

**SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL
COLLEGE BOARD OF GOVERNORS
SCP-1375**

SUBJECT: Reports of Accidents or Incidents and Clery Act Reporting

REFERENCE: The West Virginia Workers' Compensation Act, W. Va. Code § 23-1-1, et seq.; the West Virginia Occupational Safety and Health Act, W. Va. Code § 21-3A-1, et seq. and its implementing legislative rule, 42 C.S.R. 15; and the federal Clery Act, 20 USC § 1092(f)

ORIGINATION: January 28, 1991

EFFECTIVE: February 17, 2026

REVIEWED: November 7, 2025

SECTION 1. PURPOSE

1.1 The purpose of this policy is to establish a procedure for reporting accidents or incidents occurring on any college campus or off-campus location of Southern West Virginia Community and Technical College resulting in personal injury or illness or property damage for record keeping and accident investigation purposes and crime reporting for the purposes of the Clery Act. Accident investigations are necessary to identify causation and to help identify deficiencies in the environment and implement any necessary corrective actions.

SECTION 2. SCOPE AND APPLICABILITY

2.1 This policy applies to all operational units of Southern West Virginia Community and Technical College ("College").

SECTION 3. DEFINITIONS

3.1 Accident – An unforeseen, unplanned event or circumstance resulting in personal injury and/or property damage.

3.2 Incident – A situation where an employee becomes aware of a potential workplace hazard or where an accident occurs without injury or property damage or any other situation where remedial action might prevent future accidents, personal injury, or property damage.

3.3 Clery Act Crimes – Crimes designated as reportable by the federal Clery Act. *Please see*, Section 7 below for additional definitions and detailed requirements regarding Clery Act reporting.

SECTION 4. POLICY

4.1 Security and safety at Southern West Virginia Community and Technical College are everyone's responsibility. The College will monitor security and safety measures to ensure that all employees and visitors are in a safe environment. College management will update processes as required to ensure maximum protection within available resources.

- 4.2 The College is committed to maintaining a safe and secure environment for its faculty, staff, students, and visitors. The College has established requirements in this policy to assist in complying with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998” (commonly referred to as the “Clery Act”).
- 4.3 To maintain a safe and secure environment for its employees, students, and visitors and as a recipient of federal financial aid, the College will comply with the provisions of the Clery Act. The Clery Act requires the College to report specified crime statistics on and near its campuses and to provide other safety and crime information to the campus community.
- 4.4 Interpretation of the Clery Act is regularly refined by guidance from the U.S. Department of Education. Therefore, this policy provides guidance to maximize the College’s efforts to comply with the Clery Act. When, in the judgment of the Clery Act Compliance Coordinator (the Chief Facilities Management Officer (CFMO)), the College is required to deviate from this policy to satisfy new guidance, the Coordinator is empowered, with the approval of the President or the President’s designee, to issue a modified draft policy for the College to follow pending approval of revisions to this policy.
- 4.5 Individuals submitting reports in accordance with this policy are required to follow all other reporting procedures set forth in other College policies, employee handbooks, and/or student handbooks.

SECTION 5. BACKGROUND OR EXCLUSIONS

- 5.1 The administration of Southern West Virginia Community and Technical College is aware of the need for, and continually strives to provide a safe and secure environment for, its employees, students, and property. This requires the cooperation of all employees in accurately reporting all accidents and incidents. The timeliness of reporting this information is essential to meaningful investigations and maximum recovery of damaged, lost, or stolen property.

SECTION 6. GENERAL PROVISIONS – REPORTING AND INVESTIGATING ACCIDENTS AND INCIDENTS

- 6.1 The first step after any accident is to immediately obtain medical assistance for injured parties. It is the responsibility of all members of the College community to take appropriate action to help ensure a safe and healthy environment. In addition to calling 911, if emergency assistance is needed, contact the Chief Facilities Management Officer (CFMO) or designee. Examples of accidents that must be reported include, but are not limited to:
 - 6.1.1 Any injury to a College employee;
 - 6.1.2 Any injury to a guest or other visitor to the campus;
 - 6.1.3 Any injury to a student, including but not limited to injuries occurring in a lab, workshop, classroom, or otherwise on campus;
 - 6.1.4 Any motor vehicle accident on or off campus resulting in personal injury or property damage and involving College personnel or students participating in a College activity and/or operating College vehicles; and

