

# Campus Security Authority Reference Manual

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CLERY ACT COMPLIANCE

UNIVERSITY OF TENNESSEE AT CHATTANOOGA

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# Clery Act Overview

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## Introduction

The federal “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998”, commonly referred to as the “Clery Act”, requires colleges and universities, both public and private, participating in federal financial aid programs to disclose campus safety information, and imposes certain requirements for handling incidents of sexual violence and emergency situations. This manual provides guidance to UTC employees who have responsibilities under the Act.

The Clery Act requires the collection and reporting of annual crime statistics reflecting reports of specified crimes that occur on and adjacent to, a university campus and certain properties associated with the campus. This statistical compilation must be broken down by specified types of crimes and campus disciplinary referrals, and must indicate if a specified crime is a hate crime. Campuses must also provide a geographic breakdown of the crime statistics reported according to the following defined geographic areas: “on campus” (including further breakdown of the number of crimes that occurred in campus student residential facilities), “in or on a non-campus building or property,” and “on public property.”

Campuses that maintain a police department are required to maintain a daily crime log that contains specified information about any crimes that occur within the patrol jurisdiction of the campus police and that are reported to the campus police department. Information that would jeopardize the success of an investigation or the safety of a person involved in the investigation may be withheld. The campus must make the crime log for the most recent 60-day period open to the public, free of charge, during normal business hours. Any portion of the crime log that is older than 60 days must be made available for inspection within two business days of a request for public inspection.

Disclosures about crime statistics and summaries of security policies are made once a year in an Annual Security Report (ASR), and information about specific crimes and emergencies is made publicly available on an ongoing basis throughout the year.

## History of the Clery Act

The Clery Act is named in memory of Jeanne Clery who was murdered in her dorm room at Lehigh University by a fellow student that she did not know on April 5, 1986. On the night of her death, Jeanne’s roommate had a date and, having misplaced her room key, asked Jeanne to leave the door unlocked. Sometime between 4:00 a.m. and 6:30 a.m., a fellow student left a party and walked to Jeanne’s dorm. The student entered the dorm through three exterior locking doors that had been propped open by other residents so their visitors could come and go freely. On the third floor, the student walked down the hallway, trying room doors until he came to her unlocked door. He then entered the room intending to steal things. When Jeanne woke up during the burglary, he beat, tortured, raped and strangled her to death.

As Jeanne’s parents learned the facts of the case throughout the trial, they became convinced that their daughter had died because of “slipshod” security on campus. Her parents believed that the

university had a “rapidly escalating crime rate, which they didn’t tell anybody about.” They also learned that there had been numerous reports of propped doors and there had been 38 violent crimes on Lehigh’s campus in the three years before Jeanne’s murder. Her parents believed she would have been more cautious if she had known about the other violent crimes at Lehigh.

Her parents championed laws requiring the disclosure of campus crime information, and the federal law that now bears their daughter's name was first enacted in 1990. It has been amended regularly over the last two decades to keep up with changes in campus safety with the most recent update in 2013 to expand the law's requirements concerning the handling of sexual violence.

The U.S. Department of Education is responsible for enforcing the Clery Act. ED's Clery Act Compliance Division is responsible for conducting investigations and issuing findings of violation. Institutions that violate the Clery Act may face warnings, civil fines of up to \$55,907 per violation (fines are adjusted annually for inflation in accordance with the 2015 Inflation Adjustment Act), the limitation or suspension of federal aid, or the loss of eligibility to participate in federal student aid programs.

The goal of the Clery Act is to ensure that students, prospective students, parents and employees have access to accurate information about crimes committed on or near campus and about campus security policies and procedures.

## **Collection of Clery Crime Statistics**

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### **I. Who Must Report Qualifying Crimes?**

Although we want the campus community to report criminal incidents to UTCPD, we know that this doesn’t always happen. A victim of a crime may be more inclined to report it to someone other than the campus police. For this reason, the Clery Act requires universities to collect crime reports from Campus Security Authorities (CSA's).

The crime statistics in the ASR must reflect crimes that are reported to the campus police department or to a campus security authority. CSA's have an important role in university compliance with the Clery Act. CSA crime reports are used by the University to fulfill its responsibility to annually disclose Clery crime statistics, and to issue Timely Warnings for Clery Act crimes that pose a serious or continuing threat to the campus community.

