



2012 CAMPUS SECURITY AND FIRE SAFETY REPORT

An institutional report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the 2008 revisions of the Higher Education Opportunity Act.

The Clery Act requires all institutions of higher education to publish an annual report of security policies and crime statistics. Revisions to the Higher Education Opportunity Act of 2008 also requires an annual report containing information on campus emergency response and evacuation procedures, emergency notification, additional hate crime reporting and fire safety policies and statistics. Information contained in this report was also solicited from all “campus security authorities.” This report is made available to all current and prospective students and employees.

The report is due by October 1st of each year and must contain certain crime statistics for the most recent three-year reporting period.

In addition to this report the Berry College Police Department reports its crime statistics to the Federal Bureau of Investigation through the Georgia Crime Information Center using Uniform Crime Reporting (UCR) requirements and to the Department of Education, which posts the information to their website at www.ope.ed.gov/security/search.asp.

**BERRY
COLLEGE**

MESSAGE FROM THE VICE-PRESIDENT

Chief administrators at Berry College are keenly aware of the strong concerns of students and their families on safety and security matters, and we pay attention to those concerns. From restricting public access to the campus during the evening and early morning hours, to providing educational programs in the residence halls, to a high visibility approach to crime prevention, Berry's campus police department is focused on providing a safe campus community for students. The excellent record presented in this report pays tribute to the results of those efforts.

Brian Erb, Vice President for Finance

BERRY COLLEGE POLICE DEPARTMENT

IMPORTANT TELEPHONE NUMBERS

**Emergency:
706-236-2262**

Dial 2262 from a campus phone.

This is the number to our dispatch center.
It is manned 24 hours a day, seven days a week.

Non-emergency: 706-368-6999

This is an administrative number and is in operation
Monday-Friday from 8 a.m. to 5 p.m.,
excluding college holidays.



The Berry College Police Department is charged with the responsibilities of providing life safety and property protection. To meet these important responsibilities, the college maintains a force of state-certified police officers whose duties are integrated to provide law enforcement, crime prevention and parking control/enforcement. The department strives to contribute to the academic environment by performing professional law enforcement tasks with a positive, service oriented and educational approach.

Our police officers receive their law enforcement authority through the *Official Code of Georgia Annotated*, Code Section 20-8-3.

The Georgia Peace Officer Standards and Training Council certify all police officers after they successfully complete the 404-hour basic mandate training course. The officers are then required to complete a minimum of 20 hours of annual training to maintain their peace officer certification and arrest powers. Our officers typically receive over 40 hours of annual training.

There are 17 employees in the department: 13 police officers and four dispatchers.

Berry's police officers are authorized full police powers including the power of arrest on all college property.

The department maintains a close working and personal relationship with local emergency agencies and their members, though there is no written memorandum of understanding for the investigation of alleged criminal offenses. They come together through meetings, training and investigative follow-ups. Information is freely shared between local agencies. The department maintains a written agreement with the Floyd County Police Department and the Rome/Floyd E-911 Center for access to national and state crime information computers (NCIC and GCIC).

Officers patrol the campus via marked patrol units and by foot to deter acts of crime and to detect and intervene when criminal activity occurs. They respond and follow-up on all reported crimes. In addition to patrol duties, officers investigate traffic accidents, assist in medical emergencies, provide limited motorist assistance, enforce campus parking/traffic regulations, and provide support to numerous campus activities and events, including dignitary planning and protection.

Officers are on duty 24 hours a day.

DRUG & ALCOHOL POLICY AND EDUCATIONAL PROGRAMS

FOR CAMPUS DRUG AND ALCOHOL EDUCATIONAL PROGRAMS AND INFORMATION ON THE WEB GO TO:

www.berry.edu/stulife/counseling

www.berry.edu/stulife/counseling/peereducators.asp

POSSESSION OR USE OF ALCOHOLIC BEVERAGES (*Viking Code*)

Any student on the campus who is in possession of or under the influence of alcohol will be charged with a violation of college policy and/or state law. **The minimum legal drinking age in Georgia is 21 years old** (*Georgia Criminal Code 3-3-23.1*).

POSSESSION, SALE AND/OR CONSUMPTION OF NARCOTICS, DEPRESSANTS, STIMULANTS, HALLUCINOGENS OR SOLVENTS (*Viking Code*)

The college does not permit the possession, consumption, ingestion, injection, or inhalation (without prescription or medical authorization) of substances that have the capacity to change a person's mood, behavior, or mind, or modify and relieve pain, such as, but not limited to marijuana, opiates, amphetamines, barbiturates, hallucinogens, psychedelics, or solvents. Any student or students found to be in conflict with the above will be referred to the dean of students office where the process defined in the *Berry College Code of Student Conduct* will be followed. The sanction may result in suspension or expulsion from Berry and/or referral to the criminal process. **Any student or students found to be in violation of local, state, and federal narcotics laws will be subject to arrest and prosecution through the proper criminal process.**

DRUG ABUSE (*Faculty and Staff Handbook*)

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited at Berry College. Further, consistent with the Drug Free Work Place Act of 1988, the college has incorporated the requirements that, as a condition of employment, all employees must abide by Berry's policy against drug abuse and must notify the college within five days of any conviction for violating any criminal drug law by an action in the workplace. Violation of Berry's Drug Abuse Policy will be considered cause for termination of employment. Berry' Drug Abuse Policy notice is distributed annually by the Human Resources Office.

PARENT NOTIFICATION FOR DRUG AND ALCOHOL VIOLATIONS (*Viking Code*)

In accordance with the Higher Education Amendments of 1998 to the Family Educational Rights and Privacy Act (FERPA) of 1974, Berry College may notify a parent or legal guardian of a student under 21 years of age when the student has been found guilty through disciplinary channels of violating any Berry College rule regarding alcohol or illegal drugs. Notification decisions will be based on the severity of the incident and any prior incidents involving alcohol or drugs.

Counseling Center (*Viking Code*)

www.berry.edu/stulife/counseling

The Counseling Center seeks to maximize students total learning experience through services that bolster their personal development, social adjustment, and self knowledge. Services include individual counseling provided by highly competent counseling professionals and educational outreach programs for the prevention of high risk behaviors. The Counseling Center not only provides intensive service to individual students; it promotes an informed and responsible college culture for optimal mental health and personal development.

All enrolled students are eligible for services at the center. Counseling is confidential according to state and professional guidelines. There are no additional fees for service.

For more information, call 706-236-2259 (campus ext. 2259) or go to the reception area in the west wing of the Ladd Center.

Peer Education Program (*Viking Code*)

www.berry.edu/stulife/counseling/peereducators.asp

The Counseling Center supervises a peer education program in which a

select group of specially trained students provide educational programs to student and community groups for the promotion of low-risk, high enrichment choices and activities related to drugs and alcohol and mental health. The Peer Educators' Resource Room, located in the Ladd Center, has numerous up-to-date books, journals, pamphlets, audiotapes, and videotapes on related topics. Often collaborating with other offices and campus groups, the Peer Educators promote discussion and awareness through speakers, film, publications, and other creative methods to engage students in promoting healthy lifestyles.

The Health and Wellness Concerns Committee

The Health and Wellness Concerns Committee consists of faculty, staff, and students who plan educational activities for the prevention of health problems including drug and alcohol abuse. The committee invites speakers each year to raise campus awareness of issues related to drugs and alcohol, and they work with the Peer Educators to coordinate Drug and Alcohol Awareness Week in the fall and Safe Spring Week. The Counseling Center and the Dean of Students Office assist high-risk students in obtaining services in the local community.

Health and Wellness Center Activities

An Annual Health Information Fair is held each Spring which brings health information and resources from the community that students can utilize during their college life and beyond. Customary events at the health fair include massages, body fat analysis, door prizes, eye exams, AIDS testing, dermatologic, blood pressure services, osteoporosis evaluations and an opportunity to give blood.

