

Martin Community College



Annual Security Report to the Campus Community 2020

Martin Community College (MCC) is committed to providing a safe and secure educational environment for all faculty, staff, students, and visitors at all MCC locations.

MCC prepared this report in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act*, the *Clery Act*. The full text of this report is located on our web site at <http://www.martincc.edu/?q=securityreport>. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and off site centers. Campus crime, arrest and referral statistics include those reported to the MCC Security Officer, designated campus officials (including but not limited to directors, deans, department heads, advisors to students/student organizations), and local law enforcement agencies.

Each year, an e-mail notification is made to all enrolled students, faculty, and staff that provide the web site to access this report. Copies of the *Notice of Annual Security Report Availability* and a partial version of this report are located in building 1 at the receptionist desk. Copies of the full report may also be requested from the office of Student Services in Building 1. All prospective employees may obtain a copy of the full report from Human Resources in building 1.

Also available upon request, from MCC Administrative Services, is our *Daily Crime Log*, which includes: crime report dates, occurrence dates, locations, nature of crimes, and the disposition of complaints.

The information that follows addresses MCC policies and procedures that are related to Clery Act compliance. The full text of these policies and procedures are in the *MCC Student Catalog* and /or the *MCC Faculty and Staff Handbook* and/or on the *MCC website*.

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Timely Warning

MCC makes timely warnings or campus alerts to the college community in the event any situation arises that is considered to be an ongoing or continuing threat to students, faculty, staff, and visitors. Warnings or alerts will be disseminated as appropriate through the college telephone alert system, the campus intercom system, two way radios, word of mouth from college officials, the campus-wide email system; student email system, electronic bulletin boards, flyers or posters, and notices posted on the college website at <https://www.martincc.edu/>. Students should take responsibility for regularly checking their e-mail. In order to receive campus-wide e-mail announcements, students must have a college e-mail account. Campus warnings or alerts will notify the college community of an imminent or ongoing threat to safety, security or health and will include the nature of the threat and other appropriate information. Anyone with information warranting a timely warning should report the circumstances to college officials.

MCC Administrative Services or designee will, without delay, and taking into account the safety of the campus community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of the responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Emergency Response and Evacuation Procedures

MCC has established an Emergency Response Quick Reference Guide for several significant emergencies and dangerous situations. This guide is posted in all offices and classrooms on the MCC campus. In the event of an emergency please notify your instructor and/or college officials and report all emergencies to the MCC switchboard operator by dialing “0” in house or 792-1521 on private phones. If the situation appears life threatening dial 911 in house or 911 on private phones. You may also use the red phones located in the cafeteria and in the hall ways of each building; these phones automatically dial the MCC switchboard operator when you lift the receiver. In addition, you may also contact the Campus Security Officer (Martin County Sherriff’s Office at 252-789-4500 during daytime hours and 252-789-4555 after hours) and/or MCC Administrative Services at 252-789-0303.

Evacuation drills are coordinated by the college each semester for all facilities. Thus, the emergency response and evacuation procedures are tested at least twice each year and, for some of the buildings, four times a year. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. MCC coordinates announced and unannounced evacuation drills each semester, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. Evacuation drills are monitored by the MCC staff to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration. Students receive information about evacuation, shelter-in-place, and lockdown procedures at the beginning of each semester. MCC staff members are trained in these procedures as well and act as an on-going resource for the students and visitors to our facilities.

- **Evacuation Procedures** - All building evacuations will occur when a building alarm (fire alarm) sounds and/or upon notification via the campus intercom system, and/or by word of mouth from college officials. When the evacuation alarm and/or notice to evacuate are enacted, occupants should immediately proceed to the nearest exit and report to the designated assembly point for that building. Refer to the building layouts posted in each room to inform occupants of the safe routes and designated outdoor assembly areas. Building 1 will report to the wooded area across the street in front of the flag poles. Buildings 2, 3, and 4 will report to the grassy

area between the rear parking lot and the children's playground at the rear of the campus. The Bertie Campus will report to the front parking lot. Occupants should not reenter the building for any reason until they are instructed by the proper authority. Emergency evacuation drills will take place throughout the year in order to practice these procedures.

