



Technical College System of Georgia

Title IX & Clery Act Compliance

TCSG Department of Public Safety

Individuals Impacted

Clery Act

- Covered
 - Students
 - Employees
 - Public
- Reporters
 - Campus Security Authorities (CSAs)
 - “Preferred Receivers”

Title IX

- Covered
 - Students
 - Employees
- Reporters
 - Responsible Employees

Campus Security Authorities (CSAs)

- Campus law enforcement unit;
- Employee responsible for campus security (non police);
- Employee or organization identified as place to report crime;
- Employee with significant responsibility for student and campus activities.

Clery Act Crimes Part 1

“Primary Crimes”

- Murder and Non-negligent Manslaughter
- Manslaughter by Negligence
- Sex Offenses (Rape, Fondling, Incest, Statutory Rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

Clery Act Crimes Part 2

“Weapons, Drug & Alcohol Law Violations”

- Even if not criminally charged or if sanction is applied, must count report of “disciplinary referral”
- Employees, students, public

Clery Act Crimes Part 3

“Hate Crimes”

Part 1 Crimes – Murder and Non Negligent Manslaughter, Sex Offenses, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson

PLUS –Larceny-Theft; Simple Assault; Intimidation & Destruction, Damage or Vandalism of Property

BUT ONLY IF – Based upon 1 of these biases:

Race, Gender, Religion, Sexual Orientation, Ethnicity, National Origin, Disability, Gender Identity

Clery Crimes Part 4

“Violence Against Women Act (2013) Crimes”

- Domestic Violence
- Dating Violence
- Stalking (Audit findings + 30%)

Contemplate

- Clery (\$69,733 and counting)
- Federal Financial Aid
- OCR
- Consumer protection
- Negative Press

Unfounding of Crimes

- Unfounded: A Clery Act Crime report is considered unfounded for Clery Act purposes *only if* sworn or commissioned law enforcement personnel make a formal determination that report is false or baseless.
- Not equivalent to unsubstantiated

Clery Act Reporting

- Annual Security Report (ASR) or Annual Safety & Fire Safety Report (ASFSR)
- Clery Act Timely Warnings & Emergency Notifications
- TCSG Monthly Weapons Incidents Report
- TCSG Monthly Sex Offenses Report
- Behavioral Intervention Team Monthly Report
- Disciplinary Referrals & internal audits (students & employees)

Clery Geography

- On Campus owned/controlled by College; contiguous & supports institutional purpose;
- Public Property within, immediately adjacent to, accessible from campus;
- Noncampus (vs Off Campus)
 - Owned/controlled by College or officially recognized College organization; frequently used by students; not contiguous; supports institutional purpose
 - Study Abroad, short stays away, repeated use locations

College Educational Training

- Primary, as well as on-going preventative & awareness educational programs & campaigns
- Incoming, Annual & Just in time CSA training
- Bystander Intervention

Clery Act Policy Statements

- 116; almost half added with VAWA reauthorization 2013
- Programs to prevent dating violence, domestic violence, sexual assault & stalking
- Procedures followed when Clery Act crimes reported

Additional Resources

- “Handbook for Campus Safety and Security Reporting” (2016 ED):
<https://ifap.ed.gov/eannouncements/attachments/HandbookforCampusSafetyandSecurityReporting.pdf>
- “Clery Act Appendix for FSA Handbook” (2020 ED):
<https://fsapartners.ed.gov/sites/default/files/attachments/2020-10/CleryAppendixFinal.pdf>
- 20 U.S.C. § 1092(f): <https://www.law.cornell.edu/uscode/text/20/1092#f>
- 34 CFR 668.46: <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-VI/part-668/subpart-D/section-668.46>
- System Office Clery Act Compliance Resources Drop Box:
<https://www.dropbox.com/scl/fo/ijwix5ey9eaaj0cjs6iz0/h?rlkey=oiqfmp9k23140vjkrmlsjfw9j&dl=0>

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