



**PennState**  
University Police  
and Public Safety

# Clery Act Crime Data Collection

## REFERENCE GUIDE

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& CRIME CATEGORIES

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# OVERVIEW OF THE CLERY ACT

The Jeanne Clery Campus Safety Act (the Clery Act) is a federal consumer protection law that requires institutions of higher education participating in the federal student financial aid program to disclose information about crime, support victims of violence, and outline institutional policies and procedures in place to improve campus safety.

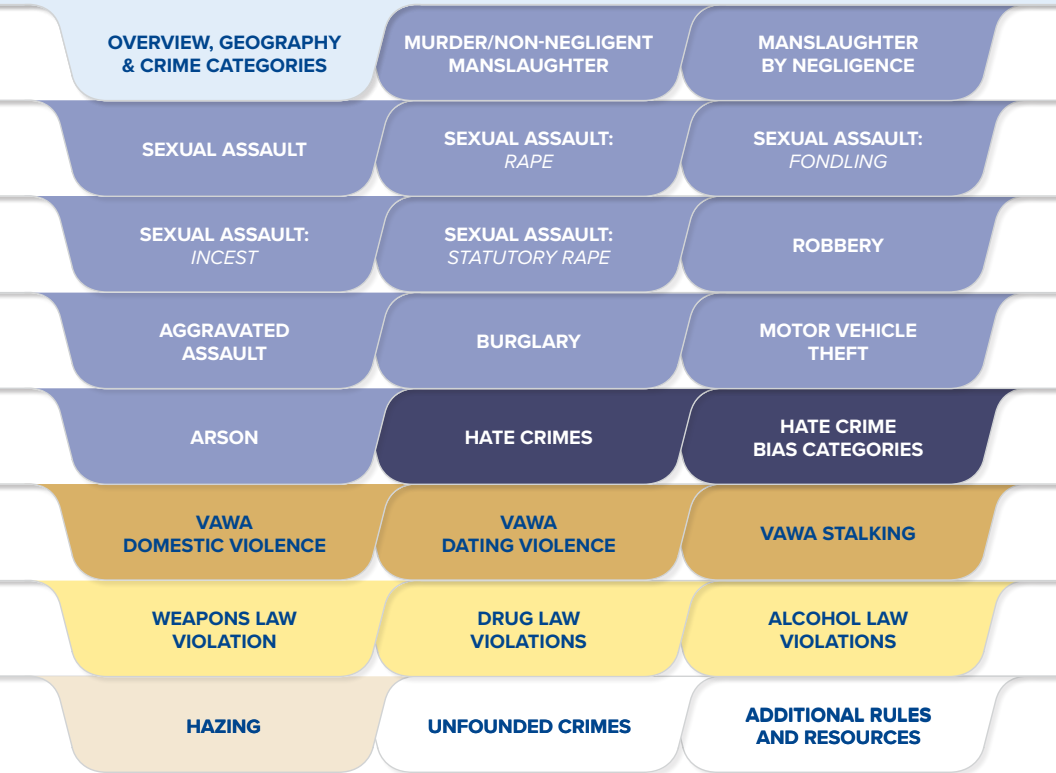
## DISCLOSURE

The material within the Penn State University Clery Act Crime Data Collection Reference Guide (Reference Guide) is derived from The Handbook for Campus Safety and Security Reporting 2016 Edition put forth by the Department of Education. All content is public domain and authorization to reproduce it in whole or part is granted (U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, 2016 Edition, Washington, D.C., 2016). For access to the full Handbook, it is available on the Department of Education’s website at: <https://www2.ed.gov/admins/lead/safety/campus.html>

## CLERY COMPLIANCE AT PSU

The Penn State University Clery Unit can be contacted at:  
[cleryform@psu.edu](mailto:cleryform@psu.edu)

Additional information about Clery at Penn State can be found at:  
<https://www.police.psu.edu/clery>



## GEOGRAPHY: LOCATION, LOCATION, LOCATION

The Clery Act requires institutions to disclose statistics for reported crimes based on

- where the crimes occurred,
- to whom the crimes were reported,
- the types of crimes that were reported, and
- the year in which the crimes were reported

Institutions must disclose statistics for reported Clery Act crimes that occur (1) On Campus, (2) on Public Property within or immediately adjacent to the campus, and (3) in or on Non-Campus buildings or property that the institution owns or controls.

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Controlled by means that the institution directly or indirectly rents, leases or has some other type of written agreement (including an informal one, such as a letter or an e-mail) for use of a building or property, or a portion of a building or property—even if there is no payment involved in the transaction.

The Department of Education considers it reasonable to consider locations within one mile of campus borders as reasonably contiguous.

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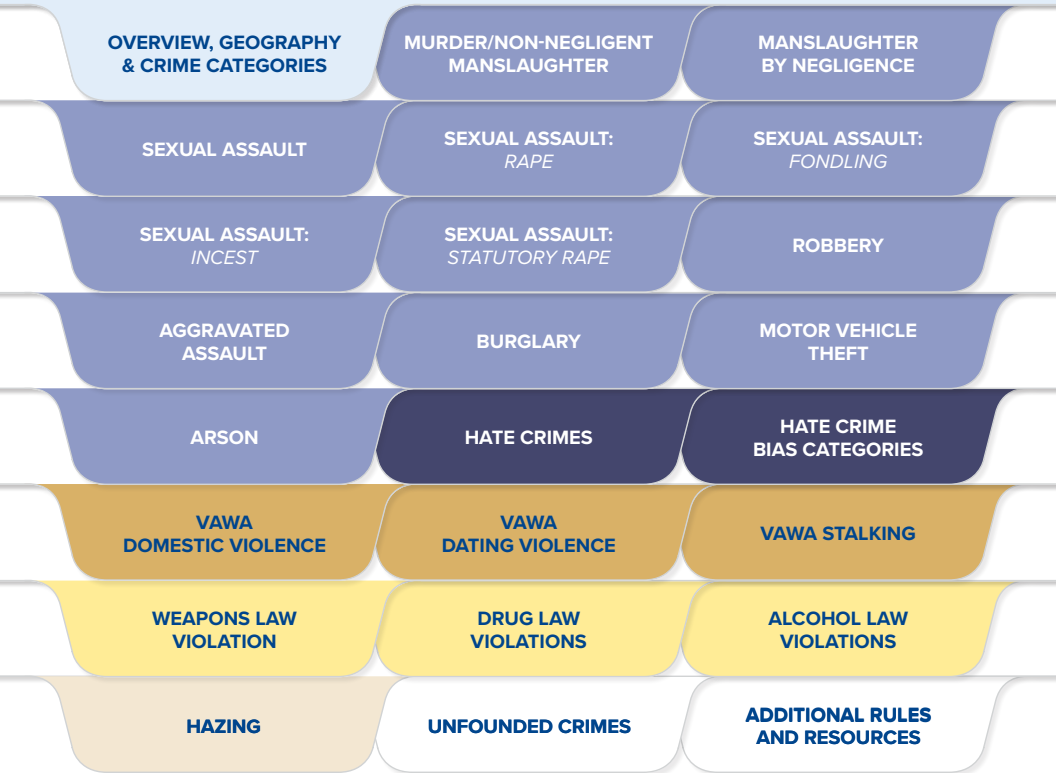
### On Campus Property:

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used to meet or support the institution's educational purposes, including residence halls, administrative buildings, and buildings that house classrooms/labs.

Also, any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students, and used to support institutional purposes (such as food or other retail vendors and bookstores).

#### • Residence Halls

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an On Campus student housing facility.



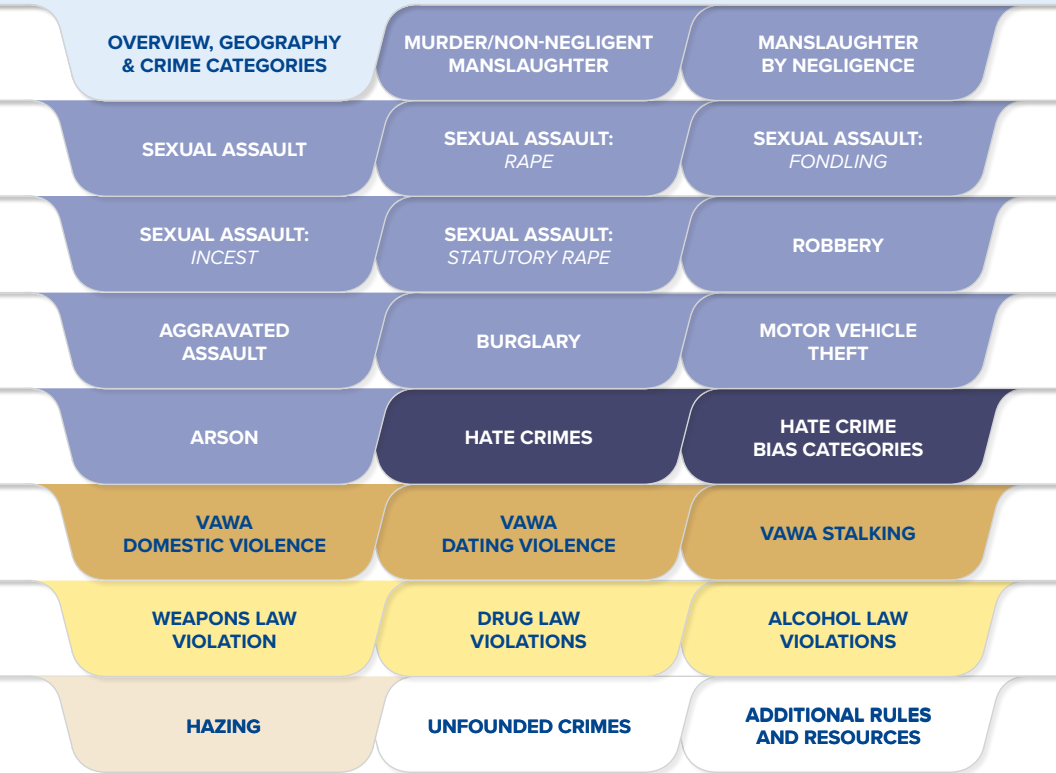
## Public Property:

All Public Property includes thoroughfares, streets, sidewalks, and parking facilities, that is within campus, or immediately adjacent to and accessible from the campus.

- Public Property refers to property owned by a public entity, such as a city or state government.
- Accessible is defined as there is no barrier of any kind between campus border and public property or some type of barrier exists but frequently ignored by students (a fence or wall that students climb over, under or through).