- **Shelter-in-Place Procedures** - In the event of threatening weather (Tornado) or if other outdoors conditions become dangerous it is usually safer to stay indoors, because leaving the building may expose you to that danger. Thus, to shelter-in-place means to make a shelter of the building that you are in. These shelter-in-place locations are normally interior hallways or rooms with close wall spacing's for maximum protection. Notification for shelter-in-place will be via the campus intercom system and/or by word of mouth from college officials. Should it become necessary to shelter in place due to weather, please exit rooms quickly and in an orderly fashion. Refer to the building layouts posted in each room to inform occupants of the safe routes and designated shelter-in-place areas for each building. Drills will take place throughout the year in order to practice these procedures.
- **Lock Down Procedures** - If there is a campus intruder who is armed, the campus will go on lockdown. Students who are on campus should seek cover in a classroom and follow the instructor's directions while the campus is on lockdown. If students are out of doors, they should seek concealment behind cars, dumpsters, or other large objects, using extreme caution to prevent being visible target. Cell phones should be put on vibrate immediately. Students who are off campus will be notified by email to remain off campus until the emergency is resolved. Notification for lockdown will be via the campus intercom system and/or by word of mouth from college officials. Drills may take place throughout the year in order to practice these procedures.

Reporting Crimes and Emergencies

The College requires all persons to report all known and suspected criminal activities and other emergencies that occur on campus to the MCC switchboard operator by dialing "0" in house or 792-1521 on private phones. If the situation appears life threatening dial 911 in house or 911 on private phones. You may also use the red phones located in the cafeteria and in the hall ways of each building; these phones automatically dial the MCC switchboard operator when you lift the receiver. In addition, you may also contact MCC Administrative Services at 252-789-0303 and/or the Campus Security Officer (Martin County Sherriff's Office at 252-789-4500 during daytime hours and 252-789-4555 after hours).

NCGS 14-111.4 Misuse of 911 System - It is unlawful for an individual who is not seeking public safety assistance, is not providing 911 services, or is not responding to a 911 call to access or attempt to access the 911 system for a purpose other than an emergency communication. A person who knowingly violates this section commits a Class 1 misdemeanor.

The MCC switchboard operator shall be available during normal business hours so that incidents of an urgent nature may be reported. The MCC switchboard operator, having been notified of an incident, shall notify the MCC Administrative Services and other appropriate personnel, including law enforcement and emergency response personnel, to respond, investigate and document the incident.

- **Voluntary Confidential Reporting** - If you are the victim of a crime and do not want to pursue action within the college or the criminal justice system, you may still want to consider making a confidential report. With your permission, MCC Administrative Services, and designated

campus officials (including but not limited to directors, deans, department heads, advisors to students/student organizations) can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution. While local law enforcement agencies encourage anyone who is the victim or witness to any crime to promptly report the incident to the police, the police reports are public records under state law, and local law enforcement cannot hold reports of crime in confidence.

- **Reporting Crimes and Emergencies for MCC-Sponsored Off-Campus Activities** - MCC encourages anyone who is the victim of or a witness to criminal incidents that occur at MCC-sponsored off-campus activities to report them to the appropriate law enforcement agency having jurisdiction. If a victim or witness does not wish to pursue action under the MCC system or the criminal justice system, he/she may file a report on the details of the incident with MCC Administrative Services at 789-0303 without revealing his/her identity. The purpose of a confidential report is to comply with one's wish to keep the matter confidential, while taking steps to ensure the future safety of the campus community. Reports filed in this manner shall be included in the Annual Crime Report.

All criminal activities that occur on any MCC campus or at MCC-sponsored activities, including off-campus activities, shall be reported by the College President, or his/her designee, to the appropriate law enforcement agency.

Security of and Access to Campus Facilities

During business hours, MCC facilities will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours' access to all College facilities is by key, if issued, or by admittance via Campus Staff. In the case of periods of extended closing, the college will admit only those with prior approval to all facilities. Emergencies may necessitate changes or alterations to any posted schedules.

Areas that are revealed as problematic have security surveys conducted of them. MCC Administrative Services, Physical Plant, and other concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, MCC Administrative Services, Campus Safety, and Maintenance meet periodically to discuss issues of pressing concern.

