

# Compliance with the Jeanne Clery Act

## Introduction

Compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, or *Clery Act*, provides students and families, as higher education consumers, with the information they need to make informed decisions.

The *Clery Act* requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. It also requires that crime data are collected, reported and disseminated to the campus community and are also submitted to the Department of Education.

Compliance with the *Clery Act* is not simply a matter of entering statistics into a Web site or publishing a brochure once a year. Compliance is a whole system of developing policy statements, gathering information from all the required sources, organizing it into the appropriate categories, disseminating information, and, finally, keeping records. Since compliance is a campus-wide effort, it means that it will involve all members of the campus community.

Since the multiplication of branch campuses in urban areas is central to the mission of the college, it is acknowledged that each individual campus requires individual *Clery Act* compliance.

## Crime Reporting

The disclosing of crime statistics is based on four factors: 1) where the crime occurred, 2) the type of crime, 3) to whom the crime was reported, 4) when the crime was reported.

The college is required to disclose *reported* crimes. A crime is reported when it is brought to the attention of a campus security authority or the local police by a victim, witness, other third party, or even the offender. What must be disclosed, therefore, are statistics from reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made.

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

### 1. Types of 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.

2. Hate Crimes—Disclose whether any of the above mentioned offenses, or any other crimes involving bodily injury, were hate crimes

3. Arrests and Referrals for Disciplinary Action for illegal weapons possession and violation of drug and liquor laws.

[See the *Handbook for Campus Crime Reporting*, pages 49-62 for detailed descriptions of these offenses]

The *Clery Act* mandates that institutions must disclose statistics both for crimes reported to local police agencies and crimes reported to campus security officials/authorities. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. At Community Christian College this official is the Dean of Students. The function of a campus security authority is to report to the appropriate law enforcement personnel, either campus police or local police, or to an official or office designated by the institution, those allegations of *Clery Act* crimes that he or she concludes are made in good faith. A campus security authority is not responsible for determining authoritatively whether a crime took place—that is the function of law enforcement personnel.

The *Clery Act* requires that an institution make a reasonable, good-faith effort to obtain the required statistics and may rely on the information supplied by a local or state police agency. If the institution makes such a reasonable, good-faith effort, it is not responsible for the failure of the local or state police agency to supply the required statistics.

### **Timely Warning**

All Title IV institutions are subject to the timely warning regulation. There are no exceptions. The *Clery Act* mandates timely warnings only for *Clery Act* crimes, but nothing in the *Clery Act* prohibits timely warnings for other crimes that may pose a serious or continuing threat to the campus community (e.g., kidnapping).

Although the format for the warning has not been mandated, the notice must be timely and reasonably likely to reach the entire campus community and aid in the prevention of similar crimes. Therefore, timely warnings must be issued in a manner that gets the word out quickly communitywide. The warning should include all information that would promote safety. The college's policy regarding timely warnings specifies what types of information will be included.

An institution is not required to provide a timely warning for crimes reported to a pastoral or professional counselor. There are no other exemptions.

*FERPA and Timely Warnings*: *FERPA does not preclude an institution's compliance with the timely warning provision of the campus security regulations. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if institutions utilize information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA.*

### **Daily Crime Log**

Since Community Christian College has no police department or security office, the college is not required to maintain a daily crime log (*Handbook for Campus Crime Reporting*, page 67).

### **Annual Security Report**

It is important to understand how and when to count crimes, both to avoid double counting and to disclose data comparable to all other reporting institutions. All crimes are disclosed **by the calendar year (Jan. 1 – Dec. 31) in which they were reported, regardless of the year in which they occurred.** Include statistics for the three most recent calendar years. Enter statistics for each year separately. The *Handbook for*

*Campus Crime Reporting [HCCR]* on pages 75-77 give specific directions for how to count crimes for the annual security report. Since Community Christian College does not have dormitories or other residential facilities for students on campus or any non-campus buildings or property a caveat stating this must be included.