- 6.1.5 Any other instance of property damage or the theft or disappearance of College property.
- 6.2 The CFMO or designee will investigate all reported accidents and incidents to determine what occurred, what witnesses there were to the occurrence, and if any action is required to remediate an unsafe condition on the campus. While the CFMO will monitor all work-related accidents or incidents, all College supervisors and managers are responsible for seeing that the College's policies and procedures are followed.
- 6.3 An employee (unless incapacitated, in which case a person with knowledge of the event) must report to the employee's immediate supervisor, the CFMO, and Human Resources immediately any work-related accident that results in employee injury. The injured employee or the person with knowledge of the event must submit a completed accident report form to the injured employee's immediate supervisor, the CFMO and Human Resources immediately. Human Resources may assist the injured employee in filing a claim for Workers' Compensation.
 - 6.3.1 For medical treatment other than an emergency, the injured employee may seek treatment with a physician of his or her choice. The injured employee must notify his or her immediate supervisor and Human Resources of the identity of the treating physician so that arrangements can be made regarding a return-to-work plan.
 - 6.3.2 Should the injured employee's treating physician restrict the employee from regular duty because of an on-the-job injury or illness, the employee must immediately provide to his or her immediate supervisor and Human Resources documentation from the treating physician outlining any restrictions. Wherever possible, the College will attempt to accommodate the restrictions by providing appropriate modified or alternative work for the employee while he or she is unable to perform normal duties.
- 6.4 An employee must report any incident or work-related accident not resulting in injury to his or her immediate supervisor by submitting the accident report form immediately of the incident.
 - 6.4.1 Supervisors shall investigate each reported work-related accident or incident and document all relevant information in the accident report form. The supervisors shall make a report to the CFMO or and Human Resources within five working days, documenting the investigation and findings. In instances where Human Resources needs additional information to determine the College's response to a Workers' Compensation claim, Human Resources may conduct additional investigation of the event.
 - 6.4.2 The CFMO or designee shall investigate all reported incidents to determine if there are actions the College should take to eliminate the risk of such incidents in the future.
- 6.5 Workers' Compensation Responsibilities
 - 6.5.1 Once WorkForce West Virginia approves an employee's claim, it pays all medical and hospital bills related to the compensable injury; PEIA does not pay such bills.
 - 6.5.2 If an employee is hospitalized or unable to work for more than three consecutive days as a result of a work-related injury or illness, such employee may receive temporary total disability (TTD) payments. If the injury or illness results in a permanent impairment, WorkForce West Virginia may award permanent partial disability (PPD) benefits.

- 6.5.3 An employee approved for TTD but electing to use sick leave instead of TTD benefits will receive payment of sick leave until that leave is exhausted. After that, the employee will receive TTD payments.
- 6.5.4 If an employee has an on-the-job injury or illness that prevents returning to his or her pre-injury job, the employee may be eligible for vocational rehabilitation through WorkForce West Virginia.
- 6.5.5 If an on-the-job injury or illness results in death, WorkForce West Virginia may pay a benefit to the employee's dependents.
- 6.5.6 Workers' Compensation fraud is a felony. Any person who files or contributes to the filing of a false claim is committing a crime punishable by a prison sentence and/or fine. The College will report suspected Workers' Compensation fraud to the proper authorities.
- 6.6 Faculty, staff, or students assigned responsibility for a College-sponsored activity shall report all accidents or incidents to the CFMO immediately. Employees attending events who witness accidents are required to report the accident to the individual in charge of the event. Employees who witness accidents on any College campus, including parking lots, shall report the accident to the CFMO immediately. If the accident involves a dual enrollment or other high school student, the reporter shall also notify the Coordinator of Educational Outreach of the accident as soon as possible.
- 6.7 By the 15th of each month, the Chief Facilities Management Officer or his or her designee shall prepare and submit to the President the *Monthly Report of Accidents/Incidents* (SCP-1375.C) regarding all accidents or incidents occurring on campus during the prior month.
- 6.8 The Chief Facilities Management Officer will utilize the *Monthly Report of Accidents/Incidents* (SCP-1375.C) to:
 - 6.8.1 Advise the President and President's Cabinet;
 - 6.8.2 Make recommendations for assignment to high-risk areas; and
 - 6.8.3 Develop and implement security techniques to avoid potential problems.