Campus Law Enforcement

MCC campus security is contracted and provided by the Martin County Sheriff's Department. The full-time Security Officer on duty and other local law enforcement officers have complete police authority to apprehend and arrest anyone involved in illegal acts, either on or off campus. If minor offenses involving college rules and regulations are committed by a college student, the campus Security Officer may also refer the individual to the disciplinary division of Student Services. The Security Officer and college staff has the authority to ask persons for identification and to determine whether individuals have lawful business at MCC. Security and college staff have the authority to request individuals to leave the campus if they are creating disturbances. Major offenses such as rape, murder, aggravated assault, robbery, auto theft, etc. are reported to the local law enforcement authority and joint investigative efforts with investigators are deployed to solve these serious felony crimes.

Through coordination with local law enforcement agencies, any criminal activity engaged in by students at off-campus locations and events, is monitored and recorded. This information is provided to MCC Administrative Services for any action or follow-up that may be required. All crime victims and witnesses are strongly encouraged to immediately report all crimes to the campus Security Officer and/or MCC Administrative Services. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

Security Awareness and Crime Prevention

Each year, during orientation and semester start-up, students are informed of services offered by the college. During the first class of each semester instructors inform students on evacuation, shelter in place, lockdown, and other campus safety procedures. Students are told about crime on-campus and on public property adjoining our campus via the Annual Crime Report. Similar information is presented to new employees. Periodically during the academic year, the college, in cooperation with other organizations and departments, will present crime prevention awareness sessions on sexual assault, theft, and vandalism, as well as educational sessions on personal safety. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to seminars, information may be disseminated to students and employees through crime prevention awareness packets, security alert posters, displays, videos, and articles and advertisements in the college and student newspaper and website. When time is of the essence, information is released to the college community through security alerts posted prominently throughout campus, through computer memos sent over the college's electronic mail system and a voice mail broadcasting system.

Drug and Alcohol Policy

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcoholic beverages is prohibited in the college workplace, on college premises, or while participating in or attending any college-sponsored activities. MCC does not differentiate between those who manufacture, distribute, dispense, sell, possess, or use controlled substances or alcohol. Any MCC current employee or currently enrolled student who is convicted of violating any criminal drug statute or alcoholic beverage control statute is subject to the MCC disciplinary action policy, up to and including termination/expulsion. Alternatively, the College may require the MCC employee or student to satisfactorily participate in a drug abuse assistance or rehabilitation program or alcohol rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

The College enforces all North Carolina state laws regarding the possession, use, and sale of alcoholic beverages, including those prohibiting the consumption of alcoholic beverages by persons under the age of 21.

Each employee or student is required to notify the college within five (5) calendar days after he/she is convicted of a violation of any federal, state, or local criminal drug statute or alcoholic beverage control statute where such violation occurred while in the workplace, on college premises, or as part of any college-sponsored activity.

Counseling services are available on a limited basis by the counselor in Student Services. Additional counseling, treatment, and rehabilitation services will be referred by the counselor in Student Services.

Drug-Free Awareness Program

The college's Drug-Free Awareness Program informs employees and students about the dangers of drug abuse, government policy of maintaining a drug and alcohol-free environment, any available drug

or alcohol abuse counseling, rehabilitation, and assistance programs, and penalties that may be imposed upon employees or students for drug abuse violations. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

Preventing and Responding to Sex Offenses

Periodically during the academic year, the college will support prevention awareness programs, available to all students and employees, on dating violence, domestic violence, sexual assault, and stalking. Local law enforcement, the REAL Crisis Center, <http://realcrisis.org/>, 252-758-4357, and the Center for Family Violence Prevention, 252-809-4290, will assist the college in these prevention awareness programs. Prevention awareness information may be disseminated to students and employees through crime prevention awareness packets, security alert posters, displays, videos, and articles and advertisements in the college and student newspaper and website. Information on preventing and responding to sex offenses may be obtained through the office of Student Services.

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The college strongly advocates that a victim of sexual assault reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the college Security Officer and/or to the College Title IX Coordinator and/or MCC Administrative Services. The college will assist students in notifying other appropriate law enforcement authorities, if the student request assistance of these personnel. Filing a police report with Security or local law enforcement will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- > ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- > provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- > assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the College Conduct Council, or only the latter. A college representative or the College Title IX Coordinator will guide the victim through the available options and support the victim in his or her decision. Counseling options are limited from the college, however, the college will make referrals for victims of sex offenses to local outside counseling services. Counseling and support services outside the college system are: the REAL Crisis Center, <http://realcrisis.org/> at 252-758-4357, the Center for Family Violence Prevention at 252-809-4290, and the Martin County Sheriff's Department at 789-4500.

