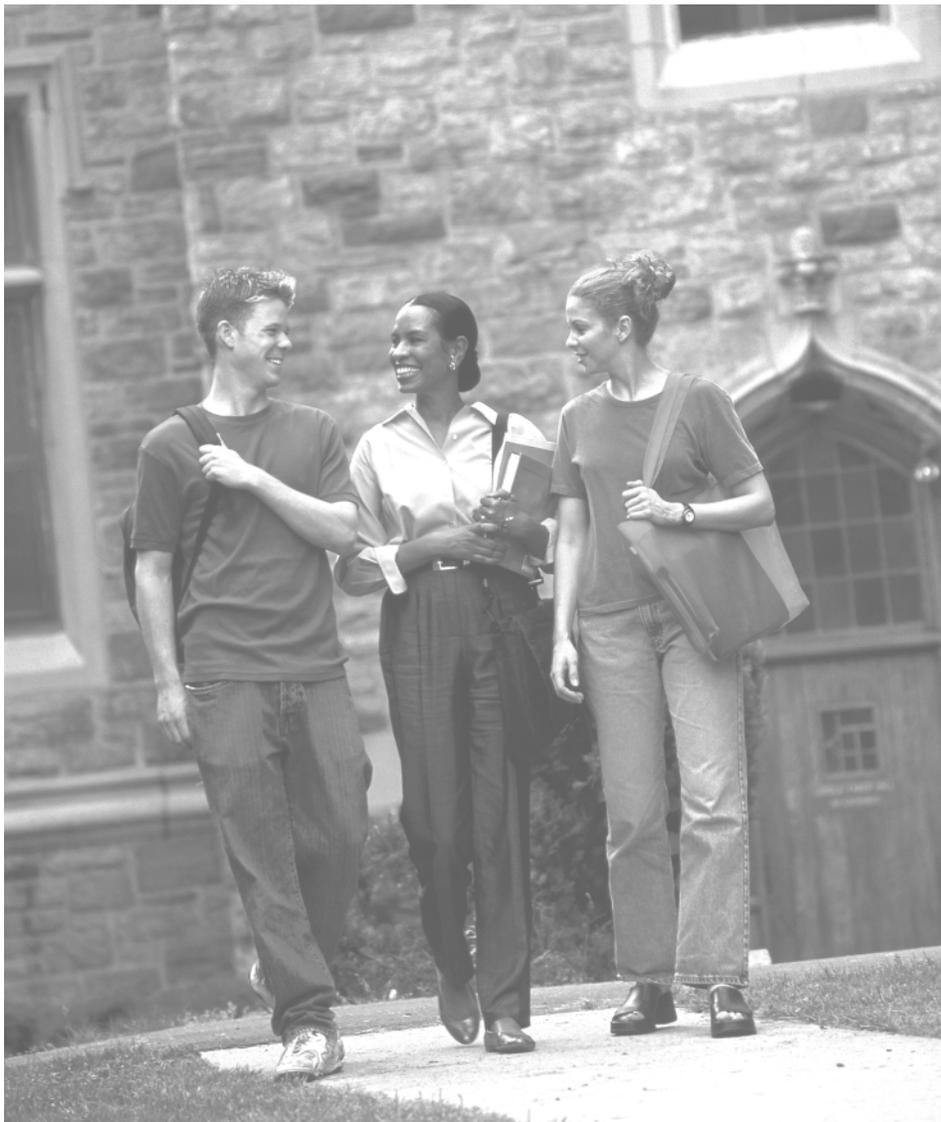


# The Handbook for Campus Crime Reporting



**U.S. DEPARTMENT OF EDUCATION  
OFFICE OF POSTSECONDARY EDUCATION  
2005**



# The Handbook for Campus Crime Reporting

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U.S. Department of Education  
Office of Postsecondary Education

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## CONTENTS

List of Illustrations.....	v
Foreword.....	vii
Acknowledgments .....	ix
Section 1: An Overview of <i>Clery Act</i> Compliance	
Introduction .....	1
1.    What’s This All About Anyway? A Brief History of the <i>Clery Act</i> and a Description of Compliance Requirements.....	3
2.    Important Turns on the Road to Compliance: Campus Characteristics to Consider .....	9
Section 2: Crime Data	
3.    Knowing What to Disclose: Classifying and Defining <i>Clery Act</i> Crimes.....	23
4.    Where Do You Get All of This Information? Collecting Crime Data .....	49
Section 3: Ongoing Disclosure Requirements	
5.    Alerting Your Campus to Threats: The Timely Warning.....	61
6.    Writing It All Down: The Daily Crime Log.....	67
Section 4: Annual Disclosure Requirements	
7.    Adding It All Up: How to Count <i>Clery Act</i> Crimes .....	75
8.    Not Just a Numbers Game: Disclosing Information About Policies, Procedures and Programs.....	85
9.    Special Considerations: Policies Regarding Sex Offenses and Offenders .....	103
10.   Getting the Word Out: Distributing the Annual Security Report.....	111
11.   Submitting Crime Statistics to the U.S. Department of Education: Web-Based Data Collection .....	115

## Appendices

A.	The <i>Clery Act</i> Regulations .....	133
B.	Checklist for <i>Clery Act</i> Compliance.....	161
C.	Case Management Division Contact Information .....	167
D.	Sample Map.....	171
E.	Additional FBI Guidance on Crime Classification .....	175
F.	Sample Statistical Reporting Templates.....	183
G.	Section 120(a)–(d) of the <i>Higher Education Act</i> (HEA).....	193
Index	.....	195

## ILLUSTRATIONS

### Figures

Sample Letter to Campus Security Authorities .....	52
Sample Request for Statistics From Local Police.....	57
Sample Timely Warnings .....	64
Timely Notification Bulletin.....	65
Sample Daily Crime Log .....	68
Sample Crime Statistics Table.....	82
Sample Policy Statement Addressing Timely Warnings.....	87
Sample Policy Statement Addressing Preparation of Disclosure of Crime Statistics.....	88
Sample Policy Statement Addressing the Reporting of Criminal Offenses.....	89
Sample Policy Statement Addressing Voluntary Confidential Reporting .....	90
Sample Policy Statement Addressing Limited Voluntary Confidential Reporting .....	90
Sample Policy Statement Addressing Security and Access.....	91
Sample Policy Statement Addressing Campus Law Enforcement (For Institutions Whose Police Have Arrest Authority).....	92
Sample Policy Statement Addressing Campus Law Enforcement (For Institutions Whose Police Do Not Have Arrest Authority).....	93
Sample Policy Statement Addressing the Encouragement of Accurate and Prompt Crime Reporting.....	94
Sample Policy Statement Addressing Counselors (For Institutions With Confidential Reporting Procedures).....	95
Sample Policy Statement Addressing Counselors (For Institutions Without Confidential Reporting Procedures).....	95
Sample Policy Statement Addressing Security Awareness Programs .....	96
Sample Policy Statement Addressing Crime Prevention Programs .....	97
Sample Policy Statement Addressing Criminal Activity Off Campus (For Institutions Whose Police Monitor Off- Campus Activity) .....	98
Sample Policy Statement Addressing Criminal Activity Off Campus (for Institutions Whose Police Do Not Monitor Off-Campus Activity).....	99
Sample Policy Statement Addressing Alcoholic Beverages.....	99
Sample Policy Statement Addressing Illegal Drugs .....	100
Sample Policy Statement Addressing Substance Abuse Education .....	101
Sample Policy Statement Addressing Sex Offenses.....	107
Addressing Sex Offender Registration (For Institutions Maintaining a List of Registered Sample Policy Statement Sex Offenders On-Site) .....	109
Sample Policy Statement Addressing Sex Offender Registration (For Institutions Providing an Electronic Link To Registered Sex Offender Information Maintained by an Outside Law Enforcement Agency) .....	110
Sample Policy Statement Notice of Availability of Annual Security Report .....	113

### Table

1	Components of <i>Clery Act</i> Compliance .....	6
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# Foreword



Campus security and safety are important issues in postsecondary education today. Providing students nationwide with a safe environment in which to learn and keeping students, parents and employees well informed about campus security are goals that have been voiced by many groups. These goals were advanced by the *Crime Awareness and Campus Security Act of 1990*. The U.S. Department of Education (ED) is committed to ensuring that postsecondary institutions are in full compliance with this act, and that the enforcement of the act remains a priority.

Compliance with this act, now known as the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, or *Clery Act*, provides students and families, as higher education consumers, with the information they need to make informed decisions. This handbook was designed to assist you, in a step-by-step and readable manner, in meeting the regulatory requirements of the *Clery Act* by guiding you through the regulations and explaining what they mean and what they require your institution to do. For example, this handbook contains references to specific sections of the regulations, highlights important information in side notes, and provides examples of documents that can be used as models for your institution. And, since no handbook could cover every situation, it also provides you with contact information if you need further assistance.

We hope that you will find *The Handbook for Campus Crime Reporting* to be a useful tool in assisting you in complying with the *Clery Act*. We urge you to share the information it contains with everyone involved with *Clery Act* compliance at your institution.

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The authors wish to thank the many individuals whose contributions made this handbook a reality. First to David Bergeron, the OPE project officer, thank you for your support, encouragement and willingness to listen to all sides of the issue.

