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Director

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**SUBJECT: 2011 CAMPUS SECURITY ANNUAL REPORT AND POLICY FOR  
THE APPALACHIAN CENTER AT BURKE**

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**1. PURPOSE**

To establish policy/procedures to comply with the Jeanne Clery Disclosure of Campus Crime Statistics Act, hereafter called the Clery Act, formerly known as the Crime Awareness and Campus Security Act of 1990 (Title II, Public Law 101-542) with its amendments and the Higher Education Opportunity Act (HEOA) (Public Law 110-315).

**2. GENERAL**

The Appalachian Center at Burke is part of the Appalachian State University Greater Hickory Partnership (ASU-GHP), between Appalachian State University and the three community colleges in the Hickory-Lenoir-Morganton Region. The partnership coordinates delivery of Appalachian's off-campus degree programs at the Burke Center, located in the Foothills Higher Education Center, on the campus of Western Piedmont Community College (WPCC), in Morganton, NC. For Clery Act reporting purposes only it is considered a separate campus. The Burke Center campus has no residence halls and exists to offer part-time and full-time undergraduate programs to students who live in the Morganton area and are unable to commute or move to Boone, home of Appalachian State University's main campus.

**3. DEFINITIONS**

3.01 The criminal offenses and violations that must be reported are defined in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program and the Clery Act as follows:

1. Murder and Non-Negligent Manslaughter - the willful (non-negligent) killing of one human being by another.
2. Negligent Manslaughter - the killing of another person through gross negligence.
3. Robbery - the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
4. Aggravated Assault - an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harms and includes assaults that require medical attention.

5. Burglary - the unlawful entry of a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
6. Motor Vehicle Theft - the theft or attempted theft of a motor vehicle. For reporting purposes include all cases where automobiles are taken by persons not having lawful access even if the vehicle was later abandoned, including joyriding.
7. 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.
8. 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. For reporting purposes this includes forcible rape, forcible sodomy, sexual assault with an object and forcible fondling.
9. Sex Offenses, Non-Forcible - unlawful, non-forcible sexual intercourse. For reporting purposes there are only two types of offenses included in this definition, incest and statutory rape.
10. 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.")
11. 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.
12. 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. (E.g. Communicating Threats, Harassment, Stalking)
13. 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.
14. Drug Law Violations - violations of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful possession, sale, use, growing, manufacturing, transportation, importation and making of any controlled drug or narcotic substance.\_
15. Liquor Law Violations - violation of state or local laws or ordinances prohibiting the manufacture, sale, transportation, possession, or use of alcoholic

beverages, not including driving under the influence and drunkenness. Violations include, but are not limited to, maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person, using a vehicle for the illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

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

17. Hate Crimes - the above listed crimes, (except drug, liquor and weapons violations), and any other crime involving bodily injury—where the victim was intentionally selected on the basis of actual or perceived race, gender, religion, sexual orientation, ethnicity or disability. The hate crime must be reported according to the category of hate, bias or prejudice

3.02 Offenses are to be reported by separate geographical locations, as defined below:

1. On-campus – Burke Center classes are conducted at the Foothills Higher Education Center at 2128 South Sterling Street, Morganton, NC 28655.

2. Non-Campus Building or Property – there are currently no non-campus buildings or property associated with the Burke Center campus.

3. Public Property - all public facilities and property including roads, thoroughfares, streets, sidewalks and parking facilities that are either within the Burke Center campus or immediately adjacent to and accessible from it.

4. Residential Facilities – there are no residential facilities on the Burke Center campus.

3.03 Other Important Definitions.

1. Business Day - Monday through Friday, excluding any day when the University is closed.

2. Test - Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

3. Campus Security Authority - any official or office of the University and the Burke Center campus who has a significant responsibility for campus security and for certain student and campus activities, including the following:

(a) The Chief and all employees in the Appalachian State University Police Department;

(b) Any individuals not employed by the University Police Department, but having responsibility for monitoring entrance into the property.

(c) The Dean of Students;

(d) The Student Conduct Office;

(e) The Director of the Greater Hickory Partnership

4. Prospective Employee - an individual who has contacted an official of the University for the purpose of requesting information concerning employment.

5. Prospective Student - an individual who has contacted an official of the University for the purpose of requesting information concerning admissions.
6. University - refers to Appalachian State University, a constituent institution of The University of North Carolina with its main campus located in Boone, North Carolina.
7. Pastoral Counselor - a person who is associated with a religious order or denomination that recognizes him/her as someone who provides confidential counseling, and is functioning within the scope of that recognition as a university pastoral counselor.
8. Professional Counselor - is a person whose official responsibilities include providing mental health counseling to members of the university community and is functioning within the scope of his/her license or certificate.
9. Referred for campus disciplinary action - the referral of any student to any campus official who initiates a disciplinary action of which record is kept and which may result in the imposition of a sanction.

