

College Procedure: 304.19 – Clery Compliance

Policy Reference: 304 – Campus Safety and Security
Responsible Department: Facilities and Public Safety
Approval Authority: Cabinet
Procedure Owner: Vice President, Facilities and Public Safety
Effective Date: 08/01/2020

Version Number: 3
Legal Counsel Reviewed (yes/no): No
Scope: College-wide

Reason for Procedure

Kirkwood Community College is committed to providing a safe learning, working and living environment for its students, faculty, staff and visitors. This procedure supports this commitment by providing college-wide guidance regarding the requirements and regulations of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act, originally known as the Campus Security Act, is a landmark federal law that requires most public and private United States colleges and universities to disclose statistics about crime on and around their campuses; and information about safety and security policies. The Clery Act is enforced by the U.S. Department of Education.

The Procedure

Kirkwood Community College will ensure the following:

- Establish systems to allow students and employees to voluntarily and anonymously notify appropriate personnel of crimes on and around campus;
- Designate and train a Clery coordinator;
- Identify, notify, and train all campus security authorities (CSAs);
- Ensure that procedures are in place and implemented to fully comply with the Clery Act;
- Provide the crime log for the most recent 60-day period for open and available public inspection during regular business hours; make any portion of the log older than 60 days available within two business days of a request for public inspection;
- By October 1 of each year, publish and disseminate the annual security report (ASR) and the annual fire safety report (AFSR);
- Submit web-based crime statistics to the U.S. Department of Education (ED) by a date set annually by the ED.

Annual Security Report (ASR) Retention

ASRs and supporting documents are retained according to the requirements of the State of Iowa Retention Schedule. All records pertaining to pending, foreseeable, or ongoing litigation, an investigation, an ongoing audit; or a request for records cannot be destroyed until these actions have been completed or resolved. These records will be maintained according to the College's retention schedule.

Retaliation

These procedures and U.S. Code of Federal Regulations 34 CFR 668.46(m) prohibit retaliation against a person who makes a Clery Act report. Retaliation includes, but is not limited to, threats, intimidation, coercion, reprisals, or harmful (adverse) actions related to employment or education. Any member of the college community who participates in retaliation may be subject to disciplinary action, including dismissal, according to related college procedures.

Responsibilities

Clery Coordinator

The responsibilities of the Clery coordinator or designee include, but are not limited to, the following:

- Coordinate with the Public Safety Department to collect and report crime statistics for Clery-reportable crimes that take place within Clery geography as defined in the Clery Act;
- Collaborate with other College offices, such as Title IX, and Student Services, to collect statistical data for publication in the ASR and daily log;
- Publish annual crime statistics in the ASR;
- Coordinate with the Vice President of Facilities and Public Safety to review College real estate and to develop and classify Clery geography parameters;
- Serve as a liaison with the U.S. Department of Education regarding Clery Act matters;
- Coordinate with College offices (e.g., Human Resources, Enrollment and Registrar Services, Public Safety) to ensure the distribution of the ASR to all currently enrolled students and current employees by providing a notification email describing how the ASR can be accessed electronically or obtained as a hard copy;
- Coordinate with college offices (e.g., Human Resources, Enrollment, Registrar Services, and Public Safety) to inform prospective students and employees how they can access the ASR;
- Identify all Campus Security Authorities (CSAs) and notify them of their designation and responsibilities;
- Ensure all CSAs are trained upon their initial designation and are provided with ongoing training and resources as needed;

- Coordinate with appropriate offices regarding emergency management information related to the Clery Act; publicize emergency response and evacuation procedures; conduct a Clery Act-compliant emergency response and evacuation procedure test at least once per calendar year; and maintain appropriate documentation for each test.

Campus Security Authorities (CSAs)

Kirkwood Community College must identify and inform CSAs of their responsibilities and provide them with institutional training and resources necessary to perform their role as a CSA. Upon learning of a potential Clery-reportable crime, the CSA should only collect relevant information about the Clery crime and should not conduct an independent investigation, nor should they seek to apprehend perpetrators of such crimes.