SECTION 7. CLERY ACT REPORTING

- 7.1 **Annual Security Report (ASR)** – By October 1 each year, the College will publish an ASR documenting three calendar years of Clery crime statistics, security policies and procedures, descriptions of emergency response and evacuation procedures, sex offender information, information on the basic rights guaranteed to victims of sexual assault, and any other information required by the Clery Act. All crime statistics must be provided to the U.S. Department of Education. The College shall make the report available to all current faculty, staff, and students. In addition, the College must notify all prospective faculty, staff, and students of the ASR's existence and provide a copy upon request. Paper copies of the report will be available upon request from the College. In addition, the College will publish an online link to the ASR.
- 7.2 **Campus Security Authorities (CSAs)** – Individuals at the College who, because of their function, have an obligation under the Clery Act to notify the Office of Clery Act Compliance of potential Clery Crimes that are reported to them, or potential Clery Crimes that they may personally witness.

These individuals are designated as Campus Security Authorities based on their position or due to official job duties, ad hoc responsibilities, or volunteer engagements. The obligation to report potential Clery Act crimes observed by them, or reported to them by other individuals, is based on the report itself, without regard to whether the report has been investigated, substantiated, is plausible, or derives from a confidential source of information. The College will identify positions that meet the definition of a CSA on an ongoing basis and notify individuals in these roles of their obligations under the Clery Act to report any and all Clery Act Crimes that they witness, or are reported to them, which may have occurred in a Clery reportable location. The College will provide training to all CSAs on their responsibilities and reporting requirements under the Clery Act on a regular basis. Examples of CSAs include, but are not limited to, academic advisors, faculty advisors to student organizations, police and security personnel, student services employees, and Title IX Coordinator. The Clery Act Compliance Coordinator (Chief Facilities Management Officer) is responsible for compiling the College's ASR and maintaining the Daily Crime Log.

7.3 **Reporting** – Under the Clery Act, a crime is “reported” when it is brought to the attention of a CSA or local law enforcement personnel by a victim, witness, other third party, or even the offender. If a CSA receives the crime information and believes it was provided in good faith the CSA is required to submit a completed Clery Act Report Form to the Chief Facilities Management Officer. “In good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay. The crime does not have to be investigated and no determination of guilt or innocence or responsibility has to be made as long as the reported crime is a Clery Act crime occurring on the institution's Clery Act Geography.

7.4 **Clery Act Crimes** – Crimes designated as reportable under the Clery Act include: criminal homicide (murder and negligent and non-negligent manslaughter); sex offenses (rape, fondling, statutory rape, and incest); robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes (criminal offenses that are motivated by specific types of bias); dating violence; domestic violence; stalking; and arrests or referrals for disciplinary action for any of the following: (a) liquor law violations, (b) drug law violations, and (c) carrying or possessing illegal weapons.

7.4.1 The College must gather and disclose hate crime statistics for all of the aforementioned reportable offenses and the following crimes by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, national origin, gender identity and disability. Statistics are required for the offenses listed above in addition to the four additional categories listed below, if the crime committed is classified as a hate crime: larceny/theft, simple assault, intimidation, and destruction/damage/vandalism of property.

7.4.2 The College must also disclose if it has determined that any reportable crimes are “unfounded.”

7.5 **Clery Reportable Locations (Clery Geography)** – Property that is considered by the Clery Act to be (1) on campus, (2) public property within or immediately adjacent to campus, or (3) non-campus buildings or property that the institution owns or controls, that are frequented by students, and that are used in support of educational purposes, as well as any building or property owned or controlled by an institution-associated entity that is officially recognized by the institution. Non-campus buildings or property may also include certain College-sponsored overnight trips to locations frequently used by students, controlled by the College (e.g., a lease or rental agreement is in place), and used in support of educational purposes. Because the College has multiple campuses, it will disclose statistics for each campus.