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Reasonably contiguous refers to a building or property your institution owns or controls that's in a location that you and your students consider to be, and treat as, part of your campus. An example might be a house two blocks from campus that's owned by your institution and which is used as an art studio for your students. Generally speaking, it is reasonable to consider locations within one mile of your campus border to be reasonably contiguous with your campus. However, this determination must be made on a case by case basis by taking into consideration the circumstances of the campus and the location. A location that is within one mile of campus but separated from campus by a river or a six-lane highway might not be considered contiguous unless a pedestrian bridge or tunnel connects the two sides.



### Non-Campus Property:

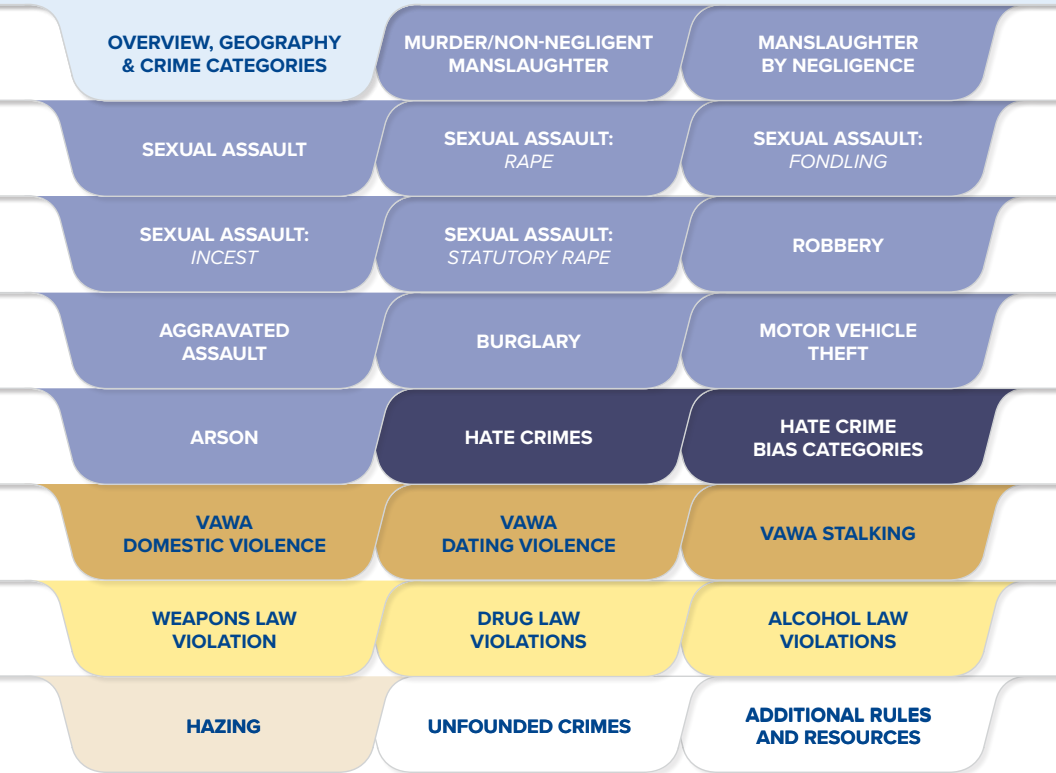
Any building or property that is not part of the main campus nor a separate campus and is owned or controlled by the institution, used in support or relation to the institution's educational purposes, and frequently used by students. Also, a building or property that is owned or controlled by a student organization that is officially recognized by the institution, such as fraternity and sorority houses, are considered Non-Campus.

### PSU Greek Life Recognized Chapters

<https://studentaffairs.psu.edu/departments-directory/office-fraternity-sorority-life/about-community/chapters-councils>

### PSU Greek Life Suspended Chapters

<https://studentaffairs.psu.edu/departments-directory/office-fraternity-sorority-life/about-community/suspended-and-unrecognized>



## CLERY ACT CRIME CATEGORIES

The Clery Act requires institutions to include crime statistics on the following five general crime categories:

### 1. Criminal Offenses

- Criminal Homicide (including Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence)
- Sexual Assault (Rape, Fondling, Incest and Statutory Rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

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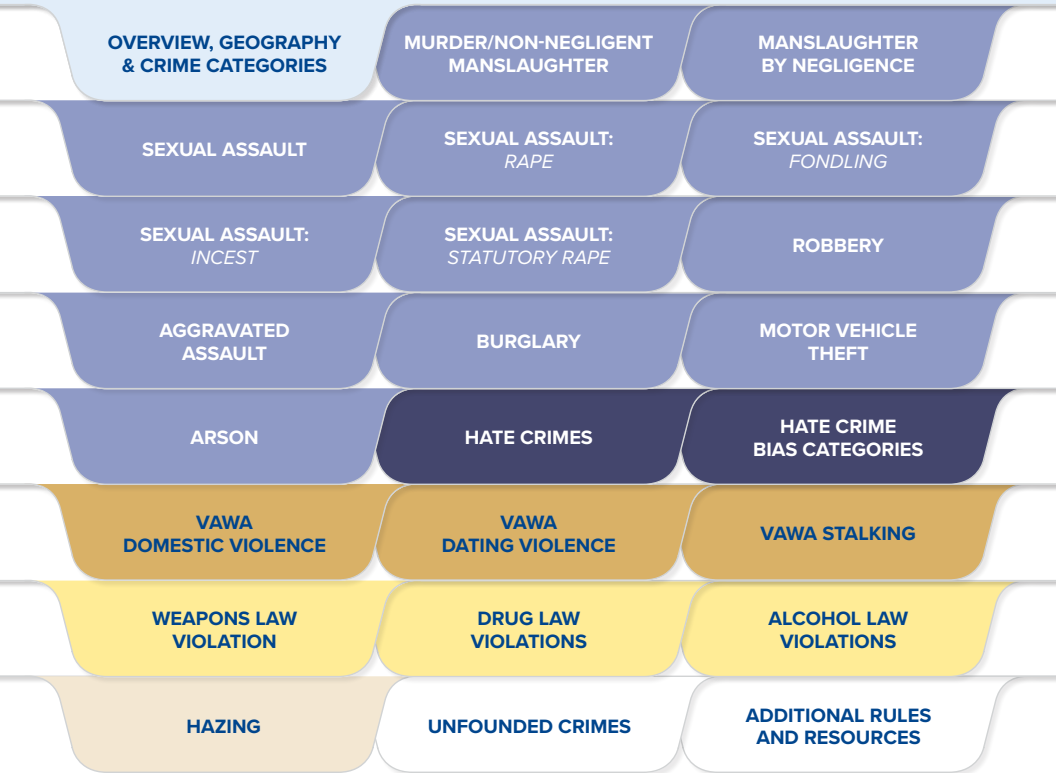
ADDITIONAL RULES  
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## 2. Hate Crimes

- Criminal Offenses listed on previous page
- Larceny/Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

## 3. VAWA (Violence Against Women Act)

- Domestic Violence
- Dating Violence
- Stalking

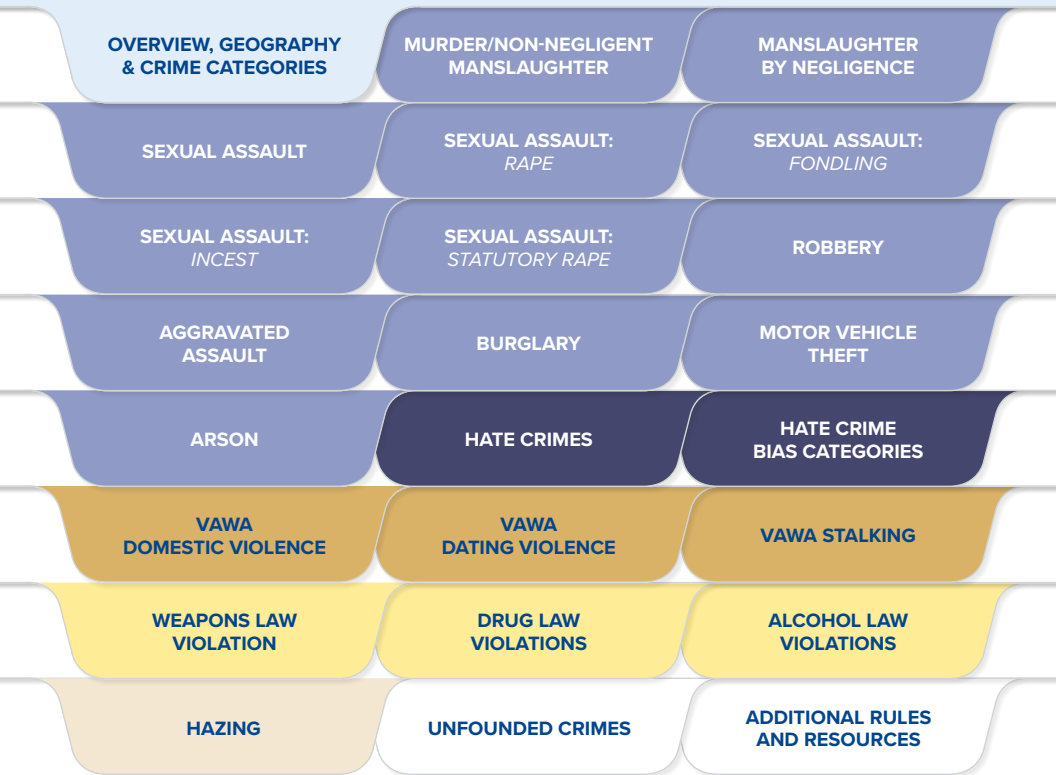


#### 4. Arrest or Referral for Disciplinary Action (Office of Student Conduct, Accountability, and Response) for violations of law concerning:

- Weapons
- Drugs
- Alcohol (excluding Public Drunkenness and DUI)

#### 5. Hazing

Statistics must be disclosed separately for each of these five general categories. This means that when an incident meets definitions in more than one of these categories, it must be reported in each category. Penn State University Police and Public Safety ensures that all crimes are properly classified.