CSA responsibilities include, but are not limited to, the following:

- Reporting, immediately or as soon as reasonably practicable (to the Clery coordinator or other Public Safety staff, Title IX coordinator, Human Resources, Student Services), any Clery Act crimes or incidents of which they have been made aware, or witnessed, including information regarding:
 - When the crime or incident occurred,
 - When the crime or incident was reported,
 - Where the crime or incident occurred, and
 - The nature or description of the crime or incident.
- The CSA is not a confidential resource. Therefore, the CSA is encouraged to inform victims of crimes of their confidential resources, including professional counselors and other external community resources.
- The college will protect the privacy of victims/survivors of sexual assault, dating violence, domestic violence, stalking, and other gendered harassment in accordance with federal and state laws. By law, information reported by victims to professionally licensed counselors is confidential and privileged.

Separately, information involving students reported to CSAs is also protected by FERPA (Family Educational Rights and Privacy Act). The College can only disclose personally identifiable information from an education record within the College if there is a legitimate educational need to know. Outside of the College, personally identifiable information from an education record cannot be disclosed without the written consent of the student, unless required by law (e.g., child abuse reporting), or upon receipt of a legally valid court order, subpoena, or similar legal process. While these protections are not as strong as the privileged relationship afforded to professional counselors, the College is committed to protecting privacy concerning these reports to the extent allowed by law.

For reports of crimes involving sexual assault, domestic violence, dating violence, or stalking, and other instances of prohibited conduct as defined in [Kirkwood Procedure 500.10 – Sexual Misconduct Involving Students](#) and [Kirkwood Procedure 400.1 – Code of Ethics and Conduct](#). CSAs will also notify the Title IX

office or Human Resources of such reports in accordance with that college policy and procedures. Any CSA who knowingly fails to report a crime may be subject to disciplinary action.

Kirkwood Community College Public Safety Department

- The Public Safety department will maintain a public crime log that records criminal incidents within two business days in accordance with regulatory requirements.
- Public Safety will coordinate responsibilities for filing the ASR.
- The Public Safety department and/or other designated departments are responsible for providing timely warnings and emergency notifications and missing student notifications in accordance with college policy and procedures.

References

[Department of Education 2016 Handbook for Campus Safety and Security Reporting](#)

KIRKWOOD PROCEDURE 500.10 – SEXUAL MISCONDUCT INVOLVING STUDENTS

KIRKWOOD PROCEDURE 400.1 – CODE OF ETHICS AND CONDUCT

STATE OF IOWA RETENTION SCHEDULE

KIRKWOOD COMMUNITY COLLEGE ANNUAL SECURITY REPORT

Definitions

Annual Security Report (ASR)

THE CLERY ACT REQUIRES POSTSECONDARY INSTITUTIONS PARTICIPATING IN THE HIGHER EDUCATION ACT'S TITLE IV STUDENT FINANCIAL ASSISTANCE PROGRAMS TO PUBLISH ANNUALLY, BY OCTOBER 1, A REPORT CONTAINING THE CAMPUS SAFETY POLICY STATEMENTS AND CLERY CRIME STATISTICS FOR THE THREE MOST RECENT CALENDAR YEARS. THE REPORT ALSO INCLUDES INFORMATION AND POLICY STATEMENTS REGARDING CAMPUS SECURITY AND SAFETY, FOR EXAMPLE, CRIME PREVENTION, SECURITY AWARENESS, FIRE SAFETY, ALCOHOL, SUBSTANCE ABUSE, SEXUAL ASSAULT, PROCEDURES FOR REPORTING A CRIME, AND EMERGENCY AND EVACUATION PROCEDURES, AS WELL AS OTHER MATTERS OF IMPORTANCE TO THE CAMPUS COMMUNITY. THE ASR MAY BE FILED SEPARATELY OR COMBINED WITH THE AFSR.

Campus Security Authorities (CSA)

INDIVIDUALS AT THE COLLEGE WHO, BECAUSE OF THEIR FUNCTIONAL ROLE, HAVE AN OBLIGATION TO NOTIFY THE COLLEGE DEPARTMENTS RESPONSIBLE FOR COLLECTING CRIME INFORMATION (E.G., PUBLIC SAFETY DEPARTMENT) OF ALLEGED CLERY REPORTABLE CRIMES THAT ARE REPORTED TO OR WITNESSED BY THE CSA. CSAs INCLUDE PUBLIC SAFETY EMPLOYEES AND OTHER PERSONS WHO:

- HAVE RESPONSIBILITY FOR CAMPUS SECURITY BUT WHO ARE NOT EMPLOYEES OF PUBLIC SAFETY;
- ARE SPECIFIED IN THE ASR AS INDIVIDUALS TO WHOM STUDENTS AND EMPLOYEES SHOULD REPORT CRIMINAL OFFENSES; OR
- HAVE SIGNIFICANT RESPONSIBILITY FOR STUDENT AND CAMPUS ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, STUDENT HOUSING, ATHLETICS, STUDENT ORGANIZATION ADVISING, AND STUDENT CONDUCT PROCEEDINGS.