To all of the members of the working group, S. Daniel Carter, Lori England, Julius Goaneh, Susan Hattan, Michael Lance, Roderick Pullen, Michael Schuchert, Chris Simmons, Dolores Stafford and Michael Webster, thank you for your advice, incredible patience and good humor throughout this process. We owe an additional debt of gratitude to Susan Hattan and Michael Schuchert for their willingness to endure even more meetings to help us understand and address compliance issues for “non-traditional” campuses. And to Daniel Carter and Dolores Stafford, an extra thank you for the countless hours you spent outside of the working group meetings serving as sounding boards for our ideas, debating issues with us and helping us to craft wording that will make the compliance process understandable to all concerned.

Thank you also to Joe Mike and Barbara Bauman from OPE, and outside reviewers Alan MacNutt, John Wesley Lowery, Doug Tuttle, Steven Goldman, and countless others who reviewed the handbook, provided valuable suggestions, and participated in the field testing of the training program over the past year.

This handbook would be less than complete without the contributions of the many institutions who gave us permission to use examples of their policy statements, forms and maps to illustrate compliance. Our thanks goes to the following: University of Wyoming; James Madison University; San Diego State University; California State University, Long Beach; University of California, Irvine; University of New Mexico, Albuquerque; McDaniel College; University of Tennessee, Chattanooga; Montgomery College, Maryland; George Washington University; Strayer University; Tufts University; California State University, Los Angeles; Vanderbilt University; California State University, Fresno; University of California, San Diego; Cayuga Community College; Dodge City Community College; Virginia Polytechnic Institute and State University; Hollins University; and University of California System.

And a special thanks to Sylvie Warren who worked her formatting magic every time the working group decided to reorganize the handbook.

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# **Section 1:** **An Overview of** ***Clery Act* Compliance**

**T**his section is designed to give you an overall picture of what institutions must do to comply with the *Clery Act*. The introduction provides a brief overview of the handbook. Chapter 1 identifies the components involved in compliance, and Chapter 2 helps you to determine what compliance involves for your specific institution.



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# Introduction



So... your institution has assigned to you the job of coordinating compliance with the *Clery Act* and you'd like to know more about what that means. Note that we've used the term "coordinate" here because this is not a one-person job. Most institutions will find it necessary to coordinate compliance activities with many people and offices throughout the campus community. This fact will become much clearer to you as you work your way through this handbook.

You may be a security officer, an institutional research director, an administrative assistant or the president of the school. Your institution may occupy two rooms in a multistory building, several city blocks, or 100 acres surrounded by a small town. No matter what your administrative position or the size of your institution, you have essentially the same compliance responsibilities as every other institution that participates in federal Title IV student aid programs. (More about Title IV in Chapter 2.)

Compliance with the *Clery Act* is not simply a matter of entering statistics into a Web site or publishing a brochure once a year. Compliance is a whole system of developing policy statements, gathering information from all the required sources and translating it into the appropriate categories, disseminating information, and, finally, keeping records. Many people at your institution—from the president on down—should be involved.

This handbook is a compilation of current U.S. Department of Education (ED) guidelines. It also incorporates scenarios, examples, and issues discussed in multiple sessions of a working group composed of representatives of ED, the Federal Bureau of Investigation (FBI), the International Association of Campus Law Enforcement Administrators (IACLEA), Security on Campus (SOC), and various other stakeholders.

The handbook will lead you through the process of compliance step-by-step. It may not have the answers to all your specific questions, but it will explain the why, what, who, when and how of *Clery Act* compliance.

**This handbook will:**

- Provide you with a detailed discussion of *Clery Act* compliance, including sample policy statements, record-keeping forms and helpful practices;
- Provide clear, step-by-step instructions for those of you with little or no experience complying with the *Clery Act* requirements;
- Provide information for experienced individuals or offices to assist in satisfying compliance requirements;
- Provide detailed discussions about how the regulations apply in certain situations; and
- Provide examples of how to classify and count *Clery Act* crimes.

**This handbook will not:**

- Impact or change current *Clery Act* regulations in any way.
- Supplant or replace the *Higher Education Act of 1965* (HEA). The HEA and its regulations take precedence if or when there are any differences between them and the handbook. Your institution is responsible for ensuring that it complies with any changes to the HEA and the regulations.
- Discuss security issues that are not addressed in the regulations (e.g., how to increase funding for your institution's security department).

If you are experienced with *Clery Act* compliance, you may be asking yourself whether you actually need a campus crime reporting handbook. Maybe you're wondering if you need to read it all the way through. If so, you will find that the handbook includes numerous suggestions that may make your task easier while providing complete information for everyone involved in *Clery Act* compliance.

We suggest that you read this material carefully, think about how it applies to your situation, and then read it again. If you still have questions, understand that you are not alone. Many people who have been involved with this effort from the beginning still have questions. To address everyone's concerns, an e-mail Help Desk has been established and can be accessed at [CrimeHandbookQuestions@ed.gov](mailto:CrimeHandbookQuestions@ed.gov).



# What's This All About Anyway? A Brief History of the *Clery Act* and a Description of Compliance Requirements

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. In 1990, Congress enacted the *Crime Awareness and Campus Security Act* (Title II of Public Law 101–542), which amended the *Higher Education Act of 1965* (HEA). This act required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a student who was slain in her dorm room in 1986. (See Appendix A for a detailed legislative history of the *Clery Act*.)

The *Clery Act* requires higher education institutions to give timely warnings of crimes that represent a threat to the safety of students or employees, and to make public their campus security policies. It also requires that crime data are collected, reported and disseminated to the campus community and are also submitted to ED. The act is intended to provide students and their families, as higher education consumers, with accurate, complete and timely information about safety on campus so that they can make informed decisions.

## What Is Your Institution Obligated to Do?

To be in compliance with *Clery Act* regulations, your institution has several obligations. These fall into three main categories: 1) policy disclosure; 2) records collection and retention; and 3) information dissemination.

## 1. Policy disclosure

Your institution must provide your campus community and the public with accurate statements of its current policies and practices regarding:

- Procedures for students and others to report criminal actions or other emergencies occurring on campus;
- Security of and access to campus facilities; and
- Campus law enforcement.

The regulatory requirements regarding these policy statements are discussed in detail in Chapters 8 and 9 of this handbook.

## 2. Records collection and retention

Your institution is required to keep some campus records and to request records from law enforcement agencies.

- You must keep records of crimes reported to campus security authorities.
- Your institution must also make a reasonable good-faith effort to obtain certain crime statistics from appropriate law enforcement agencies to include in an annual security report and the Web-based report to ED.
- **If your institution maintains a campus police or security office**, you are required to keep a daily **crime log** that must be open to public inspection.

Suggestions for how to request data from local authorities can be found in Chapter 4. The crime log and its requirements, along with an example of a typical crime log, are discussed in detail in Chapter 6. Records-retention requirements are found in Chapter 10.

## 3. Information dissemination

To provide campus community members with information necessary to make informed decisions about their safety, you must disseminate information in several ways. You must:

- Provide a “timely warning” of any *Clery Act* crime that might represent an ongoing threat to the safety of students or employees;

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Local police statistics cite  
34 CFR 668.46(c)(9)

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Crime log cite  
34 CFR 668.46(f)

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Timely warning cite  
34 CFR 668.46(e)

- Provide access to your crime log during normal business hours;
- Publish an annual security report and distribute it to all current students and employees, and inform prospective students and employees about the content and availability of the report;
- Inform the campus community where to obtain information about registered sex offenders; and
- Submit your institution’s crime statistics to ED through our Web-based data collection system.

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Annual security report cite  
34 CFR 668.46(b)

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Annual submission cite  
34 CFR 668.41(e)(5)

Requirements and suggestions for providing a timely warning report system are presented in Chapter 5. A complete discussion of the crime log can be found in Chapter 6. A detailed description of the requirements for the annual security report is found in Chapters 7–10. Sex offender registry information is included in Chapter 9. Finally, Chapter 11 discusses the requirements of the report to ED.

## Who Must Be Involved?

All postsecondary institutions, both public and private, that participate in federal Title IV student aid programs are required to comply with the *Clery Act* regulations. Although *Clery Act* compliance is an *institutional* responsibility, full compliance is a campus-wide effort, and concerns all members of the campus community. Policy statements must be developed and crime reports must be collected from a wide variety of campus security authorities. These authorities include:

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Campus security authority  
cite  
34 CFR 668.46(a)

- Campus police;
- Non-police security staff responsible for monitoring campus property;
- Individuals and offices designated by the campus security policies as those to whom crimes should be reported; and
- Officials of the institution with significant responsibility for student and campus activities.

A complete description of these requirements, including identifying campus security authorities, informing them of their responsibilities, and gathering appropriate data from them, is contained in Chapter 4.



**Note that all institutions receiving Title IV funds, whether or not they maintain any type of campus police or security department, are required to comply with the *Clery Act*.**

## When Must These Things Happen?

Compliance with the *Clery Act* is not a once-a-year event. As you by now are aware, many requirements must be satisfied before an institution can be considered in full compliance. Some requirements are ongoing, such as policy implementation, timely warnings, and crime log updating, while other requirements are less frequent, such as the annual security report and the crime statistics report that is submitted to ED.

Table 1.1 is an overview of the basic requirements and time frames for the main components of compliance. The details and explanations for each requirement are contained in the remaining chapters in this handbook. Appendix B provides a checklist for *Clery Act* compliance.