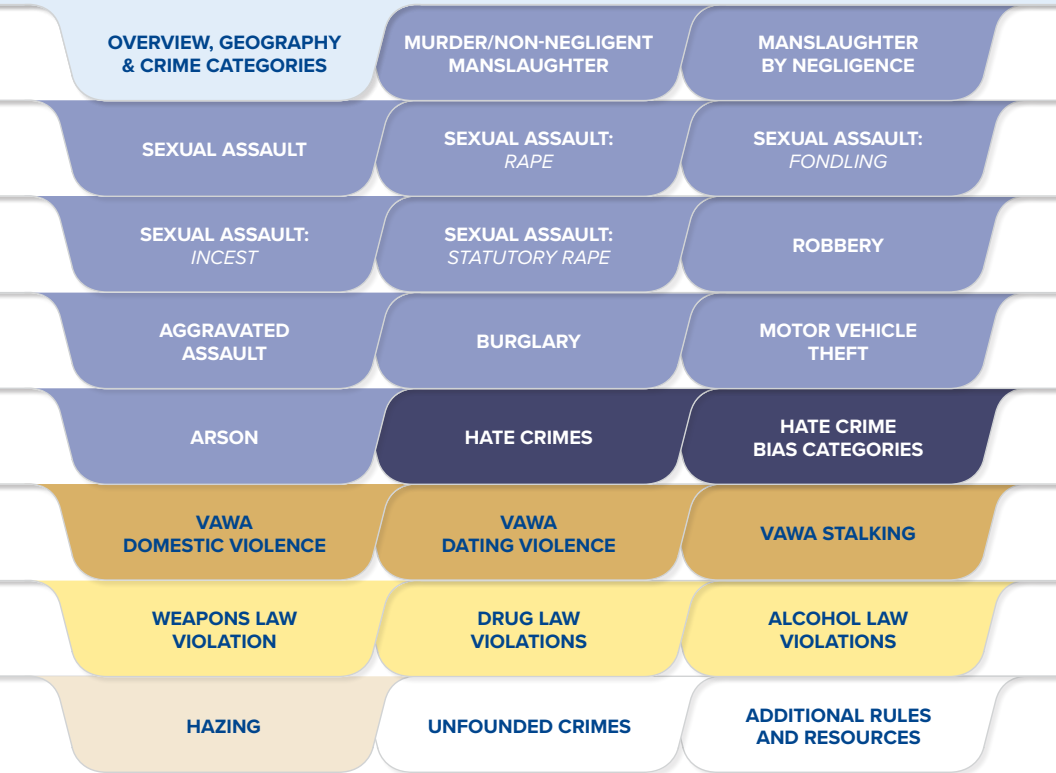


It is possible that institutions may be asked to code incidents using different definitions for purposes other than Clery Act reporting. However, for Clery Act purposes, it is essential that institutions classify and count reported incidents based on the definitions specified by the Clery Act. It is important to keep in mind that Clery Act reporting does not have to meet all of the Uniform Crime Reporting standards.

Institutions must include in their crime statistics the number of all reported offenses, without regard to the findings of a court, coroner or jury, or the decision of a prosecutor. Classify and count crimes from the records of calls for service, complaints, and investigations.

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Crime definitions presented in this Reference Guide are from the Uniform Crime Reporting Handbook and section 40002(a) of the Violence Against Women Act of 1994, which are used in the Department of Education's Clery Act regulations.



## CRIMINAL HOMICIDE: MURDER AND NON-NEGLIGENT MANSLAUGHTER

Murder and Non-negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another.

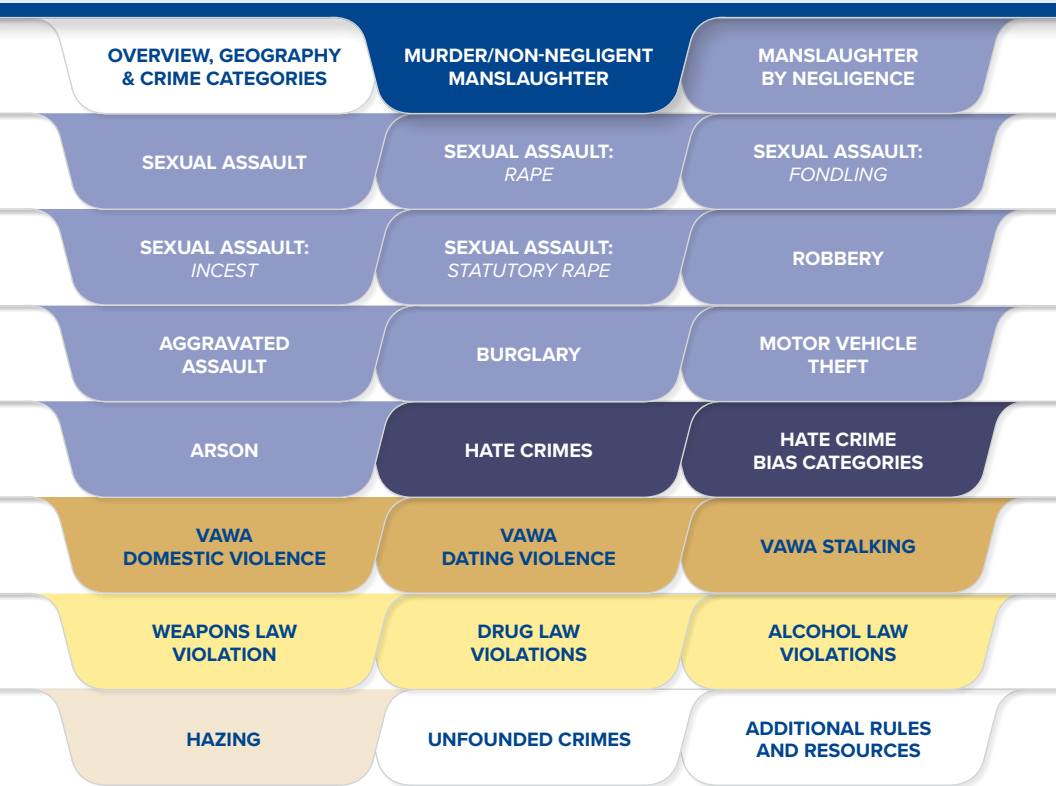
### COUNT :

One offense per victim.

Includes any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime.

### DO NOT COUNT:

- Suicides
- Fetal deaths
- Traffic fatalities
- Accidental deaths



- Situations in which a victim dies of a heart attack as the result of a crime, even in instances where an individual is known to have a weak heart
- Justifiable homicide (which is defined as and limited to the killing of a felon by a peace officer in the line of duty, or the killing of a felon during the commission of a felony, by a private citizen)

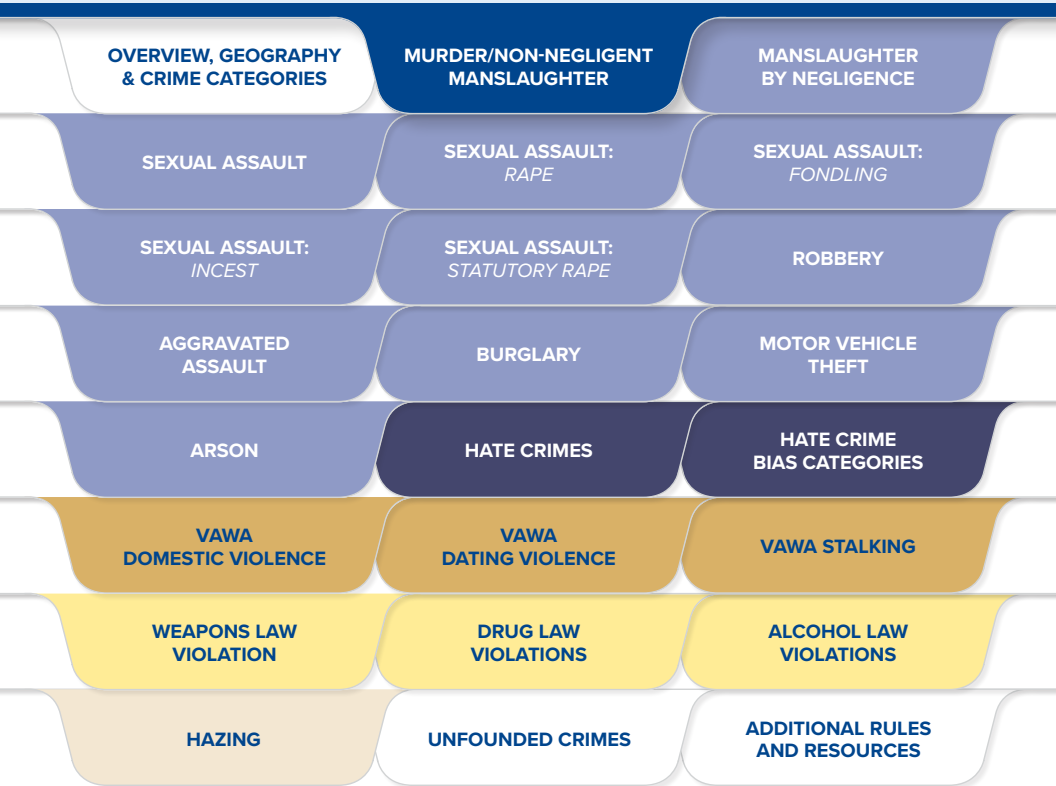
### NOTES:

If Rape, Fondling, Incest, or Statutory Rape occurs in the same incident as Murder, an institution must record both the sex offense and the Murder in its statistics.

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Attempts to Murder are classified as Aggravated Assault

The findings of a court, coroner's inquest, etc., do not affect classifying or counting criminal incidents.