MCC disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, are detailed in the [*MCC Title IX Policy: Discrimination on the Basis of Sex & Sexual Misconduct*](#). The *Policy* provides, in part, that the accused and the victim will each be allowed to choose one person who has had no formal legal training to accompany them throughout the hearing. Both the victim and accused will be informed of the outcome of any institutional disciplinary proceedings that are brought alleging a sex offense. MCC will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college

against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, MCC will provide the results of the disciplinary hearing to the victim's next of kin. Compliance with this paragraph does not constitute a violation of the *Family Educational Rights and Privacy Act (FERPA)*.

The college is obligated to comply with a Student victims request to have the option to change their academic schedule or student worker schedule after an alleged sexual assault, if such changes are reasonably available. A student found guilty of violating the college sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the college for the first offense.

Information about Registered Sex Offenders

In accordance to the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the College is providing a link to the North Carolina Department of Justice Sex Offender Registry site: <http://sexoffender.ncsbi.gov/> This information is made available for purposes of protecting the public, for keeping them informed, and for allowing them to take proactive measures to ensure safety in their communities. Use and/or misuse of this information by individuals, groups or entities to commit criminal acts (to include, but not limited to, threats, intimidation, stalking, harassment) against other persons is subject to criminal prosecution.

The North Carolina General Assembly created the North Carolina Sex Offender and Public Protection Registry in January 1996. This law outlines registration requirements for persons living in North Carolina, non-resident students and non-resident workers. The Registry serves as a resource to help protect and inform the public. "[The North Carolina Sex Offender Registration Program](#)", a publication of the North Carolina Department of Justice, provides more detailed information about the state's Sex Offender Registry.

Violence Against Women Reauthorization Act of 2013 (VAWA)

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4), which, among other provisions, amended section 485(f) of the Higher Education Act of 1965, as amended, 20 U.S.C. §1092(f), otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). In May 2013, the U.S. Department of Education (Department) initiated a negotiated rulemaking process to develop regulations to implement the amendments to the Clery Act made by VAWA. The negotiated rulemaking committee held three negotiating sessions in January, February, and March of 2014. Ultimately, the committee reached consensus on a set of draft regulations. The Department published a Notice of Proposed Rulemaking for public comment on June 20, 2014, and after completing its review of the comments received, it published final regulations on October 20, 2014. Those final regulations, which will appear in 34 CFR 668.46, went into effect July 1, 2015.

- **Summary of the Major Changes to the Clery Act Regulations** - The final regulations-
 - Require institutions to collect and report information regarding incidents of dating violence, domestic violence, sexual assault, and stalking that occur on an institution's Clery Geography and are reported to a Campus Security Authority or to local law enforcement agencies;

- Require institutions to disclose statistics of such incidents in their Annual Security Reports (ASRs) and the Campus Safety and Security Survey and to maintain credible documentation that substantiates the institution's crime statistics;
- Require institutions to have policies and procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the institution's crime statistics;
- Clarify the very limited circumstances in which an institution may remove reports of crimes that have been "unfounded" by law enforcement officials and require institutions to report to the Department and disclose in the ASR the number of crimes that were "unfounded" and subsequently withheld from their crime statistics;
- Revise the definition of "rape" to reflect the Federal Bureau of Investigation's (FBI) updated definition in the Uniform Crime Reporting (UCR) Summary Reporting System, which encompasses the categories of rape, sodomy, and sexual assault with an object that are used in the UCR National Incident-Based Reporting System;
- Revise the categories of bias for the purposes of Clery Act hate crime reporting to add gender identity and to separate ethnicity and national origin into different categories;
- Require institutions to provide information on culturally relevant, inclusive prevention awareness programs to incoming students and new employees, as well as describe these programs in their ASRs. These programs must include: a statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking; the definitions of these terms in the applicable jurisdiction; the definition of "consent," in reference to sexual activity, in the applicable jurisdiction; a description of safe and positive options for bystander intervention; information on risk reduction; and information on the institution's policies and procedures after a sex offense occurs;
- Require institutions to provide, and describe in their ASRs, ongoing prevention and awareness campaigns for students and employees. These campaigns must include the same information as the institution's primary prevention and awareness program;
- Define the terms "awareness programs," "bystander intervention," "ongoing prevention and awareness campaigns," "primary prevention programs," and "risk reduction";
- Require institutions to describe each type of disciplinary proceeding used by the institution in cases of alleged dating violence, domestic violence, sexual assault, or stalking; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking; and the standard of evidence that will be used during the disciplinary proceeding;
- Require institutions to list all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceedings for an allegation of dating violence, domestic violence, sexual assault, or stalking;
- Require institutions to describe the range of protective measures that the institution may offer following an allegation of dating violence, domestic violence, sexual assault, or stalking;