**TABLE 1—COMPONENTS OF *CLERY ACT* COMPLIANCE**

What?	When?	To Whom?	Chapter(s)
<b>Development, disclosure and implementation</b> of all campus security policies.	Routinely on an ongoing basis.	All members of the campus community.	8–9
<b>Timely warnings</b> to alert the campus community about crimes that pose a serious or continuing threat to safety.	Whenever there is a threat that a crime is ongoing or may be repeated (i.e., as soon as the information becomes available).	All members of the campus community.	5
<b>*A daily crime log</b> that lists, by date reported, all crimes reported to the campus police or security department.	Updated daily as crimes are reported.	Must be made available for public inspection without exception.	6
<b>Annual security report</b> containing campus security policy disclosures and crime statistics for the previous three years.	Must be published and distributed annually by October 1. There is no grace period.	Current students and employees individually. Prospective students and employees notified of availability of report.	7–10
<b>Report to ED</b> of statistics for <i>Clery Act</i> crimes via designated Web site.	Each fall, on the dates provided by ED in a letter to your institution.	Made available for public inspection.	11

\*A crime log is mandatory for all institutions that maintain a campus police or security department.

## Before Moving On

Now that you know the basics of *Clery Act* compliance, you need to be aware of the consequences of noncompliance. In addition to providing guidance on the implementation of *Clery Act* regulations and collecting and disseminating crime data to Congress and the public, the U.S. Department of Education is also responsible for monitoring compliance.

ED can issue civil fines up to \$27,500 **per violation** for a substantial misrepresentation of the number, location or nature of the crimes required to be reported. Final Review Determination Reports are public records. ED’s Program Review Guide can be accessed at [www.ifap.ed.gov](http://www.ifap.ed.gov).

It is therefore important that you read the following chapters carefully, think about how they apply to your situation, and then review them again. Use this handbook as a desk reference as you set up your policy and data collection system. Keep timely and complete records, and ask for help if necessary.

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Civil penalty cite  
20 U.S.C. 1092(f)(13) and  
1094(c)(3)(B)

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# Important Turns on the Road to Compliance: Campus Characteristics to Consider

**A**lthough compliance requirements are essentially the same for all institutions, the route to satisfying them will not be the same for all. Ask yourself the following questions about your institution to determine the route you should take.

## Does My Institution Participate in Federal Title IV Programs?

All public and private postsecondary institutions that participate in federal Title IV student aid programs must comply with the *Clery Act* regulations. Title IV institutions have signed Program Participation Agreements (PPAs) with ED to administer federal student aid programs. These programs include: Pell Grants; Federal Supplemental Educational Opportunity Grants (FSEOGs); the Federal Work Study Program; Federal Plus Loans; the Federal Family Education Loan Program (FFELP); the Direct Loan Program; and the Leveraging Educational Assistance Partnership (LEAP). If you are not sure whether your institution participates in Title IV, contact your institution's financial aid officer or chief executive officer. Note that:

- Your institution must comply with *Clery Act* requirements beginning on the date your Program Participation Agreement goes into effect (i.e., the date it is signed by the secretary of education).

For institutions that become Title IV eligible at times other than at the start of a calendar year, there are special considerations. Upon signing your PPA, you are required to develop policy statements, issue timely warning reports if necessary, and keep a crime log if your institution maintains a campus police or security department. However, you will need to contact ED's School Eligibility

Channel (formerly the Office of Case Management and Oversight) for guidance regarding your institution’s statistical disclosure requirements.

Crime statistics are disclosed each year for the previous three years. For example, if your institution became Title IV eligible in July 2004, you would not have collected any *Clery Act* crime statistics prior to that date. Because it takes some time and coordination to begin collecting crime statistics, you will need guidance in determining the date for which your institution is responsible for beginning its crime statistics reporting. The School Eligibility Channel will make this decision on a case-by-case basis. Contact information for the appropriate division is provided in Appendix C.

- If your institution is Title IV eligible, but has a location or locations that serve students who are not receiving Title IV student aid, you must still comply with the *Clery Act* for all locations. The requirement is based on institutional eligibility, not location eligibility.
- If your institution is not a Title IV institution or has a “deferment only” status (i.e., it does not provide student loans or grants through Title IV programs but does have students who are eligible to defer federal student loans while they are enrolled in your school), you are not required to comply with the *Clery Act*.

	<p><b>If you have determined that your institution is <i>not</i> a Title IV institution, you are not required to comply with the <i>Clery Act</i>. If your institution is a Title IV institution, read on.</b></p>
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Crime log cite  
34 CFR 668.46(f)(1)

## **Does My Institution Maintain a Campus Police or Security Department?**

Most institutions with a campus setting have a campus police or security department. Some institutions choose not to provide these services with institution staff, and instead contract with a private company to handle campus security. Others have agreements with municipal, county or state law enforcement agencies for security services. It doesn’t matter if your security staff is paid by

your institution or by a contractor, or if you have one security officer or a police department. Any of these arrangements put your institution in the category of “having a security department.”

If local law enforcement patrols on or near your campus, but your institution does not have an arrangement or contract with the police for this service, your institution is not required to maintain a crime log for *Clery Act* purposes. The campus security policy statement you disclose in your annual security report should indicate if your campus security personnel constitute a campus police or security department (more about this in Chapter 8). This is an important distinction because any institution that has a security department is required to maintain a crime log.

If your institution has an individual or individuals with limited responsibility for campus security (e.g., someone monitoring access to a campus building by checking student IDs) but who do not constitute a police or security department, your institution is not required to maintain a crime log. If your institution does not maintain a police or security department, but leases classroom space in a building with security personnel employed or contracted by your landlord, you are not required to keep a daily crime log. The requirements of the crime log are detailed in Chapter 6.



**Does your institution maintain a police or security department? If so, you are required to keep a crime log. If not, your institution is not required to keep a crime log; however, you must meet all other *Clery Act* requirements.**

## What Geographic Area Is Associated with My Campus?

The *Clery Act* requires that institutions disclose statistics for offenses committed in certain geographic locations associated with the institution. For example, if a burglary is reported to the campus police, it should be included in the annual security report only if it occurred in one of the following locations: on campus, in or on a noncampus building or property, or on public property within or immediately adjacent to and accessible from the campus. All crimes, including hate crimes (discussed in Chapter 3), must be disclosed by geographic location. These locations have definitions specific to the *Clery Act* and are described in detail next.

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Geographic breakdown cite  
34 CFR 668.46(c)(4)

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Geographic definitions cite  
34 CFR 668.46(a)

## On Campus

*Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and*

*Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).*

### What does this mean?

“On campus” is what most people traditionally think of as the main part or core of an institution. A building or property that an institution owns, rents or leases is considered to be “controlled by” the institution. A building or property that is owned by a third party that has a written contract with the institution is also considered to be controlled by the institution. “Reasonably contiguous” requires some judgment on the part of the institution. A building or property would be considered reasonably contiguous if: 1) it is in a location that you consider to be, and treat as, an integral part of your main or core campus; and 2) it is covered by the same security policies as that campus. Therefore, on-campus includes buildings and property that are in the same general location and that fit into one of two types:

- a) Owned or controlled by the school and used to meet or support the school's educational purposes. This includes residence halls. Examples of other buildings or property are:
  - Buildings that house classrooms and labs.
  - Buildings that house administrative offices such as financial aid, business and admissions.
  - Fraternity and sorority houses. This includes only those houses located on campus that are owned or controlled by the institution. This does not include fraternity or sorority houses on campus that are owned or controlled by the fraternity or sorority. In cases where the institution owns the property, but the fraternity or sorority controls the building, the house is considered on campus. The institution's ownership of the property takes precedence over the student organization's control. Note that this rule of

ownership having precedence over control applies only to fraternity or sorority houses.

- Student activity centers.
  - Health clinics.
  - Storage facilities (e.g., facilities used to store lab equipment or building supplies).
- b) Owned but not controlled by the school, frequented by students, and used to support the institution’s purposes. Examples are:
- Food vendors; and
  - Book stores.

**“Dormitories or other residential facilities for students on campus” is a subset of the on-campus category.** Institutions must disclose the total number of on-campus crimes, *including* those in dorms or other residential facilities for students on campus, and must also make a separate disclosure limited to the number of crimes occurring in student dorms or residential facilities on campus. As a subset, the number of crimes reported for dormitories or other residential facilities must be less than or equal to the number of reported crimes for the on-campus category.

Do not include faculty-only residence facilities in this category. Faculty housing that is owned or controlled by the institution and which is located within the confines of the campus falls under the on-campus category only.

**If your institution does not have dormitories or residential facilities for students on campus,** you may omit this location from the statistical section of your annual security report. You must, however, provide an explanation clearly stating that your institution does not have such facilities. Note that if your institution has dormitories or other facilities for students on campus, you must include this location in your statistical disclosure even if there were no crimes reported there. You should enter a zero (0) for each type of crime. Do not leave blanks and do not omit the residential location from your disclosure.

### **A Noncampus Building or Property**

*Any building or property owned or controlled by a student organization that is officially recognized by the institution; or*

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34 CFR 668.46(c)(4)(ii)

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34 CFR 668.46(c)(4)(iii) and definitions

*Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.*

**What does this mean?**

Any building or property that is either owned or controlled by an officially recognized student organization is considered to be a “noncampus” location. Whether the building or property is located on campus or off campus is irrelevant. If it is owned or controlled by a recognized student organization, it is noncampus for *Clery Act* purposes.

Use the following guidelines to help you determine whether crimes reported for a fraternity or sorority house are classified as on campus or noncampus.