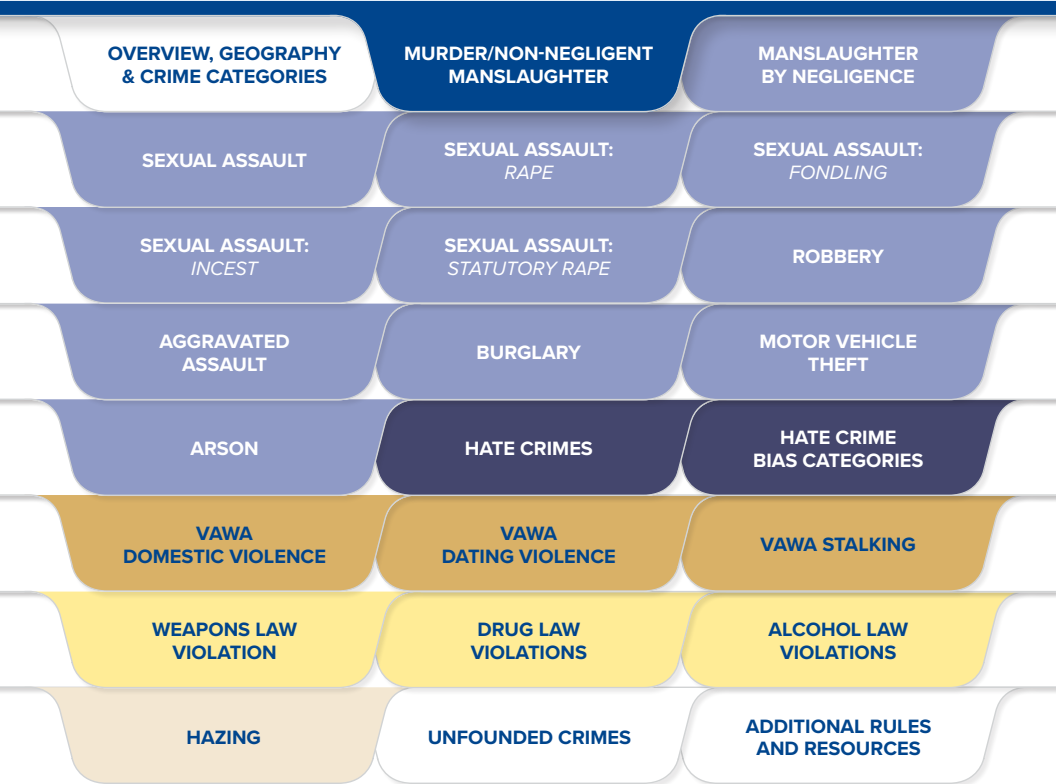
## Examples of Murder and Non-negligent Manslaughter

### SCENARIO 1

A gunman enters a classroom on campus and kills two students and a faculty member before being subdued and arrested. Include three incidents of On Campus Murder and Non-negligent manslaughter in your crime statistics.

### SCENARIO 2

Two groups of students get into an argument in a campus parking lot. Jim punches Joe and causes him to hit his head on a concrete sidewalk, inflicting severe head trauma. Two days later, Joe dies. Include one incident of On Campus Murder and Nonnegligent Manslaughter in your crime statistics.



## CRIMINAL HOMICIDE: MANSLAUGHTER BY 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.

### COUNT:

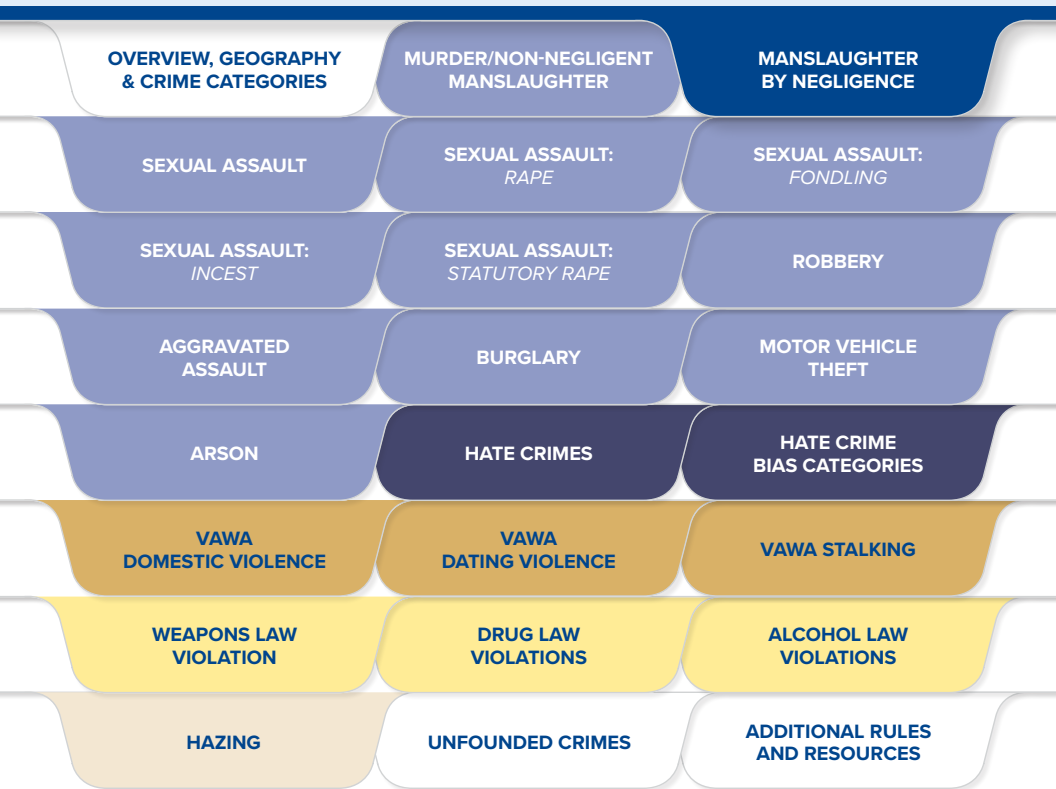
Count one offense per victim.

### DO NOT COUNT:

- Deaths of persons due to their own negligence
- Accidental deaths not resulting from gross negligence
- Traffic fatalities

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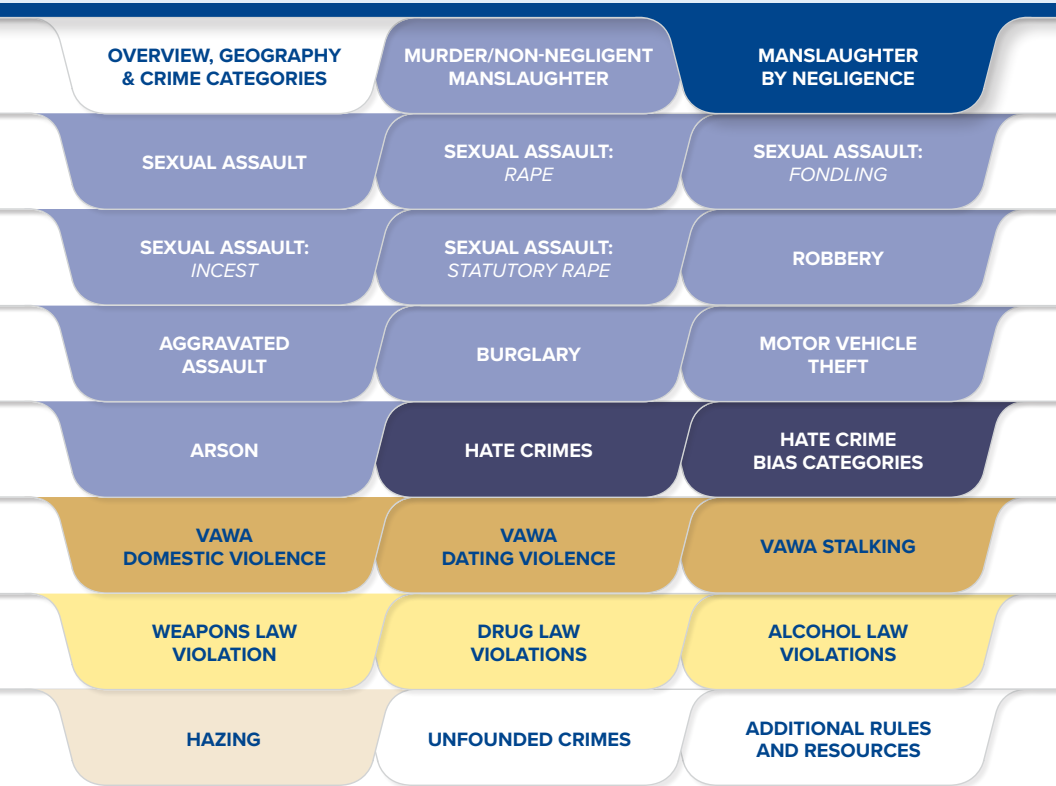
The findings of a court, coroner's inquest, etc., do not affect classifying or counting criminal incidents.



## Example of Manslaughter by Negligence

### SCENARIO

Two students, Jim and Mike, are handling a gun at an on campus fraternity house owned by the institution, and Jim “jokingly” points the gun at Mike. Jim fires the gun, and Mike is killed. Jim claims no knowledge of the gun being loaded. Include this as one Manslaughter by Negligence in the On Campus category and one Manslaughter by Negligence in the On Campus student housing facility category.



## SEXUAL ASSAULT

Sexual Assault (Sex Offenses)—Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

Include attempted Sexual Assaults, but do not include in your Clery Act statistics any Sexual Assaults other than the four types of Sexual Assaults described in this Reference Guide (for example, do not include sexual harassment, voyeurism, indecent exposure, or sexual extortion--unless the extortion causes severe emotional distress in which it might be considered for Stalking).

While the definitions of Sexual Assault include lack of consent as an element of the offense, for the purposes of including a reported Sexual Assault in Clery Act statistics, no determination as to whether that element has been met is required. Therefore, all Sexual Assaults that are reported to a Campus Security Authority must be included in your Clery Act statistics and also included in your crime log, regardless of the issue of consent.

If Rape, Fondling, Incest, or Statutory Rape occurs in the same incident as Murder, an institution must record both the sex offense and the Murder in its statistics.

**SEXUAL ASSAULT**

**SEXUAL ASSAULT:**  
*RAPE*

**SEXUAL ASSAULT:**  
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## RAPE

Rape is 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.

### COUNT:

This offense includes the Rape of both males and females.

Count one offense per victim.

Include the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving consent.

### DO NOT COUNT:

If the victim consented, the offender did not force or threaten the victim, or if the victim was under the statutory age of consent (in which the count should be held for Statutory Rape).

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## Example of Sexual Assault: Rape

### SCENARIO

Three female students report that they were each raped by five male students at an off-campus fraternity house owned by a recognized fraternity. Each male raped each of the female students. Include this as three Non-Campus Rapes.

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## FONDLING

Fondling is 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.

### COUNT:

Count one offense per victim.

Fondling is recognized as an element of the other sex offenses. Therefore, count Fondling if it is the only sex offense.

### Example of Sexual Assault: Fondling

#### SCENARIO

A woman is walking on a public sidewalk in front of your campus and a man pinches her buttocks as he runs by her. Include this as one Public Property Fondling only if the victim reports that it was sexual in nature.

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Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### COUNT:

Count one offense per victim.

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## STATUTORY RAPE

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent. The legal age for consent in Pennsylvania is 16.

### COUNT:

Count one offense per victim.

### NOTES:

If force was used or threatened, or the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape.

### Example of Sexual Assault: Statutory Rape

#### SCENARIO

A 21-year-old student has sex with a 15-year-old consenting juvenile in the student's on campus apartment. There is no use of force or threat. Include this as one Statutory Rape in the On Campus category and one Statutory Rape in the On Campus student housing facility category.

