

CLERY CRIMES: DEFINITIONS

NOTE: The crime definitions listed below are from the Uniform Crime Reporting Handbook and according to federal law under the Violence Against Women Reauthorization Act of 2013 and the Campus SaVE (Sexual Violence Elimination) Act.

1. **Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. This INCLUDES any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime. EXCLUDES: suicides; fetal deaths; traffic fatalities; accidental deaths; attempts or assaults to kill; situations in which a victim dies of a heart attack as the result of crime (even when it was known that the victim had a weak heart); and justifiable homicide.
2. **Negligent Manslaughter:** the killing of another person through gross negligence (i.e., something that a reasonable and prudent person would not do). EXCLUDES: deaths of persons due to their own negligence; accidental deaths not resulting from gross negligence; and traffic fatalities.
3. **Robbery:** the taking or attempting to take anything from value of 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. The following essential elements must be involved: A) The crime is committed in the presence of victim (usually the owner or person having custody of the property); B) The victim is directly confronted by the perpetrator; C) The victim is threatened with force (i.e., use of a weapon or use of an item that is not usually thought of as a weapon but becomes one in the commission of a crime) or put in fear that force will be used (the latter may involve the pretense of having a weapon, such as when the robber claims he has one but it is not visible); and D) The crime involves theft of larceny.
4. **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 or probably would result in a serious potential injury if the crime were successfully completed. Also count attacks involving personal weapons (e.g., hands, arms, feet, fists, teeth) that result in serious or aggravated injury.

Aggravated assault also includes:

- 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 disease (i.e., when the offender is aware that s/he is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.)
5. **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned. EXCLUDE thefts from vehicles, tents, phone booths, gym lockers and cubby holes, and motor homes or other mobile units being used for recreational purposes (whether locked or not); shoplifting; thefts from coin boxes or vending machines; thefts from areas of open access, such as the campus dining room or library during business hours; robbery (a structure can be burglarized but cannot be robbed.); forcible or unlawful entry in which no theft or felony was committed but instead only vandalism, malicious mischief, etc. occurred.
 6. **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned, including joy riding). EXCLUDE thefts FROM motor vehicles.
 7. **Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind. The value, or amount, of any property damage does not matter. INCLUDE seemingly minor fires such as burning wastebaskets or bulletin boards, regardless of whether they are discovered while burning or after being extinguished.

8. **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. This type of violation is not limited to “deadly” weapons; it also applies to weapons used in a deadly manner. INCLUDE 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; and attempts to commit any of the aforementioned.
9. **Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine). INCLUDE all drugs, without exception, that are illegal under local or state law as well as all illegally obtained prescription drugs. EXCLUDE the use of legally obtained prescription drugs used by the owner in a manner not consistent with the instructions provided by the physician.
10. **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**. INCLUDE the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the aforementioned.
11. **Domestic Violence:** A felony or misdemeanor crime of violence committed by:
 - a. a current or former spouse or intimate partner of the victim;
 - b. a person with whom the victim shares a child in common;
 - c. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - d. 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
 - e. 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.
12. **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 purposes of this definition:
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.
13. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: A) fear for the person’s safety or the safety of others; or B) suffer substantial emotional distress. For the purposes of this definition:
 - a. **Course of conduct** means 2 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.
 - b. **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.
 - c. **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

SEXUAL ASSAULT (SEX OFFENSES)

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. INCLUDE attempted sexual assaults. EXCLUDE any sexual assaults OTHER THAN the following four types of sexual assaults:

14. **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. INCLUDE the rape of both males and females. NOTE: If all three of the following circumstances exist -- the victim consented; the offender did not force or threaten the victim; and the victim was under the statutory age of consent -- then do not classify this as rape but instead label it as statutory rape (see Item #17).
15. **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. NOTE: Fondling is recognized as an element of the other sex offenses; therefore, count fondling only if it is the only sex offense.
16. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
17. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

NOTE: 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 statistics, no determination as to whether that element has been met is required. Per Clery, all sexual assaults reported to a CSA must be included in the University's statistics, regardless of the issue of consent.

HATE CRIMES

Tennessee Tech is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications:

(See Items 1-17 above for definitions)

murder/non-negligent manslaughter
sexual assault
robbery
aggravated assault
burglary
motor vehicle theft
arson

(See Items 18-21 below for definitions).

larceny
simple assault
intimidation
destruction/damage/vandalism of property

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

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, an offender 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 actual or perceived race, religion, sexual orientation, etc., the assault is then also classified as a hate/bias crime.

The 8 types of biases are:

Race	Ethnicity	Disability	Sexual Orientation
Religion	National Origin	Gender	Gender Identity

18. **Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. "Constructive possession" is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing. Regardless of the value of the item, INCLUDE thefts of bicycles or automobile accessories; shoplifting; pocket-picking; theft of any property or item that is not taken by force and violence or by fraud; and attempted larcenies. EXCLUDE actual or attempted motor vehicle theft; embezzlement; confidence games, or scams; forgery; and worthless checks.
19. **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. INCLUDE all assaults that do not involved the use of a firearm, knife, cutting instrument or other dangerous weapon, and in which the victim did not sustain serious or aggravated injuries.
20. **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. A victim of intimidation does not have to be the intended target of the offender. For example, a person who reports seeing anti-gay threats on a bathroom wall to law enforcement is considered a victim. INCLUDE cyber-intimidation if the victim is threatened via electronic means while on *Clery Act* geography (i.e., residence hall; elsewhere on campus; non-campus; public property).
21. **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 person having custody or control. EXAMPLES INCLUDE cutting vehicle tires; drawing obscene pictures on restroom walls; smashing windows; destroying school records; and defacing library books. EXCLUDE incidents of burning that willfully or maliciously destroy, damage, or deface property (Report such burning incidents as arson instead).