**For an on-campus crime:**

- The building is owned or controlled by the institution and is located within the confines of the main campus;
- The building is owned by the institution, but controlled by a fraternity or sorority, and located within the confines of the main campus; and
- The property (land) is owned by the institution, the house is owned or controlled by the fraternity or sorority, and the building is located within the confines of the main campus.

**For a noncampus crime, the building is:**

- Owned or controlled by the institution and is located off campus;
- Owned or controlled by a student organization and is located within the confines of the main campus;
- Owned or controlled by a student organization and is located off campus; and
- Owned by the institution, but controlled by a fraternity or sorority, and is located off campus.

The second part of the noncampus definition includes any building or property not part of the main campus, but not constituting a separate campus. Note that a building or property must meet all three of the criteria for this classification: 1) owned or controlled by

the institution; 2) used for its educational purposes; and 3) frequently used by students.

Examples of properties typically meeting the requirements of noncampus properties are:

- Research facilities.
- University-owned hospitals.
- An off-campus student housing facility owned by a third party that has a written contract with your institution to provide student housing. It does not matter whether the rent is paid to the third party by the institution on behalf of the students or directly by the students (if there is no written contract with the institution, there is no requirement to disclose offenses occurring there).
- A student residential facility owned or controlled by the institution, but not located within the same reasonably contiguous geographic area of the institution.
- A publicly owned athletic stadium that is leased by the institution for its football games. Report crimes that occur during the time the facility is used by your students. If your institution leases parking space associated with this facility, you must also disclose reports of crimes occurring there during the time of use by your institution.
- Institutionally owned research vessels carrying students participating in institutional programs.
- A site owned or controlled by your institution where a student does an internship, externship, clinical training or student teaching. If your institution offers additional classes for students in a rented or leased location, your disclosure requirements are determined by the time covered in the contract. For example, if you lease a floor of a building on Tuesdays and Thursdays between the hours of 6:00 a.m. and 10:00 p.m., you must disclose all *Clery Act* crimes that occur in that space on Tuesdays and Thursdays between 6:00 a.m. and 10:00 p.m.

If your contract gives you use of that same floor of the building on Tuesdays and Thursdays for 24 hours each day, you must disclose crimes occurring there during that period of time. It does not matter whether or not your students were using the space during the time the crimes occurred. In addition, if there is additional space associated with the leased or rented space (e.g., stairwell, hallway or lobby that must be used to enter and leave the

room), you must also disclose any reports of crimes occurring there during the time covered by your contract.

Examples of properties not considered noncampus:

- If a group of your students goes on an overnight trip to see a play and rents hotel rooms, you do not have to disclose crimes that occur in the rooms. Regardless of whether this is a school-sponsored trip and regardless of who rents the rooms (i.e., the students or the institution), such accommodations do not fit the “frequently used by students” criterion.
- If a group of your students get together every weekend to visit a nearby city, and the students rent hotel rooms at the same hotel each time, you do not have to disclose crimes that occur in the hotel rooms because this is not an institution-sanctioned event and the institution has no control over that space.
- A coffee house located just off campus that is frequented daily by students is not controlled by the institution, and you do not need to disclose crimes occurring there.
- If your institution sponsors classes for inmates at a prison facility, you are not required to disclose offenses from this location because your institution does not own or control that space.
- If your institution owns the land on which a public elementary, middle or high school is located, you do not have to disclose crime statistics from that location because it is not used for your institution’s educational purposes.
- If your institution sends student teachers to a public elementary, middle or high school that is not owned or controlled by your institution, you are not required to disclose crimes committed there. If, however, your institution sends student teachers to an elementary, middle or high school that is owned or controlled by your institution, you are required to disclose crimes committed there.
- If your institution owns an apartment building and rents apartments only to faculty members, you are not required to disclose crimes committed there because the building is not frequently used by students. However, if these same apartments are rented to students, as well as to faculty, or are rented strictly to students, you are required to disclose offenses at that location.

- If your institution has “preferred leasing,” that is, you steer students toward recommended off-campus housing, but this housing is neither owned nor controlled by the institution, you are not required to disclose crimes occurring there.

**If your institution does not have any noncampus buildings or property associated with it**, you may omit this location from the statistical portion of your annual security report. You must provide an explanation clearly stating that your institution does not have such buildings or property.

Note that if your institution does have noncampus buildings or property, you must include these locations in your statistical disclosure even if no crimes were reported there. You should enter a zero (0) for each type of crime. Do not leave blanks and do not omit this location from your report.

Crimes committed on field trips sponsored by an institution are not included in an institution’s *Clery Act* statistics unless the field trip was to a noncampus building or property owned or controlled by the institution.

### On Public Property

*All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.*

#### What does this mean?

You are required to disclose offenses that occur on **public** property (property not owned or controlled by your institution and not private residences or businesses). Only the public property that is within your campus, or next to or bordering your campus **and** that is easily accessible from your campus, is included in this definition (i.e., not public property for the entire jurisdiction surrounding your institution). For example, a thoroughfare such as a highway that is immediately adjacent to your institution but is separated by a fence or other manmade barrier would not be included in this definition because it is not **accessible** from your campus. Include the sidewalk across the street from your campus, but do not include public property beyond the sidewalk. Include publicly owned or municipal parking facilities. The *Clery Act* does not require you to disclose crime statistics for public property that surrounds noncampus buildings or property.

34 CFR 668.46(c)(4)(iv) and definitions



**You are not required to disclose crime statistics for public property that surrounds noncampus buildings or property.**

Suppose the public property immediately adjacent to an institution is a park or similar type of area that extends farther than “immediately adjacent” to your campus. How do you know just how much of this property to include for purposes of *Clery Act* reporting?

If a park is gated on the side or sides that border your campus, and is, therefore, not accessible from the campus, crimes committed there are not disclosed. However, if that same park is not gated, it is considered accessible, and crimes committed there are considered to have occurred “on public property.” They are, therefore, disclosed. If the gate to the park is open during specific times and the park is then accessible from your campus, you must disclose crimes occurring there for the applicable time period.

For such parks or comparable public areas, we suggest that you use one mile from your campus borders as your guide. One mile is considered by ED to be a reasonable walking distance from a campus. If your institution has special concerns about areas that extend beyond this parameter, you may provide additional information. Note that this one-mile suggestion applies *only* to public parks or other comparable areas. It does not apply to all public property.

One of the intentions of providing this information to students and others is to allow comparisons between areas where institutions are located. It is important, therefore, that all institutions define “on public property” in a similar manner.

**While the use of a map is not required by *Clery Act* regulations**, some institutions choose to provide a map to help the campus community better understand where reported crimes were committed. A map may be used only if it presents an accurate picture of the geographic locations it depicts. As such, it is imperative that you update your map with each annual security report, as necessary. If you are reporting for separate campuses and choose to use maps, you must provide a separate map for each campus. A sample map is included in Appendix D.

We advise you to keep careful track of your institution’s real estate transactions throughout the year because they may affect disclosure obligations. If after reading this handbook, you are still unsure how a building or property fits into the *Clery Act* geographic locations, e-mail [CrimeHandbookQuestions@ed.gov](mailto:CrimeHandbookQuestions@ed.gov) for help.



**Do you know how each geographic location applies to your institution? Getting this right is one of the keys to accurate crime reporting.**

## Does My Institution Have Any Separate Campuses?

Since the whole point of disclosing crime statistics is to make sure that people are better informed about safety in their local environments, *Clery Act* requirements must be met individually for each separate campus. The definition of separate campus is broad and encompasses many kinds of campuses. A separate campus, by definition, is an additional location such as a *branch, school or administrative division that is not reasonably geographically contiguous with the main campus.*

A branch campus is a specific ED designation. It is defined as *a location of an institution that is geographically apart and independent of the main campus of the institution. A location of an institution is considered independent of the main campus if the location is permanent in nature, offers courses in educational programs leading to a degree or other recognized educational credential, has its own faculty and administrative or supervisory organization, and has its own budgetary and hiring authority.*

For *Clery Act* purposes, an administrative division of an institution is *an academic division that offers an organized program of study but is not geographically contiguous to the campus. Administrative divisions include schools of business, law, medicine or nursing, which have separate facilities and administrative offices.* Therefore, if you have one main campus, a branch campus and a satellite location, all three must comply separately with the *Clery Act*.

Although this covers most multilocation institutions, some less typical cases deserve further clarification.

- Separate *Clery Act* compliance is required both for U.S.-owned foreign institutions as well as branches of domestic institutions that are located abroad.
- If your institution sends students to study abroad or to exchange programs at institutions that you do not own or control, you are not required to disclose crimes occurring there.
- If your institution shares a campus with another Title IV institution, each must comply separately. Do not divide the property for reporting purposes.
- If your institution has multiple campuses each located in different geographically separate buildings that are rented or leased by your institution, compliance requirements must be met separately for each location. If your

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Separate campus cite  
34 CFR 668.46(d)

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Branch campus definition  
cite  
34 CFR 600.2

institution does not rent or lease the entire building, you are to disclose only crimes that occur in the space your institution occupies for the time you rent or lease that space. Remember to disclose reports of crimes occurring on public property for each location.

- If your institution's campus consists solely of rented classroom space on the campus of another institution, you must disclose crimes that occur in that classroom space while it is occupied by your students.
- If your institution has an additional location that offers on-line distance education *only*, that location is not required to comply with the *Clery Act*.

If the situation at your institution is different than any of the abovementioned examples, e-mail [CrimeHandbookQuestions@ed.gov](mailto:CrimeHandbookQuestions@ed.gov) for assistance before making any reporting decisions.