#### **4. GENERAL POLICY**

4.01 On November 8, 1990, the Crime Awareness and Campus Security Act (Title II, Public Law 101-542) was signed into law. This law requires universities to produce and make available certain policy statements and statistics about campus crime.

4.02 The Appalachian Center at Burke policy is adopted to comply with Public Law 101-542, with its amendments and that portion of Public Law 110-315 that pertains to the Higher Education Opportunity Act campus safety disclosure responsibilities.

4.03 It is the policy of the University to publish by October 1<sup>st</sup> of each school year an annual Campus Security Report that informs current students and employees of the security policies, procedures and practices in place for the Burke Center campus. The annual Campus Security Report will also disclose statistics from the previous three years concerning reported crimes listed under Definitions, section 3.01, above, that occurred: On-campus; in any off campus buildings or property, either owned or controlled by the University or owned or controlled by a student organization recognized by the University; and on public property within, or immediately adjacent to and accessible from the campus. The statistics will be collected from the University Police, local law enforcement, and other University officials who have been designated as Campus Security Authorities.

4.04 The University Director of Public Safety and Risk Management is responsible for preparing and distributing the annual Campus Security Report for the Burke Center campus. Coordination with many departments and agencies, such as the Office of Extension and Distance Education, Office of the General Counsel, Dean of Students, Student Conduct Office, and local police agencies was required to compile this report. The annual Campus Security Report for the Burke Center campus is available on the Web at [www.police.appstate.edu](http://www.police.appstate.edu). Each member of the Burke Center campus is notified by e-mail with a link to the report when the report is available on the Web. The report will be made available to prospective students, prospective employees, and others upon request. Paper copies of the report may be requested by contacting the University Police Department at 828-262-2150 or by mail at: Appalachian State University Police Department, ASU Box 32113, Boone, NC 28608.

4.05 It is also the policy of Appalachian State University and the Burke Center campus that students and employees are ultimately responsible for their own safety and security. Although members of the campus community are encouraged to use the annual Campus Security Report as a guide for safe practices on and off-campus, nothing in this policy or other publications of Appalachian State University or the Burke Center campus is intended to represent the University as an insurer of any individual's personal safety or security. Students, employees and visitors are expected to use caution and good judgment, and make decisions to ensure their own safety.

## **5. CAMPUS LAW ENFORCEMENT**

5.01 The Appalachian State University Police Department has no jurisdiction on the Burke Center campus. Campus security is provided to the Burke Center by the Western Piedmont Community College (WPCC) Security Department. The Burke Center does not employ any security personnel.

5.02 All criminal incidents should be reported to the Morganton Public Safety Department. Morganton Public Safety Officers are commissioned as law enforcement officers by the North Carolina Department of Justice, Criminal Justice Standards Division. Officers meet all certification standards for police officers in the State of North Carolina. Officers have the power of arrest and are sworn to enforce North Carolina laws on WPCC, the Burke Center campus and all public roads passing through or immediately adjoining the campus property.

## **6. POLICY FOR REPORTING CRIMINAL INCIDENTS OR EMERGENCIES**

6.01 The University requires employees (to the extent allowed under professional ethics constraints) and encourages students and visitors to promptly report crimes that occur on the Burke Center campus to the Morganton Public Safety Department at 828-432-2676. For emergencies call 911. Professional and pastoral counselors are encouraged to report crimes, but the University does not mandate that they report. The University encourages professional and pastoral counselors; if and when they deem it appropriate, to inform the persons they are counseling to report crime on a voluntary basis to the Police.

6.02 Reports of crimes may also be made to the WPCC Security Department or other campus security authorities as listed below:

<b>Director, Greater Hickory Partnership</b>	<b>828-324-6966</b>
<b>Director, Student Conduct</b>	<b>828-262-2704</b>
<b>Dean of Students</b>	<b>828-262-2060</b>

6.03 Campus security authorities will promptly refer all reportable offenses to the Appalachian State University Police Department. Reports of crimes may also be made anonymously to the University Police by going to [www.police.appstate.edu](http://www.police.appstate.edu) and clicking on Report Crime Information or Suspicious Activity Anonymously On-line.

6.04 All reports are investigated and the perpetrators are either referred for prosecution, referred to the Office of Student Conduct for discipline under the Code of Student Conduct, or both.

6.05 The North Carolina State Bureau of Investigation and other law enforcement agencies may assist with investigations upon request. Reports of felony violations and certain misdemeanor violations which occur on campus are routinely

reported to the Division of Criminal Information (a division of the State Bureau of Investigation) each month.