A monthly HIT (Health Information Table) program includes campus-wide education regarding issues such as dental health, smoking awareness, women and men's health and safety issues.

A monthly e-newsletter, "Because We Care" delivers timely health information and other useful tips on staying healthy and fit. Residence hall programming is provided upon request to the Health and Wellness Center director. A variety of topics and issues of concern are discussed.

CAMPUS SECURITY AUTHORITIES

The Berry College Police Department is recognized as the official law enforcement authority on campus. All crimes should be reported directly to the department. The Department of Education in **34CFR Part 668** also defines "campus security authorities" as someone with "significant responsibility for student and campus activities".

Berry College further defines the following as "campus security authorities":

- Dean of Students
- Director of Residence Life
- Director of Student Activities
- Director of Human Resources
- Athletic Director and Team Coaches
- Faculty Advisors to Student Groups.

The following are exempt from reporting and are not defined as "campus security authorities":

- Professional Counselors
- College Physicians
- College Chaplain

TIMELY WARNINGS

Information on criminal incidents that occur, either on or off campus, that, in the judgment of the Chief of Campus Police and thru consultation with the President's Office, constitutes an ongoing or continuing threat to the campus community will be distributed on a timely basis.

Among the various distribution methods available are through e-mail, Berry Alert system, and voice mail and television systems to students, faculty and staff. A campus meeting may be called at the discretion of the college president. Warning posters will also be strategically placed throughout the campus depending on the nature of the incident.

DAILY CRIME and FIRE LOG

The department maintains a daily log of offenses and fires reported to them for the most recent sixty (60) day period. The log is available for public view during normal business hours in the Parking Service Office located in Oak Grove Cottage.

Normal business hours are Monday-Friday, 8 a.m. to 5 p.m., excluding college holidays.

Information that is prohibited by law or that would jeopardize the confidentiality of a victim will not be disclosed on the log. The department will also withhold certain other information if there is clear and convincing evidence it would:

- Jeopardize an on-going criminal investigation or the safety of an individual.
- Cause a suspect to flee or evade detection.
- Result in the destruction of evidence.

Any information that is withheld by the department will be made available immediately once these conditions are no longer met.

SEX OFFENDER REGISTRIES

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act has been amended by the Campus Sex Crimes Prevention Act to require sex offenders who are enrolled in or work at institutions of higher education to register with the state's sex offender registration program. The state in turn is obligated to notify the school's law enforcement unit as soon as possible. Below are links to websites that list registered sex offenders:

<http://gbi.georgia.gov/georgia-sex-offender-registry>

This website is operated by the Georgia Bureau of Investigation and allows you to search by offender name, city, county or zip code in Georgia.

www.nsopr.gov

This website is operated by the United States Department of Justice and allows you to search by offender name, city, county or zip code of participating states.

KNOX-BOX RAPID ENTRY SYSTEM

The police department has implemented the Knox-Box Rapid Entry System (www.knoxbox.com). This system allows quick entry to a building during an emergency, crisis or disaster. Knox-Boxes are strategically placed around academic buildings and residence halls. 40 boxes have been installed by physical plant personnel at locations determined by our patrol officers. It is the goal of the department to install at least one Knox-Box at every major building on campus. The Knox-Box will contain a set of keys to the building where it is located. This will help in immediate access to that building by police and other emergency responders. All of the Knox-Boxes are keyed to a single master key. Only police personnel are issued a master key.

FACILITIES

The appropriate dean responsible for a particular building regulates academic buildings hours. Most academic buildings are opened and closed by housekeeping or campus police officers.

Non-academic buildings are controlled by the department director assigned to that building.

- Officers also open and unlock the gates leading onto campus.
- All buildings have phones for reporting emergencies.
- As a general rule labs (computer, biology, chemistry, etc.) will have a lab assistant during hours of operation. Hours of operation are effected by needs of faculty, special events and other scheduled activities.

After hours use of a building requires the approval of the academic dean for that particular building. Persons using buildings after hours should do so with a partner or let someone know where they will be and for how long.

Berry College does not operate any student off-campus housing. Several homes are adjacent to or near the campus and are owned by the college, but are used only for faculty and staff housing. Campus police as well as the Rome Police Department and the Floyd County Police Department patrol these areas.

All facilities have fire alarm systems that report locally with an audible alarm or to the campus police dispatch center. There is an ongoing effort to upgrade all fire alarm systems. Some buildings are equipped with sprinkler systems.

Resident hall doors are locked 24 hours a day. Card access has been added to all residence halls. Responsibility for the residence halls belongs to the Director of Residence Life at extension 2209.

Lighting has been installed around all buildings and parking lots, as well as additional sidewalk and street lighting. Each summer and during all breaks, officers make extensive surveys on lighting, locks and other physical safety matters and submit work requests to the Physical Plant for repair on malfunctioning lights, locks and windows. Requests are also made on an as needed basis. Students, faculty, and staff are encouraged to report all safety related maintenance requests to the Physical Plant at extension 2231 or via e-mail to: physicalplant@berry.edu
Keys to residence halls and all other campus buildings are regulated and issued through the college locksmith who reports to the director of the physical plant.

POSSESSION OF FIREARMS, FIREWORKS, EXPLOSIVES, OR WEAPONS

Firearms, fireworks, explosives or explosive devices, or weapons are not permitted on campus, including storage in automobiles. The term "weapon" is defined as any object or substance designed to inflict a wound, cause injury or incapacitate, and may include, but is not limited to all firearms, pellet guns, paintball guns, crossbows, bows and arrows, martial arts devices, switchblade knives or knives with a blade three (3) inches or longer, and clubs. The possession of ammunition is also prohibited. (*Viking Code*)

PERSONAL SAFETY

Personal safety and property security at Berry College are everyone's responsibility. Our department urges all members of the Berry community to participate in making our campus as safe as possible.

If you develop good security habits, you can assist us in safeguarding your property and college property. In the event of suspicious or criminal activity, promptly call the Campus Police (Ext. 2262). Officers are also available for educational programs. To develop good safety habits, follow these security tips:

Residence Hall Safety

- Lock your door when you leave the room, even if you will be gone only for a minute. It takes about eight seconds for someone to walk into an open room and remove an item.
- Notify police promptly of any suspicious persons loitering in the vicinity of your building or room.
- Never leave purses, wallets, jewelry and other valuables unattended in laundry rooms, showers or kitchen areas.
- Mark your valuables for identification purposes by using engravers made available by our department.

Safety in Your Car

- Always lock your car.
- Check the back seat before you get in.
- Have your keys in hand so you don't have to linger before getting in, especially at night.

Safety Outside and at Night

- Walk confidently, directly, at a steady pace.
- Walk on the side of the street facing traffic.
- Stay in well-lighted areas as much as possible.
- Never work alone in an office or classroom on campus at night.
- Arrange a buddy system with someone with whom you work or study.
- While sun-bathing stay within designated areas near the residence halls.
- Stay alert to your surroundings. Trust your instincts.
- When you feel you are in danger, attract attention any way you can.

The college does not maintain a formal escort service, but if you ever feel

uncomfortable in any situation on campus call Ext. 2262 and an officer will be dispatched to your location to give you a ride.