- Require institutions to provide students or employees who report being victims of dating violence, domestic violence, sexual assault or stalking with a written explanation of their rights and options, regardless of whether the offense occurred on campus, including written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community, and the availability of changes to academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports to law enforcement;
- Require institutions to provide for a prompt, fair, and impartial disciplinary proceeding in cases of alleged dating violence, domestic violence, sexual assault, or stalking in which: (1) officials are appropriately trained and do not have a conflict of interest or bias for or against the accuser or the accused; (2) the accuser and the accused have equal opportunities to have others present, including an advisor of their choice; (3) the accuser and the accused receive simultaneous notification, in writing, of the result of the proceeding and any available appeal procedures; (4) the proceeding is completed in a reasonably prompt time frame; (5) the accuser and accused are given timely notice of meetings at which one or the other or both may be present; and (6) the accuser, the accused, and appropriate officials are given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings;
- Define the terms "proceeding" and "result": and
- Specify that compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

MCC will implement all amendments and changes to the Clery Act made by the Violence Against Women Reauthorization Act of 2013 (VAWA).

MCC Campus Crime Statistics

Martin Community College Crime Statistics

Offense	On Campus			Non Campus			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder and non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Forcible sex offenses	0	0	0	0	0	0	0	0	0
Non-forcible sex offenses	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Weapons Arrest	0	0	0	0	0	0	0	0	0
Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Drug Law Arrest	0	0	0	0	0	0	0	0	0
Drug Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Liquor Law Arrest	0	0	0	0	0	0	0	0	0
Liquor law Disciplinary Referrals	0	0	0	0	0	0	0	0	0

Hate Crimes: 2019: No hate crimes reported, 2018: No hate crimes reported, 2017: No hate crimes reported.

Definitions of Geography

On-Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to, the institution's educational purposes, including residence halls; and
Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The MCC crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

Non-Campus Building or Property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's

educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Clery Act Crime Categories & Definitions

The Clery Act requires institutions to disclose three general categories of crime statistics:

- **Criminal Offenses**—Criminal Homicide, including: a) Murder and Non-Negligent Manslaughter, and b) Negligent Manslaughter; Sex Offenses including: a) Forcible, and b) Non-forcible; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- **Hate Crimes**—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property' that were motivated by bias; and
- **Arrests and Referrals for Disciplinary Action for Weapons:** Carrying, Possessing, Etc., Drug Abuse Violations and Liquor Law Violations.

Criminal Offenses

1. **Criminal Homicide.** These offenses are separated into two categories: Murder and Non-Negligent Manslaughter, and Negligent Manslaughter.

- a) **Murder and Non-Negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.
- b) **Negligent Manslaughter** is defined as *the killing of another person through gross negligence.*

2. **Sex Offenses.** Sex offenses are separated into two categories: forcible and non-forcible. Includes attempted sex offenses, but does not include in any sex offenses other than the four types of Forcible Sex Offenses and the two types of Non-Forcible Sex Offenses.

- a) **Sex Offenses—Forcible** is defined as any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

There are four types of Forcible Sex Offenses:

- **Forcible Rape** is the carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females.

If force was used or threatened, classify the crime as forcible rape regardless of the age of the victim. If no force or threat of force was used and the victim was under the statutory age of consent, classify the crime as statutory rape. The ability of the victim to give consent must be a professional determination by a law enforcement agency.

- **Forcible Sodomy** is oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will

where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Sexual Assault With an Object** is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. An object or instrument is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.
 - **Forcible Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. Count one offense per victim.
- b) **Sex Offenses—Non-forcible** is defined as unlawful, non-forcible sexual intercourse.