If a crime is reported to a CSA, but goes no further than that, the University will not have fulfilled its obligation under the law, and campus community members might not have the information they need to stay safe on campus. UTC is required to collect crime statistics from all persons falling within the definitions below even if there is no police investigation.

### **II. Who Is a Campus Security Authority?**

A CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with the University whose job functions involve building relationships with students. These individuals or organizations are considered to have significant responsibility for student and campus activities. Those four groups are:

1. Campus police department. All individuals who work for the department are CSA's.
2. Individuals who have responsibility for campus security but are not members of the campus police department. Examples include, but are not limited to, the following:
  - Security at a campus parking booth;
  - People who monitor access into any campus facility;
  - Event security, such as for sporting events or large registered parties; and
  - Those who escort students around campus after dark (including other students)
3. Any individual or organization specified in UTC's policies as an individual or organization to which students and employees should report criminal offenses. Examples include, but are not limited to, the following:
  - Residential Life;
  - Health educators, including peer health educators;
  - Title IX Coordinator(s); and
  - Judicial Affairs/Student Development
4. Any officials (typically does not include support staff) of the University who have significant responsibility for student and campus activities. "Official" is defined as any person who has the authority **and** duty to take action or respond to particular issues on behalf of the institution. Examples include, but are not limited to, the following:
  - A dean of students who oversees student housing, a student center or student extracurricular activities;
  - Faculty advisor to a student group;
  - Student resident advisor or assistant;
  - Coordinator of Greek affairs (or related positions);
  - Student Judicial Officials;
  - Director of a campus health or counseling center;
  - Victim advocates or others responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action, etc.;

- Athletic Administrators including: Director, Assistant Directors and Coaches, Trainers, etc.; and
- Officers from local law enforcement who are contracted by the University to provide campus safety-related services.

Individuals may be designated as CSA's based on whether they perform the following functions:

- Their official job responsibilities involve significant interaction with students and/or campus activities;
- They serve as informal or unofficial mentors to students;
- They serve as a member in an office or of a committee to whom students are instructed and informed to report or discuss crimes, allegations of crimes, and other troubling situations;
- They have oversight for disciplinary procedures; and
- May include a physician in a campus health center or a counselor in a campus counseling center if they are identified by the University as someone to whom crimes should be reported or if they have significant responsibility for student and campus activities.

Whether or not the University pays an individual is not a factor in determining whether that individual is a CSA.

### **III. Who Is Not a CSA?**

Any individual or organization who does not have significant responsibility for students and campus activities and individual faculty who do not serve as advisors to registered student organizations. Examples include, but are not limited to, the following:

- Support/administrative clerical staff, secretaries or receptionists;
- Facilities staff: plumbers, electricians, janitors;
- Faculty with no student activity duties outside of the classroom;
- Food service workers: cashiers, cooks; and
- Licensed mental health/professional counselors or pastoral counselors when working within the scope of their license or religious assignment. Includes individuals who are unlicensed and uncertified but acting under the supervision of an exempt counselor, e.g., a graduate student doing an internship. Also

includes professional counselors who are not employees of UTC but are under contract to provide counseling at the university.

## IV. How Do I Report?

As a CSA, if a victim, witness, other third party, or even the offender tells you about a crime or an incident that may be a crime- that has not been reported to UTCPD or other campus official (Residential Life, Judicial Affairs), you are required to report the information by submitting a **CSA Incident Report Form**.

CSA's are encouraged to immediately report all crimes reported to them. A crime is "reported" when it is brought to the attention of a CSA in their capacity as a CSA. A CSA is not required to report incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that a CSA otherwise learns about in an indirect manner.

The **CSA Incident Report Form** is available at <http://www.utc.edu/police/clery/campus-security-authority-training.php>. A sample of the form is available on page 14 of this manual.