**Does your institution have any separate campuses? If the answer is yes, keep this in mind as you continue reading this handbook. Each separate campus requires separate *Clery Act* compliance.**

Now, let's talk about just exactly what crimes need to be disclosed and how they should be categorized.

# Section 2: Crime Data

Now that you have read an overview of *Clery Act* compliance, the next step is to familiarize yourself with the crime data you need to disclose. This information is applicable to timely warnings, the crime log, the annual security report, and the Web-based report to ED.

We will take it step-by-step. Chapter 3 discusses how to classify crimes, while Chapter 4 addresses how to collect crime data from various sources. Note that while the discussion of each type of crime includes a statement about how the crime is counted, a detailed explanation of counting crimes is provided in Chapter 7.

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# Knowing What to Disclose: Classifying and Defining *Clery Act* Crimes

## CHAPTER 3



Your institution is required to disclose crime statistics based on four factors: 1) where the crime occurred; 2) the type of crime; 3) to whom the crime was reported; and 4) when the crime was reported. Chapter 2 discussed the applicable geographic locations—on campus, in or on noncampus buildings or property, or on public property within or immediately adjacent to and accessible from your campus. This chapter focuses on the specific *Clery Act* crimes you must disclose, and how they are defined.

First, you must know what this law means by disclosing “crimes.” You are required to disclose *reported* crimes. A crime is reported when it is brought to the attention of a campus security authority or the local police by a victim, witness, other third party, or even the offender. An institution must disclose crime reports regardless of whether any of the individuals involved in either the crime itself, or in the reporting of the crime, are associated with the institution.

If the individual receiving the crime information believes it was provided in good faith, he or she should document this as a crime report. *In good faith* means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

What you must disclose, therefore, are statistics from reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made. If the institution is in doubt as to whether a crime has been reported, the institution should rely on the judgment of law enforcement professionals.



**A crime is reported when it is brought to the attention of a campus security authority or the local police by a victim, witness, other third party, or even the offender.**

The *Clery Act* requires institutions to disclose three general categories of crime statistics:

1. **Types of Offenses**—Criminal Homicide, including:  
a) Murder and Non-Negligent Manslaughter; and  
b) Negligent Manslaughter; Sex Offenses including:  
a) forcible, and b) non-forcible; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
2. **Hate Crimes**—Disclose whether any of the above-mentioned offenses, or any other crimes involving bodily injury, were hate crimes; and
3. **Arrests and Referrals for Disciplinary Action** for illegal weapons possession and violation of drug and liquor laws.

## How Are *Clery Act* Crimes Defined?

It is very important that you pay careful attention to crime definitions in order to classify crimes properly so that your statistical disclosures are in compliance with the *Clery Act*. The definitions are taken from the Federal Bureau of Investigation's (FBI's) *Uniform Crime Reporting Handbook (UCR)* as required by *Clery Act* regulations. Keep in mind that the regulations state that institutions must use the *UCR* for defining and classifying crimes. The regulations do not state that *Clery Act* crime reporting must meet *all UCR* standards.

You are required to report offenses, not 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.

Note that crime definitions appear in italics. Much of the wording for the discussion following the definitions is taken directly from the *UCR*. Although the *Clery Act* does not require a breakdown of crime statistics into subcategories (e.g., Burglary–Forcible Entry, Burglary–Unlawful Entry–No Force, and Burglary–Attempted Forcible Entry), this information from the *UCR* is provided in this handbook to help you determine what to include in the overall crime classification (e.g., Burglary). Some of the crime examples are adapted from the *UCR*, while others were created for this handbook.

UCR Definitions cite  
34 CFR 668.46(c)(7)



**You are required to report offenses, not 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.**

## Types of Offenses

**1. Criminal homicide.** These offenses must be separated into two categories: Murder and Non-Negligent Manslaughter, and Negligent Manslaughter.

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

As a general rule, any death caused by injuries received in a fight, argument, quarrel, assault or commission of a crime is classified as Murder and Non-Negligent Manslaughter. You must not classify the following as Murder and Non-Negligent Manslaughter: suicides, fetal deaths, traffic fatalities, accidental deaths, assaults to murder and attempts to murder.

Suicides, traffic fatalities and fetal deaths are excluded; however, *some* accidental deaths are classified as Manslaughter by Negligence and will be addressed later. Attempts and assaults to murder must be classified as aggravated assaults.

Situations in which a victim dies of a heart attack as the result of a crime are not classified as criminal homicide. A heart attack cannot, in fact, be caused at will by an offender. Even in instances where an individual is known to have a weak heart, there is no assurance that an offender can cause sufficient emotional or physical stress to guarantee that the victim will suffer a fatal heart attack.

Certain willful killings are classified as justifiable or excusable. In the *UCR*, justifiable homicide 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.* Note that justifiable homicide is not a *Clery Act* crime.

For *Clery Act* purposes, crime counts are based on incidents reported. Do not classify a killing as justifiable or excusable solely on the claims of self-defense or on the actions of a coroner, prosecutor, grand jury or court. Report the willful (non-negligent) killing of one individual by another, not the criminal liability of the person or persons involved. **Count one offense per victim.**

### 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. This is classified as three on-campus Murder and Non-Negligent Manslaughter 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. This is classified as one on-campus Murder and Non-Negligent Manslaughter statistic.

**Scenario 3:** A husband and wife have an argument at a married student housing facility owned by the institution that is five miles from campus, and the wife shoots and kills her husband. This is classified as one noncampus Murder and Non-Negligent Manslaughter statistic.

**Scenario 4:** A non-student is shot and killed during an armed robbery on a city-owned sidewalk in front of a campus building. This is classified as one public property Murder and Non-Negligent Manslaughter statistic.

**Scenario 5:** Two students get into an argument at a popular off-campus bar. Bob attacks Brad with a broken bottle and Brad pulls out a gun and kills Bob. Do not include this incident in your annual security report, as it occurred at a private facility off campus.

**Negligent Manslaughter** is defined as *the killing of another person through gross negligence*.

As a general rule, any death caused by the gross negligence of another is classified as Negligent Manslaughter. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities, are not included in the category Negligent Manslaughter. The findings of a court, coroner's inquest, etc., do not affect classifying or counting; these are law enforcement statistics. **Count one offense per victim.**

### Example of Negligent Manslaughter

**Scenario:** Two students are handling a gun at an on-campus fraternity house owned by the institution, and one "jokingly" points the gun at the other. Jim fires the gun, and Mike is killed. Jim claims no knowledge of the gun being loaded. This is classified as one Negligent Manslaughter in the on-campus category and in the on-campus student housing category.

**2. Sex offenses.** For sex offenses only, definitions from the FBI’s National Incident-Based Reporting System (NIBRS) Edition of the *UCR* are used. These offenses must be separated into two categories: forcible and non-forcible. Do not differentiate between attempted and completed sex offenses in your statistical disclosures. For all sex offenses, **count one offense per victim.**

**Sex Offenses—Forcible** is defined as *any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.* There are four types of forcible sex offenses:

- **Forcible Rape** is *the carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).* This offense includes the forcible rape of both males and females.

In cases where several offenders rape one person, count one forcible rape. Do not count the number of offenders.

If force was used or threatened, the crime should be classified as forcible rape, regardless of the age of the victim. If no force or threat of force was used and the victim was under the statutory age of consent, the crime should be classified as statutory rape. The ability of the victim to give consent must be a professional determination by a law enforcement agency.

- **Forcible Sodomy** is *oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.*
- **Sexual Assault With an Object** is *the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.* An object or instrument is anything used by the offender other than the offender’s genitalia. Examples are a finger, bottle, handgun, stick, etc.

- **Forcible Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. Forcible fondling includes “indecent liberties” and “child molesting.”

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UCR State Program Bulletin 02-1,  
March 2002, pg. 36

### **Examples of Forcible Sex Offenses**

**Scenario 1:** A female student reports that she was forcibly raped by an unidentified male while jogging along a campus trail. This is classified as one on-campus Forcible Sex Offense.

**Scenario 2:** A female student reports that her ex-boyfriend had sex with her in her residence hall room while she was unconscious after a night of drinking alcohol. This is classified as one Forcible Sex Offense in both the on-campus category and in the on-campus student housing category.

**Scenario 3:** A male student reports that another male student fondled him in a campus building. This is classified as one on-campus Forcible Sex Offense.

**Scenario 4:** A female student reports to the campus police that she was forcibly raped in her car in a parking lot on her school's campus by students from another college. This is classified as one on-campus Forcible Sex Offense.

**Scenario 5:** Three female students report that they were each raped by five male students at an off-campus fraternity house owned by the fraternity. Each male raped each of the female students. This is classified as three noncampus Forcible Sex Offenses.

**Scenario 6:** A female student reports that an unknown male attempted to rape her on a city-owned sidewalk outside a classroom building on campus, but that he was frightened away by another pedestrian before completing the attack. This is classified as one public property Forcible Sex Offense.

**Scenario 7:** A male student slipped a date rape drug into a female student's drink at a noncampus fraternity house. Before he could lure the victim away from her friends, however, someone noticed what he had done and summoned the police. A police officer found the drug and identified the suspect. He determined that the suspect had administered the date rape drug with the intent to incapacitate the woman and commit a sexual assault. This is classified as one noncampus Forcible Sex Offense.