When counting multiple offenses, the college must use the FBI's *UCR* Hierarchy Rule. This requires the counting of only the most serious offense when more than one offense was committed during a single incident. A single incident means that the offenses must be committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant. The special cases of arson and hate crimes, and the reporting of them, are detailed in *HCCR* pages 79-80.

*Clery Act* regulations require that statistics be included for reported crimes in the annual security report as follows:

- By the calendar year in which the crime was reported for each of the three most recent years;
- By the type of crime, arrest or disciplinary referral; and
- By the geographic location in which the crime occurred.

Because institutions typically do not have many hate crimes to report, or none at all, hate crime data is presented in a narrative or descriptive format. Statistics for the three most recent calendar years are reported.

A major requirement of the *Clery Act* compliance is disclosing policy statements in the annual security report.

## **POLICIES**

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Dean of Students or another Administrative Official, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the college e-mail system to students, faculty, and staff and in-class announcements will be made. In situations which could pose an immediate threat to the community and individuals, a notice will be placed on the college website and a staff member will be assigned to call the individual students taking classes on the campus on which the threat was reported.

Anyone with information warranting a timely warning should report the circumstances to the office of the Dean of Students, by phone (909-335-8863, X 103), or in person at the college building.

### **Reporting the Annual Disclosure of Crime Statistics**

The Dean of Students will prepare this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is to provide updated information on incidents on the college's various campuses. It will be prepared in cooperation with local law enforcement officials in whose precinct each campus is located. This report is to be posted on the college's website and all enrolled students receive e-mail notification of the availability of this report. Faculty and staff will receive similar notification with their paycheck. If desired, copies of this report may be obtained from the office of the Dean of Students.

### **Reporting of Criminal Offenses**

All criminal offenses are to be reported to the Dean of Students at 909-335-8863 X 103 for non-emergencies, and/or dialing 9-1-1 for emergency situations. Any phone at the college may be used for this reporting (push 9 to get an outside line at the Redlands campus). Any suspicious activity or person seen in the parking lot or loitering around vehicles or inside buildings should be reported.

### **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, the Dean of Students 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 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.

### **Crime Reporting**

The Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Police Department cannot hold reports of crime in confidence. Dial 9-1-1 to contact the local police station.

See section above for voluntary confidential reporting.

### **Security and Access**

During business hours, the college will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all college facilities is by key. These keys are issued by the college to full-time employees as well as to faculty responsible for lock-up after evening classes.

The parking lots for each campus have lights on timers which are changed during the year to correspond with the onset of dusk at different times of the year.

The college does not have any campus residences.

### **General Procedures for Reporting a Crime or Emergency**

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Dean of Students in a timely manner. To report a crime or an emergency call the Dean of Students [Office: 909-335-8863; Cell: 909-936-7152]. In a crime situation, also call the police at 9-1-1.

This publication contains information about off-campus resources. That information is made available to provide college community members with specific information about the resources that are available in the event that they become the victim of a crime. Crimes should be reported to the Dean of Students to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate

The college does not have campus police.

## **Confidential Reporting Procedures**

Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. They are encouraged if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The college adopts the following definitions as part of this policy:

### *Pastoral Counselor*

An employee of the college who is ordained in a recognized religious order or denomination may function in the role of a pastoral counselor and provide confidential counseling.

### *Professional Counselor*

An employee of the college who is licensed or certified to provide psychological counseling to members of the college’s community may function in the role of professional counselor and provide confidential counseling. This function would also extend to those licensed professional counselors to whom students may be referred.

## **Security Awareness Program**

During orientations in August, December and March, students are informed of the college’s Health and Safety Plan. A common theme of the Plan is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

## **Crime Prevention Programs**

The college does not have any off-campus student organizations. Thus monitoring by local police is not an issue.

