

IV 30 13 ACCURATE AND PROMPT REPORTING OF CRIMES AND OTHER EMERGENCIES

I. BACKGROUND

Volunteer State Community College (VSCC) recognizes the need to promote a safe and secure environment for all faculty, staff, and students as well as visitors or entities utilizing the College's properties. Accurate and prompt reporting of criminal offenses aids in providing a timely response and timely warning notices to the community when appropriate, and assist in compiling accurate crime statistics as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

II. PURPOSE

To encourage the accurate and prompt reporting of all criminal offenses occurring on or near VSCC campuses. Visitors, faculty, staff, and students are encouraged to report all crimes and other emergency/safety related incidents in an accurate and prompt manner to the Campus Police Department or local law enforcement.

III. RESPONSIBILITIES

Visitors, Faculty, Staff, and Students.

- Report all crimes and other emergency/safety related incidents in an accurate and prompt manner to the Campus Police Department or local law enforcement.
- File an incident report when necessary.

Campus Police Department.

- Take the required action, dispatch an officer or ask complainant to file an incident report.
- Forward information to appropriate campus department offices for review and potential action.

Campus Security Authority (CSA).

- Immediately report to the Campus Police Department any instance of crimes occurring on or near VSCC campuses of which they become aware, whether by direct observation, disclosure by a victim, witness, or perpetrator or report by some other person who has learned of the crime.

IV. DEFINITIONS

These definitions apply to these terms as they are used in this policy:

Clery Act: Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act.

CSA: Campus Security Authority – A Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- a campus police department or campus security department of an institution;
- any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department;
- any individual or organization to which students and employees should report criminal offenses;
- or an official of an institution who has significant responsibility for student and campus activities, including but not limited to, student discipline, and campus judicial proceedings. **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.

Crimes as Defined by the Clery Act – includes, but is not necessarily limited to:

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. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

Burglary: The unlawful entry of a structure to commit a felony or a theft.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include, but are not limited to: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Intimidation: 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.

Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding)

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: the killing of another person through gross negligence.

Robbery: 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.

Simple Assault: 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.

Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; all attempts to commit any of the aforementioned.

Hate Crimes: A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias based on race, gender, religion, disability, sexual orientation, or ethnicity/national origin.

Consent: an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent cannot be given by an individual who is asleep; unconscious; or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason; or, is under duress, threat, coercion, or force. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.

Sexual Assault Offenses – includes, but is not necessarily limited to:

Fondling: 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.

Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Rape: The carnal knowledge of a person, forcibly and/or against the 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).

Sexual Assault With An Object: 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.

Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly 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.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Other Reportable Criminal Offenses:

Dating Violence: violence against a person when the accuser and accused are dating, or who have dated, or who have or had a sexual relationship. "Dating" and "dated" do not include fraternization between two (2) individuals solely in a business or non-romantic social context. Violence includes, but is not necessarily limited to:

1. Inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
2. Placing the accuser in fear of physical harm;
3. Physical restraint;
4. Malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
5. Placing a victim in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser – TCA § 36-3-601(5)(c)

Domestic Violence: violence against a person when the accuser and accused:

1. Are current or former spouses;
2. Live together or have lived together;

3. Are related by blood or adoption;
4. Are related or were formerly related by marriage; or,
5. Are adult or minor children of a person in a relationship described above.

Domestic Violence: includes, but is not necessarily limited to:

1. Inflicting, or attempting to inflict, physical injury on the accuser by other than accidental means;
2. Placing the accuser in fear of physical harm;
3. Physical restraint;
4. Malicious damage to the personal property of the accuser, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by the accuser; or,
5. Placing the accuser in fear of physical harm to any animal owned, possessed, leased, kept, or held by the accuser – TCA § 36-3-601

Stalking: a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the accuser to feel terrorized, frightened, intimidated, threatened, harassed, or molested. **Harassment** – means conduct directed toward the accuser that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the accuser to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose– TCA § 39-17-315

V. PROCEDURE

To report a crime or other emergency related incident occurring on or near VSCC campuses, call:

- Gallatin (Main) Campus – Campus Police Department 615-230-3595; on campus extension – 3595
- Highland Crest – Campus Police Department 615-433-7041; on campus extension – 7041
- Livingston – Campus Police Department 931-462-5216; on campus extension – 5216
- Other Off Campus Sites – Local Law Enforcement 9-1-1

Main campus officers are available 24 hours a day, 365 days a year. Officers are available at other sites during normal operating hours.

Exterior and Interior Emergency/Assistance call boxes are located on the Gallatin, Highland Crest and Livingston campuses and connect the caller directly to Campus Police allowing an immediate response to the scene of a call.

Information reported to Campus Police will generally be treated as confidential during the investigative phase, except as required by law. The Campus Police Department cannot hold

reports of crime in confidence. Additionally, information may be disclosed in relation to a timely warning or immediate emergency notification. In appropriate circumstances, local law enforcement, fire department and emergency medical authorities may also respond.

In compliance with VSCC Policy VI:30:05 Robert “Robbie” Nottingham Campus Crime Scene Act of 2004 T.C.A §49-7-129 et. seq., the Campus Police Department will immediately notify the local law enforcement agency with territorial jurisdiction over the college, upon the notification or receipt of information, that a medically unattended death of a person or that any degree of rape has occurred on Volunteer State Community College properties. Other incident reports received may be forwarded to appropriate campus department offices for review and potential action. Additional information obtained during an investigation may also be forwarded to the appropriate campus department offices.

VSCC does not employ pastoral counselors, professional counselors, medical providers or other persons acting in roles creating confidential relationships. Any employee or student at Volunteer State Community College who receives information of a crime must report such information to the Campus Police Department unless otherwise required by law.

Crime statistics are disclosed in an annual security report, made available on the VSCC website each year on October 1st, and submitted to the U.S. Department of Education annually. In addition, a daily crime log is available for viewing at the Gallatin Campus Police Department, Highland Crest Campus Police Department, and Livingston Campus Police Department.

VSCC Source: President’s Cabinet, September 29, 2014;