**Scenario 8:** A male student slipped a date rape drug into a female student's drink at a noncampus fraternity house. Before he could lure the victim away from her friends, however, someone noticed what he had done and summoned the police. A police officer ascertained that a student had slipped a date rape drug into another student's drink, but the officer was unable to determine the perpetrator's intent. Because the investigating officer was unable to determine intent, the incident cannot be counted as a forcible sex offense. The UCR program considers a date rape drug a poison; therefore, this is classified as one noncampus Aggravated Assault (defined in detail later in this chapter.)

**Sex Offenses—Non-forcible** are incidents of *unlawful, non-forcible sexual intercourse*. Only two types of offenses are included in this definition:

- **Incest** is *non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law*.
- **Statutory Rape** is *non-forcible sexual intercourse with a person who is under the statutory age of consent*. If force was used or threatened, or the victim was incapable of giving consent because of his/her youth, or temporary or permanent mental impairment, the offense should be classified as forcible rape, not statutory rape.

#### Example of a Non-Forcible Sex Offense

A 21-year-old student has sex with a 15-year-old juvenile in the student's on-campus apartment. There is no use of force or threat of force (the statutory age of consent is 16). This is classified as one Non-Forcible Sex Offense both in the on-campus category and in the on-campus student housing category.

In reporting non-forcible sex offenses, it's important to remember the following:

- Not all sex offenses are disclosed under the *Clery Act*. (For example, sexual harassment, voyeurism and indecent exposure are not reportable offenses under the *Clery Act*.)
- The only non-forcible sex offenses reportable under the *Clery Act* are incest and statutory rape. There are no exceptions.

We recommend that during a training session: 1) the definition of non-forcible sex offenses should be emphasized for those individuals to whom crimes are reported; and 2) your institution should double-check all reports of non-forcible sex offenses to confirm that they fit the *Clery Act* definition. This does not mean you should investigate the offense. Just confirm that the description of the offense in the report fits the definition of either incest or statutory rape.

The statutory age of consent differs by state. For example, in Maryland, the statutory age of consent is 14 years of age (which means the victim must be under 14), and the offender must be at least four years older than the victim. In Nevada, a victim is someone under age 16, and an offender is someone over age 18. We recommend that you consult your state's statutes to determine the statutory age of consent.

**3. 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.*

Robbery is a vicious type of theft in that it is committed in the presence of the victim. The victim, who usually is the owner or person having custody of the property, is directly confronted by the perpetrator, and is threatened with force or is put in fear that force will be used. Robbery involves a theft or larceny, but is aggravated by the element of force or threat of force.

Because some type of assault is an element of the crime of robbery, an assault must not be reported as a separate crime as long as it was performed in furtherance of the robbery. However, if the injury results in death, a homicide offense must be reported.

Armed robbery includes incidents commonly referred to as stickups, hijackings, holdups, heists, carjackings, etc. Carjackings are robbery offenses 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. (The Hierarchy Rule is discussed in Chapter 7.) Robberies wherein only personal weapons such as hands, fists and feet, 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 which, although not usually thought of as a weapon, becomes one in the commission of a crime. Classify crimes involving pretended weapons or those in which the weapon is not seen by the victim, but the robber claims to possess one, as Armed Robbery. Should an immediate on-view arrest provide that there is no weapon involved, classify the offense as Strong-Armed Robbery.

Guard against using the public's terminology, such as "robbery of an apartment" or "safe robbery" when classifying a robbery offense, inasmuch as the public is referring to a burglary situation.

In analyzing Robbery, the following subheadings are used:

- **Firearm.** Include robberies in which any firearm is used as a weapon or employed as a means of force to threaten the victim or put the victim in fear. Attempts are included in this category.
- **Knife or cutting instrument.** Include robberies in which a knife, broken bottle, razor, ice pick or other cutting or stabbing instrument is employed as a weapon or as a

means of force to threaten the victim or put the victim in fear. Attempts are included in this category.

- **Other dangerous weapon.** Include robberies in which a club, acid, explosive, brass knuckles, Mace, pepper spray or other dangerous weapon is employed or its use is threatened. Attempts are included in this category.
- **Strong-arm—hands, fists, feet, etc.** Include muggings and similar offenses in which only personal weapons such as hands, arms, feet, fists and teeth are employed or their use is threatened to deprive the victim of possessions.

In the absence of force or threat of force, as in pocket-picking or purse-snatching, the offense must be classified as Larceny—Theft rather than robbery. However, if in a purse-snatching or other such crime, force or threat of force is used to overcome the active resistance of the victim, the offense must be classified as Strong-Arm Robbery.

In any instance of Robbery, **count one offense for each distinct operation (i.e., incident), including attempts.** Do not count the number of victims robbed, those present at the robbery, or the number of offenders when counting this crime.

#### **Example of Robbery**

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 asked to hand over their wallets. The students comply, and the three armed men leave without harming the students. This is classified as one Robbery on public property.

**4. 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.*

The *UCR* considers a weapon to be a commonly known weapon (a gun, knife, club, etc.) or any other item which, although not usually thought of as a weapon, becomes one in the commission of a crime.

The categories of Aggravated Assault include assaults or attempts to kill or murder; poisoning; assault with a dangerous or deadly weapon; maiming; mayhem; assault with explosives; and assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to

inflict the disease by biting, spitting, etc.). All assaults by one person upon another with the intent to kill, maim or inflict severe bodily injury with the use of any dangerous weapon are classified as Aggravated Assault. 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.

Occasionally, it is the practice of local jurisdictions to charge assailants in assault cases with assault and battery, disorderly conduct, domestic violence or simple assault, even though a knife, gun or other weapon was used in the incident. This type of offense must be classified as Aggravated Assault. **For all types of Aggravated Assault, count one offense per victim.**

- **Aggravated Assault—Firearm.** Include all assaults in which a firearm of any type is used or is threatened to be used. Assaults with revolvers, automatic pistols, shotguns, zip guns, rifles, etc., are included in this category.
- **Aggravated Assault—Knife or Cutting Instrument.** Include assaults wherein weapons such as knives, razors, hatchets, axes, cleavers, scissors, glass, broken bottles and ice picks are used as cutting or stabbing objects, or when their use is threatened.
- **Aggravated Assault—Other Dangerous Weapon.** Include assaults resulting from the use or threatened use of any object as a weapon in which serious injury does or could result. The weapons in this category include, but are not limited to: Mace, pepper spray, clubs, bricks, jack handles, tire irons, bottles or other blunt instruments used to club or beat victims. Attacks by explosives, acid, lye, poison, scalding, burnings, etc., are also included in this category.
- **Aggravated Assault—Hands, Fists, Feet, Etc.—Aggravated Injury.** Include only the attacks using personal weapons such as hands, arms, feet, fists and teeth that result in serious or aggravated injury. Consider the seriousness of the injury as the primary factor in establishing whether the assault is aggravated or simple. Classify the assault as aggravated if the personal injury is serious (broken bones, internal injuries or stitches required). On the other hand, classify the offense as a simple assault if the injuries are not serious (abrasions, minor lacerations or contusions) and require no more than usual first-aid treatment.

### An Aid for Classifying Assaults

Careful consideration of the following factors should assist in classifying assaults:

- The type of weapon employed or the use of an object as a weapon;
- The seriousness of the injury; and
- The intent of the assailant to cause serious injury.

Often, the weapon used or the extent of the injury sustained will be the deciding factor in distinguishing aggravated from simple assault. In only a limited number of instances should it be necessary to examine the intent of the assailant.

Prosecutorial policy in a jurisdiction must not dictate classification of an assault. Examine and classify assaults according to the standard *UCR* definitions, regardless of whether they are termed misdemeanors or felonies by local definitions.

Aggravated assault is a troublesome crime to classify. 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.

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*UCR* State Program Bulletin  
99-1, Massachusetts,  
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### Examples of Aggravated Assault

**Scenario 1:** Sarah and Anne had a heated argument at a party at a sorority house owned by the sorority off campus. Sarah grabbed a lacrosse stick and repeatedly beat Anne across the back with it, breaking several ribs. This is classified as one Aggravated Assault in the noncampus category.

**Scenario 2:** Two students are involved in a fist fight in the laundry room in their dormitory. Both have head injuries and are treated at a hospital. This is classified as two Aggravated Assaults in both the on-campus category and in the on-campus student housing category.

**Scenario 3:** Two students were involved in a physical altercation in a campus parking lot behind their dormitory. Brad pulled a canister of Mace from his pocket and sprayed Tim in the face, causing him severe burning and discomfort. Tim fled the scene and sought medical attention. This is classified as one on-campus Aggravated Assault, because Mace is considered a weapon.



**It is important to remember that offenses must be classified according to UCR definitions and not according to state or local codes.**

**5. Burglary.** Burglary is *the unlawful entry of a structure to commit a felony or a theft*. The UCR classifies offenses locally known 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 as Burglary. **Count one offense per each distinct operation.**

The UCR's definition of a structure includes, but is not limited to, the following:

- Apartment, barn, cabin, church, condominium, dwelling house, factory, garage, house trailer or houseboat (used as 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 is considered a structure.

Tents, tent trailers, motor homes, house trailers or other mobile units that are being used for recreational purposes are not considered structures. The UCR does not consider a telephone booth a structure.

Burglaries of hotels, motels, lodging houses or other places where lodging of transients is the main purpose can present reporting problems to law enforcement. If a number of units under a single manager are burglarized and the offenses are most likely to be reported to the police by the manager rather than the individual tenants, the burglary must be reported as a single offense. Examples are burglaries of a number of rental hotel rooms, rooms in flop houses, rooms in youth hostels and units in a motel.