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## ROBBERY

Robbery is 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 of a Robbery:

- 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 or force is used.
- Involves a Theft or Larceny.

### COUNT:

Count one offense for each distinct operation (i.e., incident), including attempts.

### DO NOT COUNT:

Do not count the number of victims robbed, the number of those present at the Robbery or the number of offenders.

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## NOTES:

Because some type of assault is an element of Robbery, do not report an assault as a separate crime as long as it was performed in furtherance of the Robbery. However, if the injury results in death, classify the incident as Murder and Non-negligent Manslaughter.

The classification of Robbery includes both armed Robbery and Robberies where only personal weapons are used.

Armed Robbery includes incidents commonly referred to as stickups, hijackings, holdups, heists, carjackings, etc.

Carjacking is a Robbery offense in which a motor vehicle is taken through force or threat of force. In such case, following the Hierarchy Rule, report only a Robbery, not a Motor Vehicle Theft.

Robberies in which only personal weapons, such as hands, arms, fists, feet and teeth, are used or threatened to be used may be referred to as “strong-arms” or “muggings.” The UCR considers a weapon to be a commonly known weapon (a gun, knife, club, etc.) or any other item that, although not usually thought of as a weapon, becomes one in the commission of a crime.

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Robbery also includes crimes involving pretend weapons or those in which the weapon is not seen by the victim, but the robber claims to possess one.

The use or threat of force is an essential element of Robbery. For example, pocket-picking or purse snatching where force is neither used nor threatened is Larceny-Theft. However, if force or threat of force is used to overcome the active resistance of the victim in a purse snatching or other such crime, include the offense as Robbery.

### Example of Robbery

#### SCENARIO

Two students returning to campus from a night at a local bar are approached by three armed men on a city sidewalk outside their residence hall and told to hand over their wallets. The students comply, and the three armed men leave without harming the students. Include this as one Robbery on Public Property.

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## AGGRAVATED ASSAULT

Aggravated Assault is 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.

### COUNT:

Count one offense per victim. However, if a number of persons are involved in a dispute or disturbance, and the aggressors cannot be distinguished from the victims, count the number of persons assaulted as the number of offenses.

### Include as Aggravated Assaults:

- 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 (as in cases when the offender is aware that he or she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.)

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## NOTES:

It is not necessary that injury result from an Aggravated Assault when a gun, knife or other weapon that could cause serious personal injury is used.

Also count attacks using personal weapons, such as hands, arms, feet, fists and teeth that result in serious or aggravated injury.

In making determinations about whether or not an assault that is carried out using a body part such as hands and feet is aggravated, the institution must consider not only the intent of the attacker but also the extent of the injuries.

**If an attack results in broken bones, a loss of consciousness or significant blood loss, or requires medical treatment or hospitalization, such as stitches or casting (regardless of whether or not the victim accepts such assistance), the incident must be classified as an Aggravated Assault.**

The use of drugs to subdue a victim, such as the use of date rape drugs, should be counted as Aggravated Assault because it can be assumed that the intent was to inflict aggravated bodily harm. However, if the use of the drugs results in Rape or Murder within the same incident, follow the Hierarchy Rule, and count the more serious offenses.

## Aid for Classifying Assaults:

**Carefully consider the following factors in classifying assaults:**

- The type of weapon used or the use of an object as a weapon;
- The seriousness of the injury; and

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- The intent of the assailant to cause serious injury. The intent to cause death or severe bodily harm can arise after the parties to an incident have already engaged in some consensual contact. For example, roommates are wrestling in their dorm room when one roommate wants to stop wrestling and the other applies a violent headlock, causing a serious neck injury. This has now become an Aggravated Assault.

### Examples of Aggravated Assaults

#### SCENARIO 1

Sarah and Anne have a heated argument at a party at a sorority house owned by a recognized sorority located a mile from the campus. Sarah grabs a lacrosse stick and repeatedly beats Anne across the back with it, breaking several ribs. Include this as one Aggravated Assault in the Non-Campus category.

#### SCENARIO 2

Two students are involved in a fist fight in the laundry room in their on campus dormitory. Both sustain head injuries and are treated at a hospital. Include this as two Aggravated Assaults in the On Campus category and two Aggravated Assaults in the On Campus student housing facility category.

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## BURGLARY

Burglary is the unlawful entry of a structure to commit a felony or a theft.

### COUNT:

Count one offense per each distinct operation.

Offenses that are classified by local law enforcement agencies as Burglary (any degree); 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.

**Forcible Entry:** All offenses where force of any kind is used to unlawfully enter a structure or attempt to enter a structure for the purpose of committing a theft or felony. (Example-when a thief gains entry by using tools; breaking windows; forcing windows, doors, transoms or ventilators; cutting screens, walls or roofs; and where known, using master keys, picks, unauthorized keys, celluloid, a mechanical contrivance of any kind e.g., a passkey or skeleton key or other devices that leave no outward mark but are used to force a lock.

This includes Burglary by concealment inside a building followed by exiting the structure.

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**Unlawful Entry–No Force:** The entry of a structure in this situation is achieved by use of an unlocked door or window. The element of trespass to the structure is essential in this category, which includes thefts from open garages, open warehouses, open or unlocked dwellings (such as dorm rooms) and open or unlocked common basement areas in apartment houses where entry is achieved by someone other than the tenant who has lawful access, or others whom the tenant allows to have free and regular access to the structure.

If an item was taken from an unlocked dorm room and you can establish that neither the tenant nor those friends with free and regular access to the room have taken the item, then unlawful access has occurred. In this context, it is important to note that a “breaking” occurs when a perpetrator crosses the threshold of a boundary that results in a trespass. As such it is possible for a burglar to “break” an open doorway or window. There is no requirement that entry be forced in any way or that damage to a door, window or frame be evident.

**Attempted Forcible Entry:** A situation where a forcible entry into a locked structure is attempted but not completed. An attempt to commit the crime of Burglary must be evaluated in context based on all available information. Such incidents must not be classified merely as “suspicious activity” or “vandalism” where the totality of facts indicates that a Burglary was in fact attempted. Possible indicators of an attempted Burglary may include, but are not limited to, damage to a door or window, the presence of Burglary tools, a recurring or similar modus operandi or “signature” that ties an incident to other similar offenses, and/or proximity in time and place to a pattern of other similar crimes.

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**DO NOT COUNT:**

- Thefts from automobiles, whether locked or not.
- Shoplifting from commercial establishments during hours of operation.
- Thefts from coin boxes or coin-operated machines.
- Thefts from areas of open access. If a perpetrator steals an item from an area of open access (i.e., there is no unlawful entry), the incident is a Larceny, not Burglary. For example, if a student leaves his backpack under the table in a campus dining hall and another student takes it, it's a Larceny. However, if a student leaves his backpack under the table in a campus dining hall and another student breaks into the building after hours and steals the backpack, it's a Burglary.
- Robbery. A structure can be burglarized, but it cannot be robbed. It is possible, however, for an attempted Burglary to become a Robbery. For example, a student returns to her dorm room and surprises a burglar. The burglar physically attacks the student, steals her purse and flees. Because the burglar attacked the student and took her property, include this incident as a Robbery. If the student had not been physically confronted by the burglar and merely observed the burglar leaving her room, the incident would be a Burglary, even if the burglar left emptyhanded.
- A forcible entry or unlawful entry in which no theft or felony occurs, but acts of vandalism, malicious mischief, etc., are committed, provided investigation clearly established that the unlawful entry was for a purpose other than to commit a felony or theft.

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**NOTES:**

An incident must meet three conditions to be classified as a Burglary:

1. There must be evidence of unlawful entry (trespass). This means that the person did not have the right to be in the structure at the time the incident occurred.

**Examples of lawful access include:**

- A student uses her keycard to enter her dorm. She lets five other students who do not have keycards for that dorm into the building. All six of the students have lawful access to the building.
- A student has a party in her dorm room with four guests. All five students have lawful access to the dorm room.
- A faculty member has an office in the science building. Students are in and out of the office while the science building is open. Anyone from the campus community going in the office during this time has lawful access.

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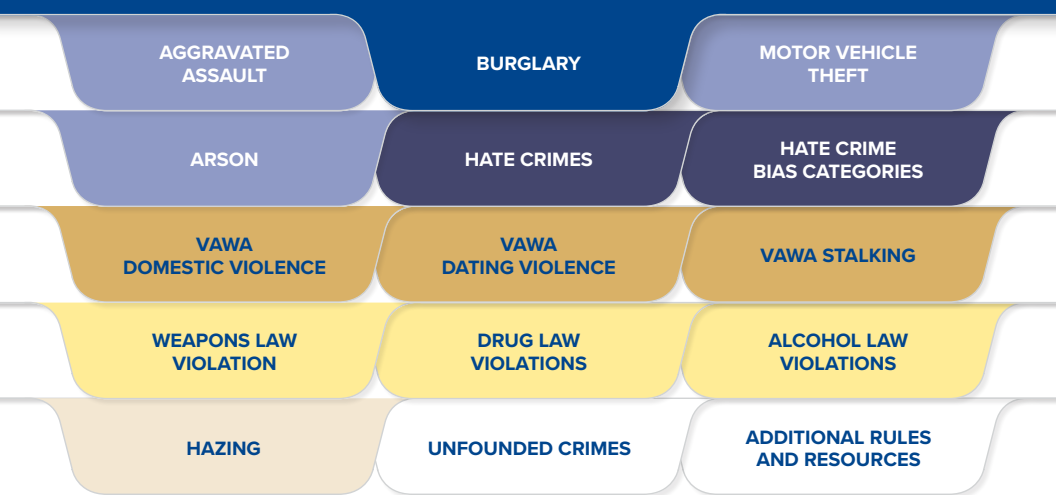
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### Examples of unlawful access include:

- A student uses her keycard to enter a dorm. Without her knowing, a student without a keycard to the building walks in after her. The student without the keycard does not have lawful access to the building.
- A student has a party in her dorm room with four invited guests. When the party is over the host asks everyone to leave. She leaves the door unlocked while she goes to visit another student. One of the students who attended the party opens the door and takes some money off of the desk. That student does not have lawful access to the room.
- A faculty member has an office in the science building. One night when the science building is locked, a maintenance worker who does not have a work order for the building, uses a maintenance key to unlock the building and then unlock the faculty member's door and steals a computer. The maintenance worker does not have lawful access to the office.