Hazing

Berry College does not condone hazing in any form. Berry defines hazing as any action taken or situation created intentionally to produce physical discomfort, embarrassment, harassment, or ridicule. Any student group or organization that is found in violation of this policy will be subject to disciplinary action. (*Viking Code*)

EMERGENCY PREPAREDNESS

Upon confirmation of a significant emergency or a dangerous situation occurring on campus (or directly affecting the campus) that involves an immediate threat to the health or safety of student or employees, the college will alert the campus community in the most expeditious manner available about the situation. This will generally involve activation of our “BerryALERT” system. This system, which can be activated by campus security or personnel in the college’s public relations and dean of students’ office, will via phone text messages and other media alert those who have preregistered for the system. This initial alert will be augmented, if appropriate, by other forms of communication, including electronic mail, phone calls, and personal contact.

The college will make every effort to confirm the validity of the emergency or dangerous situation. It will do so by use of established lines of communication with college staff, administrators, residence hall personnel (including resident assistants), building coordinators, campus security personnel, and local law enforcement and emergency responders, as well as media reports and any other available sources. The college’s Emergency Response Team will determine based on that information whether notification is necessary or desirable and, if so, what form that notification should take and to whom it should be directed. However:

- If the Emergency Response Team has not yet gathered, the college president (or the senior administrative officer acting in his or her absence) or the chief of staff may authorize notification.
- In a critical emergency when safety concerns demand it, and there is not time to contact either the Emergency Response Team or the college president or chief of staff, the Director of Campus safety will make the notification.
- Notification will not be delayed simply because all information has not been gathered or fully confirmed. A notification in such cases may use wording that stresses that an incident has been “reported” or that there is not yet confirmation. What is most critical is that the awareness of those potentially affected, directed or indirectly, is heightened and that any appropriate safety precautions are taken without delay. The college will err on the side of notification, understanding that corrections can be made through subsequent communications.

The content of the notification will be only that much information necessary to give the nature of the threat or situation and the recommended actions, recognizing that the longer the message the more time it takes to absorb and act upon. Usual components of such a message would be a) the nature of the situation; b) the location of the situation; c) what action should be taken; and (if appropriate) d) a promise of further information as it becomes known. An example of such a message containing those components would be: “Fire rptd in Cage Ctr. Evacuate that building. Others stay clear. More info to follow.”

The Director of Campus Safety or Public Relations or Dean of Students personnel will activate the notification.

Individual and community safety is the paramount concern in any decision to notify the campus community of a dangerous or emergency situation. Safety may, in certain circumstances, require that notification be delayed, particularly when emergency or law enforcement personnel believe that such notification will compromise efforts to assist a victim or victims or frustrate efforts to respond to or mitigate an emergency. Due deference will be given to such considerations, but only in truly exceptional circumstances there will be a decision to delay or avoid notification.

Those responsible for carrying out this policy include members of the college Emergency Response Team:

- President
- Chief of Staff
- Director of Campus Safety and Chief of Police
- Vice President for Student Affairs and Dean of Students
- Vice President for Finance
- Director of Physical Plant
- Director of Food Services
- Director of Residence Life
- Assistant Vice President for Public Relations and Marketing
- Director of Network Operations
- Director of Health and Wellness
- Director of Counseling

After the campus community (or affected portions of the campus community) have been notified, the Emergency Response Team will coordinate the dissemination of emergency information to the larger community, both by means of media and through local emergency responders.

The Emergency notification, response, and evacuation procedures are tested at least once each calendar year, including at least one time when the college is in regular session and at least one time when the test is unannounced. Two tests per year are preferable. The Director of Campus Safety shall keep a record of all such tests, noting the time, date, nature of the test, and whether it was announced or unannounced. After each test of the system an electronic mail message to the campus community will explain the purpose of the BerryALERT system and its role in emergency notification, and how one can sign up for the BerryALERT system if one has not done so already. This policy will be published and maintained in the appropriate section of the college’s website.

Missing Student Notification Policy

This policy is established in compliance with Section 485(f) of the Higher Education Act, as amended by section 488(g) of the Higher Education Opportunity Act. This policy must be included in the annual security report. This act and amendment requires institutions that maintain an on-campus student housing facility to establish, for students who reside in an on-campus student housing facility, both a missing student notification policy that allows students to confidentially register a contact person, and procedures for notifying a missing student’s contact person.

Berry College’s Policy on Missing Students

Students, employees and others may report a missing student to one of the following college officials:

- Chief of Campus Police
- Dean of Students
- Assistant Dean of Students for Residence Life

Following receipt of a missing student report, college officials will immediately notify the campus police department, who will investigate to determine if the student is actually missing.

If the student has designated an emergency contact person, the college will notify that individual. Berry College students can confidentially designate an emergency contact person with the Dean of Students Office. This information will be confidentially maintained by the Office of Residence Life. Regardless of whether a student registers an emergency contact person, the campus police department will be notified in the event that the student is determined to be missing.

By law, the parent/guardian of students who are under 18 and not legally emancipated will be notified in the event that the student has been reported missing for 24 hours.

DEFINITIONS OF REPORTABLE CRIMES UNDER THE CLERY ACT

Murder/ Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: the killing of another person through gross negligence.

Sex Offenses–Forcible: 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.

a. **Forcible Rape** - 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).

b. **Forcible Sodomy** - oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly and/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.

c. **Sexual Assault With An Object** - 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 and/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.

d. **Forcible Fondling** - touching of the private parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or, not forcibly and/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.

Sex Offenses–Non-Forcible: unlawful, non-forcible sexual intercourse (limited to incest and statutory rape).

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

b. **Statutory Rape** - non-forcible sexual intercourse with a person who is under the age of consent.

Robbery: 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.

Aggravated Assault: unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

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

Motor Vehicle Theft: the theft or attempted theft of a motor vehicle. There are three classes of motor vehicles: (1) autos, (2) trucks and buses, (3) and other vehicles.

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

Arson: Any 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, etc.

Vandalism: To willfully or maliciously destroy, injure, 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.

Liquor Law Violations: the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in the preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or the importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Weapon Law Violations: the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or deadly weapons.

Hate Crime: A criminal offense committed against a person, property, or society which is motivated, in whole or part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as a bias crime.

CLERY ACT HATE CRIME DEFINITIONS

Hate Crime: A criminal offense committed against a person, property, or society which is motivated, in whole or part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as a bias crime.

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Note: Constructive possession is defined by Black's Law Dictionary, 6th ed. as "where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.")

- **Pocket-picking:** The theft of articles from another person's physical possession by stealth where the victim usually does not become immediately aware of the theft.
- **Purse-snatching:** The grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.
- **Shoplifting:** The theft, by someone other than an employee of the victim, of goods or merchandise exposed for sale.
- **Theft From Building:** A theft from within a building which is either open to the general public or where the offender has legal access.
- **Theft From Coin Operated Machine or Device:** A theft from a machine or device which is operated or activated by the use of coins.
- **Theft From Motor Vehicle** (Except "Theft of Motor Vehicle Parts or Accessories"): The theft of articles from a motor vehicle, whether locked or unlocked.
- **Theft of Motor Vehicle Parts or Accessories:** The theft of any part or accessory affixed to the interior or exterior of a motor vehicle in a manner which would make the item an attachment of the vehicle, or necessary for its operation.
- **All Other Larceny:** All thefts which do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.

Source: *Uniform Crime Reporting Handbook*, 2004; U.S. Department of Justice

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.

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.

Destruction/Damage/Vandalism of Property (Except “Arson”): To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Source: *Hate Crime Data Collection Guidelines*, October 1999; U.S. Department of Justice

BERRY COLLEGE SEXUAL HARRASSMENT AND ASSAULT POLICIES

PART ONE: SEXUAL HARRASSMENT POLICY

I. POLICY STATEMENT

Berry College will not tolerate any sexual harassment and will make every effort to prevent and eliminate sexual harassment at the College. The College seeks to provide learning and working environments conducive to thought, creativity, and growth, where individuals are free to realize their full potential. Sexual harassment is fundamentally at odds with these goals, and an affront to human dignity. In both obvious and subtle ways, sexual harassment harms students, faculty, and staff, as well as the academic community as a whole.