## **7. MONITORING AND RECORDING CRIMINAL ACTIVITY OF STUDENTS OFF-CAMPUS**

7.01 The University relies on local law enforcement agencies for response to off-campus crimes. While the University does not collect off-campus arrest information, if we become aware of a student who is involved in a felony arrest, drug arrest and/or certain alcohol related arrests, that information will be provided to the Student Conduct Office. The University reserves the right to address allegations of off-campus crimes through the Code of Student Conduct when appropriate.

## **8. ACCESS TO CAMPUS FACILITIES**

8.01 The use of Burke Center campus facilities and grounds are governed by the laws of the State of North Carolina and WPCC policies. The Burke Center campus is generally open to the public during normal business hours, weekdays from 8:00 a.m. to 5:00 p.m. and generally all evening classes end at 10pm. Individuals who wish to access to the campus after normal business hours or for special events should contact the WPCC Director of Evening Activities or the WPCC Security Department..

## **9. SECURITY CONSIDERATIONS IN THE MAINTENANCE OF CAMPUS FACILITIES**

9.01 The WPCC Executive Vice President/CFO has overall responsibility for security and maintenance of the WPCC and Burke Center campus. WPCC Security Department provides after hours security of the Burke Center campus and all other WPCC property. Faculty, staff and students are encouraged to report any security concerns to the University Police who will in turn follow-up with the appropriate WPCC and/or University department to determine what corrective action to take.

## **10. TIMELY WARNINGS/CRIME ALERTS**

10.01 The WPCC Executive Vice President/CFO through the WPCC Security Department provides timely warnings for Clery Act crimes committed on the WPCC campus and Burke Center campus that are reported to campus security authorities or local law enforcement and represent a serious or continuing threat to students and employees.

## **11. DAILY CRIME LOG AND CAMPUS CRIME STATISTICS**

11.01 The Burke Center campus is not required to maintain a daily crime log because it does not have its own campus police or security department. The WPCC Security Department is required to maintain a daily crime log that would include any incidents that occur on the Burke Center campus.

11.02 The Appalachian State University Police Department collects and discloses crimes that occur on the Burke Center campus that are reported to the Morganton Public Safety Department, WPCC Security Department and Burke Center campus security authorities in accordance with Clery Act requirements. The Burke Center campus annual crime statistics report is in Appendix A.

## **12. EMERGENCY PREPAREDNESS**

12.01 The University recognizes the importance of comprehensive all-hazard planning for campus emergencies. The University Emergency Operations Plan is founded on the principles of the National Incident Management System (NIMS), and we operate during a crisis or emergency under the Incident Command System. The

University conducts annual exercises to test its plans and to test the emergency notification system.

12.02 Upon confirmation by the WPCC Executive Vice President/CFO of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff on campus, the WPCC Executive Vice President/CFO or the Administrator in Charge, without delay, and taking into account the safety of the community, will ensure that emergency personnel are contacted and will send out a broadcast message using the WPCC Emergency Message System. The WPCC Executive Vice President/CFO or the Administrator in Charge will determine the content of the notification and initiate the emergency notification system unless issuing a notification will, in the professional judgment of the on-scene Incident Commander, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The emergency notification system sends evacuation, lockdown, weather and other emergency notices to all campus desk top computers. Other emergency notifications options that may be used are:

1. Activate the fire alarm system to assist with evacuation, when required.
2. Door-to-door notifications, when required

### **13. CRIME PREVENTION EDUCATION AND AWARENESS**

13.01 Security and safety programs may be requested by contacting the WPCC Security Department or the Morganton Public Safety Department. Requests for programs may also be made through the University Police and Division of Student Development. The number and types of programs offered to educate the community vary from year to year.

### **14. ALCOHOL AND DRUG POLICIES**

14.01 The possession, use and sale of alcohol on campus must comply with the laws of the State of North Carolina and with campus regulations and procedures. The acquisition, possession, transportation and consumption of alcohol by anyone less than 21 years of age are prohibited. Public consumption of alcohol on the WPCC and Burke Center campus is prohibited. Violators of the alcohol policy will be dealt with through established University policies and procedures.

14.02 Persons who provide alcoholic beverages to anyone who is not of legal drinking age are in violation of North Carolina law and University policies, and may be subject to both criminal prosecution and University disciplinary action. They may also be liable for personal injuries or property damages resulting from acts committed by intoxicated persons, whether underage or otherwise.

14.03 WPCC and the Burke Center prohibit the unlawful possession, use, sale, growing, manufacturing, transportation, and making of any controlled substances or illicit drugs by students, staff and faculty. The University/Caldwell Center adheres to the "University of North Carolina Policy on Illegal Drugs" adopted by the Board of Governors on January 15, 1988 and found in Chapter 1300.1 of the UNC Policy Manual. Drug and alcohol educational programs are offered by and/or coordinated through the University Dean of Students, Student Health Services, and the University Police.

14.04 WPCC can also provide educational programs to students and staff that emphasize drug abuse prevention. Referrals to community counseling and rehabilitation resources may also be made as appropriate, through WPCC Student Services.