2. The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door. The UCR definition of a structure includes:

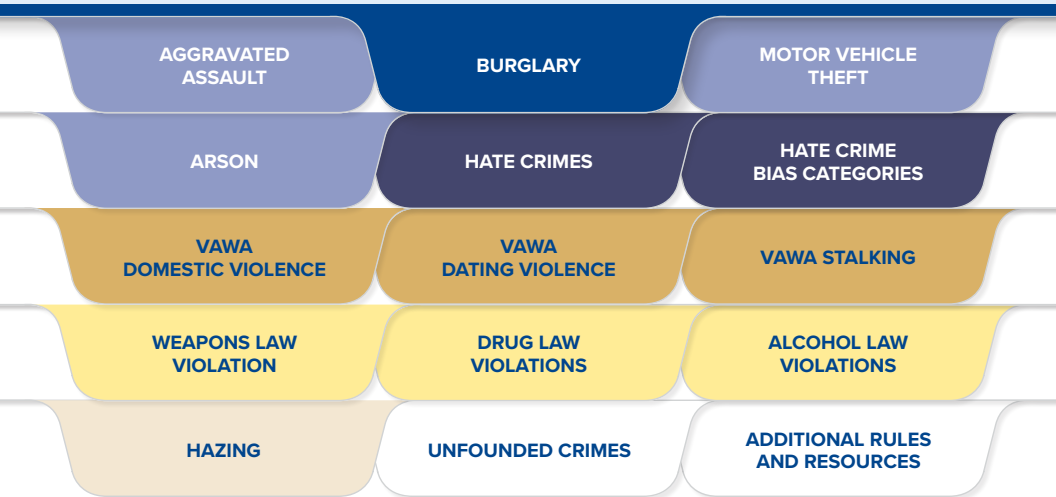


- Apartment, barn, cabin, church, condominium, dwelling house, factory, garage, house trailer or houseboat (if used as a permanent dwelling), mill, office, other building, outbuilding, public building, railroad car, room, school, stable, storage facility, vessel (ship) and warehouse.
- Any house trailer or other mobile unit that is permanently fixed as an office, residence or storehouse.
- The UCR definition of a structure does not include:
  - Motor vehicles
  - Tents, tent trailers, motor homes, house trailers or other mobile units that are being used for recreational purposes
  - A telephone booth
  - A gym locker or cubby

3. The structure was unlawfully entered to commit a felony or a theft. If the intent was not to commit a felony or a theft, the incident is not a Burglary. For example, if a homeless student unlawfully entered a structure to sleep, do not include the incident as a Burglary.

### Special Rules for Counting Burglaries

**Burglaries in individual student rooms:** Because residents of rooms in student housing facilities are not considered transient, the Burglary of each room is a separate offense. This means that if an offender unlawfully enters five dorm rooms on one floor of a student housing facility for the purpose of taking something, you should count this as five Burglaries.



**Burglaries in suites:** Each bedroom in a student housing facility suite is considered a separate dwelling. Count the Burglary of four bedrooms and the common room in a suite during a single incident as five Burglaries.

**Burglaries in private academic offices:** Unlike a student housing facility in which each room is considered to be a separate dwelling, the various rooms within an academic building are typically under the control of a single firm (the college or university). Count the Burglary of an academic structure as one offense, regardless of the number of interior rooms entered or items stolen if the rooms were all burglarized during the same time frame. (If, however, the rooms were burglarized within different time frames, for example one office on Monday and a second office the following day, count this as two Burglaries.)

**Burglaries in patient rooms on campus or at Non-Campus medical centers:** Because residents in patient rooms in hospitals or medical centers are transient, offenses are most likely to be reported to law enforcement by the institution. Count the Burglary of a number of patient rooms during the same time frame as a single offense.

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## Examples of Burglary

### SCENARIO 1

A room in an on campus dormitory is broken into and a laptop is stolen by a student living down the hall. Because the student unlawfully entered the room, include this as one On Campus Burglary and one On Campus student housing facility Burglary.

### SCENARIO 2

A student living in an on campus dormitory invites another student into her room. The invited student takes a ring from the top of a dresser when the owner leaves to use the restroom. Because the perpetrator was invited into the room, there is no element of trespass. Do not include this incident in your Clery Act statistics because it is a Larceny.

### SCENARIO 3

A perpetrator enters five on campus dorm rooms without permission on the same night looking to steal money. He takes a wallet from one room, but takes nothing from the other four rooms. Include this as five Burglaries in both the On Campus category and On Campus student housing facility category.

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## MOTOR VEHICLE THEFT

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

### COUNT:

Count one offense for each stolen vehicle.

Theft of 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.

All incidents where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. Include joyriding in this category. If a vehicle is stolen in conjunction with another offense, classify the crime using the Hierarchy Rule for classifying multiple offenses.

### DO NOT COUNT:

Theft of any of the following: Farm equipment, bulldozers, airplanes, construction equipment, water craft (motorboats, sailboats, houseboats or jet skis).

Taking a vehicle for temporary use when prior authority has been granted or can be assumed, such as in family situations, rental car agreements, or unauthorized use by chauffeurs and others having lawful access to the vehicle.

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A forcible or unlawful entry of a building to steal a motor vehicle; this should be counted as Burglary.

Thefts from motor vehicles; this should be counted as Larceny, which is not a Clery Act crime unless it is motivated by bias (i.e., a Hate Crime).

### Example of Motor Vehicle Theft

#### SCENARIO 1:

A faculty member's car is reported stolen from a campus parking garage and is later recovered a block off campus. Include one On Campus Motor Vehicle Theft.

#### SCENARIO 2:

A car stereo and CDs are reported stolen from a car parked along a city owned street on campus. Do not include this incident in your Clery Act statistics because it is theft from a motor vehicle, not Motor Vehicle Theft.

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## ARSON

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling or house, public building, motor vehicle or aircraft, personal property of another, etc.

### COUNT:

- Count one offense for each distinct incident of Arson occurring on your Clery Act geography
- Only fires determined to have been willfully or maliciously set
- Attempts to burn
- Any fire that investigation determines to meet the UCR definition of Arson regardless of the value of any property damage
- Incidents where an individual willfully or maliciously burns his or her own property

### DO NOT COUNT:

- Fires of suspicious origin
- Fires of unknown origin

### NOTES:

The Clery Act requires institutions to disclose all Arsons that occur on their Clery Act geography. This includes seemingly minor fires such as burning wastebaskets or bulletin boards, regardless of whether they are discovered while burning or after being extinguished.

All of the evidence for any fire not known to be accidental (such as a cooking fire) must be considered by the institutional official designated to make such determinations.

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## Example of Arson

### SCENARIO 1

A suspicious fire is reported in a campus academic building, but fire authorities cannot determine if it was intentionally set. Do not include this incident as Arson in your Clery Act statistics.

### SCENARIO 2

A resident of a non-campus Greek house sets fire to his couch on the lawn in front of the house in celebration of a school football victory. Investigators determine that the incident was Arson. Include this as one Arson in the Non-Campus category.

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## 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.

### COUNT:

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias.

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

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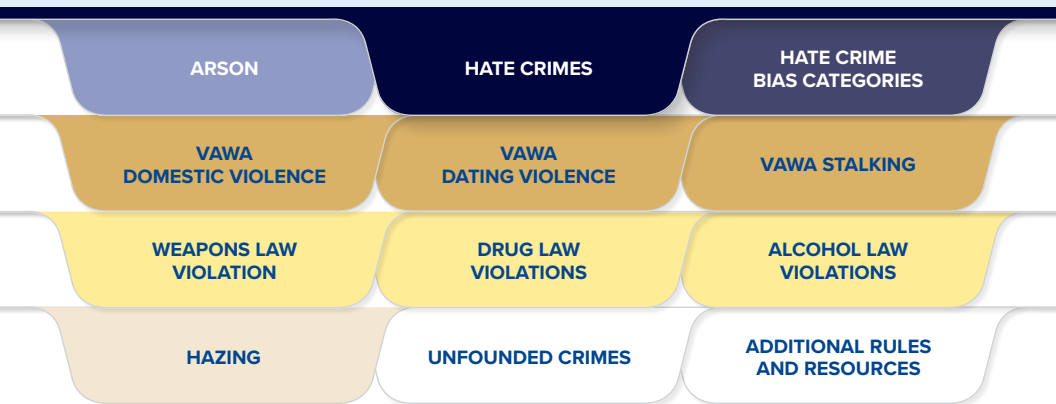
Larceny-Theft is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

Simple Assault is 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 is 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 is 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.

Before an incident can be classified as a Hate Crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated, in whole or in part, by bias. While no single fact may be conclusive, facts such as the following, particularly when combined, are supportive of a finding of bias:



- a. The offender and the victim were of a different race, religion, disability, sexual orientation, ethnicity, national origin, gender or gender identity. For example, the victim was African American and the offender was white.
- b. Bias-related oral comments, written statements or gestures were made by the offender, that indicate the offender's bias. For example, the offender shouted a racial epithet at the victim.
- c. Bias-related drawings, markings, symbols or graffiti were left at the crime scene. For example, a swastika was painted on the door of a synagogue, anti-Islamic statements on the wall of a mosque, or anti-gay graffiti on the door of an LGBTQ center.
- d. Certain objects, items or things which indicate bias were used. For example, the offenders taped a photo of a burning cross to the door of an African American student's dorm room.
- e. The victim is a member of a racial, religious, disability, sexual orientation, ethnicity, national origin, gender or gender identity group that is overwhelmingly outnumbered by other residents in the student housing facility where the victim lives and the incident took place. This factor loses significance with the passage of time (i.e., it is most significant when the victim first moved into the facility, and becomes less and less significant as time passes without incident).
- f. Several incidents occurred in the same location at or about the same time, and the victims were all of the same race, religion, disability, sexual orientation, ethnicity, national origin, gender or gender identity.

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- g. A substantial portion of the campus community where the crime occurred perceived that the incident was motivated by bias.
- h. The victim was engaged in activities related to his or her race, religion, disability, sexual orientation, ethnicity, national origin, gender or gender identity. For example, the victim was a member of the National Association for the Advancement of Colored People (NAACP) or participated in an LGBTQ Pride celebration.
- i. The incident coincided with a holiday or a date of particular significance relating to a race, religion, disability, sexual orientation, ethnicity, national origin, gender or gender identity, e.g., Martin Luther King Day, Rosh Hashanah or the Transgender Day of Remembrance.
- j. The offender was previously involved in a similar Hate Crime or is a hate group member.
- k. There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active on the campus.
- l. A historically established animosity existed between the victim's and the offender's groups.
- m. The victim, although not a member of the targeted racial, religious, disability, sexual-orientation, ethnic, national origin, gender or gender identity group, was a member of an advocacy group supporting the precepts of the victim group.