II. SCOPE OF POLICY

The College prohibits sexual harassment by College faculty, staff, students and those who use College facilities. The prohibition applies regardless of the sex or gender of the harasser or of the person being harassed and includes sexual harassment in relationships involving a power differential and those between peers, colleagues, and coworkers. This policy applies to all members of the Berry community in both on- and off-campus settings.

III. PROHIBITED CONDUCT

No member of the Berry community may engage in sexual harassment. Sexual harassment may involve the behavior of either sex against a person of the same or opposite sex. Sexual harassment consists of, but is not limited to, unwelcome sexual advances, requests for sexual favors, other unwelcome verbal or physical conduct or written communication of a sexual nature, and hostile or intimidating behavior motivated by another’s sex or gender. A violation of this policy may be found in a single episode, as well as in repeated behavior, and need not be sexual in nature, but may be based on conduct creating a hostile environment based on one’s sex or gender.

IV. EXAMPLES

Sexual harassment covers any unwelcome sexual attention. Listed below are some types of behaviors that may constitute sexual harassment. This list is not exhaustive.

1. Explicit or implicit threats or hints that a person’s employment, wages, academic grade, promotional opportunities, classroom or work assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances;
2. Demands for sexual compliance accompanied by implied or overt promises of preferential treatment with regard to an individual’s employment or academic status;
3. Pressure for sexual activity, including repeated requests for social contacts after a person has indicated no interest;
4. Requests for private meetings outside of class or business hours for other than legitimate academic or business purposes;
5. Unwelcome, repeated verbal expressions of a sexual nature, including sexual commentaries about a person’s body, dress, appearance, or sexual activities;
6. Unwelcome, repeated use of sexually degrading language, jokes, or innuendoes; unwelcome and repeated suggestive or insulting sounds or whistles; sexually suggestive phone calls; or repeated derogatory comments based on sex or gender;
7. Pornographic objects, pictures, videotapes, audio recordings, computer communication or literature, placed in the work or study area, that may

embarrass or offend individuals;

8. Stalking, including following, surveillance, e-mailing, or contact of a person for the purpose of harassing or intimidating him or her;
9. Unwelcome and inappropriate physical contact, which may include hugging, patting or pinching, brushing or touching of another person’s body;
10. Threatened, attempted, or completed sexual assault. Some acts of sexual harassment may also constitute violations of criminal law, e.g., sexual battery, indecent exposure, sexual abuse, etc. In such instances Berry College Campus Safety is to be notified immediately and will provide assistance to the victim and will initiate an investigation of the crime.

V. ACADEMIC FREEDOM

Works of art and literature, readings, and other written, auditory, or visual course materials, which are used for educational purposes or which are part of academic or cultural programs, do not necessarily constitute sexual harassment, regardless of their sexual, erotic, suggestive, or vulgar content and regardless of whether they may be offensive to some individuals. For sexual harassment to occur in this teaching context, it must also be persistent, pervasive, and not germane to the subject matter. Nothing in this policy is to be construed to limit academic freedom and constitutionally protected free expression within the College (see statement on Academic Freedom in the *Faculty/Staff Handbook*).

VI. CONSENSUAL RELATIONSHIPS

Berry College prohibits romantic relationships between employees and students. The College will discipline employees who engage in such relationships with students over whom they have supervisory authority or when the student is under 18 years of age. The College reserves the right to discipline employees in other circumstances as well. See Berry College’s Policy Concerning Consensual Relationships between Employees and Students. Romantic relationships among employees of different power levels (e.g., between a supervisor and a staff member) may not constitute sexual harassment, yet may lead to claims of sexual harassment. For example, a consensual relationship may create a hostile, offensive, or intimidating work environment for third parties. Alternatively, a sexual harassment claim may arise when a consensual relationship ends, but one of the parties continues to pursue the relationship after being notified repeatedly that such conduct is no longer welcome. Therefore, in order to protect the integrity of the supervisory relationship, any Berry employee who is in a romantic relationship with an employee who reports to him or her must do the following:

1. Distance himself/herself from any decision that may reward or penalize the other individual.
2. Disclose the nature of the relationship to the appropriate administrative supervisor, who then will take steps to ensure equitable treatment for all concerned.

College employees should be aware that any romantic involvement with their students or subordinate employees could subject them to formal action if a sexual harassment complaint is subsequently made and substantiated, and that they bear the greater burden of responsibility should it be proven that the power differential between them made the relationship other than fully consensual.

VII. SEXUAL HARRASSMENT REPORTING PROCEDURES

The Office of the Vice President for Student Affairs will handle cases of sexual harassment against students and the Director of Human Resources will handle sexual harassment complaints against employees. These offices will oversee all matters relating to sexual harassment on campus, including distribution of the policies, educational programs, investigations, policy enforcement, and follow-up with complainants.

A. Reporting Sexual Harassment

Students should report sexual harassment to the Vice President or Associate Vice President for Student Affairs (236-2207). Employees should report sexual harassment to the Director of Human Resources (290-2698). The individuals listed above will hereafter be referred to as “the Sexual Harassment Officer.” If a complaint involves a student and an employee, the Office for Student Affairs and the Office of Human Resources will work together to

investigate and resolve the complaint. The accused's affiliation will determine the procedures used to resolve the complaint. In cases where harassment constitutes sexual assault, students, staff and faculty should report the conduct to the Campus Police (236-2262).

At the onset of the initial meeting, the Sexual Harassment Officer will advise the complainant concerning the College's obligation to investigate and take appropriate corrective action, the various options for resolving the complaint, methods of informal resolution, and the formal Berry College resolution procedure. This person also will provide information concerning counseling and other assistance appropriate to the situation.

At this initial meeting, and subsequently as appropriate, a complainant may be accompanied by a friend, family member, or other individual of the complainant's choice. If a complainant declines to provide details necessary to investigate the complaint or decides not to make the complaint to the Sexual Harassment Officer, the complainant must sign a statement indicating that s/he declines to do so. This statement will be kept on file in the individual's record. Berry will investigate the complaint to the extent it can do so based on the information the complainant provides.

College employees are required to report any suspected incidents of sexual harassment or complaints they receive regarding sexual harassment to the appropriate Sexual Harassment Officer. Employees working as counselors in the Counseling Center are not required to report knowledge of harassment if such knowledge was gained through their role as a counselor. Anyone who has experienced or witnessed sexual harassment is strongly encouraged to report this behavior to the appropriate Sexual Harassment Officer. Students who supervise other students (e.g., RAs) are required to report complaints to their supervisors. Anonymous complaints may also be made to a Sexual Harassment Officer. The College will record and will attempt to investigate anonymous complaints, but cannot do so with the same rigor as signed complaints.

All cases involving a minor should be reported to the Campus Police at 706-236-2262.

B. Counseling Options

Members of the Berry Community who would like information or confidential counseling about sexual harassment should contact the Counseling Center at Berry (706-236-2259). They may also contact the Sexual Assault Center of Northwest Georgia (706-802-0580). Discussions with representatives of these offices will not be considered complaints of harassment to the College and will not, without additional action by the complainant, result in intervention or corrective action.

C. Timeframe for Reporting

All reports of sexual harassment will be investigated. Sexual harassment should be reported as soon as possible after its occurrence. Prompt filing of complaints enables the College to investigate complaints more effectively and resolve problems in an expeditious manner. Delays in reporting, however, will not relieve the College from its responsibility to investigate.

D. Retaliation Prohibited

Retaliation or threats of retaliation against a person making a sexual harassment complaint or against a person who participates in an investigation, formal grievance or disciplinary procedures concerning sexual harassment will be considered a violation of this policy and will be subject to discipline.

