

Clery Designated Crime, Location and CSA Definitions

I. Types of Criminal Offenses

1. Criminal Homicide:

- a. **Murder/Non-Negligent Manslaughter:** *the willful (non-negligent) killing of one human being by another and include any death caused by injuries received in a fight, argument, quarrel, assault or commission of a crime.*
- b. **Negligent Manslaughter:** *the killing of another person through gross negligence. Any death caused by the gross negligence of another. In other words, it's something that a reasonable and prudent person would not do.*

2. Sex offenses: any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent and include:

- 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.*
- 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 youth 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 statutory age of consent.*

3. **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 or violence and/or by putting the victim in fear.*

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.*

5. **Burglary:** *the unlawful entry of a structure with the intent to commit a felony or theft.*

6. **Motor Vehicle Theft:** *theft or attempted theft of a motor vehicle.*

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.*

II. VAWA (Violence Against Women Act) Offenses

- 1. Domestic Violence:** *includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner 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 occurred; or 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 occurred.*
- 2. 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. 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, the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.*
- 3. Stalking:** *engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.*

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.

"Reasonable person" means a reasonable person under similar circumstances and with a 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.

A single course of conduct may include varying Stalking activities and may include acts committed over electronic communication (e.g., emails, texts or social media).

III. Hate Crimes

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

Bias: *a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, ethnicity, national origin or gender identity.*

Hate crimes include any of the offenses in section I that are motivated by bias as well as the following offenses:

Larceny-Theft: *the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.*

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 through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.*

Vandalism or destruction 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.*

IV. Arrests and Disciplinary Referrals

Liquor Law Violations: *the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.*

Drug Law 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.*

Illegal Weapons Possession: *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. This classification encompasses weapons offenses that are regulatory in nature.*

Crime Statistics Location Definitions

Location, location, location. Locations of crimes is very important in order to properly classify them for Clery reporting. Be as specific as possible. Below are location categories that must be reported for Clery.

On Campus

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 purposes.* University residence halls are included with this definition. Any building or property that is within or reasonably contiguous to the areas described above that supports University purposes and that is: owned by the University, but controlled by another person or entity; or is frequently used by students.

Residence Halls/Facilities

Residential facilities for students on campus is a subset of the On Campus Category. Statistics from this category are repeated in the On Campus column. *Residence Halls include all university housing facilities on the main campus and fraternities located in Heritage Grove.*

Non Campus Buildings or Property

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property (other than a branch campus) 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.

Additional Information on Non Campus Buildings or Property: includes fraternities and sororities located off main campus and not in Heritage Grove (fraternities in Heritage Grove are considered on campus residence halls).

Public Property

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

Additional Information on Public Property: public property can be difficult to define. It is important to obtain as much information as possible on the location of the offense when it occurs outdoors. Did it occur in a parking lot or on a sidewalk? If so, give specific locations, i.e. the name of the parking lot or what street(s) border it. What side of the street was the sidewalk or parking lot on? etc.

Not sure about the location? If you are not sure whether or not the reported crime falls within the universities Clery geography, report it. If you have no location you can enter UK. It is important to know if the UK location was on or off campus. If this can be determined please include it.

Definition of Campus Security Authority (CSA)

- A member of a campus police/security department.
- Individuals having responsibility for campus security in some capacity, but are not members of a campus police/security department (e.g., an individual who is responsible for monitoring the entrance to University property).
- People or offices that are not members of a campus police/security department, but where policy directs individuals to report criminal offenses to them or their office.
- Officials having significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings.

Campus Security Authorities include but are not limited to athletic directors, coaches, advisors to student organizations, resident assistants, faculty with significant student interaction outside the classroom, president, vice presidents, assistant vice presidents, deans, directors, department heads, Title IX coordinators, and police and security personnel. Note: Although Professional Counselors have significant responsibility for student and campus activities, they are not campus security authorities under Clery.

When in doubt, report the incident for Clery data. Contact Lt. Marie Clark, FSUPD, 850-644-1940, mclark2@fsu.edu if you have any questions.