## V. What Do I Report?

### A. Incidents are counted as a Clery statistic based on two criteria:

- Type of Incident (Clery Act Crime), and
- Location of Incident (Clery geography) (See map on page 20 of this manual)

### B. Types of Incidents that must be reported (Clery Act Crime)

*(Definitions are on pages 15-16 of this manual.)*

1. Criminal Homicide
  - Murder and Non-Negligent Manslaughter
  - Negligent Manslaughter
2. Sexual Assault
  - Rape
  - Fondling
  - Incest
  - Statutory Rape
3. Robbery
4. Aggravated Assault
5. Burglary

6. Motor Vehicle Theft
7. Arson
8. Domestic Violence
9. Dating Violence
10. Stalking
11. Liquor Law Violations, Drug Law Violations and Weapons Law Violations
  - Persons arrested for these violations (individual is processed by arrest, citation or summons), or
  - Disciplinary Referrals for these violations (a disciplinary action is initiated, a record is established, and imposition of sanctions may result)
12. Hate Crimes: Destruction/Damage/Vandalism of Property, Intimidation, Simple Assault, Larceny-Theft that is
  - Motivated by the perpetrator's bias against the victim and the bias is based on one of the following categories: race, religion, sexual orientation, gender, ethnicity, gender identity, national origin, or disability.
  - Numbers 1-10 can also be classified as hate crimes if the crime is motivated by the perpetrator's bias against the victim.

### **C. Location of Incident (Clery Geography)**

Provide a detailed description of where the incident occurred to aid in properly categorizing the location of the incident. If you are unsure whether the incident occurred in our Clery geography, report it anyway. If an incident occurred in a location that is not affiliated with UTC property and is not adjacent to campus, no CSA report is required. However, you should refer the student, faculty or staff member to appropriate services if necessary.

An incident must be reported if it occurred on UTC's Clery geography which is defined as:

1. **On-Campus:** Any UTC owned or controlled buildings or property within the same reasonably contiguous geographic area of the campus (includes buildings, streets, grounds, and parking lots located within campus or UTC boundaries)
  - Reasonably contiguous refers to (1) a building or property UTC owns or controls that is in a location students consider to be, and treat as, part of campus. (2) locations owned or controlled by UTC that are within one mile of the campus border are considered to be reasonably contiguous with the campus.
  - Includes: (a) housing facilities or residence halls (even if privately owned/operated), (b) on campus fraternity & sorority houses, (c) academic, administrative & support buildings, and (d) UTC owned property that is controlled by another person, is frequented by students and supports the

university's educational purposes (such as a food vendor, bookstores, or other retail vendor).

2. **Public Property:** All public property, including thoroughfares, streets, sidewalks, and public parking facilities that are within the campus, or immediately adjacent to and accessible from the campus. (Also includes public parks, public waterways, and public transit stations/stops)
3. **Non-Campus:** Off-campus locations that are outside of the core campus. These locations are deemed so closely related to the University that crimes at these locations are included in campus crime statistics.
  - Any building or property owned or controlled by UTC, located off campus, that is frequently used by students and supports or is used for UTC's educational purposes. Includes research facilities, rented classroom space in a local high school used by UTC, a recreational or athletic field leased by UTC; and
  - Any building or property owned or controlled by a student organization that is officially recognized by UTC, located off campus, and is frequently used by students. (Includes fraternity or sorority houses).

## VI. University Sponsored Student Travel

Under the Clery Act, UTC must report statistics for Clery Act crimes that are reported to have occurred during trips to off-campus locations if the locations are considered to be part of UTC's non-campus geography. For the purposes of non-campus property, the determining factor is a **written agreement**, defined as a rental or lease document or other written form of agreement covering the university's use of academic (classroom) and/or residential space. The agreement need not be a formal one; anything in writing agreeing to the utilization of space by UTC suffices (including a letter, email or hotel receipt). The agreement gives UTC control of the space. Control, as defined by the Clery Act, means that there is a written agreement directly between the university and the end provider for use of the space.

Additionally, under Clery, if UTC rents or leases the location, UTC has to disclose statistics for crimes that occur when UTC has control of the space for the dates and times specified in the agreement. For example, if a property manager agrees to provide a block of rooms to our students for 8 weeks during the summer, information only needs to be reported during that time, not for the entire year. This would also include any other areas of the building the students must use to access the contracted space such as the lobby, elevator, hallways, entryways, stairwells, etc.

If UTC sends students to study abroad at a location or facility that UTC does not own or control, crime statistics for crimes that occur at those facilities do not have to be included or reported.

### A. Study Abroad/International Locations

If UTC directly or indirectly rents (using a third party provider), leases or has some type of written agreement for use of a building or property or a portion of a building or property (room or floor), the written agreement gives UTC control of that space for the time period

specified and crimes that occur at these locations must be reported.

