

Proposed Rules  
of the  
Tennessee Bureau of Investigation

Chapter 1395-01-07  
Crime on Campus Program

Presented herein are proposed rules of the Tennessee Bureau of Investigation submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Tennessee Bureau of Investigation to promulgate these rules without a rulemaking hearing, unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. Such petition to be effective must be filed with the Tennessee Bureau of Investigation Professional Standards Unit, 901 R.S. Gass Boulevard, Nashville, Tennessee 37216-2639, and the Department of State, Division of Publications, Suite 1700, James K. Polk Building, Nashville, Tennessee 37243-0310. The petition must be signed by twenty-five (25) persons who will be affected by the rules, or submitted by a municipality which will be affected by the rules, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For complete copies of the entire text of the proposed rules, please contact Jeanne Broadwell, General Counsel, Tennessee Bureau of Investigation, 901 R.S. Gass Boulevard, Nashville, Tennessee 37216-2639, and telephone (614) 744-4208.

The text of the proposed rules is as follows:

Mark Gwyn  
Director  
Tennessee Bureau of Investigation

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Chapter 1395-01-07  
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1395-01-07-. 01 Purpose and Scope.

To establish guidelines for college/university reporting, certification and sanctions under the Tennessee Incident Based Reporting System Program.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105. T.C.A. §§ 49-7-2201, 49-7-2202, 49-7-2203, 49--7-2204 and 49-7-2205

1395-01-07-. 02Definitions.

- (1) Agency Certification - The certification received from the TBI CSU for compliance with the TIBRS program.
- (2) Alternate RAC - An Alternate Reporting Agency Coordinator with at least sixteen (16) hours of initial training and eight (8) hours annually thereafter on the TIBRS Program may be designated by each college/university submitting data to the TIBRS program at TBI CSU. Initial training must begin with an introductory level data collection class. If the college/university utilizes TBI's TIBRS software, initial training must also include an introductory level software class (AFTER completion of the data collection class). If the college/university utilizes vendor software, initial training must include an introductory level data collection class followed by a TIBRS review class.
- (3) Central Repository - The computer program maintained by the TBI CSU that receives all of the information sent from colleges/universities and transmits that information to the FBI.
- (4) CSU - Crime Statistics Unit is the unit or section of the TBI responsible for maintaining the Central Repository for the collection of crime statistics from all colleges/universities.

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(Rule 1395-01-07-. 02 continued)

- (5) Data Checks - An analysis completed by the TBI CSU that ensures data submissions do not contain errors before the records are processed through the Central Repository.
- (6) Error Report - The report generated by the TBI CSU when data submissions do not pass data checks at the central repository.
- (7) FBI-Federal Bureau of Investigation.
- (8) Fully Qualifying Colleges/Universities-As defined by the Tennessee Higher Education Commission: Public Universities, Public Community Colleges, Tennessee Technology Centers, Independent Colleges and Universities and Other Independent Professional Schools and Special Purpose Institutions. Section 1395-1-2-. 03 through 1395-1-2-. 06 are applicable to these institutions.
- (9) NCIC-National Crime Information Center is a database of criminal information maintained by the FBI.
- (10) Non-Compliance- Requirements for TBI CSU certification on the TIBRS Program have not been met or adequately maintained.
- (11) ORI Number - The Originating Agency Identifier is a nine-character identifier assigned by FBI NCIC or TBI CSU to an institution.
- (12) Partially Qualifying Institutions-As defined by the Tennessee Higher Education Commission: Authorized Postsecondary Institutions that also receive Title IV funds and are required to submit crime statistics under 20 U.S.C.A 1070 et. seq. Section 1395-1-2-. 07 is applicable to these institutions.

- (13) Quality Assurance Review - An investigation performed by the TBI CSU to ensure compliance with the certification requirements of the TIBRS Program.
- (14) RAC - A Reporting Agency Coordinator with at least sixteen (16) hours of initial training and eight (8) hours annually thereafter on the TIBRS Program must be designated by each reporting college/university submitting data to the TBI CSU. Initial training must begin with an introductory level data collection class. If the college/university utilizes TBI's TIBRS software, initial training must also include an introductory level software class (AFTER completion of the data collection class). If the college/university utilizes vendor software, initial training must include an introductory level data collection class followed by a TIBRS review class.
- (15) Re-certification - A process by which college/university in non-compliance with the TIBRS Program certification requirements can receive another chance to receive certification from the TBI CSU.
- (16) TBI - Tennessee Bureau of Investigation.
- (17) TIBRS - Tennessee Incident Based Reporting System is the program of the TBI that maintains a system of intrastate communication of vital statistics and information relating to crime, criminals and criminal activity.
- (18) Training Database - A program maintained by the TBI CSU training staff that tracks training records of RAC and Alternate RAC staff members using the college/university's ORI.
- (19) Vendor- A company that manufactures records management software that meets TIBRS reporting standards as found in the current TIBRS FILE layout specific document.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105. T.C.A. §§ 49-7-2201, 49-7-2202, 49-7-2203, 49--7-2204 and 49-7-2205