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## Examples of Hate Crimes

### SCENARIO 1

One night a student with known anti-gay sentiments steals a number of books by LGBTQ authors from a campus library exhibit. He leaves a note on the exhibit table that reads, "Gay and lesbian books don't belong in our library." When he is caught leaving the library with a large bag of books, he starts shouting that LGBTQ students have been getting too much attention On Campus and he was tired of it. Include this as one On Campus Larceny-Theft characterized by Sexual Orientation bias.

### SCENARIO 2

A white student causes a disturbance in an on campus classroom during a discussion on race relations. The student begins shouting racial epithets while pointing at black students. The instructor calls Campus Security for assistance. A white security officer and a black security officer arrive. When the black officer tries to subdue the student, the student starts shoving the officer and shouting racial epithets at him. Include this as one On Campus Simple Assault characterized by Racial Bias.

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## HATE CRIME BIAS CATEGORIES

Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

- **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. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **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. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

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- **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. The concept of ethnicity differs from the closely related term “race” in that “race” refers to a grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.
- **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **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.

ARSON

HATE CRIMES

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## VAWA: DOMESTIC VIOLENCE

Domestic Violence is defined as 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;
- 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.

### NOTES:

To categorize an incident as Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

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## Example of Domestic Violence

### SCENARIO 1

A student's wife is waiting for her husband outside of his on campus classroom building. She attacks her husband with a knife when he exits the building. Include this as one On Campus incident of Domestic Violence and one On Campus Aggravated Assault.

### SCENARIO 2

A neighbor reports yelling in the apartment next door in a university housing complex. The officer who arrives at the apartment finds a husband and wife having an argument. Neither party reports any physical injuries and neither party reports being intimidated. Do not include this incident in your Clery Act statistics.

The Hierarchy Rule does not apply to VAWA Offenses. Therefore, for any Criminal Offense, Hate Crime, or arrest for Weapons, Drug or Liquor Law Violations that is also a VAWA Offense, your statistics must reflect the original offense and the VAWA Offense. For example, if an Aggravated Assault is also Domestic Violence, include the incident as one Aggravated Assault in the Criminal Offenses category and as an incident of Domestic Violence in the VAWA Offenses category.

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## VAWA: DATING VIOLENCE

Dating Violence is defined as 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.

### COUNT:

For the purposes of this definition—Dating Violence includes, but is not limited to:

- Sexual or physical abuse or the threat of such abuse.

### DO NOT COUNT:

Dating Violence does not include acts covered under the definition of Domestic Violence.

### NOTES:

We caution that differences in the culture of different people and their use of terms may mean that a reporting party may describe a dating relationship using different terms from how an institutional official might describe “dating.” When the reporting party asserts that there was a dating relationship, you should assume that the victim and perpetrator were in a dating relationship to avoid incorrectly omitting incidents. The victim's use of terms such as “hanging out” or “hooking up” rather than “dating,” or whether or not the relationship is described as “monogamous” or “serious” should not be the determining factor.

No matter who reports the incident, whether it is the victim or a third party, it is the responsibility of the institution to determine whether the incident should be included as Dating Violence.

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## Example of Dating Violence

### SCENARIO 1

A female student reports that her boyfriend forced her into nonconsensual sex in her on campus dorm room. Include one Rape in both the On Campus category and the On Campus student housing facility category, and one incident of Dating Violence in both the On Campus category and the On Campus student housing facility category.

### SCENARIO 2

After a party on campus, John walked back to his apartment in a non-campus housing complex with Matt, whom he has hooked up with a few times over the past month. When they reached John's apartment, it became clear that Matt was angry that John had been talking with other men at the party, causing Matt to punch two holes in the wall and threaten to beat John if he sees him flirting with any other men on campus. John now fears for his safety around Matt. Include one incident of Non-Campus Dating Violence for the threat of physical abuse.

The Hierarchy Rule does not apply to VAWA Offenses. Therefore, for any Criminal Offense, Hate Crime, or arrest for Weapons, Drug or Liquor Law Violations that is also a VAWA Offense, your statistics must reflect the original offense and the VAWA Offense. For example, if an Aggravated Assault is also Domestic Violence, include the incident as one Aggravated Assault in the Criminal Offenses category and as an incident of Domestic Violence in the VAWA Offenses category.

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## VAWA STALKING

Stalking is defined as 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.

### NOTES:

Record each report of Stalking as occurring at only the first location within the institution's Clery Act geography in which either the perpetrator engaged in the Stalking course of conduct or the victim first became aware of the Stalking. It is not necessary for all activities in the course of conduct to occur on Clery Act geography in order to count the incident. A Stalking incident in which only one or some of the activities took place on Clery Act geography must be included in the reported statistics.

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).

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When recording reports of Stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a Campus Security Authority.

Although not required in the statistical reporting, an institution may provide additional information to further describe the reports of Stalking included in the crime statistics. For example, you may find it useful to explain whether a report represents Stalking that continued across multiple calendar years, whether the Stalking continued despite interventions by the institution or other parties, whether it lasted for a short but intense period or occurred intermittently over several months, and whether the perpetrator or the victim was located on or within the institution's Clery Act geography.

However, in providing any additional information the institution must not include information that will identify the victim or the perpetrator.

You are not required to follow up with victims each year to determine whether the behavior has continued, although you are not precluded from doing so. If the institution learns that the behavior has continued into another calendar year, the institution must record the behavior as a new report of Stalking in that year. Otherwise, institutions must record only reports that they receive in each year.

If Stalking occurs on more than one institution's Clery Act geography and is reported to a Campus Security Authority at each institution, both institutions must include the Stalking in their statistics. Although the Clery Act does not require an institution that learns of Stalking occurring on another campus to alert the other campus, other laws may require such an alert and we strongly encourage an institution in this situation to do so.

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## Example of Stalking

### SCENARIO 1

A female student reports that she is being followed by a man she met at her job at a café off-campus. He began showing up at the café and would not leave her alone. Since then she has also noticed him following her around campus and she fears for her safety. Include this as one incident of Stalking On Campus since the first occurrence on Clery Act geography occurred when the victim noticed the perpetrator following her on campus.

### SCENARIO 2

Several students belonging to the university association of Hispanic students have reported being watched or followed by the same unknown man on various parts of campus. All of the students reported fearing for their safety as a result of his behavior but none of the students saw the man more than once. Do not include this as Stalking in your Clery Act statistics because, given that the man has never approached the same student more than once, the course of conduct was not directed at a single individual.

The Hierarchy Rule does not apply to VAWA Offenses. Therefore, for any Criminal Offense, Hate Crime, or arrest for Weapons, Drug or Liquor Law Violations that is also a VAWA Offense, your statistics must reflect the original offense and the VAWA Offense. For example, if an Aggravated Assault is also Domestic Violence, include the incident as one Aggravated Assault in the Criminal Offenses category and as an incident of Domestic Violence in the VAWA Offenses category.

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## **ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION: WEAPONS LAW VIOLATIONS**

Arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.

Referred 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., is defined as 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. Classify as a Weapons: Carrying, Possessing, Etc., Violation:

- Manufacture, sale, or possession of deadly weapons
- Carrying deadly weapons, concealed or openly
- Using, manufacturing, etc., of silencers
- Furnishing deadly weapons to minors
- Aliens possessing deadly weapons
- Attempts to commit any of the above

This type of violation is not limited to “deadly” weapons; it also applies to weapons used in a deadly manner. For example, if there is a local or state law prohibiting the possession of brass knuckles, and an individual is arrested for possessing them on your Clery Act geography, the arrest must be included in your Clery Act statistics.

### **COUNT:**

Count the number of arrests for Weapons: Carrying, Possessing, Etc.

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**DO NOT COUNT:**

Do not include violations of your institution's policies that resulted in persons being referred for disciplinary action if there was no violation of the law.

**NOTES:**

Note that arrests and referrals for these law violations are not covered by the Hierarchy Rule used to count Criminal Offenses. Therefore, you must count arrests and referrals for Weapons, Drug Abuse and Liquor Law Violations in addition to the most serious Criminal Offense when occurring in a single incident.

If an individual is both arrested and referred for disciplinary action for an offense, include only the arrest in your statistics.

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## **ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION: DRUG LAW VIOLATIONS**

Arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.

Referred 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.

Drug Abuse Violations are defined as 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 (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

### **COUNT:**

- All drugs, without exception, that are illegal under local or state law where your institution is located. This means that if you have campuses in different states, the laws may differ for each of them
- All illegally obtained prescription drugs

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**DO NOT COUNT:**

- Use of legally obtained personal prescription drugs used by the owner in a manner not consistent with the instructions provided by the physician

Do not include violations of your institution's policies that resulted in persons being referred for disciplinary action if there was no violation of the law.

**NOTES:**

Note that arrests and referrals for these law violations are not covered by the Hierarchy Rule used to count Criminal Offenses. Therefore, you must count arrests and referrals for Weapons, Drug Abuse and Liquor Law Violations in addition to the most serious Criminal Offense when occurring in a single incident.

If an individual is both arrested and referred for disciplinary action for an offense, include only the arrest in your statistics.

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## **ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION: ALCOHOL LAW VIOLATIONS**

Arrest for Clery Act purposes is defined as persons processed by arrest, citation or summons.

Referred 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.

Liquor Law Violations are defined as 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.

### **COUNT:**

Classify as a Liquor Law Violation:

- The manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor
- Maintaining unlawful drinking places
- Bootlegging
- Operating a still
- Furnishing liquor to a minor or intemperate person
- Underage possession
- Using a vehicle for illegal transportation of liquor
- Drinking on a train or public conveyance
- Attempts to commit any of the above

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**DO NOT COUNT:**

Do not include violations of your institution's policies that resulted in persons being referred for disciplinary action if there was no violation of the law.

Do not classify as a Liquor Law Violation:

- Drunkenness (unless state law classifies drunkenness as internal possession and a violation of possession laws)
- Driving under the influence

**NOTES:**

Note that arrests and referrals for these law violations are not covered by the Hierarchy Rule used to count Criminal Offenses. Therefore, you must count arrests and referrals for Weapons, Drug Abuse and Liquor Law Violations in addition to the most serious Criminal Offense when occurring in a single incident.

If an individual is both arrested and referred for disciplinary action for an offense, include only the arrest in your statistics.

