



Crime Definitions Under Clery

Criminal Offense Classification

Guidance for CSAs

INSTRUCTIONS: Campus Security Authorities (CSAs) must use the below summarized definitions of criminal offenses when classifying and reporting such crimes pursuant to the Jeanne Clery Campus Safety Act (“Clery Act”) to a USF Clery Coordinator.

Criminal Offenses

Crime

Definition

Murder & Non-negligent Manslaughter

The willful (nonnegligent) killing of one human being by another.

Manslaughter by Negligence

The killing of another person through gross negligence.

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.

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.

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.)

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 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 joyriding.)

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 Crimes**Crime****Definition****Hate Crime**

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

There are eight (8) categories of bias for Hate Crimes:

- Race
- Religion
- Sexual Orientation
- Gender
- Gender Identity
- Ethnicity
- National Origin
- Disability

Hate Crimes include any of the below listed offenses if they are found to be motivated by bias:

- Murder & Non-negligent Manslaughter
- Manslaughter by Negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

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 or 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.
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.
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.
National Origin	A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
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.
Larceny-Theft	<p>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.</p> <p>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.</p>
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.
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.

Violence Against Women Act (VAWA) Offenses

Crime	Definition
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Domestic Violence

Felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim; or
- by a person whom the victim shares a child in common; or
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; or
- by a partner 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 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 the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.

Stalking

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

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress

For the purposes of this definition –

- **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 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.

Arrests and Referrals for Disciplinary Action

Crime

Definition

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 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.

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.

Stop Campus Hazing Act Offenses

Crime

Definition

Hazing

The term 'hazing', for purposes of reporting statistics on hazing incidents under paragraph (1)(F)(iv), means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that –

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including –
 - whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - causing, coercing, or otherwise inducing another person to perform sexual acts;
 - any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
 - any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

Student Organization

The term 'student organization', for purposes of reporting under paragraph (1)(F)(iv) and paragraph (9)(A), means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

SOURCE: The definitions contained herein (excluding those for dating violence, domestic violence, and stalking) are based on the definitions provided in Appendix A to Subpart D of Part 668, Title 34 of the Code of Federal Regulations, available at <https://www.ecfr.gov/current/title-34/part-668/appendix-Appendix%20A%20to%20Subpart%20D%20of%20Part%20668>. The definitions of dating violence, domestic violence, and stalking are based on the definitions provided in Part 668.46(a), Title 34 of the Code of Federal Regulations, available at [https://www.ecfr.gov/current/title-34/part-668/section-668.46#p-668.46\(a\)](https://www.ecfr.gov/current/title-34/part-668/section-668.46#p-668.46(a)).