## **Alcoholic Beverages**

The possession, sale or the furnishing of alcohol on the college campus or at college-sponsored events is governed by the Student Code of Conduct and California state law. Laws regarding the possession, sale, consumption or furnishing of alcohol are controlled by the California Department of Alcohol and Beverage Control (ABC). The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the college.

Violators are subject to college disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the Student Code of Conduct for anyone to consume or possess alcohol in any public or private area of campus. Failure to comply may result in expulsion.

## **Illegal Drugs**

The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the college. Violators are subject to college disciplinary action, criminal prosecution, fine and imprisonment. It is also a violation of the Student Code of Conduct for anyone to

possess, use or distribute illegal drugs in any public or private area of campus. Failure to comply may result in expulsion.

### **Substance Abuse Education**

The College has developed a program for substance abuse education called ADDS – Alcohol and Drug Deterrence for Students. During orientations in August, December and March, students are informed of the ADDS program. This program provides educational and informational materials related to alcohol and drug use and abuse, information on referrals for drug treatment, and college disciplinary actions.

#### Controlled and Illegal Substances

Controlled substances are those substances defined in schedules I through V of the Controlled Substances Act, 21 U.S.C. §812, and by regulation at 21 C.F.R. §1308. Illegal substances are controlled substances listed in the Controlled Substance Act which are obtained illegally. [Legal substances are (1) controlled substances that are prescribed or administered by a licensed physician or health-care professional; (2) over-the-counter drugs; and (3) alcoholic beverages for those over the age of 21].

#### Health Risks

All drugs are toxic or poisonous when abused. Health risks of drug abuse include, but are not limited to sleep disorders, confusion, hallucinations, paranoia, deep depression, malnutrition, liver and kidney damage, cardiac irregularities, hepatitis, and neurological damage.

Alcohol is a depressant. It depresses the central nervous system and can cause serious physical damage. Excessive drinking damages the liver, resulting in cirrhosis. Chronic alcohol abuse also causes hypertension, cardiac irregularities, ulcers, pancreatitis, kidney disease, cancer of the esophagus, liver, bladder or lungs, memory loss, tremors, malnutrition, vitamin deficiencies and possibly sexual dysfunction.

Abuse of alcohol or drugs during pregnancy increases the risk of birth defects, spontaneous abortion and still births.

#### Local, State and Federal Legal Sanctions

Local, state and federal laws establish severe penalties for violations of drug and alcohol statutes. These sanctions, upon conviction, may range from a fine to life imprisonment. In the case of possession and distribution of illegal drugs, these sanctions could include the seizure and summary forfeiture of property, including vehicles. It is especially important to know that recent federal laws have increased the penalties for illegally distributing drugs to include life imprisonment and fines in excess of \$1,000,000.

California has some of the harshest sentencing guidelines for drug offenses in the United States. Some examples of local or state laws are:

- Unlawful possession of a narcotic drug is punishable by imprisonment in the state prison.
- The purchase, possession, or consumption of any alcoholic beverages (including beer and wine) by any person under the age of 21 is prohibited. It is not permissible to provide alcohol to a person under the age of 21.
- Serving alcohol to an intoxicated person is prohibited.
- Selling, either directly or indirectly, any alcoholic beverages except under the authority of a California Alcoholic Beverage Control License, is prohibited.

-It is a felony to induce another person to take various drugs and "intoxicating agents" with the intent of enabling oneself or the drugged person to commit a felony. The person who induced the other may be a principal in any crime committed.

-Any person found in a public place to be under the influence of an intoxicating liquor or drug and unable to care for his/her own safety or interfering with the use of a public way is guilty of disorderly conduct, which is a misdemeanor.

Legal sanctions against the unlawful possession or distribution may be found in the U.S. Drug Enforcement Administration's Drug Policy covering the Controlled Substances Act, Federal Trafficking Penalties and Drug Scheduling, Title 21, Section 844.