7.5.1 **On-campus property** is defined as:

- 7.5.1.1 Any building or property owned or controlled by the College within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes; and
- 7.5.1.2 Any building or property that is reasonably contiguous to the area identified in subdivision 7.5.1.a above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.
- 7.5.2 **Non-campus property** is defined as:
 - 7.5.2.1 Any building or property owned or controlled by a student organization or other organization that is officially recognized by the institution; or
 - 7.5.2.2 Any building or property owned or controlled by the institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- 7.5.3 **Public property** is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.
- 7.5.4 **Separate Campus** is defined as buildings and property owned or controlled by the institution that are not reasonably contiguous with the main campus, with an organized program of study and at least one administrator on site.
- 7.6 **Timely Warnings** – An alert the College issues to the campus community about a Clery Act Crime occurring within Clery Geography that represents a serious or continuing threat (e.g., a murder, sex offense, or robbery). Because the nature of criminal threats is often not limited to a single location, timely warnings must be issued in a manner likely to reach the entire campus community. Timely warnings will never identify the victim of the crime unless the crime would otherwise be reportable but is reported to a licensed mental health counselor or pastoral counselor in the context of a privileged (confidential) communication.
- 7.7 **Emergency Notification** – A notification that the College is required to issue immediately upon confirmation of a significant emergency or dangerous situation occurring on or near campus that poses an immediate threat to the health or safety of members of the campus community. An emergency notification can include both Clery Act Crimes and other types of emergencies; *Provided*, That emergencies where issuing a notification would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or mitigate the emergency are not subject to the emergency notification requirement.
 - 7.7.1 Emergency Notifications can be prompted by a broad range of threats including, but not limited to, the following: active assailant/armed intruder; explosion; bomb threat or suspected explosive device; civil disturbance or riot; terrorist incident; fire; significant law enforcement activity; hazardous materials spill; gas leak; approaching storm or other extreme weather conditions; or outbreak of serious contagious illness (e.g., coronavirus, meningitis, norovirus).
 - 7.7.2 Emergency events may be localized; therefore, notifications may be tailored exclusively to

the segment of the campus community at risk. The College is required to have emergency response and evacuation procedures in place specific to its on-campus facilities and include a summary of these procedures in the ASR. The College must test the emergency response procedures at least once annually.

7.8 **Daily Crime Log** – The College is required to maintain a daily crime log documenting the “nature, date, time and general location of each crime” reported within the last 60 days, and the disposition, if known, of the reported crimes. Incidents must be entered into the log within two business days of receiving the report. The Daily Crime Log is available during normal business hours and online. Requests for public inspection of daily crime log entries beyond 60 days must be made in writing and will be made available within two business days of the request.

7.9 **Clery Act Responsibilities** –

7.9.1 The **Clery Act Compliance Coordinator** is responsible for:

7.9.1.1 Monitoring the College’s compliance with the Clery Act;

7.9.1.2 Updating the requirements in this policy as necessary when the federal legislation has been amended;

7.1.9.3 Annually reviewing geographic categories for inclusion in the College’s Clery Geography;

7.1.9.4 Establishing a procedure for processing instances of short-stay away trips in order to designate a CSA to disclose any Clery Crimes reported during the trip to be included in the ASR;

7.1.9.5 Identifying those positions with CSA responsibilities and notifying those individuals;

7.1.9.6 Maintaining a list of the College’s CSAs;

7.1.9.7 Developing procedures for reporting crime statistics by CSAs;

7.1.9.8 Educating and training CSAs and personnel within the College’s Department of Public Safety as necessary;

7.1.9.9 Publishing the ASR and disclosing statistics of Clery Crimes reported over the past three years;

7.1.9.10 Maintaining and publishing College policies as approved by the Board of Governors and procedures addressing campus security and safety;

7.1.9.11 Submitting the crime statistics to the U.S. Department of Education;

7.1.9.12 Overseeing the regular reconciliation of campus crime data amongst offices that house or may receive reports of campus crime reports, including the College’s Title IX, Student Services, and Human Resources offices;

7.1.9.13 Requesting from local law enforcement Clery Act Crime reports for crimes

occurring in the College's Clery Geography;

7.1.9.14 Reporting crime statistics (as specified in the Clery Act);

7.1.9.15 Providing information for the issuance of Timely Warnings or Emergency Notifications to the campus community about Clery Crimes;

7.1.9.16 Providing paper copies of the ASR upon request; and

7.1.9.17 Maintaining the daily crime log.

7.9.2 The **Campus Security Authorities** are responsible for:

7.9.2.1 Understanding the requirements of the Clery Act pertaining to reportable crimes;

7.9.2.2 Participating in training and education as determined by the Clery Act Compliance Coordinator; and

7.9.2.3 Reporting Clery crimes to the Clery Act Compliance Coordinator.

7.9.3 The **Office of Student Services** is responsible for:

7.9.3.1 Immediately reporting any Clery Act related crime to the College's Chief Facilities Management Officer for a Timely Warning consideration; and

7.9.3.2 Annually providing all conduct referral data to the Clery Act Compliance Coordinator for inclusion in the Annual Security Report.

