

Campus Notification of Trespass or Clery Crime Procedure	Procedure Number	3.13P
	Effective Date	June 7, 2011

1.0 PURPOSE

In accordance with Board Policy 3.13 Campus Notification of Trespass or Clery Crime, Laramie County Community College (LCCC) will provide notification to the college community under the provisions of the Family Education and Rights to Privacy Act (FERPA), 20 U.S.C.A. § 1232g (2009), *amended by* Pub. L. No. 111-296 (amended 2010); and 34 C.F.R. § 99 (2010) and the Clery Act, 20 U.S.C.A § 1092(f) (2009); and 34 C.F.R. § 668.46 (2010), with regard to an individual of concern that is deemed an imminent threat to the LCCC community and not allowed to be on the LCCC campus; or individuals suspected of committing a crime enumerated in the Clery Act.

2.0 REVISION HISTORY

Adopted on: 6/7/11

3.0 PERSONS AFFECTED

Students and Staff

4.0 DEFINITIONS

- A. *FERPA* – Under the provisions of the Family Education and Rights to Privacy Act, the College is allowed to notify members of the campus community in the event of an imminent threat to personal safety. This may be done through a targeted or campus wide notification.
- B. *Clery Act* – Under the provisions of the Jeanne Clery Act, the College is required to provide a “timely warning” notification to the campus in the event of a violent crime (as defined under the Clery Act) that has been committed on or around the campus.
- C. *Clery Crimes* – Clery Crimes are defined as:
 - 1) Murder and Non-negligent Manslaughter –The willful (non-negligent) killing of one human being by another.
 - 2) Negligent Manslaughter – The killing of another person through gross negligence.
 - 3) Forcible or Non-forcible Sex Offenses – A forcible sex offense is any sexual act directed against another person, forcible or against that person’s will where the victim is incapable of giving consent (such as when the victim is intoxicated).
 - 4) Non-forcible sex offenses are acts of “unlawful, non-forcible sexual intercourse.” This definition encompasses incest or statutory rape.
 - a) Incest-Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - b) Statutory Rape-Nonforcible sexual intercourse with a person who is under the statutory age of consent.
 - 5) 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.

- 6) 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. Simple assaults are excluded.
 - 7) Burglary – The unlawful entry of a structure to commit a felony or a theft. Offenses counted on UCR forms as burglary are: unlawful entry of a structure with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit the foregoing offenses.
 - 8) Arson – Any willful or malicious burning or attempt to burn, with or without the intent to defraud, a dwelling house, public building, motor vehicle, personal property of another, etc.
 - 9) 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 performed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.
- D. *C.A.R.E. Team* – The Campus Assessment, Response and Evaluation (C.A.R.E.) Team are responsible for reviewing, assessing, acting and following up on reports and incidents of individuals of concern at LCCC.
- E. *Individual of Concern* – A student, staff, faculty or community member that is exhibiting disruptive, disturbing or disturbed behavior as determined by C.A.R.E. Team threat assessment procedure.
- F. *Trespassed* – The term used in this procedure only that refers to an individual of concern that has been deemed an imminent threat to the safety of the LCCC Community; or an individual suspected of the commission of a crime enumerated in the Clery Act who is not allowed to enter any LCCC campus or property.

5.0 PROCEDURES

- A. Under FERPA individuals of concern that have been determined by the C.A.R.E. Team to be an imminent threat to self and/or others will be trespassed from the college in accordance with LCCC’s Code of Conduct and Procedure 3.20P Student Rights and Responsibilities.
 - 1) In the event that the C.A.R.E. Team determines that the individual of concern is a generalized threat to the College, a notification will be sent to the college community via the approved emergency notification system and by the Vice President of Student Services or designee in accordance with the Clery Act.
 - 2) In the event that the C.A.R.E. Team determines that the individual of concern is a threat to only specific individuals or areas of the College, a targeted notification will be sent to those individuals deemed necessary by the Chair of the C.A.R.E. Team.
 - 3) All incidents of violent crime as defined by the Clery Act will be reported to the LCCC community in a timely manner by the Director of Campus Safety and Security.
- B. All incidents of trespassed individuals related to imminent threat or for the suspected commission of a Clery crime will be reported to the Board of Trustees by the President of the College in a timely manner.

REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s)	Diane Drebin, Vice President Student Services	3/22/11
Approval by President's Cabinet		6/7/11
Approval by President (Signature)		6/7/11