If there is an agreement with another university to allow our students to enroll at their institution, but not to provide housing or rent classroom space, UTC does not have Clery reporting requirements. (Title IX requirements may, however, apply.)

Normally home stays or host families do not qualify as non-campus property and do not invoke Clery reporting requirements. Similar to other academic and residential space, Clery requirements would apply only if UTC has some kind of written agreement directly with the provider of the home stay or host family which gives UTC some significant control over space in the family home (such as an agreement to provide certain services for our student).

If students are involved in a study abroad program which includes overnight side trips to various locations (covered by an agreement with UTC) and the same hotels or hostels are used on a regular basis those hotels or hostels fall under the non-campus reporting category regardless of the amount of time each group of students spends there. Clery reporting requirements apply.

Overnight side trips organized by the attending students or by host families which are not covered by an agreement with UTC and are not officially organized by UTC do not have Clery reporting requirements. However, as in other areas, there could potentially be Title IX implications.

Best practice would also suggest that if UTC becomes aware of a crime that occurred during such a trip, it may be beneficial to advise students involved in the particular program when possible.

## **B. Trips Off Campus**

Not all student trips need be reported. UTC is not required to disclose crimes that occur on field trips at locations UTC does not own or control. For trips to be reportable, student trips must meet certain requirements. UTC must have "control" over the trip or program accommodation and any related academic space used in conjunction with the trip.

**Overnight, school-sponsored trips:** If UTC sponsors students on an overnight trip, and rents motel rooms, UTC does not have to include crimes that occur in those rooms, because the motel rooms do not meet the "frequently used by students" criteria. An example of this type of trip would be a school sponsored overnight trip to see a play. **NOTE:** There is no "magic number" of days that must be met to be considered "frequently used by students."

**Repeated use of a location for school-sponsored trips:** If UTC sponsors students on an overnight trip **every year** and the students stay in the **same hotel each year**, we must include portions of the hotel in our non-campus geography. For example, students in the debate club take a trip to Washington, DC and stay at the same hotel every year. We must include statistics for any crimes that occur in the rooms used by our students and any common areas used to access the rooms (lobby, elevators, etc.) for the times and dates

specified in the rental agreement.

- The repeated use of a location that is owned or controlled by UTC is what matters, not the number of days it is used or whether it is used by the same students or different students. The repeated use would fit the frequently used by students' requirement.

**Short-stay “away” trips:** If UTC sponsors short-stay “away” trips of more than one night for students, all locations used by students during the trip, controlled by UTC during the trip and used to support educational purposes are treated as non-campus property. An example is a three-week marine biology study trip to Florida. Any classroom or housing space specified in the agreement between UTC and the third-party providing the space is non-campus property.

If UTC has an agreement with a third-party contractor to arrange housing and/or classroom space for a school-sponsored trip or study program, domestic or foreign, it is assumed that the contractor is working on UTC's behalf as our agent, putting UTC in control of this space.

If UTC, or a contracted third party, does not have an agreement for the space used, UTC is not in control of the space and it is not required to be included in our Clery geography. For example, a sports tournament, for which the host institution makes all of the housing arrangements for visiting students. The visiting institutions do not have a written agreement for the use of space and are not required to disclose crime stats for the housing facilities in which their students are located.

**Research Vessels:** If UTC owns or controls research boats or ships that carry students for educational purposes, the university must disclose statistics for crimes that occur on the ship or the areas controlled by the university while students are on board.

**Other Field Study Locations:** If UTC owns or controls property overseas or at a distance, that does not meet the definition of a separate campus but is frequently used by students, crimes that occur there must be reported.

## VII. How Should I Document the Incident?

CSA's should provide as much information about a reported incident as possible to aid in properly addressing, categorizing or classifying the crime. The CSA needs to document the reporting parties' responses or lack thereof. This is important for law enforcement purposes to ensure that all crimes are counted and to avoid double counting crimes.

CSA crime reports should include sufficient detail, such as dates and locations. In most cases, it is possible for a CSA to fulfill his or her responsibilities while still maintaining victim confidentiality. CSA reports are used to compile statistics for Clery Act reporting and to help determine if there is a serious or continuing threat to the safety of the campus community that would require a Timely Warning or Immediate Notification. However, those responsibilities can usually be met without disclosing personally identifying information. A CSA report does not need to automatically result in the initiation of a police or disciplinary investigation if the

victim does not want to pursue this action. **Personally identifying information is not released publically in any portion of Clery Act compliance.**

You cannot keep an incident report confidential, even if the person who reported the incident to you requests that you keep the report confidential. If a victim doesn't want the report to go any further than the CSA, the CSA should explain that you are required to submit the report for statistical purposes, but it can be submitted without identifying the victim.