If the individual living areas in a building are rented or leased to the occupants for a period of time that would preclude the tenancy from being classified as transient, then the burglaries would most likely be reported separately by the occupants. Such burglaries must be reported as separate offenses. Examples of the latter type of multiple burglary would be: the burglaries of a number of apartments in an apartment house; of the offices of a number of commercial firms in a business building; of the offices of separate professionals within one building; or of a number of rooms in a college dormitory.

Unlike a residence hall, however, 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). The burglary of an academic structure

would be counted as one offense, regardless of the number of interior rooms entered or items stolen.

Thefts from automobiles, whether locked or not; shoplifting from commercial establishments; and thefts from telephone booths, coin boxes, or coin-operated machines, are all classified as Larceny–Theft offenses. If the area entered was one of open access, thefts from the area would not involve an unlawful trespass and would be classified as Larceny–Theft. A forcible entry or unlawful entry in which no theft or felony occurs, but acts of vandalism, malicious mischief, etc., are committed, is not classified as a burglary, provided investigation clearly established that the unlawful entry was for a purpose other than to commit a felony or theft. Of course, if the offender unlawfully entered the structure, a multiple offense exists, and you must classify the offense as a burglary. (Counting crimes in multiple offense incidents will be discussed in Chapter 7.)

If a forcible or unlawful entry of a building is made to steal a motor vehicle, count the offense as a burglary, not motor vehicle theft.

When a question arises as to whether a type of structure comes within the scope of the burglary definition, look to the nature of the crime and be guided by the examples set forth. If a question remains, contact [CrimeHandbookQuestions@ed.gov](mailto:CrimeHandbookQuestions@ed.gov).

- **Burglary–Forcible Entry.** Include all offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony. This definition applies 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. Also include in this category burglary by concealment inside a building followed by exiting the structure.
- **Burglary–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 and open or unlocked common basement areas in apartment houses where entry is achieved by someone other than the tenant who has lawful access. (Note that if the area entered was one of open access, thefts from the area would not involve an unlawful trespass and would be classified as Larceny. The *Clery Act* does not require an institution to disclose Larceny statistics.)



**Remember,  
if lawful entry  
cannot be  
proven, classify  
the crime as  
a burglary.**

- **Burglary—Attempted Forcible Entry.** Include those situations where a forcible entry burglary is attempted but not completed. Once the thief is inside a locked structure, the offense becomes a Burglary—Forcible Entry. Classify attempts to enter an unlocked structure as well as actual trespass to an unlocked structure as Burglary—Unlawful Entry—No Force. Only situations in which a thief has attempted to break into a locked structure are classified as Burglary—Attempted Forcible Entry.

### Examples of Burglary

*Some of the following examples are adapted from FBI correspondence. Copies of the letters are provided in Appendix E.*

**Scenario 1:** A student living in an on-campus residence hall room with other students reports an item missing from his room.

**Scenario 2:** When a resident, having lawful access to a structure, takes an item from another resident, the proper classification would be Larceny—Theft. You are not required to include this in your *Clery Act* statistics. If a person, other than a resident, enters an unlocked structure (room), or one where the door was left open, the proper classification would be burglary. If force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony, this is classified as Burglary.

**Scenario 3:** If housekeeping and maintenance personnel who have keys and are authorized to gain access only for maintenance tasks, enter a room not on the maintenance schedule and steal an item, classify the offense as Burglary.

**Scenario 4:** Generally, if an item is missing from a structure, and if the individual who took the item is unknown, and if the investigating officer has exhausted all avenues leading toward the offense of Larceny—Theft, the proper classification is Burglary. Classify the offense as one on-campus Burglary and one on-campus residential facility Burglary.

**Scenario 5:** 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. Classify this as five burglaries in both the on-campus category and on-campus student housing category.

**6. Motor Vehicle Theft.** Motor vehicle theft is *the theft or attempted theft of a motor vehicle*. **Count one offense for each stolen vehicle.**

Motor Vehicle Theft includes the theft or attempted theft of a motor vehicle, which the *UCR* defines as a self-propelled vehicle that runs on land surface and not on rails: for example, sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters,

all-terrain vehicles and snowmobiles are classified as motor vehicles. This category does not include farm equipment, bulldozers, airplanes, construction equipment or 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, must not be classified as motor vehicle thefts.

Classify as Motor Vehicle Theft all cases 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 procedures for classifying multiple offenses (i.e., the Hierarchy Rule, which is discussed in Chapter 7).

There are three categories of motor vehicles within this classification:

- **Autos.** Include the thefts of all sedans, station wagons, coupes, convertibles, sport utility vehicles, minivans and other similar motor vehicles that serve the primary purpose of transporting people from one place to another. Automobiles used as taxis are also included. Some states allow a station wagon to be registered as a truck; however, licensing is not a determining factor. The *UCR* stipulates that a station wagon must be classified as an automobile.
- **Trucks and buses.** Include the theft of those vehicles specifically designed (but not necessarily used) to transport people and cargo. Pickup trucks and cargo vans, regardless of their uses, are included in this category. The *UCR* considers a self-propelled motor home to be a truck.
- **Other vehicles.** Include all other motor vehicles that meet the *UCR* definition, such as snowmobiles, motorcycles, motor scooters, trail bikes, mopeds, golf carts, all-terrain vehicles and motorized wheelchairs. If you are uncertain whether to classify an incident as Motor Vehicle Theft, we encourage you to contact law enforcement.

Note that Motor Vehicle Theft does not include thefts *from* motor vehicles. Theft from a motor vehicle is Larceny, which is not a *Clery Act* crime.

### Examples 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. This is classified as one Motor Vehicle Theft on campus.

**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 crime, because it is theft *from* a Motor Vehicle, not Motor Vehicle Theft.

**Scenario 3:** A student's car is stolen from a city street outside a remote classroom five miles from campus. Do not include this crime, because it occurred on public property outside a noncampus location.

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

Report as Arson only fires determined through investigation to have been willfully or maliciously set. Attempts to burn are included in this offense, but fires of suspicious or unknown origins are not. Note that Arson is the only *Clery Act* offense that must be investigated before it can be included in the statistics. **One offense should be counted for each distinct Arson operation originating within the reporting jurisdiction.** If Arson is perpetrated in one locale and spreads to another, the jurisdiction in which the fire originated must report it.

#### Arson—Structural

This crime category includes:

- Single occupancy residential (houses, townhouses, duplexes, etc.);
- Other residential (apartments, tenements, flats, hotels, motels, inns, dormitories, boarding houses, etc.);
- Storage (barns, garages, warehouses, etc.);
- Industrial/manufacturing;
- Other commercial (stores, restaurants, offices, etc.);

- Community/public (churches, jails, schools, colleges, hospitals, etc.); and
- All other structures (out buildings, monuments, buildings under construction, etc.).

In classifying the object of an arson as structural, use the guidelines for defining structures set forth in the discussion of burglary in this handbook. A house trailer or mobile unit that is permanently fixed as an office, residence, or storehouse must be considered structural property.

### **Arson—Mobile**

This crime category includes:

- Motor vehicles (automobiles, trucks, buses, motorcycles, etc.); and
- Other mobile property (trailers, recreational vehicles, airplanes, boats, etc.).

Motor vehicles by *UCR* definition must be self-propelled and run on land surface and not on rails: for example, sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, all-terrain vehicles and snowmobiles are classified as motor vehicles.

### **Arson—Other**

The Arson—Other subcategory encompasses Arson of all property not classified as structural or mobile. Willful or malicious burnings of property such as crops, timber, fences, signs and merchandise stored outside structures are included in this category.

### **Cautions in Classifying Arson**

Key to properly classifying arson is establishing the point of origin of a fire. If an individual willfully burns a vehicle parked adjacent to a home, and the fire subsequently spreads to and destroys the home, the appropriate Arson subcategory would be Mobile—Motor Vehicle. In cases where the point of origin is undetermined, or in instances of multiple points of origin, report the structural, mobile or other category of property that suffered the greatest fire damage.

Incidents in which persons are killed as a direct result of Arson are classified as both Criminal Homicides and Arson. Similarly, the number of persons severely injured during an Arson

must be reported as Aggravated Assaults along with the Arson. When multiple reportable offenses are committed during the same distinct operation as the Arson offense, the most serious offense is reported along with the Arson.

### Examples of Arson

**Scenario 1:** A student is killed by what an investigation determines was a deliberately set fire in his residence hall room. Include both one Murder and Non-Negligent Manslaughter and one Arson in both the on-campus category and the on-campus student housing category.

**Scenario 2:** A suspicious fire is reported in a campus academic building, but no evidence of Arson is found. Do not include this incident in your annual security report.

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Hate Crimes cite  
34 CFR 668.46(c)(3)

### Hate Crimes

Your institution must include, by geographic location and by category of prejudice, any of the aforementioned offenses, **and any other crime involving bodily injury** reported to local police agencies or to a campus security authority, that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias. Note that unlike the previously discussed offenses, “any other crime involving bodily injury” is not a *UCR* term. Include in this category *all applicable crimes with the exception of Aggravated Assault* (Aggravated Assault is a separate crime category). The categories of bias are:

- **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, whites).*
- **Gender.** *A preformed negative opinion or attitude toward a group of persons because those persons are male or female. Gender bias is also a Clery Act-specific term, not found in the FBI’s Hate Crime Data Collection Guidelines.*
- **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 sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).*
- **Ethnicity/national origin.** *A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).*
- **Disability.** *A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.*

Classifying a crime as a Hate Crime is sometimes difficult. The *Clery Act* regulations require institutions to classify hate crimes according to the FBI's *Uniform Crime Reporting Hate Crime Data Collection Guidelines* and *Training Guide for Hate Crime Data Collection*. The following information taken from those publications should be useful in guiding you.

