programs
  - Risk Reduction Programs

# NOVA's VAWA Programs

- Various NOVA Departments and Divisions provide trainings/ seminars/ campaigns to combat Domestic Violence, Dating Violence, Sexual Assaults, and Stalking
  - Please review the related training information in the Annual Security Report or visit the NOVA Police Clergy Compliance Training webpage
- This enables NOVA to maintain a multi layered approach to fulfilling the below VAWA training requirements
  - Awareness Programs
  - Bystander Intervention Programs
  - Ongoing Prevention Programs
  - Awareness Campaigns
  - Primary Prevention Programs
  - Risk Reduction Programs

# End of Training

- Clery Compliance applies to everyone at NOVA
- NOVA College Police coordinates Clery Compliance but all NOVA's departments and divisions play an important roll in maintaining Clery Compliance
- NOVA College Police Department  
4001 Wakefield Chapel Rd.  
Annandale, VA. 22003  
703-764-5000