14.05 Additional information about the University's drug and alcohol policies may be found at: [http://policy.appstate.edu/Policy\\_Manual](http://policy.appstate.edu/Policy_Manual).

## **15. SEXUAL ASSAULT PREVENTION AND RESPONSE**

15.01 Sexual assaults, including date or acquaintance rape, are a serious concern to the University and the Burke Center campus and will not be tolerated. Victims of sexual assaults should get medical treatment as soon as possible and are encouraged to notify the Morganton Public Safety Department by calling either 911 or 828-432-2676. Student's not wishing to contact the police may contact any of the "campus security authorities" listed in sections 3.03 and 6.02, above for help. Campus security authorities will assist the victim in notifying the appropriate law enforcement agency if the victim requests assistance. To aid the police investigation, victims of sexual assault should take these steps to help preserve evidence:

1. Do not shower or bathe before the medical exam.
2. Do not change your clothes; if you do, save all your clothing and give them to the police.
3. Do not disturb or alter the crime scene.
4. Document any injury you suffered, either by photograph or by showing it to someone you trust.

15.02 The Burke Center has no on campus counseling services. Referrals for counseling services for student sexual assault victims are available from the University's Counseling and Psychological Services Center by calling 828-262-3180. Additionally, the offices of Student Development and Academic Affairs will make every reasonable effort to assist victims of sexual assault by changing academic conditions if possible.

15.03 The University's Student Conduct Office responds to all violations of the Student Code of Conduct, including all sex offenses, forcible or non-forcible. Both the accuser and the accused are entitled to the same opportunities to have others present during the proceedings, and both parties of any sex offense hearing shall be informed of the outcome of any campus disciplinary proceedings involving a sex offense.

15.04 The University's Code of Student Conduct outlines possible sanctions for sexual assault, rape or molestation. They include suspension (eight semesters) or expulsion. Sanctions and conduct proceedings are outlined in the Code of Student Conduct. The entire University Sexual Assault Policy can be found at: <http://www.sexualassault.appstate.edu> or <http://www.studentconduct.appstate.edu>

15.05 Educational programs that promote the awareness of rape, acquaintance rape and other forcible and non-forcible sex offenses are regularly offered by many different University departments in Boone, and may be requested for members of the Burke Center campus by contacting the University Police at 828-262-2150.



15.06 North Carolina law requires sex offenders to register with the Sheriff of the county in which they live. The law also requires non-resident students or non-resident workers to register with the Sheriff of the county in which they work or attend school. The NC Registry of Sex Offenders may be viewed on-line at <http://sexoffender.ncdoj.gov/>.

**REFERENCES:**

Western Piedmont Community College Policy Manual  
 Student Right-to-Know Act (Public Law 101-542)  
 Higher Education Technical Amendments of 1991 (Public Law 102-26)  
 Higher Education Technical Amendments of 1993 (Public Law 103-208)  
 Higher Education Opportunity Act (HEOA) of 2008 (Public Law 110-315)  
 20 U.S.C. 1092(f)  
 20 U.S.C. 1094  
 34 CFR Part 668

**Appendices:**

A. Annual Crime Statistics Report  
 Appendix A: Appalachian Center at Burke

<b>Offense Type</b>	<b>On-Campus</b>			<b>Non-Campus Buildings &amp; Property (#2)</b>			<b>Public Property (#3)</b>		
	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2008</b>	<b>2010</b>	<b>2011</b>
Murder & Nonnegligent Manslaughter		0	0			0		0	0
Negligent Manslaughter		0	0			0		0	0
Forcible Sex Offenses		0	0			0		0	0
Nonforcible Sex Offenses		0	0			0		0	0
Robbery		0	0			0		0	0
Aggravated Assault		0	0			0		0	0
Burglary		0	0			0		0	0
Arson		0	0			0		0	0
Motor Vehicle Theft		0	0			0		0	0
Larceny		0	0			0		0	0

**Number of Arrests/Referrals for Selected Offenses**

<b>Arrests</b>	<b>On-Campus</b>			<b>Non-Campus Buildings &amp; Property (#2)</b>			<b>Public Property (#3)</b>		
	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Liquor Law Violations		0	0			0		0	0

Drug Violations		0	0			0		0	0
Weapons Violations		0	0			0		0	0

### **Judicial Referrals**

<b>Year</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Liquor Law Violations		0	0			0		0	0
Drug Violations		0	0			0		0	0
Weapons Violations		0	0			0		0	0

### **Note:**

1. There are no Non-campus Buildings & Property.
2. Public Property includes only crimes reported for locations adjacent to the ASU Center at Burke.
3. No Hate Crimes reported in 2010 & 2011.
4. Reported crimes and arrests may involve individuals not associated with the institution.