1. While there are many additional types of bias, the types of bias motivation to be disclosed for *Clery Act* purposes are limited to the six aforementioned types.
2. 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 simple 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 and/or ethnicity/national origin. For example, the victim was black and the offender was white.
  - b. Bias-related oral comments, written statements or gestures were made by the offender which indicate his/her 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.



**Remember,  
that you must  
also disclose *any*  
crime involving  
*bodily injury* that  
is a Hate Crime.**

- d. Certain objects, items or things which indicate bias were used. For example, the offenders wore white sheets with hoods covering their faces or a burning cross was left in front of the victim's residence.
- e. The victim is a member of a racial, religious, disability, sexual-orientation or ethnic/national origin group which is overwhelmingly outnumbered by other residents in the neighborhood 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 neighborhood, and becomes less and less significant as time passes without incident).
- f. The victim was visiting a neighborhood where previous hate crimes were committed against other members of his/her racial, religious, disability, sexual-orientation or ethnic/national origin group, and where tensions remained high against his/her group.
- g. Several incidents occurred in the same locality at or about the same time, and the victims were all of the same race, religion, disability, sexual orientation or ethnicity/national origin.
- h. A substantial portion of the community where the crime occurred perceived that the incident was motivated by bias.
- i. The victim was engaged in activities promoting his/her race, religion, disability, sexual orientation or ethnicity/national origin. For example, the victim was a member of the NAACP or participated in gay rights demonstrations.
- j. The incident coincided with a holiday or a date of particular significance relating to a race, religion, disability, sexual orientation or ethnicity/national origin (e.g., Martin Luther King Day, Rosh Hashanah).
- k. The offender was previously involved in a similar Hate Crime or is a hate group member.
- l. There were indications that a hate group was involved. For example, a hate group claimed responsibility for the crime or was active in the neighborhood.
- m. An historically established animosity existed between the victim's and the offender's groups.

- n. The victim, although not a member of the targeted racial, religious, disability, sexual-orientation or ethnic/national origin group, was a member of an advocacy group supporting the precepts of the victim group.

### **Cautions**

- **Need for a case-by-case assessment of the facts.** The aforementioned factors are not all-inclusive of the types of objective facts which evidence bias motivation. Therefore, examine each case for facts which clearly provide evidence that the offender's bias motivated him/her to commit the crime.
  - **Misleading facts.** Be alert to misleading facts. For example, the offender used an epithet to refer to the victim's race, but the offender and victim were of the same race.
  - **Feigned facts.** Be alert to evidence left by the offenders which is meant to give the false impression that the incident was motivated by bias. For example, students of a religious school, hoping that they will be excused from attending class, vandalize their own school, leaving anti-religious statements and symbols on its walls.
  - **Offender's mistaken perception.** Even if the offender was mistaken in his/her belief that the victim was a member of a racial, religious, disability, sexual-orientation or ethnic/national origin group, the offense is still a Hate Crime as long as the offender was motivated by bias against that group. For example, a non-gay student leaving a publicized gay rights meeting in a noncampus fraternity house, is followed back to campus and attacked behind a dorm by six teenagers who mistakenly believed the victim is gay. Although the offenders were mistaken, the offense is a Hate Crime because it was motivated by the offenders' anti-gay bias.
3. Knowing that a perpetrator is prejudiced is not enough to classify a crime as a Hate Crime. There must be evidence that the perpetrator was motivated by that prejudice to commit the crime.
  4. It is the perception of the perpetrator, not the perception of the victim, that determines whether a crime is classified as a Hate Crime.

5. The FBI does not consider rape to be a Hate Crime unless there is clear evidence of bias.
6. Do not classify arrests or disciplinary referrals for illegal weapons possession or drug or liquor law violations as hate crimes.
7. Institutions without a campus police department are encouraged to seek guidance from local police for classifying crimes as hate crimes.

### **Arrests or Disciplinary Referrals for Illegal Weapons Possession and Substance Law Violations**

In addition to disclosing statistics for the aforementioned offenses, the *Clery Act* requires institutions to disclose both the number of arrests and the number of persons referred for disciplinary action for:

1. Illegal weapons possession;
2. Drug law violations; and
3. Liquor law violations.

It's important to remember that you are to disclose *violations of the law* resulting in arrests or persons being referred for disciplinary action. 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. For example, if a student of legal drinking age in the state in which your institution is located violates your institution's "dry campus" policy and is referred for disciplinary action, that statistic should not be included in your institution's crime statistics, because the referral was not the result of a violation of the law.

Because state laws and local ordinances vary widely, you will need to ascertain the specific laws and ordinances that apply to your institution.

If an individual is both arrested and referred for disciplinary action for an offense, **count the arrest only**. (Counting offenses, arrests and the number of persons referred for disciplinary action will be discussed in detail in Chapter 7.)

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Arrests and referrals cite  
34 CFR 668.46(c)(viii)  
(A)&(B)

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

- Those persons arrested and released without a formal charge being placed against them. (An arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the individual for a specific offense(s) and a record is made of the detention.)
- Juveniles taken into custody or arrested but merely warned and released without being charged. A juvenile should be counted as “arrested” when the circumstances are such that if the individual were an adult, an arrest would have been counted.

Do not count arrests of incidents in which:

- Police contact a juvenile who has committed no offense; and
  - Police take a juvenile into custody for his or her own protection, but no crime was committed.
- Not only should “arrests” in the usual sense be included, but also any situation where a young person, in lieu of actual arrest, is summoned, cited or notified to appear before the juvenile or youth court or similar official for a violation of the law.

Include only violations by young persons where some police or official action is taken beyond a mere interview, warning or admonishment. Additionally, call backs or follow-up contacts with young offenders by officers for the purpose of determining their progress must not be counted as arrests.

**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 kept and which may result in the imposition of a sanction*.

To satisfy this definition, it is not sufficient for a person simply to be referred for disciplinary action. The official receiving the referral must initiate a disciplinary action, and a record of that action must be kept. It is not necessary that the referral originate with the police, nor is it necessary that a sanction be imposed. Note that if your institution calls this process “mediation” (or uses some other term), as long as the process fits the above definition, it is counted as referred for disciplinary action.

### Example of Referral

Police respond to an incident at a noncampus, institution-owned sorority house where there are underage students drinking at a party. The officers list all of the students in their report, which is forwarded to the campus Judicial Affairs office. A Judicial Affairs official interviews the students and finds that some of them had not been drinking. Those students are not charged. Judicial Affairs initiates disciplinary action against the students who were drinking and keeps a record of the action. Only the number of students involved in the disciplinary action is included in your *Clery Act* statistics.

You are to count the number of arrests and the number of persons referred for disciplinary action. For example, if a single incident involving liquor law violation resulted in the arrest of 10 students, this counts as 10 arrests for *Clery Act* purposes.

**1. Illegal Weapons Possession** 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. Include in this classification: 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 above.*

### Examples of Arrests for Illegal Weapons Possession

**Scenario 1:** A student is cited for having a firearm in his or her residence hall room in violation of state law. This is classified as one arrest for Illegal Weapons Possession in the on-campus category and in the on-campus student housing category.

**Scenario 2:** A faculty member is referred for disciplinary action for having a firearm in his or her office in violation of school policy, but in a state without a law against possessing a firearm on campus. Do not disclose this referral, because no violation of the law occurred.

**2. Drug Law Violations.** This is 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 which can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).*

#### **Examples of Arrests for Drug Law Violations**

**Scenario 1:** Three students are referred for disciplinary action for possessing marijuana in a residence hall room. This is classified as three persons Referred for Disciplinary Action for Drug Law Violations in the on-campus category and in the student housing on-campus category.

**Scenario 2:** Two non-students are arrested during an on-campus football game for possession of cocaine. This is classified as two on-campus arrests for Drug Law Violations.



**Drunkenness and driving under the influence are not Liquor Law Violations.**

**3. Liquor Law Violations.** This is 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. Include in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.*

#### **Examples of Arrests and Referrals for Liquor Law Violations**

**Scenario 1:** Three underage students and a non-student are found in a residence hall room, and all are drinking alcohol in violation of state law. The students are Referred for Disciplinary Action, while the non-student is given a written citation. This is classified as three persons referred for Liquor Law Violation disciplinary actions in both the on campus category and in the on campus student housing category as well as a single arrest for Liquor Law Violation in the on-campus category and in the on-campus student housing category.

**Scenario 2:** A party at an off-campus, university-owned fraternity house is busted, and 30 students are both arrested and Referred for Disciplinary Action for state liquor law violations by campus police. This is classified as 30 noncampus arrests for Liquor Law Violations.

**Scenario 3:** A 21-year-old student is Referred for Disciplinary Action for possessing a beer at an on-campus fraternity house on a “dry” campus. Do not include this, because no violation of the law occurred.

**Scenario 4:** A dozen students are cited for underage drinking by campus police at a popular off-campus bar. Do not include these violations, as they occurred on private property off campus.



**Remember, these offenses, arrests and disciplinary referrals must be collected and disclosed by location if they occurred within the geographic locations discussed in Chapter 2 (on campus, in dormitories or other residential facilities for students on campus, in or on a noncampus building or property, and on public property).**