### **A. Definition of Personally Identifying Information (PII)**

Per section 40002(a)(20) of the Violence Against Women Act of 1994, "individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including:

- A first and last name;
- A home or other physical address;
- Contact information (including a postal, e-mail, or Internet protocol address, or telephone or facsimile number);
- A social security number, driver license number, passport number, or student identification number; and
- Any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual."

Be sure to document:

#### **A. Date/Time**

- Date and Time when the crime or incident occurred. If not known, indicate "unknown."
- Date and Time when the person reported it to you.

#### **B. Description of the Incident**

- Obtain as much of an accurate and complete description of what happened as you can.

#### **C. Other Helpful Information**

- Identities of any known suspects or witnesses (if the victim wishes to report the incident to law enforcement)
- Whether any weapon was used in the commission of the crime (describe the weapon)
- Whether the victim suffered any injuries (describe the injuries)

- Answering all questions on the **CSA Incident Report Form** will help UTC PD determine the correct crime category and aid law enforcement.

## VIII. What To Tell a Reporting Party?

The following is a sample **CSA Disclosure Statement** of what you can tell a reporting party who comes to you to report a crime:

“As part of my position on campus, I am a campus security authority for the university. I am required to report details of this incident to the Clery Compliance Coordinator for data gathering. If you request confidentiality, the report will not include your name, the names of others involved, and any details that could identify you or others will not be included in the report. My report will contain only the information you provide. Do you have any questions? Would you like to help me fill it out?”

## IX. What Is Done With CSA Reports?

The Clery Compliance Coordinator will review the **CSA Incident Report Form** and determine whether the incident qualifies as a reportable Clery Act crime. These reports are also evaluated for Timely Warning and/or Immediate Notification consideration. Basic facts are submitted to the Chief of Police, who then makes the determination whether a Timely Warning and/or Immediate Notification should be issued to the University community. The Clery Compliance Coordinator will consolidate data from multiple sources (including received CSA Incident Report Forms), report data to the Department of Education, publish an Annual Security Report, and inform the campus community when and where the report/data is available.

## X. Points to Remember

- Your job is to report the information the person is willing to tell you.
- It doesn't matter whether or not the individuals involved in the crime, or reporting the crime, are associated with UTC.
- You should not try and convince a victim to contact police if the victim chooses not to do so.
- You don't have to determine whether a crime took place, prove what happened or who was at fault.
- The decision to identify someone is not yours to make.
- You don't have to be sure of the crime classification. The Clery Compliance Coordinator will make the final determination.
- You should not try to find or apprehend the alleged perpetrator of the crime.
- If a hate crime is reported to you, indicate the type of bias involved.

## **XI. Where To Get More Information?**

If you are ever in doubt about whether you should report an incident, report it! Submit a completed **CSA Incident Report Form**. If you have questions or need additional assistance contact:

**Clery Compliance Coordinator**

Anitra Barrett-Williams

Department of University Safety

Office: 423-425-5961

Fax: 423-425-2308

Email: [anitra-barrett-williams@utc.edu](mailto:anitra-barrett-williams@utc.edu)

**Resources for Learning More:**

UTC Police/Clery Act Information

<http://www.utc.edu/police/clery>

## **XII. Emergency and Non-Emergency Reporting**

Regardless of your status (CSA or non-CSA), all community members are encouraged to immediately report all campus related criminal incidents and other public safety related emergencies to University police. For incidents requiring immediate attention or a crime in progress, dial 911 or 425- HELP (4357) from any campus phone or use one of the "Blue Light" emergency phones and call boxes located throughout campus.

# Campus Security Authority Checklist

**Step 1:** Has the incident been reported to or brought to the attention of UTC PD, Student Conduct or Residence Life?

- YES - NO CSA REPORT REQUIRED, refer the student, faculty, or staff to appropriate services if necessary.
- NO – CONTINUE TO STEP 2.