E. Confidentiality

Conversations with counselors at the Counseling Center give complainants the highest level of confidentiality. Such conversations are not disclosed to anyone (unless there is a clear threat of suicide or harm to another, or if a minor is involved) without the express permission of the person seeking advice. Members of the College community who wish only to discuss their experience should first seek the advice of a confidential counselor if they wish to ensure their conversations receive the maximum degree of protection from disclosure. Conversations with the Sexual Harassment Officer give complainants private but less confidential

communication. The primary role of the Sexual Harassment Officer is to see that the College responds promptly and fairly to complaints of sexual harassment. Sexual Harassment Officers are able to answer questions, provide guidance, discuss options, mediate complaint resolutions, and, when necessary, refer persons to other appropriate resources. Unlike a confidential counselor, Sexual Harassment Officers with knowledge of actions of harassment have an institutional responsibility to take prompt and appropriate steps to resolve complaints. Sexual Harassment Officers may determine that the allegations constitute such a serious threat to the well-being of the community that an informal resolution is inappropriate. In such cases, the College reserves the right to pursue further action.

When investigating a complaint of sexual harassment, the College will proceed in such a manner as to maintain confidentiality and to protect the identity of the individuals involved to the extent practicable under the circumstances. All parties to the complaint and witnesses interviewed during an investigation will be asked to keep the complaint and investigation confidential. The College's obligation to stop sexual harassment, however, means that it must take appropriate action to stop harassment. Therefore, the College cannot always guarantee confidentiality.

F. Protection of Complainant

When a Sexual Harassment Officer receives a complaint of sexual harassment, he or she will take immediate steps to prevent further harassment of the complainant. Such special arrangements may include, but are not limited to, the removal of a student from class as feasible or the temporary reassignment of an employee to another supervisor until a determination of fact and a resolution can be concluded. Complainants may request changes in their work, academic, or living situations from their Sexual Harassment Officer. Requests for such changes will be considered on the basis of their appropriateness and whether the requested change is reasonably available. The Sexual Harassment Officer regularly will notify complainants of the status of their cases, whether disciplinary action was taken, and inquire whether the harassment has stopped.

G. Investigation of Complaint

To the extent possible, the College will investigate every allegation of sexual harassment in a timely manner. The investigation shall be appropriate to the allegation, taking into consideration its seriousness, the extent to which it is or can be substantiated, and the nature of the resolution the complainant desires. Upon receiving a report, the Sexual Harassment Officer will interview the complainant (and the alleged victim, if willing, in cases of a third-party report) to compile as much specific information as possible, including the nature of each incident, the time, place, actual or potential witnesses, any actions or other responses to the alleged harassment already taken by the complainant, identification of the alleged harasser, and other pertinent facts or allegations.

The Sexual Harassment Officer to whom the report was made may meet with the accused to discuss the allegations. The accused may make an initial, informal response to the allegations. If the discussion with the accused does not resolve the complaint, the Sexual Harassment Officer will proceed with an informal complaint resolution process or, if appropriate, will refer the complainant to a formal resolution procedure. Deans, department heads or chairpersons, directors, and other administrators who are responsible for personnel matters will participate, as appropriate, in investigating charges of sexual harassment and in the process of formal or informal resolution of sexual harassment complaints.

H. False Reports of Sexual Harassment

Making a false report of sexual harassment is a violation of College policy and is a serious offense. Any person who willfully makes or participates in making a false or frivolous report of sexual harassment will be subject to disciplinary action.

VIII. COMPLAINT RESOLUTION PROCESS

A person wishing to bring a sexual harassment complaint can use informal procedures and/or formal procedures. The purpose of the informal procedure is to resolve the complaint as quickly and simply as possible. The purpose of the formal procedures is to resolve complaints

through official channels. Discipline is possible only through the formal procedures. Generally, the complainant may pursue either option. In certain cases of sexual harassment, however, the College reserves the right to determine that the misconduct is too serious to be resolved informally. If the College determines that it is, it will proceed through the formal process to the extent possible.

A. Informal Complaint Resolution Procedures

At the complainant's option, a complaint that the policy has been violated may be brought to a Sexual Harassment Officer. The complaint does not have to be in writing. In cases involving students, the Sexual Harassment Officer to whom an informal complaint is made will not inform the accused of the complaint or the complainant's identity without the complainant's consent. In cases involving employees, the employee's consent is not necessary and Berry may, if necessary, disclose the individual's identity to the harasser during an investigation. Informal resolution of the complaint may include communication between the Sexual Harassment Officer and the accused, a letter to the accused, or other actions. The College, however, will not take disciplinary action against an alleged harasser under the informal resolution procedure. The use of the informal complaint resolution procedure is not a prerequisite to initiating the formal resolution process nor does it preclude a complainant from using the formal resolution or other avenues of redress.

B. Formal Complaint Resolution Procedures for Students

Sexual harassment complaints involving students only will be handled in accordance with the procedures set out in the Code of Student Conduct of the *Viking Code*.

C. Formal Complaint Resolution Procedures for Employees

An employee may initiate formal complaint procedures by filing a written, signed he complaint must describe the alleged behavior and state the remedy sought. Within one week of receiving the complaint, the Director of Human Resources will give the accused a copy of the complaint. The accused must submit a written answer to the Director of Human Resources within one week. The Director of Human Resources will give the complainant a copy of the accused's answer within one week of receiving the accused's answer. The Director of Human Resources will then interview the parties about the allegations at issue, solicit the names of possible witnesses, and then interview the witnesses. These interviews shall be completed within two weeks. Then, within one week, the Director of Human Resources will issue a written opinion as to whether, based on the evidence, the accused did or did not violate the policy. At this point, the complainant may decide to pursue either a negotiated settlement of the complaint or a formal hearing. Either party retains the right to refuse participation in a negotiated settlement and proceed to a formal hearing.

1. Negotiated Settlement Procedure

A complainant starts the negotiated settlement procedure by written request to the Director of Human Resources, who immediately will contact the accused to determine his or her willingness to pursue a negotiated settlement. The accused must respond in writing to this request within one week. If the accused agrees to pursue a negotiated settlement, the Director of Human Resources has two weeks to negotiate the resolution. If the accused does not respond or agree, the complainant may initiate a formal hearing. The Director of Human Resources will meet separately with each party to discuss the complaint and the response, and to try to work out a settlement. Either party may also bring a friend, family member, or co-worker to his or her meetings with the Director of Human Resources. The complainant and the accused will not meet face to face as part of the negotiations.

Any negotiated settlement must be approved in writing by the complainant as well as by the accused, his/her supervisor, the Director of Human Resources, and any other appropriate administrators. If the appropriate administrators do not approve the settlement, either party may elect to start the procedure over again, or may initiate the formal hearing procedure. During the period the parties are attempting to resolve the matter, either the complainant or the accused may invoke the formal hearing procedure. If a settlement is not reached, the complainant may invoke his/her right to begin the formal hearing procedure.

If a settlement is reached, the Director of Human Resources is responsible for implementation of the agreement. The Director of Human Resources will keep the complainant fully informed of the status of the settlement until its terms are satisfied. Should the complainant inquire in writing about the settlement's status at any time, the Director of Human Resources must respond in writing within one week.

2. Formal Hearing Procedure

The formal hearing procedure is initiated if the negotiated resolution procedure is unsuccessful or if either party submits a written request to the Director of Human Resources for a formal hearing. The Provost will hear and resolve cases against faculty members. The Vice President for Finance will hear and resolve cases against staff members. Within three weeks of the initiation of a formal hearing procedure, the Provost or Vice President for Finance will conduct an investigation and report a decision. The parties may agree in writing to a reasonable extension of this time frame. The investigation will respect the due process rights of both parties. In no case will the accuser be required to be present with the accused.