### **Sexual Offenses**

Community Christian College is committed to ensuring a safe and secure college environment for all students and employees and will not tolerate acts of sexual assault. This sexual offense policy addresses Community Christian College's programs to prevent sex offenses and procedures to follow when a sex offense occurs.

The college endorses the FBI's National Incident-Based Reporting System (NIBRS) edition of the *UCR* in its definition of a sex offense 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.

To promote the awareness and prevention of rape, acquaintance rape, and other forcible and non-forcible sex offenses, the college provides educational information through its orientation programs before the beginning of each quarter. Additional educational information is available to students in the office of the Dean of Students throughout the school year. An annual security report is disseminated to current and prospective students and employees.

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. This publication contains information about off-campus resources. An assault should be reported directly to the Dean of Students (909-335-8863 X 103). The college will take all steps to ensure confidentiality of any sex offense victim.

The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the college's leadership, or only the latter. At the conclusion of the mandated hearings related to a sex offense, both the accuser and the accused shall be informed of the decision and sanction.

Any member of the Community Christian College community who commits a sex offense is subject to criminal prosecution and college disciplinary procedures. Under the college's disciplinary procedures, a variety of sanctions may be imposed including dismissal or loss of employment. College disciplinary proceedings are detailed in the *Student Handbook* and the *Personnel Manual*. 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 the hearing. A student or employee found guilty of violating the college's sexual offense policy could be criminally prosecuted in the state courts and may be suspended or expelled from the college for the first offense.

**Sexual Offender Registration**

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. A registration list of sex offenders is available from local law enforcement agents.

The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Additionally, The Sex Offenders Registry – The Nationwide Safety Network may be accessed on the internet at [www.sexoffenders.com](http://www.sexoffenders.com).

**Crime Statistics**

In compliance with the Clery Act, Community Christian College reports crime statistics for the last three years to inform you of the frequency of major crimes on its campuses.

[Note: these figures reflect statistics for all the campuses of Community Christian College\*]

Offenses Reported	Oct 2005- Sept 2006	Oct 2006- Sept 2007	Oct 2007- Sept 2008	Oct 2008- Sept 2009
Murder	0	0	0	0
Sex offense	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Burglary—off campus	0	0	0	0
Motor Vehicle Theft	0	0	1**	0
Alcohol Violation	0	0	0	0
Drug Abuse Violation	0	0	0	0
Weapons Possession	0	0	0	0
Hate Crimes	0	0	0	0

\*The Sun Valley Site Director was told it would take 12 weeks to get such a report from the LAPD. Since the report was not available, this chart does not include those figures.

\*\*This occurred on the Redlands Campus

## **Resources**

CCC Offices: Redlands (909) 335-8863  
San Bernardino (909) 327-2553  
Sun Valley (818) 252-7940

Local Law Enforcement: 9-1-1

Rape Crisis Centers: Redlands (909) 335-8777  
San Bernardino (909) 885-8884  
Sun Valley: (818) 886-0453

Hospitals: Redlands Community Hospital (909) 335-5500  
Community Hospital of San Bernardino (909) 887-6333  
St. Bernadine Medical Center [San Bernardino] (909) 883-8771  
Valley Presbyterian Hospital [Van Nuys] (818) 782-6600  
Glendale Adventist Medical Center [Glendale] (818) 409-8000  
Kindred Hospital Ontario (909) 391-0333

Counseling: Department of Psychology, Loma Linda University (909) 558-8576  
Genesis Counseling Service [San Bernardino] (909) 820-2299  
Christian Counseling Center (818) 730-1095  
Chino Hills Counseling [Christian service] (909) 590-2260

Alcohol & Drug Treatment:  
Loma Linda University Behavioral Medicine Center (909) 558-9200  
Christian Alcohol Awareness Program and Drugs [San Bernardino]  
(909) 884-6775  
Glendale Adventist Alcohol and Drug Services (818) 242-3116  
A New Beginning [Ontario] (909) 988-3844