- CSAs MAY INCLUDE STAFF, FACULTY, STUDENTS AND VOLUNTEERS AND WILL BE DESIGNATED AS SUCH BASED UPON THE FUNCTIONAL DUTIES OF THE POSITION, NOT BASED UPON JOB TITLE.

Clery Coordinator

THE COLLEGE EMPLOYEE APPOINTED BY THE DIRECTOR OF PUBLIC SAFETY TO COORDINATE THE GATHERING OF ALL DATA AND POLICIES NECESSARY FOR THE TIMELY FILING AND DISTRIBUTION OF THE ASR AND AFSR.

Emergency Notification

A NOTIFICATION ISSUED BY THE DIRECTOR OF PUBLIC SAFETY OR EMERGENCY NOTIFICATION TEAM TO PROMPTLY INFORM THE COLLEGE 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 THE COLLEGE COMMUNITY.

Emergency Response and Evacuation Procedure Test

REGULARLY SCHEDULED DRILLS, EXERCISES, AND APPROPRIATE FOLLOW-THROUGH ACTIVITIES DESIGNED FOR ASSESSMENT AND EVALUATION OF EMERGENCY PLANS AND CAPABILITIES. THE CAMPUS'S PROCEDURES MUST TEST THE EMERGENCY RESPONSE AND EVACUATION PROCEDURES ON AT LEAST AN ANNUAL BASIS, MUST INCLUDE AN EMERGENCY NOTIFICATION, AND MAY INCLUDE AN EVACUATION COMPONENT.

Hate Crime

CRIME REPORTED TO LOCAL POLICE AGENCIES OR TO A CSA THAT MANIFESTS EVIDENCE THAT THE VICTIM WAS INTENTIONALLY SELECTED BECAUSE OF THE PERPETRATOR'S BIAS AGAINST THE VICTIM. FOR THIS SECTION, THE CATEGORIES OF BIAS INCLUDE THE VICTIM'S ACTUAL OR PERCEIVED RACE, RELIGION, GENDER, GENDER IDENTITY, SEXUAL ORIENTATION, ETHNICITY, NATIONAL ORIGIN, OR DISABILITY. FOR CLERY ACT PURPOSES, HATE CRIMES INCLUDE ANY OF THE FOLLOWING OFFENSES THAT ARE MOTIVATED BY BIAS: MURDER AND NON-NEGLIGENT MANSLAUGHTER, MANSLAUGHTER BY NEGLIGENCE, SEX OFFENSES (RAPE, FONDLING, INCEST, AND STATUTORY RAPE), ROBBERY, AGGRAVATED ASSAULT, BURGLARY, MOTOR VEHICLE THEFT, ARSON, LARCENY-THEFT, SIMPLE ASSAULT, INTIMIDATION, OR DESTRUCTION/DAMAGE/VANDALISM OR PROPERTY.

Professional Counselors

INDIVIDUALS WHOSE OFFICIAL RESPONSIBILITIES INCLUDE PROVIDING MENTAL HEALTH COUNSELING TO MEMBERS OF THE COLLEGE COMMUNITY AND WHO FUNCTION WITHIN THE SCOPE OF A COUNSELOR'S LICENSE OR CERTIFICATION. WHEN ACTING WITHIN THE SCOPE OF THESE RESPONSIBILITIES, PROFESSIONAL COUNSELORS ARE NOT CSAs.

Timely Warnings

A NOTIFICATION ISSUED BY THE PUBLIC SAFETY DEPARTMENT TO ALERT THE COLLEGE COMMUNITY ABOUT CLERY-REPORTABLE CRIMES OCCURRING WITH THE CAMPUS'S CLERY GEOGRAPHY, THAT ARE:

- REPORTED TO, OR OBSERVED BY A CSA; AND
- CONSIDERED BY THE CAMPUS TO REPRESENT A SERIOUS OR CONTINUING THREAT TO THE COLLEGE COMMUNITY.

Revision Log

Version Number	Date Approved	Approved by	Description of Change
1	10/21/2014	Troy McQuillen, Vice President, Facilities	New procedure
2	08/23/2017	Cabinet	New template
3	05/12/2020	Cabinet	New procedure