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## 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—

- (I) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- (II) 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—
  - (aa) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
  - (bb) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
  - (cc) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
  - (dd) causing, coercing, or otherwise inducing another person to perform sexual acts;
  - (ee) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
  - (ff) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
  - (gg) 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.

## COUNT

Count one offense per distinct operation (i.e. Incident), including attempts.

## NOTES

On Monday December 23, 2024, President Joseph R. Biden officially signed the Stop Campus Hazing Act into law. Effective as of January 1, 2025, Hazing is now a Clery-reportable crime that must be disclosed in the annual crime statistics with the first reporting year in the 2026 Annual Security Report.

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A Student Organization is defined as: 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.

## UNFOUNDED CRIMES

A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

### COUNT

To count a crime as unfounded for Clery Act purposes, the reported crime must have been

- a Clery Act crime;
- reported to have occurred on Clery Act geography;
- thoroughly investigated by sworn or commissioned law enforcement personnel; and
- found through investigation to be false or baseless, meaning that the crime did not occur and was never attempted.

### DO NOT COUNT

Do not count as Unfounded Crimes:

- Crimes that were initially misclassified. Do not count a crime as unfounded if investigation shows that a crime has occurred but the initial description of the crime was inaccurate. For example, an Aggravated Assault is reported to authorities but police investigation determines that the crime is Simple Assault, not Aggravated Assault. The initial crime report was not unfounded. The crime was reclassified.
- Crimes that were initially reported as occurring on Clery Act geography but determined through investigation to have occurred outside of Clery Act geography.
- Burglary, Robbery, or Larceny-Theft incidents in which the property was returned. The crimes still occurred. (Unfounded Larceny-Theft would be included only if it was reported as a Hate Crime.)
- Reports of Weapons: Carrying, Possessing, Etc. Violations, Drug Abuse Violations, or Liquor Law Violations in which officers were unable to substantiate the report and no arrests were made. For example, if an officer investigates a report of marijuana smoke and does not find any Drug Abuse Violation, the report is unsubstantiated, not unfounded. There is no crime to unfound.

- Reports from local law enforcement of unfounded arrests. Arrests cannot be unfounded.
- Disciplinary referrals in which it is determined through the disciplinary process that no law violation occurred, or no sanction is imposed. Once a student has been referred for disciplinary action, a record has been initiated and the referral must be counted. Disciplinary referrals cannot be unfounded.
- Reports from local law enforcement of crimes that were unfounded because the victim refused to cooperate with authorities or there was not enough evidence to press charges. To be unfounded, investigation must prove that the crime did not occur and was never attempted.
- Findings of a judge, jury, disciplinary committee or any other person or entity that is not a sworn or commissioned law enforcement officer. A district attorney may unfound a crime only if he or she is also a sworn or commissioned law enforcement officer.
- Reports of crimes where the victim later retracts his or her statement, or withdraws a complaint, unless a thorough investigation proves that the crime did not occur and was never attempted. A victim might retract his or her statement because he or she does not want to continue to answer questions or is being pressured by the perpetrator or other parties. A retracted statement or withdrawal of a complaint alone is not sufficient evidence to prove that the crime did not occur.
- Motor Vehicle Thefts where investigation determined that the car was misplaced by the owner and a Motor Vehicle Theft did not occur and was never attempted.
- Burglaries where investigation determined that the items were misplaced by the owner and Burglary did not occur and was not attempted.

## ADDITIONAL RULES FOR COUNTING AND DISCLOSING CRIMES

### HIERARCHY RULE

When counting multiple offenses, you must use the FBI's UCR Hierarchy Rule. Under this rule, when more than one Criminal Offense was committed during a single incident you should only count the most serious offense. A single incident means that the offenses were committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant.

Beginning with the most serious offense, the following list shows the hierarchy for Clery Act reporting:

- Murder and Non-negligent Manslaughter
- Manslaughter by Negligence
- Sexual Assault
  - Rape
  - Fondling
  - Incest
  - Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft

An example based on the Hierarchy Rule might be if a student is both Raped and robbed during a single incident. In this case, include only the Rape in the statistics, because it is classified as the more serious crime in the hierarchy.

### EXCEPTIONS

There are exceptions to using the Hierarchy Rule when counting offenses.

They apply to Arson, Sexual Assaults, Hate Crimes, VAWA Offenses, Arrests or Referrals for Disciplinary Action, and Hazing.

### **The rules for counting Arson are:**

- Always count Arson regardless of the nature of any other offenses that were committed during the same incident.
- When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the Arson.
- Include incidents in which persons are killed as a direct result of Arson as Murder and Non-negligent Manslaughter and Arson or Manslaughter by Negligence and Arson.

### **The rules for counting Sexual Assaults are:**

- If Rape, Fondling, Incest or Statutory Rape occurs in the same incident as Murder, count both the Sexual Assault and the Murder.
- Fondling is recognized as an element of the other Sexual Assaults. Include a Sexual Assault as Fondling only if it is the only Sexual Assault. If Fondling occurs in the same incident as Murder, count both the Fondling and the Murder.

### **The rules for counting Hate Crimes are:**

- All of the offenses committed in a multiple offense incident that are bias motivated should be disclosed.
- In a multiple offense incident, only the crimes that are bias motivated should be classified as Hate Crimes.

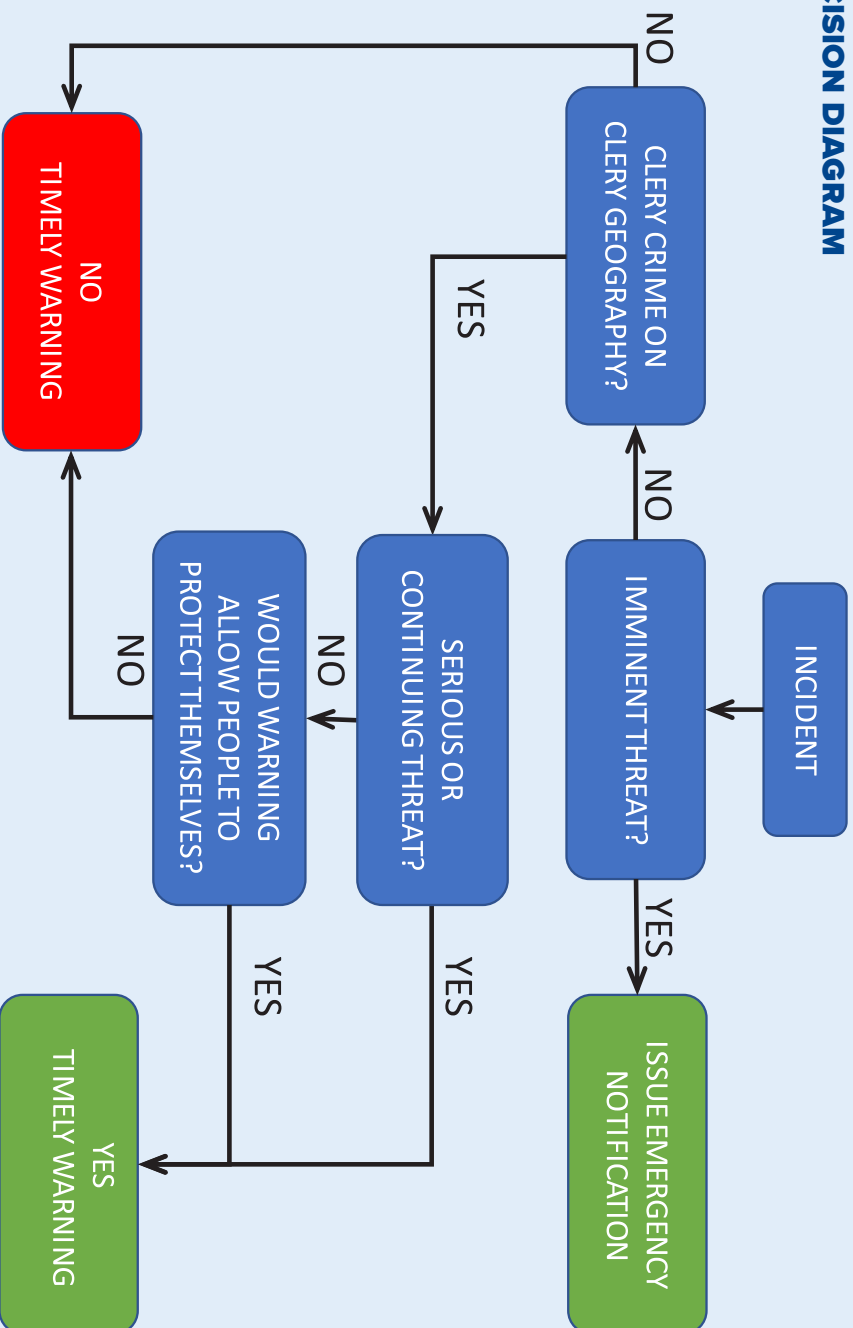
### **The rules for counting VAWA offense and Arrests or Referrals for Disciplinary Action are:**

- VAWA offenses (Domestic Violence, Dating Violence, and Stalking) and Arrests or Referrals for Disciplinary Action (violations of law concerning weapons, drugs, or alcohol) are not covered by the Hierarchy Rule. Therefore, if another Clery Act crime occurs at the same time as these, institutions should count all crimes in their statistics.

### **The rules for counting Hazing incidents are:**

- Incidents of Hazing are not covered by the Hierarchy Rule. Therefore, if another Clery Act crime occurs at the same time as an incident of Hazing, institutions should count all crimes in their statistics.

# CLERY TIMELY WARNING DECISION DIAGRAM



## RESOURCES FOR RAISING CONCERNS AND ASKING QUESTIONS



### CLERY CRIME REPORTING

#### *Witness a Clery crime?*

Complete a Campus Security Authority Incident Report Form at [police.psu.edu/clery](https://police.psu.edu/clery)



### SUSPECTED CHILD ABUSE

#### *Suspect abuse? Report it!*

Call ChildLine at 1 800-932-0313 and then immediately report to [AD72@psu.edu](mailto:AD72@psu.edu).

## FOR EMERGENCIES AND IMMEDIATE DANGER



### TITLE IX COMPLIANCE

#### *Witness or subjected to sexual or gender-based harassment or misconduct?*

Report your experience to the University at [titleix.psu.edu/filing-a-report/](https://titleix.psu.edu/filing-a-report/)



### UNIVERSITY HOTLINE

#### *Unsure of where to report?*

Call the University Hotline at 1-800-560-1637



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