There are two types of Non-Forcible Sex Offenses:

- Incest is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape is non-forcible sexual intercourse with a person who is under the statutory age of consent.
3. **Robbery.** Robbery is 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.
 4. **Aggravated Assault.** Aggravated assault is 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.
 5. **Burglary.** Burglary is the unlawful entry of a structure to commit a felony or a theft.
 6. **Motor Vehicle Theft.** Motor vehicle theft is the theft or attempted theft of a motor vehicle, to include; Theft of any self-propelled vehicle that runs on land surface and not on rails, such as: sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs. All incidents where automobiles are

taken by persons not having lawful access even though the vehicles are later abandoned. Include joyriding in this category.

7. **Arson.** Arson is 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.

The VAWA requires institutions to collect and report information regarding incidents of **dating violence, domestic violence, sexual assault, and stalking** that occur on an institution's Clery Geography and are reported to a Campus Security Authority or to local law enforcement agencies.

- **Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner, by 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 by 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.
- **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 by the victim with consideration of the length of the relationship, the type of relationships, and the frequency of interaction between the persons involved in the relationship.
- **Sexual Assault:** This is an umbrella term that encompasses any form of unwanted or involuntary touching or penetration of intimate body parts, by a person of the same or opposite sex. This includes being forced to touch someone else. "Unwanted or involuntary" sexual contact is without consent; including the use of threats, intimidation, coercion, or physical force; or with those who are unable to give consent; either because of their age or because they are physically helpless, mentally incapacitated, or intoxicated.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Please see NCGS 14-277.3A for North Carolina's definition of stalking along with the public policy statement.

Hate Crimes Categories & Definitions

The second category of statistics you must disclose after criminal offenses is hate crimes. A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

Although there are many possible categories of bias, under Clery, only the following six categories are reported:

- **Race.** A preformed 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, whites).
- **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **Religion.** A preformed 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 preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national origin.** A preformed negative opinion or altitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

The VAWA revise the categories of bias for the purposes of Clery Act hate crime reporting to add gender identity and to separate ethnicity and national origin into different categories;

- **Gender Identity** hate crimes are those criminal offenses committed against a person, property or society that is motivated, in whole or in part, by the offender's bias against a person's sexual orientation. This includes homosexuality, bisexuality, transsexualism and cross-dressing.
- **National Origin** hate crimes are criminal offenses committed against a person, property, or society that are motivated, in whole or in part, by the offender's bias against a race,

ethnicity/national origin, or because the victim is or appears to be from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). National origin crimes can also arise because of marriage, association with a person of a certain national origin, or because of their connection with an ethnic organization or group.

- **Ethnicity.** A preformed negative opinion or altitude toward a group of persons of the same race who share common or similar traits, languages, customs and traditions.

For Clery purposes, hate crimes include any offense in the following two groups that is motivated by bias.

1. Categories of hate crime offenses Group A
 - Murder and Non-negligent manslaughter
 - Forcible sex offenses
 - Non-forcible sex offenses
 - Robbery
 - Aggravated assault
 - Burglary
 - Motor vehicle theft
 - Arson
2. Group B
 - Larceny-theft
 - Simple assault
 - Intimidation
 - Destruction/damage/vandalism of property

The offenses in Group A include all of the Clery Act offenses discussed earlier (with the exception of Negligent Manslaughter and Weapons: Carrying, Possessing, Etc., Drug Abuse Violations, and Liquor Law Violations which cannot be classified as hate crimes). In addition to those offenses, the Group B offenses, i.e., larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property, should only be included in your Clery statistics if they are hate crimes.

1. **Larceny-Theft** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
2. **Simple Assault** is 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.

3. **Intimidation** is 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 actual physical attack.
4. **Destruction/Damage/Vandalism of Property** is 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.

Arrests and Disciplinary Referrals for Violation of Weapons, Drug and Liquor Laws
Categories & Definitions

The third category of crime statistics you must disclose is the number of arrests and the number of persons referred for disciplinary action for the following law violations:

1. **Weapons: Carrying, Possessing, Etc.**, is defined as 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. This classification encompasses weapons offenses that are regulatory in nature.
2. **Drug Abuse Violations** are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
3. **Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.

Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.