During the investigation, the Provost or Vice President for Finance will attempt to interview each party. These interviews will take place separately, and each party may bring a friend, family member, or co-worker to the interview. The interviews are not intended to be conducted as a court proceeding, and the Provost or Vice President for Finance is not bound by any rules of evidence. A record will be made of the interviews and will be made available to both sides. Each party may submit names of witnesses and/or additional written statements and the Provost or Vice President for Finance may request written statements or may interview some or all of these witnesses. The Provost or Vice President for Finance may solicit additional information from the witnesses, the accused, and/or the complainant, in order to make a decision.

The Provost or Vice President for Finance will decide whether the accused has violated the sexual harassment policy and will further impose penalties if the accused is found in violation of the policy, which may include (but are not limited to) the following: written warning or reprimand, suspension, probation, termination, dismissal, or expulsion, change of position or assignment, required attendance at a sexual harassment training program, or required participation in counseling. Anyone found to have engaged in sexual harassment must receive counseling if they remain a part of the Berry community.

3. Appeal

Following the decision of the Provost or the Vice President for Finance, either party has 10 days to appeal in writing to the President. Within two weeks of the notification of appeal, the President shall decide the case and inform both parties in writing of his or her decision. The decision of the President is final. If the President applies a sanction, the Provost or the Vice President for Finance will keep the complainant fully informed of the implementation of that sanction until all terms are satisfied.

IX. EDUCATIONAL PROGRAMS

Promoting awareness of the definition and consequences of sexual harassment is an important part of this policy. Notification of this policy will be distributed to all current faculty, staff and students and to all new members of the College community and the full policy will be posted on the Berry College website. The College will also develop programs to educate members of the College community about the seriousness of this offense, and inform all persons who participate in College programs and activities about their right to bring complaints of harassment and the procedures for doing so. The Health and Wellness Committee will assist in these efforts under the direction of the Provost, the Director of Human Resources, and the Vice President of Student Affairs.

All individuals who have authority to decide sexual harassment cases will participate in sexual harassment training before investigating or hearing cases. Those individuals include the members of the Vice President and Associate Vice President for Student Affairs, the Judicial Board for Student Conduct, the Director of Human Resources, the Provost and Associate Provost, the Vice President for Finance and the President.

X. RECORD KEEPING

The Director of Human Resources and the Vice President of Student Affairs will maintain records of all sexual harassment complaints. Records will include information concerning the receipt of the complaint, the notification of the accused and his or her response, the steps taken to investigate the complaint, and whether the complaint was substantiated. All written statements obtained, as well as summaries of witness interviews, will be included in the documentation. If the complaint is substantiated, the records will document actions taken to stop the harassment and to remedy its effects, as well as disciplinary actions taken and the written notification concerning the complainant of the resolution of the case.

Whether the complaint is substantiated or not, the records will document that all parties have been reminded in writing of the College's policy prohibiting sexual harassment and signatures of all parties will be obtained to confirm this fact.

Records will be kept in employee personnel files or students' files only if a complaint of sexual harassment is substantiated and disciplinary action is taken. Disclosure of employee records will occur only if they form the basis for decision to suspend or terminate an employee or if there is a compelling public interest in their disclosure. Student records are protected from disclosure under the Family Education and Privacy Rights Act.

Records of unsubstantiated complaints, including unsubstantiated anonymous complaints, will be kept confidential and will be used for statistical purposes and to document that the College responded to the complaints. The Director of Human Resources and the Vice President of Student Affairs will review records of unsubstantiated complaints annually to determine if a pattern of harassment exists, in which case they shall instigate an investigation. The College may act as the complainant in such cases.

XI. STATISTICAL REVIEW

The Director of Human Resources and the Vice President of Student Affairs will periodically report to the President the statistical data of the number of sexual harassment complaints they received (including formal, informal, and anonymous complaints), the number of cases investigated, the number of substantiated and unsubstantiated cases, and all disciplinary action taken by the College. The President will distribute this information to the Faculty Assembly and the Student Government Association.

XII. OTHER REMEDIES

Members of the College community whose complaints are not resolved to their satisfaction through these procedures may file a sexual harassment complaint under federal law. Sexual harassment of employees is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964. Complaints under Title VII may be filed with the U.S. Equal Employment Opportunity Commission (www.eeoc.gov). Sexual harassment of students is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. Complaints under Title IX may be filed with the Office of Civil Rights of the U.S. Department of Education (www.ed.gov/offices/OCR/).

PART TWO: SEXUAL ASSAULT POLICY

I. POLICY STATEMENT

Berry College is committed to a policy that preserves respect and dignity for all members of the Berry community. Acts of sexual assault by or against students, employees, visitors to the campus, or other persons who use College facilities will not be tolerated and will be punished both under Georgia law and under Berry College's Sexual Harassment Policy.

II. DEFINITIONS

Sexual assault includes attempted or completed rape; any sexual touching of another person against his or her will; and/or forcing an unwilling person to touch another person sexually. Sexual assault may be committed by a stranger or by an acquaintance, and may occur between members of the same or opposite sexes.

Sexual assault occurs when such acts are committed either by actual or implied force, coercion, threat, intimidation, or through the use of the survivor's mental or physical helplessness, including intoxication from alcohol or drugs, of which the assailant was aware or should have been aware. The use of alcohol or drugs will not be accepted as justification for the actions of any person charged with a violation of this policy. For a complete list of Georgia laws on sexual assault, go to the Berry College website on sexual harassment and assault.

III. REPORTING SEXUAL ASSAULT

Any student, faculty member, staff member, administrator, or visitor to the campus who has been sexually assaulted or who has witnessed a sexual assault on campus should report the assault to the Campus Police (706-236-2262). Assaults occurring off campus should be reported to the Rome-Floyd 911.

Those who have been sexually assaulted are also encouraged to call the Sexual Assault Center of Northwest Georgia (706-802-0580). The Center has individuals who will provide support and, if necessary, will accompany victims of sexual assault to Floyd Medical Center and will stay with them while they receive medical treatment.

Students who are victims of sexual assault should report any incident of sexual assault to the Office of the Vice President for Student Affairs (706-236-2207). Employees who are victims of sexual assault should report to the Office of Human Resources (706-290-2698).

This will initiate campus disciplinary action against the alleged attacker and may prevent another assault. Faculty and staff who learn that a student has been sexually assaulted are required to report the alleged assault to Campus Police and/or to the Office of the Vice President of Student Affairs. Those who have been assaulted or who are aware of sexual assault may make an anonymous complaint to an appropriate authority. The College will record and will attempt to investigate anonymous complaints, but cannot do so with the same rigor as signed complaints.

IV. INVESTIGATIONS OF SEXUAL ASSAULT

Berry College Campus Police will investigate all reports of sexual assault and will update those reporting sexual assault as to the status of the investigation on a regular basis (at least weekly). The Campus Police will immediately notify the appropriate College administrator of any reports of sexual assault.

V. PRESERVING EVIDENCE

While the College realizes an assault victim may suffer shock following an attack, he or she should make every effort to preserve evidence of the assault which may be needed as proof in a criminal prosecution of the attack. Victims and others should not alter the scene of the attack. The victim should not change clothes, take a bath, brush teeth, eat, drink, smoke, urinate or defecate before calling the police or the Sexual Assault Center. If clothes are removed, they should be placed in a paper bag, not in a plastic bag because plastic destroys the evidence. The victim should go to a local hospital, which has kits to collect and preserve evidence of rape and sexual assault. Victims should also write down everything they can remember about the sexual assault.

