



Clery Act Crimes and Offenses Definitions

The following definitions should be used when classifying *Clery Act* crimes and offenses. These definitions are taken from the FBI's [Uniform Crime Reporting Handbook \(UCR\)](#) and the most recent version of [The Handbook for Campus Safety and Security Reporting](#).

Aggravated Assault: An unlawful attack by one (1) 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. Note: include assaults or attempts to kill or murder, poisoning (including the use of date rape drugs), assault with a dangerous or deadly weapon, maiming, mayhem, assault with explosives, assault with disease (i.e., offender is aware he or she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

Arrests: Persons processed by arrest, citation or summons, including:

1. Those persons arrested and released without a formal charge being placed against them. (An arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the individual for a specific offense(s) and a record is made of the detention.)
2. Juveniles taken into custody or arrested by merely warned and released without being charged. A juvenile should be counted as "arrested" when the circumstances are such that if the individual were an adult and arrest would have been counted.
3. Any situation where a young person, in lieu of actual arrest, is summoned, cited or notified to appear before the juvenile or youth court, or similar official, for a violation of the law.
4. Only violations by young persons where some police or official action is taken beyond a mere interview, warning or admonishment.

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.

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 intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses. Three (3) conditions must be met to classify a crime as burglary:

1. There must be evidence of unlawful entry (i.e., trespass). This means the person did not have the right to be in the structure at the time the incident occurred.
2. The unlawful entry must occur within a structure, which is defined as having four (4) walls, a roof, and a door.
3. The structure was unlawfully entered to commit a felony or theft.

Disciplinary Referrals: The referral 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.

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. The relevant substances include opium or cocaine and their derivatives (e.g., morphine, heroin, codeine); marijuana; synthetic narcotics (e.g., Demerol, methadone); and dangerous non-narcotic drugs (e.g., barbiturates, Benzedrine).

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 or her age or because of his or 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.

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.

Manslaughter by Negligence: The killing of another person through gross negligence. Any death caused by the gross negligence of another (i.e., something a reasonable and prudent person would not do). Note: "gross negligence" is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. Does not include thefts from a motor vehicle. Classify as motor vehicle theft all incidents 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. Any death caused by injuries received in a fight, argument, quarrel, assault,

or the commission of a crime. Note: do not include suicides, fetal deaths, traffic fatalities, accidental deaths, assaults with intent to murder, attempts to murder, deaths by negligence, or justifiable homicides.

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 the rape of both males and females.

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. Essential elements: committed in the presence of a victim (usually the owner or person having custody of the property); victim is directly confronted by the perpetrator; victim is threatened with force or put in fear that force will be used; and involves a theft or larceny. Includes both armed robbery and robbery where only personal weapons (e.g., hands, fists, feet, etc.) are used.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. Note: the statutory age of consent in Texas is 17.

Weapons: Carrying, Possessing, Etc.: 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.

Violence Against Women Act (VAWA) Offenses

The following definitions should be used when classifying *Violence Against Women Act (VAWA)* crimes and offenses. These definitions are taken from the [Violence Against Women Reauthorization Act of 2013 \(VAWA\)](#).

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. 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.

Domestic Violence: A felony or misdemeanor crime 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 of violence occurred; or by any other person against an adult or youth victim who is protected from that person's

actions under the domestic or family violence laws of the jurisdiction in which the violence occurred.

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. "Course of conduct" means two (2) or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third (3rd) 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 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.

Hate Crimes Definitions

A Hate Crime is defined for *Clery Act* reporting purposes as a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The following definitions should be used when classifying Hate Crimes. These definitions are taken from the FBI's [Uniform Crime Reporting Handbook \(UCR\)](#) and the most recent version of [The Handbook for Campus Safety and Security Reporting](#).

Aggravated Assault: An unlawful attack by one (1) 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. Note: include assaults or attempts to kill or murder, poisoning (including the use of date rape drugs), assault with a dangerous or deadly weapon, maiming, mayhem, assault with explosives, assault with disease (i.e., offender is aware he or she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

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.

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 intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses. Three (3) conditions must be met to classify a crime as burglary:

1. There must be evidence of unlawful entry (i.e., trespass). This means the person did not have the right to be in the structure at the time the incident occurred.
2. The unlawful entry must occur within a structure, which is defined as having four (4) walls, a roof, and a door.
3. The structure was unlawfully entered to commit a felony or theft.

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.

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 or her age or because of his or 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.

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: 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.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. Does not include thefts from a motor vehicle. Classify as motor vehicle theft all incidents 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. Any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime. Note: do not include suicides, fetal deaths, traffic fatalities, accidental deaths, assaults with intent to murder, attempts to murder, deaths by negligence, or justifiable homicides.

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 the rape of both males and females.

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. Essential elements: committed in the presence of a victim (usually the owner or person having custody of the property); victim is directly confronted by the perpetrator; victim is threatened with force or put in fear that force will be used; and involves a theft or larceny. Includes both armed robbery and robbery where only personal weapons (e.g., hands, fists, feet, etc.) are used.

Simple Assault: An unlawful physical attack by one (1) 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.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. Note: the statutory age of consent in Texas is 17.

Type of Bias Definitions for Hate Crimes

When a Hate Crime is reported, the appropriate type(s) of bias must also be reported. The following definitions of the eight (8) categories of bias which are reported under the *Clery Act* are taken from the FBI's [*Uniform Crime Reporting Handbook \(UCR\)*](#) and the most recent version of [*The Handbook for Campus Safety and Security Reporting*](#).

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals).

National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks or African Americans, whites).

Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.