

# Clery Crime Definitions



THE UNIVERSITY OF ARIZONA

University Compliance

## Quick Reference Guide

Your duty as a Campus Security Authority (CSA) is to timely complete the CSA Reporting Form upon learning that a crime occurred in particular locations. Please complete all fields in the CSA Reporting Form based on the information available to you. Submit one form per incident. The Clery Act crime definitions are listed below to assist you. For questions or assistance in completing the CSA Reporting form, please contact [CleryAct@arizona.edu](mailto:CleryAct@arizona.edu).

## Clery Primary Criminal Offenses

Rape, Fondling, Incest, and Statutory Rape (defined below) are Sexual Assault Offenses. **Sexual Assault** is defined as an offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent".

- **Murder and Non-Negligent Manslaughter:** The willful 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 or physical 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.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. Note: This includes any self-propelled vehicle that runs on land surface and not on rails, such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts, and motorized wheelchairs.
- **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. Note: Any student housing fire that is reported to any University officials must be documented in the Fire Log. If you receive information about a fire, including fires that have already been extinguished, please notify Risk Management at [RMS-Contact@arizona.edu](mailto:RMS-Contact@arizona.edu).

## Hate Crimes

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. 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; Disability.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson (previously defined under "Clery Primary Crime Offenses") and Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property.

- **Larceny-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 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.

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## Violence Against Women Act (VAWA) Offenses

Sexual Assault, including Rape, Fondling, Incest, and Statutory Rape are also VAWA Offenses but are included in the Clery Primary Criminal Offenses category for Clery Act reporting purposes.

- **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.
- **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 acts under the domestic or family violence laws of the jurisdiction in which the crime of 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. 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.

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## Hazing Offenses

The Stop Campus Hazing Act amended the Clery Act to include Hazing among the list of crimes required to be disclosed by the university. Any incidents that match the definition should be reported.

**Hazing:** 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 (such as a club, society, association, athletic team, fraternity, sorority, or student government); 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 training 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 another person to consume food, liquid, alcohol, drugs, or other substances;
  - 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 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.

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## Arrests and Disciplinary Referrals for Weapons Law, Drug Abuse, and Liquor Law Violations

This category includes violations of the law that occur on Clery Act geography and result in arrests or persons being referred for disciplinary action. For the purpose of the Clery Act:

**Arrest** is defined as persons processed by arrest, citation, or summons.

**Referral for disciplinary action** is defined as 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.

- **Weapons (Carrying, Possessing, etc.) 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 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.
- **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.