

Clery Act Reportable Crime Definitions

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter: The killing of another person through gross negligence.

Sex Offense: (See Title IX Policy: Definitions below) Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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. This offense includes the rape of both males and females.

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 age or because of his/her temporary or permanent mental incapacity.

c) **Incest:** Non-forcible 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 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.

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.

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 kind.

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. This classification encompasses weapons offenses that are regulatory in nature.

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.

Hate Crimes

Coker University is also required to report statistics for hate (bias) related crimes by the type of bias as defined for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson) larceny, vandalism, intimidation, and simple assault. The first seven offenses are defined above under the Clery Crime Definitions.

Destruction, Damage, Vandalism of Property, Intimidation, Larceny-Theft, and Simple Assault are defined below.

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.

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.

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.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc., the assault is then also classified as a hate/bias crime.

For purposes of reporting crimes, when more than one criminal offense was committed during a single incident, only the most serious offense is counted pursuant to the FBI's Uniform Crime Reporting Program. Exceptions to the hierarchy rule include that arson is always reported as a separate crime regardless of whether it occurs in the same incident as another crime, and where rape, fondling or statutory rape occurs in the same incident as a murder, both crimes are reported in the crime statistics.

Violence Against Women Reauthorization Act (VAWA)

The Violence Against Women Reauthorization Act (VAWA), which President Obama signed into law on March 7, 2013, imposes new obligations on colleges and universities under its Campus Sexual Violence Act. Under VAWA, colleges and universities are required to:

Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates; Adopt certain student discipline procedures, such as for notifying purported victims of their

rights; and Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.

The Clery Act requires annual reporting of statistics for various criminal offenses, including sex offenses and aggravated assault. VAWA's Campus SaVE Act provision adds domestic violence, dating violence, and stalking to the categories that, if the incident was reported to a campus security authority or local police agency, must be reported under Clery. The Campus SaVE Act provision imposes new reporting requirements. These crimes are defined below:

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.

- a) Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- b) The existence of a social relationship of a romantic or intimate nature with the victim is determined based on:
 - The reporting party's statement;
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.

c) The term dating violence excludes acts covered under the definition of domestic violence.

Domestic violence: A felony or misdemeanor crime of violence committed by any of the following individuals:

- a) A current or former spouse or intimate partner of the victim; or
- b) A person with whom the victim shares a child in common; or
- c) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
- d) A person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or
- e) Any other person against an adult or youth victim who is protected 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. A course of conduct is two or more acts, including, but not limited to:

- Acts in the 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.

- Substantial emotional distress is significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.
- A reasonable person is one under similar circumstances and with similar identities to the victim.