

# CRIME DEFINITIONS:

## **Sex Offenses**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

## **Domestic Violence**

Felony or misdemeanor crimes of violence committed:

- By a current or former spouse of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

## **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse, or threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## **Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

*For the purpose of the definition above:*

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## **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 harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.)

## **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, personal property, etc.

## **Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

## **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding).

## **Murder and 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.

## **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, violence, and/or causing the victim fear.

# **HATE CRIMES**

## **Destruction/Damage/Vandalism of Property**

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.

## **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.

## **Larceny Theft (Except Motor Vehicle Theft)**

The unlawful taking, carrying, leading, or riding away of property from the possession of constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., etc., are excluded.

## **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.

## **Hate crimes are recorded by category of bias:**

Race	Religion	National Origin
Gender	Sexual Orientation	Disability
Gender Identity	Ethnicity	

# **ARRESTS AND REFERRALS**

## **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 other deadly weapons.

## **Drug Abuse Violations**

The 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 cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local law, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

## **Liquor Law Violations**

The violation of State or local laws or ordinance prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

## CLERY GEOGRAPHY:

### **On-Campus-Defined as:**

(1) Any building or property owned or controlled by an institution 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, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

### **Non-Campus Building or Property-Defined as:**

(1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an 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.

### **Public Property-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. (*We are NOT required to report public property within or adjacent to non-campus building or properties pg 26-27 of Clery Handbook.*)

## CAMPUS SECURITY AUTHORITY (CSA):

1. Campus Police Department
2. Individuals responsible for campus security
3. Individuals specified by the University
4. \*\*An official of an institution who has significant responsibility for student and campus activities, including, but not limited to student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or responds to particular issues on behalf of the institution. \*\*

## EMERGENCY NOTIFICATIONS & TIMELY WARNINGS:

### **Emergency Notifications (Wide focus on any significant emergency or dangerous situations and *may* include Clery Crimes)**

Under Clery, institutions are required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. (E.g., Outbreak of contagious disease, tornado, gas leak, terrorist incident, armed intruder, bomb threat, civil unrest/riot, explosion, etc.) **Must have a following “all clear” message.**

### **Timely Warning (Narrow focus on Clery Crimes)**

Must be “timely” and will aid in the prevention of similar crimes. The intent of the warning regarding criminal incidents to enable people to protect themselves this means that a warning should be issued as soon as the pertinent information is available. \*\*This is critical; it's expected that even if you do not have all of the facts surrounding a criminal incident or incidents, you will issue a warning. You can then follow up with additional information as it becomes available. You may issue a timely warning for any Clery Act crime that occurs on your Clery Geography. **Must have a safety tip included, e.g., “call for an escort to your vehicle, remember not to leave your drink unattended, if you see something, say something....”**