**Step 2:** Does the incident fall under one of the required Clery Act Crimes?

Clery Act Crimes				
Murder/Non-Negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Arson
Aggravated Assault	Statutory Rape	Incest	Robbery	Burglary
Motor Vehicle Theft	Domestic Violence	Stalking	Dating Violence	Hate Crime

- No - NO CSA REPORT REQUIRED, refer the student, faculty, or staff to appropriate services if necessary.
- YES – CONTINUE TO STEP 3.

**STEP 3:** Where did the incident take place?

- **On-campus**, Any UTC owned or controlled buildings or property w/in the same reasonably contiguous geographic area of the campus (includes buildings, streets, grounds, parking lots, housing facilities, on campus fraternity & sorority houses, academic, administrative & support buildings, a building or property w/in one mile of the campus border that is owned or controlled by UTC which students consider to be, and treat as, part of campus, or food vendor, bookstores, or other retail vendor located within campus or UTC boundaries)—CONTINUE TO STEP 4
- **Public property**, All public property, including thoroughfares, streets, sidewalks, and public parking facilities that are within the campus, or immediately adjacent to and accessible from the campus. (Includes public parks, public waterways, and public transit stations/stops)—CONTINUE TO STEP 4
- **Non-campus**, Any building or property owned or controlled by UTC or an officially recognized student organization, located off campus, that is frequently used by students (fraternity or sorority house, research facilities, rented classroom space in a local high school used by UTC, a recreational or athletic field leased by UTC) –CONTINUE TO STEP 4
- **Off-campus**, Public Property or city property that doesn't touch or isn't immediately adjacent to UTC owned or controlled property –NO CSA REPORT REQUIRED, refer the student, faculty, or staff to appropriate services if necessary.

**STEP 4:** The CSA should immediately complete a **CSA Incident Report Form**. The form can be found at <http://www.utc.edu/police/clery/campus-security-authority-training.php>. Document as much information as possible regarding the incident. Upon completion, save and email the form to the Clery Compliance Coordinator at [clery@utc.edu](mailto:clery@utc.edu). If you are unsure whether the incident is a Clery Act crime, or even if its criminal in nature, always report it. When in doubt a **CSA Incident Report Form** should be completed. –CONTINUE TO STEP 5

**STEP 5:** Disclose to the student that you are a Campus Security Authority. (see **Sample CSA Disclosure Statement**). Refer student, faculty, or staff to appropriate services if necessary.

# Definitions of Clery Act Crimes

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**Murder and Non-negligent manslaughter:** The willful (non-negligent) killing of one human being by another. Includes any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime. NOTE: Deaths caused by attempts to kill, assaults to kill, fetal deaths, suicides, accidental deaths, traffic fatalities, and justifiable homicides are excluded.

**Negligent Manslaughter:** The killing of another person through gross negligence. NOTE: Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are excluded.

**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 consent of the victim. Includes the rape of both males and females.

**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 capacity.

**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.

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

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Includes assaults with intent to kill and attempts to murder.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding). NOTE: Thefts from motor vehicles, taking a vehicle for temporary use when prior authority has been granted or can be assumed, and forcible entry or unlawful entry of a building to steal a motor vehicle are excluded.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Larceny-Theft:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Classify as larceny thefts of bicycles or automobile accessories, shoplifting, pocket-picking, stealing of any property that is not taken by force and violence or by fraud, and attempted larcenies.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to physical attack.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**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 (1) the reporting party's statement and with consideration of (2) the length of the relationship, (3) the type of relationship, and (4) the frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** A crime of violence 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 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) 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.

**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. (e.g., following, monitoring, threatening, communicating to or about the victim, or interfering with a victim's property.)

**Weapons Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; manufacture, sale, or possession of deadly weapons; all attempts to commit any of the aforementioned.

**Drug Law Violations:** The violation of laws prohibiting (1) the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use (2) the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance, or (3) arrests for violation of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

- The relevant substances include: opium or cocaine, morphine, heroin, codeine, marijuana, synthetic narcotics (manufactured narcotics that can cause addiction such as Demerol and Methadone), non-narcotic drugs such as barbiturates and Benzedrine, and all illegally obtained prescription drugs.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Driving under the influence and drunkenness are excluded.)

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## Hate Crimes

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UTC is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property (see definitions above).