1395-01-07-. 03TIBRS Program Certification Requirements.

- (1) The TBI CSU will be responsible for maintaining the Central Repository for the collection of crime statistics from all colleges and universities who meet the definition of Fully Qualifying . The responsibilities of the TBI CSU include, but are not limited to, the following:
  - (a) Processing data submissions through the Central Repository;
  - (b) Compiling and transmitting the data to the FBI monthly for law enforcement colleges/universities;
  - (c) Monitoring submissions from colleges/universities to ensure timely and accurate data submissions;
  - (d) Generating error reports to provide to colleges/universities that submit inaccurate data;
  - (e) Training RAC and Alternate RAC staff members from each college/university participating in the TIBRS Program; and
  - (f) Performing Quality Assurance Reviews of all participating colleges/universities to ensure compliance with the requirements of the TIBRS Program.
- (2) Each college/university that participates in the TIBRS Program shall be certified by the TBI CSU staff, upon meeting certification requirements.

- (3) Certification requirements for each college/university shall include the following:
  - (a) Maintaining three consecutive months of data submission with an error rate of less than four (4%) percent when processed through the Central Repository; and
  - (b) Designating a RAC, in writing by the administrator, who is responsible for submitting data to the TIBRS Program and who has the required amount of annual training on the Program.
- (4) Colleges/universities that change software vendors are required to go through the certification process with the new software including:
  - (a) College/university must submit three consecutive months of data with an error rate of less than four (4%) percent with the new software.
  - (b) Previously submitted data using the software for which the college/university is currently certified must be available for editing and resubmission by utilizing either of the following methods:
    - 1. Two calendar years of back data, including the current year can be converted to the new system by the new vendor and incorporated in a manner the data can be edited or deleted as need may require; or
    - 2. Incidents submitted with the old software can be re-entered in the new software but the vendor must provide the capability of marking the incident as an update to allow the re-submission in an acceptable format by the TBI repository.
  - (c) If the college/university does not elect to continue entering TIBRS data in the system they are currently certified to use while attempting to attain certification in the new system, all data submitted with the new system will be processed live in the repository and will be subject to the requirements of submission with an acceptable error rate.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105. T.C.A. §§ 49-7-2201, 49-7-2202, 49-7-2203, 49--7-2204 and 49-7-2205

1395-01-07-. 04Data Submission Procedures.

- (1) Colleges/universities shall submit crime statistic information monthly to the TBI CSU staff.
- (2) Deadlines for data submissions are as follows:
  - (a) Information from the previous month is due to the TBI by the tenth (10<sup>th</sup>) day of the current month.
  - (b) Information concerning incidents occurring in the current month should be entered in that month when possible.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105. T.C.A. §§ 49-7-2201, 49-7-2202, 49-7-2203, 49--7-2204 and 49-7-2205

1395-01-07-. 05Error Reports.

- (1) The TBI CSU shall process data submissions and enter information into the Central Repository unless the incidents do not pass the data checks and generate errors.

- (2) The TBI CSU will forward error reports to each college/university for correction of incidents in a timely manner.
- (3) Error reports shall contain the following information:
  - (a) Reason(s) the incident did not pass the data check query; and
  - (b) Suggestions for correcting the error- only for colleges/universities using TBI's software. Colleges/universities using commercial vendors should contact their vendors for assistance in this area.
- (4) Errors shall be corrected as soon as the error reports are received by the college/university and corrected incidents re-transmitted no later than the second month after the error report is received; and
- (5) A letter will be sent by the TBI CSU to any college/university's Administrator whose error rate for any month is four (4.0%) percent or higher.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105. T.C.A. §§ 49-7-2201, 49-7-2202, 49-7-2203, 49--7-2204 and 49-7-2205

1395-01-07-. 06Quality Assurance Reviews.

