



## GENERAL INFORMATIONAL CAMPUS SECURITY AUTHORITY DEFINITIONS (01/05/21)

Below are the definitions to be used by alternate “Campus Security Authorities” when completing SD313-156, the CSA CRIME REPORT, for *Clery Act* purposes.

### REPORTING PERSONS DEFINITIONS – Google Search

1. **Victim:** *a person harmed, injured, or killed as a result of a crime, accident, or other event or action.*
2. **Witness:** *a person who sees an event, typically a crime or accident, take place.*
3. **Other Third Party:** *a person or group, besides the two primarily involved in a situation, especially a dispute.*

Although a witness is considered to be a third party in criminal matters, for *Clery Act* purposes, a Witness and a Other Third Party are considered to be separate entities. Other Third Parties would learn of a crime in an indirect manner such as verbal conversation with a victim, witness, or offender.

4. **Offender:** *a person who commits an illegal act.*

### CRIMINAL OFFENSES DEFINITIONS – Clery Handbook

#### 1. Criminal Homicide:

**A. Murder and Non-Negligent Manslaughter:** *The willful (non-negligent) killing of one human being by another.*

**B. Manslaughter by Negligence:** *The killing of another person through gross negligence.*

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

**A. 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. This offense includes both males and females.*

**B. 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.*

**C. Incest:** *Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.*

**D. Statutory Rape:** *Sexual intercourse with a person who is under the statutory age of consent.*

3. **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.*



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- 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 harm.*

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

- 5. 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 felony; breaking and entering with the 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.*

Classify as motor vehicle theft in all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. Include joyriding in this category.

- 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, personal property of another, etc.*

### HATE CRIME DEFINITIONS – Clery Handbook

**Hate Crime:** *A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.*

Hate Crimes include the seven (7) Clery Crimes listed above plus the four (4) crimes listed below.

Although there are many possible categories of bias, under the *Clery Act*, only the following eight categories are reported: Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, and Disability.

For *Clery Act* purposes, Hate Crimes are any of the following offenses that are motivated by bias:

- 1. Larceny-Theft (Except Motor Vehicle Theft):** *The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.*
- 2. 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.*
- 3. Intimidation:** *To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.*



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- 4. Destruction/Damage/Vandalism of Property:** *To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without consent of the owner or person having custody or control of it.*

### **VAWA (Violence Against Women Act) OFFENSES DEFINITIONS – Clery Handbook – These definitions may be different from the definitions in the Harassment Policy**

- 1. 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.*
- A. *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.*
- B. For the purposes of this definition:
- 1) *Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.*
  - 2) *Dating Violence does not include acts covered under the definition of Domestic Violence.*
- 2. Domestic Violence:** *A felony or misdemeanor crime of violence committed:*
- A. *By a current or former spouse or intimate partner of the victim;*
  - B. *By a person with whom the victim shares a child in common;*
  - C. *By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.*
  - D. *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, or*
  - E. *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.*
- 3. Stalking:** *Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:*
- A. *Fear for the person's safety or the safety of others; or*
  - B. *Suffer substantial emotional distress.*
  - C. For the purposes of this definition:
    - 1) **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 any action, method, device, or means,*



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*follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.*

- 2) **Reasonable Person** means *a reasonable person under similar circumstances and with similar identities to the victim.*
- 3) **Substantial Emotional Distress** means *significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.*

### ARRESTS AND REFERRALS DEFINITIONS – Clery Handbook

**Arrest** for Clery Act purposes is defined as *persons processed by arrest, citation, or summons.*

**Referred for disciplinary action** is defined as *the referral of any of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.*

1. **Weapons Law Violations:** *The violation of laws or ordinances prohibiting the manufacturing, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.*
2. **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 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 laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.*
3. **Liquor Law Violations:** *The violation of state or local laws or ordinances prohibiting the manufacturing, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.*

### LOCATIONS DEFINITIONS – Clery Handbook

1. **On-campus.** Under the Clery Act, the **on-campus** category includes the following:
  - A. *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*
  - B. *Any building or property that is within or reasonably contiguous to the areas identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other vendor).*
2. **On-campus Student Housing Facilities.** For the purpose of the Clery Act, *any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.*



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3. **Public Property.** Under the *Clery Act*, **public property** encompasses the following:

*All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.*

4. **Non-Campus Building or Property.** The *Clery Act* definition of **non-campus buildings or property** is:

- A. *Any building or property owned or controlled by a student organization that is officially recognized by the institution; or*
- B. *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.*