VI. COUNSELING AND HEALTH SERVICES

Confidential counseling for sexual assault is available on campus at the Counseling Center (706-236-2259) and off campus at the Sexual Assault Center of Northwest Georgia (706-802-0580). Health services, including testing for sexually transmitted diseases, are available at the Health and Wellness Center (706-236-2267). Counseling and health services are also available in the community at the Floyd County Health Department (706-295-6123); and from counselors, psychotherapists, and doctors practicing privately in the area. The Sexual Assault Center can make referrals for individual counseling and support groups.

VII. ACCOMMODATIONS

Individuals who have been sexually assaulted may request changes in their work, academic, or living situations from the Office of the Vice President for Student Affairs or the Office of Human Resources. Requests for such changes will be considered on the basis of their appropriateness and whether the requested change is reasonably available. Campus police can assist students in obtaining other relief, including a police escort, a protective order directing the accused not to have any further contact with the complainant, and a ban from campus of non-students alleged to have committed sexual assault on campus. On a regular basis, the Office of the Vice President for Student Affairs will notify complainants of the status of their cases or the implementation of disciplinary action and follow up with victims of sexual assault to ensure their well-being.

VIII. COLLEGE DISCIPLINARY PROCEEDINGS

In addition to criminal prosecution, students and employees accused of sexual assault are subject to College disciplinary action under the College's Sexual Harassment Policy and Complaint Procedures. According to the circumstances of the case, possible sanctions may range from a formal reprimand to dismissal from the College. Whether a case results in a criminal conviction or not, the accused still may be disciplined under Berry College's Sexual Harassment Policy. Campus police will refer all reported incidents of sexual assault to the Office of the Vice President for Student Affairs or the Office of Human Resources, who in consultation with the complainant may initiate disciplinary action (see Berry College Sexual Harassment Policy Section VIII). The accused and the accuser are entitled to all procedural protections due under these complaint procedures.

IX. EDUCATIONAL PROGRAMS

Berry College offers a variety of educational programs to promote awareness and prevention of all forms of sexual assault, including rape and other sex offenses. These programs are offered regularly throughout the academic year for students, faculty, and staff in settings that are likely to reach people throughout the campus community. Offices providing educational programs include the Counseling Center, Campus Police, the Health and Wellness Center, the Freshman Center, the Residence Life staff, and the Office of the Vice President for Student Affairs. These efforts are coordinated by the Health and Wellness Concerns Committee.

Campus Fire Safety Right to Know

Higher Education Opportunity Act of 2008

President George W. Bush signed the Higher Education Opportunity Act (Public law 110-315) in August 2008, including provisions from the Campus Fire Safety Right-to-Know Act, which will require higher education institutions to annually report fire safety information to the Department of Education (DOE).

This report is an *interpretation* of the regulations and our efforts to be in compliance. The legislation as signed into law is as follows:

Campus Fire Safety Right-to-Know

(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES

(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED

Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including:

(A) Statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:

- (i) the number of fires and the cause of each fire;
- (ii) the number of injuries related to a fire that result in treatment at a medical facility;
- (iii) the number of deaths related to a fire; and
- (iv) the value of property damage caused by a fire;

(B) A description of each on-campus student housing facility fire safety system, including the fire sprinkler system

(C) the number of regular mandatory supervised fire drills;

(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

(E) Plans for future improvements in fire safety, if determined necessary by such institution.

(2) REPORT TO THE SECRETARY

Each eligible institution participating in any program under this title shall, on an annual basis, submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(A).

(3) CURRENT INFORMATION TO CAMPUS COMMUNITY

Each eligible institution participating in any program under this title shall-

(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

(B) Make annual reports to the campus community on such fires.

(4) RESPONSIBILITIES OF THE SECRETARY

The Secretary shall:

(A) make the statistics submitted under paragraph (1) (A) to the Secretary available to the public; and

(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education; representatives of associations of institutions of

higher education, and other organizations that represent and house a significant number of students-

(i) identify exemplary fire safety policies, procedures, programs, and practices, including the installation, to the technical standards of the National Fire Protection Association, of fire detection, prevention, and protection technologies in student housing, dormitories, and other buildings;

(ii) disseminate the exemplary policies, procedures, programs and practices described in clause (i) to the Administrator of the United States Fire Administration;

(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

(iv) develop a protocol for institutions to review the status of their fire safety systems.

(5) RULES OF CONSTRUCTION

Nothing in this subsection shall be construed to:

(A) authorize the Secretary to require particular policies, procedures, programs; or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

(B) affect section 444 of the General Education Provisions Act (the Family Educational Rights and Privacy Act of 1974) or the regulations issued under section 264 of the

Health Insurance Portability and Accountability Act of 1996

(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(D) establish any standard of care.

(6) COMPLIANCE REPORT

The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education including an up-to-date report on the Secretary's monitoring of such compliance.

(7) EVIDENCE

Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in a proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

CURRENT CAMPUS FIRE SAFETY POLICIES AND RULES

The Institution's policies or rules on portable electrical appliances, smoking, and open flames in a student housing facility are as follows:

While residence life reserves the right to make determinations about the appropriateness of items within the residence community, in general, students are prohibited from possessing or using the following items in the residence halls or on the Berry College campus unless otherwise authorized:

- Candles or incense
- Dangerous and/or other flammable chemicals
- Household items that include but are not limited to Halogen lamps, sun lamps, space heaters (including Pelonis fan-type units), hot plates, clothes washers and dryers.
- Non-U.L. approved power-strip extension cords

Kitchen appliances/items: This includes, but is not limited to toasters and toaster ovens (note: these items are permitted in residence hall rooms that are equipped with full kitchens), electric skillets, George Foreman-style grilling machines, portable stove burners, non-thermostat controlled coffee makers, and refrigerators larger than 4.5 cubic feet.

Electrical outlets: There are a limited number of electrical outlets in each room, and these may not be altered for any reason. Students are required to use heavy duty extension cords or adapters approved by the Underwriters Laboratories (UL).

Extension cords can be used for just one appliance at a time. Students must maintain a one plug per one receptacle ratio at all times. Extension cords may not be placed under carpet or rugs at any time.

Smoking: Smoking is prohibited in all residence halls, including student rooms, common rooms, covered breezeways, porches, and/or exterior doorways. In all cases, the right of the non-smoker to protect his or her health takes precedence over the smoker's desire to smoke.

Health and Safety Checks: Berry College believes that residence halls should be a clean and safe environment in which to live. In an effort to minimize chances of health problems, fire and/or bodily injury, health and safety checks will be conducted by Residence Life staff to focus on potentially hazardous situations within the residence halls. Normally, these checks are conducted when the residence halls are closed for breaks.

Reported fire or alarm activation: Whether through visual, voice or alarm activation all persons must exit the building.

Fire Safety Training: All residence assistants receive fire safety related training at the start of each school year. Various hall programs are presented to resident students, including fire safety training. Evacuation and fire safety tips are posted on the back of each door in a residence facility. Physical Plant employees receive fire safety training as part of their on-going OSHA training. Other employees receive fire safety training through the designated building coordinator.

Students and employees are to report all fires on campus immediately to the campus police department at 706-236-2262, ext. 2262 from a campus phone or directly to 911.

BERRY COLLEGE'S COMPLIANCE:

(1) Annual Fire Safety Reports on Student Housing Required Berry College will prior to October 1st, 2010 and annually thereafter on an annual basis, publish a fire safety report to be included within the annual Campus Safety Report (Clery Report), which will include information with respect to the campus fire safety practices and standards established by Berry College. Information for this report will be solicited from the Campus Police Department, Physical Plant, and Residence Life Office. Included in the report will be:

- (A) Statistics concerning the following in each on-campus student

housing facility during the most recent calendar years for which data are available:

- (i) the number of fires and the cause of each fire.
- (ii) the number of injuries related to a fire that result in treatment at a medical facility.
- (iii) the number of deaths related to a fire.
- (iv) the value of property damage caused by a fire.

