

North Idaho College

Clery Act Information – Campus Security Authorities

North Idaho College Security

(208) 769-3310

Questions, please contact pjmurray@nic.edu or (208)769-5912

Introduction

Campus Security Authorities (CSA), responsible for reporting crime data, who are they?

NIC Security & NIC School Resource Officer, Title IX Officers plus

An NIC official who has responsibility for student and campus activities, including, but not limited to, student housing, student discipline and judicial proceedings. An NIC official is defined as someone who has the authority and duty to take action or respond to particular issues on behalf of the college. CSA's are not responsible for investigating the incident, just reporting.

Examples of NIC official's; Individual's that oversee extracurricular activities, resident advisor's, advisor of a student group, program advisor's, director or coach of athletics, administrators at a branch campus, judicial administrators, etc.

A crime is considered reported when brought to the attention of a CSA by the victim, witness, third party or the offender. The crime must be reported to security for statistical reporting even if not pursued criminally or as a disciplinary referral. (Department of Education mandate)

BACKGROUND INFORMATION

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

- Named after Jeanne Clery, a First Year student at Lehigh University who was raped and murdered in her residence hall room
- Requires that colleges comply with federal mandates of reporting campus crime activity
- University campuses must work on prevention of sexual violence, as well as warning students of potential threats to their wellbeing

(Clery Center, 2012)

Clery Act Regulations

There are four mandates within the Clery Act:

1. Publishing of an annual crime/fire log by Campus Safety
2. A real-time, current updated listing of Campus Crimes
3. Data collecting and record keeping of Campus Crimes
4. Timely Warnings issued when the campus at-large is still at risk

(Clery Center, 2012)

Violence Against Women Act (VAWA)

- Enacted by Congress in 1994
- Strengthened federal penalties for repeat sex offenders
- Created Rape Shield Law which prevents a victim's sexual history be used against them during a rape trial
- Established the National Domestic Violence hotline

(Factsheet: Violence Against Women)

VAWA Supporting Victims

- Ensures that victims do not have to bear the cost of their rape exams
- Protects women in Indian country by authorizing warrantless arrest authority for federal law enforcement in domestic violence cases where probable cause has been determined
- Offers legal relief for battered immigrants so their immigration status is not used to prevent them from calling the Police
- Supports tribal governments in protecting American Indian and Alaskan Native Women

(Factsheet: Violence Against Women)

Sexual Violence Elimination (SaVE) Act

- Updates Jeanne Clery Act
- Addresses violence against women on campus
- Requires campuses to report incidents of domestic violence, dating violence, sexual assault and stalking in the annual campus crime statistics report

(Clery Center, 2014)

Sexual Violence Elimination (SaVE) Act

- Creates minimum standards for institutional disciplinary procedures that cover domestic violence, dating violence, sexual assault, and stalking
- Encourages institutions to provide student and employee programming that addresses domestic violence, dating violence, sexual assault, and stalking
- Establishes collaboration between the U.S. Departments of Justice, Education, Health and Human Services to determine best practices (Clery Center)

Office of Civil Rights Regulations (OCR)

- On April 4, 2011 the OCR issued the Dear Colleague Letter which explained that any federally funded education program must abide by Title IX regulations (Office for Civil Rights)
- The Dear Colleague letter also provides guidance on sexual violence cases; outlines enforcement strategies; and explains the role of Title IX, FERPA, and the Clery Act (Office for Civil Rights)
- The OCR also offers institutions assistance with preventing and addressing discrimination (Office for Civil Rights)

(Office for Civil Rights, 2014)

Title IX

Higher Education Institutions are required to:

- Respond promptly and effectively to Sexual Misconduct allegations (for students and other affiliates)
- Must respond to Sexual Violence claims, even if parents or students object
- Criminal investigations do not replace institutional investigations
- Each institution must distribute a policy on sex discrimination
- Each institution must have a Title IX coordinator
- Each institution must have procedures for filing complaints known to the campus community

(Department of Education, 2012)

Clery Act Reportable Crimes

Murder & Non-Negligent Manslaughter

The willfull killing of one human being by another

Any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime

Manslaughter by Negligence

The killing of another person through gross negligence

Robbery

The taking or attempting to take anything of value of the care, custody, or control of a person 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 usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm

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, etc.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle; all cases where the vehicle is taken by a person not having lawful access, includes joyriding

Arson

Any willfull or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or personal property

Sexual Assault (Sex Offenses)

Rape – The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim (Males & females)

Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

Sexual Assault (Sex Offenses)

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 due to age or mental capacity

Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent

Weapon Law Violations

The violation of laws or ordinances dealing with the possession, manufacture or sale of weapons outside of established federal, state, local, campus laws or policies

Please contact NIC Security – P. Murray (769-5912) if you have questions on the Idaho Enhanced Concealed Weapons Permit or lawful carry protocol's for NIC

Drug Law-Abuse Violations

Violations of state, local law or NIC policy relating to the unlawful possession, sale, use, growing, and manufacturing of narcotic drugs

Arrests and Disciplinary Referral's are counted

Liquor Law Violations

The violation of law, ordinance or policy that prohibits: The manufacture, sale, transporting, furnishing, or possessing intoxicating liquor. Arrests and Disciplinary Referral's are counted

Public drunkenness or driving under the influence are not Clery statistical crimes

Hate Crimes

A Hate Crime is a criminal offense committed against a person or property that is motivated in whole or part by the offender's bias. Bias is a negative opinion or attitude toward a group of person's based on their race, gender, religion, disability, sexual orientation, ethnicity, national origin or gender identity. In addition to the crimes previously mentioned, Larceny/Theft, Simple Assault, Intimidation, and Vandalism/Destruction/Damage of Property are also applicable.

Domestic Violence

Includes misdemeanor and felony crimes of violence committed against a victim when the offender is the spouse of the victim, a former spouse of the victim, an intimate partner of the victim, has a child in common with the victim. Domestic violence also includes when the victim is a minor in the control of the offender, or the victim is incapacitated but subject to the control of the offender

Dating Violence

Violence (sexual or physical abuse) by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship shall be gauged by the length, type and frequency of the interaction

Stalking

A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or other's safety, or to suffer substantial emotional distress

Clery Act Reportable Locations

On-Campus: Any building or property owned or controlled by an institution within the core campus 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 area

This would include the main Coeur d'Alene campus and beach. Separate statistics are maintained for the Outreach, Workforce Training, Aerospace, CTE Center, etc. These locations would each be considered an NIC Separate Campus with identical crime reporting requirements

Clery Act Reportable Locations

- Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution, any building or property owned or controlled by the 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 area of the institution

Clery Act Reportable Locations

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the core campus, or immediately adjacent to and accessible from the core campus

This would include all roads and sidewalks on campus. Rosenberry Drive, Hubbard Ave., River Ave. and W. Garden would be considered adjacent to the campus. Similar roads and sidewalks adjacent to the Outreach, Workforce, Aerospace, CTE, etc. Centers also apply

Clery Act Reporting

- The crime or incident is considered reportable. The status of the offender or victim (faculty, staff, student, visitor) does not determine whether the crime is reportable. Think location, call security if in doubt.
- All crimes or incidents, whether considered reportable or not, NIC Security must be contacted.
- Call 911 immediately if a crime is in progress, then contact NIC Security at (208) 769-3310.

Questions

Please contact Patrick Murray at (208) 769-5912 or pjmurray@nic.edu for additional information

NIC Security 24/7 phone number is (208) 769-3310

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