

MAINE COMMUNITY COLLEGE SYSTEM

HEALTH AND SAFETY Section 807.1

SUBJECT: CLERY ACT CAMPUS CRIME ALERTS

PURPOSE: To guide colleges in the issuance of Clery Act Campus Crime Alerts

A. Introduction

The purpose of this procedure is to guide college compliance with that portion of The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 that requires the colleges to issue a “Campus Crime Alert” when the college has notice of a crime that poses an ongoing threat to the college community.

B. Definitions

For purposes of the Clery Act and this procedure:

1. “Crimes” mean homicide, including murder, manslaughter and negligent manslaughter; sex offenses, including both forcible (i.e., rape) and non-forcible offenses; domestic violence, stalking, and acts of violence occurring within a dating relationship; robbery; aggravated assault; burglary; motor vehicle theft; and arson. Crimes also mean any intentional, knowing, or reckless act committed by a person (whether individually or in concert with another person) against another person or persons regardless of the willingness of such other person or persons to participate, that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury. Crimes also include the following three types of incidents if they result in either an arrest or disciplinary referral: liquor law violations; drug law violations; and illegal weapons possession; and
2. “Campus” includes locations on campus grounds and buildings; any student residence halls; any off-campus buildings, and public property such as streets and sidewalks that are adjacent to a campus or off-campus location. Colleges may use a map to denote any and all such areas.

C. Campus Crime Alerts

Both the Clery Act and its attendant regulations require that each campus report a timely warning to the campus community concerning the occurrence of a Clery-defined crime that college administrators believe represents a “continuing threat to the campus community.” Such warnings are commonly known as “Campus Crime Alerts,” and they consist of the following.

1. Cases Triggering the Duty to Warn

Federal regulations require that a campus must, “in a manner that is timely and will aid in the prevention of similar crimes,” report to the campus community a crime that:

a. Is Required to be Reported in the Annual Security Report;

This means that the crime has to be a “campus crime” as defined above.

b. Has Been Reported to Campus Police or Security, Other Campus Official or Off-Campus Law Enforcement; and

This means that the crime was reported to college security, other college official, or local police.

c. Is Considered by the College to Represent an “Ongoing Threat” to Students and Employees

“Timely reporting” to a campus community must be decided on a “case-by-case basis in light of all the facts surrounding a crime.” Such a report shall exclude the name of the alleged victim, but include factors such as the:

- (1) Nature of the crime;
- (2) Continuing danger to the campus community; and
- (3) Possible risk of compromising law enforcement efforts.

In general, a college must issue a Campus Crime Alert when there is a report to a college administrator of a violent crime against a person, or a major crime against property, on campus; and the report is determined to represent an ongoing threat to the safety of the campus community. This is required regardless of whether or not the victim or perpetrator is a member of the campus community. Each college shall decide the degree to which the police and/or MCCS General Counsel shall be sought for advice in implementing this procedure.

2. What an Alert Should Contain

The type and amount of information that a college discloses in a Campus Crime Alert will vary depending on the circumstances of each case. As known and necessary, such information might include:

- a. A succinct description of the incident;

- b. Name of suspect, if known, and the suspect's physical description, including height, weight, build, hair, eyes, gender, race, age, clothing and any other personally distinguishing marks or characteristics;
- c. Photograph or other picture of the suspect, if available;
- d. Apparent connection to previous incidents, if applicable;
- e. Gender of the victim, if relevant;
- f. Injury sustained by the victim; and
- g. Date and time the Campus Crime Alert was released.

Any such warnings should be sequentially numbered, beginning anew on January 1st of each year.

3. When an Alert Should be Issued

Subject to the availability of accurate facts and responsible decision making concerning the incident, a Campus Crime Alert should be distributed as soon as possible after the time the incident is reported.

4. How an Alert Should be Disseminated

A Campus Crime Alert should be widely distributed in appropriate areas on the campus, provided to campus media, posted on a relevant campus website or websites, electronically mailed to members of the campus community determined to have a need to know of the alert, and posted in appropriate areas.

5. Making a Written Record When a College Considers, but Rejects, Issuing an Alert

When a college considers, but rejects, issuing a Campus Crime Alert in a given case, the college should make a written record, kept by the president, that briefly explains the decision not to distribute the Alert. For example, the Alert was not issued because the crime was not serious; there was no continuing danger to the campus community because the suspect was known and not believed to be dangerous, or the suspect was already in custody, and/or the warning would have risked compromising law enforcement's investigation or arrest efforts.

D. Distinguishing the Issuance of Instant Alerts

In addition to the specific legal requirements for Crime Alerts under Clery, many colleges have Instant Alert Systems. This procedure does not apply to the use of any Instant Alert System which

shall be freely used by a college whenever the authorized college official determines that such an Alert is warranted.

REFERENCES: 20 U.S.C. §1092(f); MCCS Policy 807

DATE ADOPTED: March 23, 2010

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