(B) A description of each on-campus student housing facility fire safety system, including the fire sprinkler system (**Responsibility of the Director of Physical Plant**).

(C) The number of regular mandatory supervised fire drills. **The Office of Residence conducts at least one fire drill per residential facility per semester.**

(D) Policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; (**Responsibility of the Director of Housing**) and

(E) Plans for future improvements in fire safety, if determined necessary by such institution. **(Over the past several years Berry College has made several improvements to residential facility fire systems and it is a priority to continue to do so.)**

(2) Report to the Secretary

Each eligible institution participating in any program under this title shall, on an annual basis, submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(A). **The Chief of Police will be responsible for submitting these statistics to the Secretary of Education.**

(3) Current Information to Campus Community

Each eligible institution participating in any program under this title shall:

(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire. **This log is maintained at police headquarters in Oak Grove Cottage and is available for viewing during normal college business hours.**

(B) Make annual reports to the campus community on such fires. **The Chief of Police will be responsible for making the annual notification of the availability of the report to the campus community. The report will be available on-line and/or printed copies will be available at police headquarters.**

FIRE SAFETY DEFINITIONS

Cause of fire: The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Fire: Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire drill: A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury: Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term person may include students, faculty, staff, visitors, firefighters or other individuals.

Fire-related death: Any instance in which a person (1) is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) dies within one year of injuries sustained as a result of the fire.

Fire safety system: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This system includes sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the

presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of fire.

Value of Property Damage: The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

Fire log: (1) An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time and general location of each fire. (2) An institution must make an entry or an addition to an entry to the log within two business days as defined under 668.46(a), of the receipt of the information. (3) An institution must make the fire log for the most recent 60 day period open to the public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection. (4) An institution must make an annual report to the campus community on the fires recorded in the fire log.

RESIDENCE HALL FIRE SYSTEM LIST

Residence Hall	Fire Alarm Notification System	Sprinkler System Installed	Maximum Housing Capacity
Catherine Cottage	Yes	No	4
Dana Hall	Yes	Yes	332
East Mary Hall	Yes	Yes	124
West Mary Hall	Yes	Yes	141
Lemley Hall	Yes	No	100
Clara Hall	Yes	Yes	121
Townhouses	Yes	No	175
Centennial Hall	Yes	Yes	122
Morton Hall	Yes	No	186
Thomas Berry Hall	Yes	Yes	69
Dorothy Cottage	Yes	No	17
Friendship Hall	Yes	No	59
Pilgrim Hall	Yes	No	71
Morgan Hall	Yes	Yes	186
Deerfield Hall	Yes	Yes	161
Rollins Apartment	Yes	Yes	5
Gunby East	Yes	No	6
Gunby West	Yes	No	6

RESIDENCE HALL FIRES IN 2009

Residence Hall	Number of Fires	Cause of Fire	Injuries/Death	Damage Amount
Catherine Cottage	0	N/A	0	0
Dana Hall	0	N/A	0	0
East Mary Hall	0	N/A	0	0
West Mary Hall	0	N/A	0	0
Lemley Hall	0	N/A	0	0
Clara Hall	1	Light ballast	0	\$50
Townhouses	0	N/A	0	0
Centennial Hall	0	N/A	0	0
Morton Hall	0	N/A	0	0
Thomas Berry Hall	1	Cooking	0	\$0
Dorothy Cottage	0	N/A	0	0
Friendship Hall	0	N/A	0	0
Pilgrim Hall	0	N/A	0	0
Morgan Hall	1	Cooking	0	\$0
Deerfield Hall	0	N/A	0	0
Rollins Apartment	0	N/A	0	0
Gunby East	0	N/A	0	0
Gunby West	0	N/A	0	0

There were no (0) reported residence hall fires in 2010.

There was one (1) reported cooking fire in Centennial Hall that caused no damage or injuries in 2011.

CRIMES REPORTED BY THE BERRY COLLEGE POLICE DEPARTMENT

CRIMINAL OFFENSES	ON-CAMPUS (BUILDINGS/PROPERTY)			ON-CAMPUS (RESIDENCE HALL)			NON-CAMPUS			PUBLIC PROPERTY		
	2011	2010	2009	2011	2010	2009	2011	2010	2009	2011	2010	2009
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	1	0	1	1	0	1	0	0	0	0	0	0
Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	5	4	9	2	1	5	1	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0

HATE OFFENSES	ON-CAMPUS (BUILDINGS/PROPERTY)			ON-CAMPUS (RESIDENCE HALL)			NON-CAMPUS			PUBLIC PROPERTY		
	2011	2010	2009	2011	2010	2009	2011	2010	2009	2011	2010	2009
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0

Hate offenses must manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity.

ARRESTS	ON-CAMPUS (BUILDINGS/PROPERTY)			ON-CAMPUS (RESIDENCE HALL)			NON-CAMPUS			PUBLIC PROPERTY		
	2011	2010	2009	2011	2010	2009	2011	2010	2009	2011	2010	2009
Liquor Law Violations	6	0	0	6	0	0	0	0	0	0	0	0
Drug Law Violations	0	1	0	0	1	0	0	0	0	0	0	0
Illegal Weapon Violations	0	0	0	0	0	0	0	0	0	0	0	0

REFERRALS	ON-CAMPUS (BUILDINGS/PROPERTY)			ON-CAMPUS (RESIDENCE HALL)			NON-CAMPUS			PUBLIC PROPERTY		
	2011	2010	2009	2011	2010	2009	2011	2010	2009	2011	2010	2009
Liquor Law Violations	30	10	2	17	2	0	0	0	0	0	0	0
Drug Law Violations	18	10	0	7	10	0	0	0	0	0	0	0
Illegal Weapon Violations	0	0	0	0	0	0	0	0	0	0	0	0

INCIDENTS REPORTED BY OTHER COLLEGE OFFICIALS

The following statistical information is provided by individuals with significant responsibility for student and campus activities at Berry College. These individuals include, for example, college officers, deans, directors, student affairs staff, student judicial officers, and advisors who have been instructed to contact the college police department whenever one of the crimes listed below is reported to them.

CRIMINAL OFFENSES	ON-CAMPUS (BUILDINGS/PROPERTY)			ON-CAMPUS (RESIDENCE HALL)			NON-CAMPUS			PUBLIC PROPERTY		
	2011	2010	2009	2011	2010	2009	2011	2010	2009	2011	2010	2009
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	0	1	0	0	0	0	0	0	0	0	0	0
Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	9	0	0	3	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0

HATE OFFENSES	ON-CAMPUS (BUILDINGS/PROPERTY)			ON-CAMPUS (RESIDENCE HALL)			NON-CAMPUS			PUBLIC PROPERTY		
	2011	2010	2009	2011	2010	2009	2011	2010	2009	2011	2010	2009
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0

Hate offenses must manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity.

CAMPUS JUDICIARY ACTIONS	ON-CAMPUS (BUILDINGS/PROPERTY)			ON-CAMPUS (RESIDENCE HALL)			NON-CAMPUS			PUBLIC PROPERTY		
	2011	2010	2009	2011	2010	2009	2011	2010	2009	2011	2010	2009
Liquor Law Violations	30	17	0	38	17	38	0	0	0	0	0	0
Drug Law Violations	18	10	0	3	8	0	0	0	0	0	0	0
Illegal Weapon Violations	0	0	2	0	0	0	0	0	0	0	0	0

Please note: Incidents reported to college officials with significant responsibility for student and campus activities are not always reported to or verified as having occurred by Berry College Police. Although every effort has been made to avoid duplication between departmental and Berry College police reports, individuals may have reported multiple times within the same calendar year.