7.9.3.3 Ensuring the availability of Clery Act-defined awareness and prevention programming for all students. Such programming will be part of the College's awareness and prevention campaign. This programming will be identified, provided, or facilitated in collaboration with campus and local subject matter experts, other evidence-based research, and outcomes assessments satisfying the Clery Act requirements and definitions;

7.9.3.4 Providing the Clery Act Compliance Coordinator with a list of advisors to campus recognized groups, clubs, and organizations and ensuring each of these advisors has completed Campus Security Authority training;

7.9.3.5 Coordinating emergency notifications to the campus community when deemed necessary and appropriate; and

7.9.3.6 Conducting an annual emergency alert exercise and testing the emergency alert system in conjunction with the exercise.

7.9.4 The **Office of Admissions** is responsible for:

7.9.4.1 Notifying and providing the on-line location of the ASR and a brief description of the report to prospective or current students; and

7.9.4.2 Providing a paper copy of the ASR upon request to a prospective or current student.

- 7.9.5 The **Office of Human Resources** is responsible for:
 - 7.9.5.1 Notifying and providing to prospective faculty and staff the on-line location of the ASR and a brief description of the report;
 - 7.9.5.2 Providing a paper copy of the ASR upon request to a prospective or current faculty or staff member;
 - 7.9.5.3 Immediately reporting any Clery Act Crime to the Clery Act Compliance Coordinator for Timely Warning or Emergency Notification consideration; and
 - 7.9.5.4 Annually providing all conduct referral data for Clery Act offenses to the Clery Act Compliance Coordinator for inclusion in the Annual Security Report.
- 7.9.6 The **Title IX Coordinator** is responsible for:
 - 7.9.6.1 Immediately reporting any Clery Act related crime to the Clery Act Compliance Coordinator for Timely Warning or Emergency Notification consideration; and
 - 7.9.6.2 Annually providing aggregate Clery reportable data received by the Title IX Office to the Clery Act Compliance Coordinator for inclusion in the Annual Security Report.

SECTION 8. CANCELLATION

- 8.1 SIP-1233, First Aid, has been rescinded and incorporated into SCP-1375, Reports of Accidents/ Incidents.

SECTION 9. REVIEW STATEMENT

- 9.1 This policy shall be reviewed on a regular basis with a time frame for review to be determined by the President or the President’s designee. Upon such review, the President or President’s designee may recommend to the Board that the policy be amended or repealed.

SECTION 10. SIGNATURES

Board of Governors Chair	Date
President	Date

Attachments: SCP-1375.A, *Clery Report Form*
 SCP-1375.B, *Accident/Incident Report Form*
 SCP-1375.C, *Monthly Report of Accidents/Incidents*

Distribution: Board of Governors
 www.southernwv.edu

Revision Notes: November 2008 – Revisions reflect changes in procedure requirements. Revisions provide clarity and reflect changes in management responsibilities. This policy was reformatted using the latest policy template.

November 2015 – Revisions reflect changes in titles and management responsibilities. Form 1375.A, *Accident/Incident Report Form*, was revised to comply with Clery Act requirements.

June 2020 – Revisions were made to the forms, and the forms were renumbered. The Clery Report form was added as attachment SCP-1375 A. This addition changed the Accident/Incident Report Form to SCP-1375.B and moved the Monthly Report of Accidents/Incidents to SCP-1375.C.

July 2020 – Revisions were made to reflect changes in titles and management responsibilities due to reorganization.

November 2025 – Changes to titles in the documentation. Revised to include new Section 7 for Clery Act Reporting. Procedures for assessing and administering care to an injured or sick person from SIP-1233, First Aid, has been incorporated into this policy since the procedure for first aid was rescinded.