**Hate Crimes:** Crime motivated by the perpetrator's bias or against the victim and the bias is based on the following categories: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

- **Race:** A performed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **Religion:** A performed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g. Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A performed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender:** A performed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A performed negative opinion or attitude toward a person group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity:** A performed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A performed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A performed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

# SAMPLE

## Campus Security Authority Incident Report Form

### Form Instructions:

- Report the incident in a timely manner. The information you provide is important for documentation of the crime as well as duplicate report comparison and will be evaluated to determine if a campus alert is necessary.
- Please complete all information on the form based on the information provided to you. \* INDICATES A REQUIRED FIELD
- The victim or reporting party may remain anonymous if he/she chooses to do so.

### Reporting Criteria:

- Report any crime that you observe, become aware of, or is reported to you by a victim, perpetrator, witness or third party.
- The reporting party does not have to be affiliated with UTC for the crime to be reported to you and counted as a Clery statistic.
- If you are unsure how to classify a crime, or whether a crime occurred, please be sure to provide specific incident details and the Clery Compliance Coordinator will use these details to evaluate and appropriately classify the crime.
- Attempted crimes are Clery reportable.
- The victim or reporting party is not required to contact law enforcement and no investigation of the crime is required.

### Important Information:

- *The location of the crime and type of crime are the two factors which determine if the incident can be counted as a Clery statistic.*
- You cannot keep an incident report confidential, even if the person who reported the incident requests that you do.
- Encourage the victim or reporting party to report the incident to UTC PD, 423-425-4357.
- Suggest that the victim or reporting party contact the Office of the Dean of Students for resources, 423-425-4761.

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### CSA Contact Information

\*Name:

\*Email:

Phone Number:

Department:

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**Dates** (Enter a specific date, a date range, or Unknown)

Date Reported to CSA:

Time Reported to CSA:

\*Date of Incident:

\*Time of Incident:

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### Incident Description

\*Reported Crime-See Definitions of Clery Act Crimes on page 3 for guidance:

\*Description of the Incident-Provide specific information related to the reported incident:

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\***Reporting Party** (Who reported the crime to you?)

Victim

Third Party

Witness

Perpetrator

Other

\***What is the Victim/Perpetrator Relationship?**

Partner

Ex-Partner

Spouse

Ex-Spouse

Family Member

Stranger

Other

\***To your knowledge, was the incident reported to:**

UTC PD

CPD

Student Conduct, Title IX or Dean of Students

Other:

Unknown

**Location of Crime** (What best describes the location of the crime?)

\*Location Name/Address (Be as specific as possible: address, building or business name, office/room number, intersection, street name, etc.):

\***Location Classification** (Select One):

On campus, residence hall

On campus, not in a residence hall

Off campus, public property immediately adjacent to campus (sidewalks, streets, public transit stops, etc.)

Off campus, University leased or controlled space

Off campus, fraternity or sorority

Off campus, University sponsored event, activity or trip- List event, activity or trip:

Off campus, property not affiliated with and not adjacent to campus

Unknown location

**When unsure whether an incident occurred on a Clery defined property, CSA's should still submit this completed form. The final determination will be made by the Clery Compliance Coordinator.**

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**Hate Crime Information**

\*Is there evidence that this crime was motivated by the perpetrator's hate or bias?      Yes      No

If yes, please identify the bias:

Describe the evidence supporting the conclusion that the incident was motivated by bias:

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**\*Victim Personal Identifier**

For tracking purposes and to avoid double counting crimes, please include a victim personal identifier such as the initials of their first, middle and last name. **This information will not be made public or published in Safety Notices or Crime Statistics.**

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Once completed, save the form to your desktop and e-mail to: [clery@utc.edu](mailto:clery@utc.edu) or print out and send to: UTCPD, Attn: Clery Compliance Coordinator 615 McCallie Avenue, Dept. 3954, Chattanooga, TN 37403

# Victim Assistance

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In addition to completing a **CSA Incident Report Form**, it is important to offer options and referrals for necessary services. Below you will find contact information for basic referrals.

