

## *Clery Crime Definitions*

### **Criminal Homicide (Manslaughter by Negligence)**

The killing of another person through gross negligence. (Attempts are classified as aggravated assaults)

### **Criminal Homicide (Murder and Non-negligent Manslaughter)**

The willful (non-negligent) killing of a human being by another. (Attempts are classified as aggravated assaults)

### **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.

- I. **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. The definition of rape includes forcible rape, sodomy, and sexual assault with an object.
  - i. **Forcible rape** – The carnal knowledge of a person, 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 or physical incapacity.
  - ii. **Sodomy** – Oral or anal sexual intercourse with another person, 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 or physical incapacity.
  - iii. **Sexual assault with an object** - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity.
2. **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 capacity.

3. **Incest** – nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape** – nonforcible sexual intercourse with a person who is under the statutory age of consent.

### **Robbery**

The taking or attempting to take anything of value from the care, custody, or control of a person(s) by force or threat of violence and/or fear.

### **Aggravated Assault**

An unlawful attack of another for the purpose of inflicting severe or aggravated bodily injury accomplished using a weapon or means likely to produce death or great bodily harm. It is not necessary that an injury results when a gun, knife or other weapon is used but which could have resulted in serious injury. (Includes attempts)

### **Burglary**

The unlawful entry (or attempt to enter) into a defined structure with the intent to commit a theft or any felony. (Includes attempts but excludes vehicle burglary.)

### **Motor Vehicle**

Theft Taking of a motor vehicle (as defined) without the consent of the owner with the intent to either permanently or temporarily deprive the owner of the vehicle. (Includes attempts and joyriding)

### **Arson**

The willful or malicious burning or attempt to burn (w/o the intent to defraud) a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc. (Includes attempts)

### **Dating Violence**

The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim:

1. the existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship
2. for the purposes of this definition:

- i. dating violence includes sexual or physical abuse or the threat of such abuse
- ii. dating violence does not include acts covered under the definition of domestic violence

## **Domestic Violence**

The term “domestic violence” includes felony or misdemeanor crimes of violence committed:

1. by a current or former spouse or intimate partner of the victim,
2. by a person with whom the victim shares a child in common,
3. by a person who is cohabitating with the victim as a spouse or intimate partner,
4. 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,
5. 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 where the crime occurred.

## **Stalking “Stalking” means**

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - i. Fear for his/her safety or the safety of others; or
  - ii. Suffer substantial emotional distress
2. For the purposes of this definition
  - i. 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 – follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property
  - ii. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling
  - iii. Reasonable person means—a reasonable person in the victim’s circumstances.

## **Hazing**

Any intentional, knowing, or reckless act committed by a person against another person or persons regardless of the willingness of such other person or persons to participate, that is:

- 1) committed in the course of an initiation into, an affiliation with, or the maintenance of membership in a student organization; and
- 2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization with physical or psychological injury.

## **Hate Crime**

A criminal act involving one/more of the below-listed crimes which were motivated by bias against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, gender, gender identity, sexual orientation, or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

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

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

### **Intimidation**

To unlawfully place another person in reasonable fear of bodily harm with threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### **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.

**On-campus property:** Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purpose, including any buildings or property that is owned by the University but controlled by another person and which is frequently used by students and supports institutional purposes such as a food or other retail vendor. (Excluding residential apartments)

**Non-campus property:** Any building owned or controlled by a student organization that is officially recognized by the University; or any building or property owned or controlled by the University that is used in direct support of, or in relation to the University's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the University.

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