- (1) The TBI CSU will be responsible for conducting Quality Assurance Reviews for each college/university at least once in each audit cycle and will include a review of the following:
  - (a) All offense reports within a specified time period;
  - (b) Calls for service logs, where applicable;
  - (c) Reports handled administratively but with no law enforcement action;
  - (d) A review of the crime log available for public inspection; and
  - (e) Quality control issues with the college/university data.
- (2) The TBI CSU upon completion of the review will generate a formal written report detailing findings and recommendations for corrective actions.
- (3) The college/university will have a specified time frame to submit a written response to the formal written report which should include corrective actions initiated by the college/university to address findings.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105. T.C.A. §§ 49-7-2201, 49-7-2202, 49-7-2203, 49--7-2204 and 49-7-2205

1395-01-07-. 07 Sanctions for Non-Compliance of the TIBRS Program Requirements.

- (1) A college/university will be classified as non-compliant with the requirements of the TIBRS Program if any of the following incidents occur:
  - (a) Failure to submit data to the TBI CSU for three (3) consecutive months in a format accepted by the repository;

- (b) Failure to submit by the 10<sup>th</sup> of the following month for four (4) consecutive months;
  - (c) Failure to have a RAC or Alternate RAC (if applicable) receive the mandatory hours of TIBRS Program training annually;
  - (d) Failure to implement corrective actions outlined in a report of findings from a Quality Assurance Review performed by the TBI CSU staff within sixty (60) days of receipt of the report by the college/university;
  - (e) Failure to submit a written response to the TBI CSU detailing steps taken to implement suggested recommendations within sixty (60) days of receipt of the Quality Assurance Review report;
  - (f) Failure to correct errors identified in error reports sent back to the college/university within sixty (60) days of receipt of the report;
  - (g) Failure to appoint a RAC, in writing from the administrator, within thirty (30) days of starting reporting to the TIBRS Program;
  - (h) Failure to appoint a new RAC, in writing from the administrator, within thirty (30) days after the position has become vacant;
  - (i) Failure to produce all records requested for Quality Assurance Reviews; or
  - (j) Failure to submit four (4) consecutive months of data with an error rate of less than four (4.0%) percent after the college/university has been certified.
- (2) Failure to correct any of the incidents listed in section (j) of this part within thirty (30) days after notification by the TBI CSU will result in the college/university losing certification status.
- (3) A college/university that has lost certification for the TIBRS Program may be re-certified after the institution corrects the area(s) of non-compliance including submission of all missing data, and submits three (3) consecutive months of previously un-submitted data with an error rate of less than four (4.0%) percent.
- (4) Notification of non-compliance with the requirements of the TIBRS Program shall be submitted by the TBI CSU to the Tennessee Board of Regents, the University of Tennessee Board of Trustees or the Higher Education Commission.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105. T.C.A. §§ 49-7-2201, 49-7-2202, 49-7-2203, 49--7-2204 and 49-7-2205

1395-01-07-. 08 Partially Qualifying Institutions.

- (1) Institutions will forward a copy of the paper report submitted to the Department of Education under 20 U.S.C A. 1070 et. seq. by March 1st on an annual basis for the preceding year.
- (2) The statistics for Partially Qualifying Institutions will be included in the annual Crime on Campus report prepared by TBI in a special section.

Authority: T.C.A. §§ 49-7-2201, 49-7-2202, 49-7-2203, 49--7-2204 and 49-7-2205

1395-01-07-. 09 General Statistical Information.

- (1) Requests for crime statistics shall be made in writing to the supervisor of the TBI CSU.
- (2) The Director shall designate a unit to correlate such reports to compile and submit to the governor and the general assembly in the form of an annual report.
- (3) The TBI will produce an annual report of the crime statistics reported by all colleges and universities.
- (4) A copy of the final report, submitted to the governor and general assembly, shall be furnished to law enforcement, prosecuting, judicial, correctional authorities, and other appropriate law enforcement and colleges/universities.

Authority: T.C.A. §§ 38-10-101, 38-10-102, 38-10-103, 38--10-104 and 38-10-105. T.C.A. §§ 49-7-2201, 49-7-2202, 49-7-2203, 49--7-2204 and 49-7-2205

The proposed rules set out herein were properly filed in the Department of State on the 19th day of November, 2007, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of March, 2008. (FS 11-10-07; DBID 2753)