## Reporting Options

- **UTC Police Department**  
400 Palmetto Street  
(423) 425-4357
- **Chattanooga Police Department**  
(423) 698-2525
- **Hamilton County Sheriff's Department**  
(423) 209-7000
- **Office of the Dean of Students**  
University Center, Room 399  
(423) 425-4761
- **UTC Title IX Coordinator**  
(423) 425-4255

## Anonymous Reporting Options

- To UTCPD: *Silent Witness Confidential Crime Reporting Form* at <https://www.utc.edu/police/forms/silent-witness.php>
- To Office of the Dean of Students: *Community Member of Concern Referral Form* at [https://cm.maxient.com/reportingform.php?UTChattanooga&layout\\_id=60](https://cm.maxient.com/reportingform.php?UTChattanooga&layout_id=60)

## Advocacy and Counseling

- **UTC Center for Women and Gender Equity**  
University Center, Room 350  
(423) 425-5648
- **UTC Counseling & Personal Development Center**  
University Center, Room 338  
(423) 425-4438
- **Partnership for Families, Children & Adults-24/7 Family Violence & Sexual Assault Hotline**  
(423) 755-2700

## Medical Attention

- **UTC Student Health Services**  
(423) 425-2266
- **Partnership for Families, Children & Adults** (can provide basic medical services to victims of sexual violence)  
1800 McCallie Avenue  
(423) 755-2822



# Clery Act Student Travel Form Guidelines

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Anyone taking students on trips to off campus locations are required to complete a *Clery Act Student Travel Form (Travel Form)* if the travel meets the following Department of Education guidelines:

► **Written Agreement:** Control, as defined by the Clery Act, means that there is a written agreement directly between the university and the end provider for use of the space. The determining factor is a written agreement, defined as a rental or lease document or other written form of agreement covering the university's use of academic (classroom) and/or residential space. The agreement need not be a formal one; anything *in writing* agreeing to the utilization of space by UTC suffices (including a letter, email or hotel receipt). It does not matter whether a fee is charged or if the agreement allows use of the space free of charge.

If there is an agreement, Clery reporting requirements apply for those areas specified in the agreement as well as the common areas leading to those spaces (such as lobby, elevator, hallways, entryways, stairwells, etc.). This makes providing as much detail on the *Travel Form* a necessity. Clery reporting requirements only apply for those dates and times covered by the agreement. For example, if a property manager agrees to provide a block of rooms to our students for 8 weeks during the summer, information only needs to be reported during that time, not for the entire year.

► **Field trips:** For field trips to be reportable, they must require an overnight stay and the university must have control over the trip/program accommodations and any related academic space used in conjunction with the trip (*Travel Form* required). You are not required to report field trips that **are not overnight** and are at locations UTC does not own or control (No *Travel Form* required).

► **Overnight trips:** Do not need to be reported UNLESS the trip is **repeated every year** and students stay in the **same hotel every year**. If so, you must report the trip no matter how many nights you stay. The repeated use of a location for which UTC has a written agreement triggers Clery reporting requirements. (*Travel Form* required)

► **Short-stay "away" trips:** If UTC sponsors short-stay "away" trips of more than one night for its students, all locations used by students during the trip, controlled by the institution during the trip (hotels and rented classroom space) and used to support educational purposes should be reported on the *Travel Form*. This includes study abroad programs.

1. Normally private home stays or host families do not qualify as non-campus locations and do not invoke Clery reporting requirements. Clery reporting requirements would apply **only** if UTC has some kind of written agreement directly with the provider of the home stay or host family which gives UTC some significant control over space in the family home (such as an agreement to provide certain services for our student). (*Travel Form* required)
2. If students are involved in a study abroad program which includes overnight side trips to various locations (covered by an agreement with UTC) and the same hotels/hostels are used on a regular basis those hotels/hostels are considered a non-campus location regardless of the amount of time each group of students spends there. Clery reporting requirements apply. (*Travel Form* required)
3. Overnight side trips organized by the attending students or by host families which are not covered by an agreement with UTC and are not officially organized by UTC do not have Clery reporting requirements. (No *Travel Form* required)

► **Staying at other universities:** If UTC has an agreement with another university to allow our students to enroll at their institution, but not to provide housing or rent classroom space, UTC does not have Clery reporting requirements. (No *Travel Form* required)

1. If UTC, directly or indirectly rents (using a third party provider), leases or has some type of written agreement for use of a building or property or a portion of a building or property (room or floor) at the other university, the written agreement gives UTC control of that space for the time period specified and there are Clery reporting requirements. (*Travel Form* required)
2. If UTC does not have an agreement for the space used, a *Travel Form* is not required.

