

Campus Security Authority (CSA) Guidance and Clery Crime Definitions

The Clery crime definitions are provided at the end of this document for reference.

Before You Review the Crime Definitions

Before reviewing those definitions, however, there is critical information every Campus Security Authority (CSA) should understand and consider when speaking with a victim, survivor, or other person reporting a crime.

CSAs are reporters — not investigators and not Clery crime classifiers.

You are not expected to determine whether the information reported to you satisfies the technical definition of a particular Clery crime. The Department of Public Safety is responsible for reviewing reported information and determining the appropriate Clery classification.

The definitions at the end of this document are intended to help you understand why certain information may be important. **Do not use them as a checklist to interrogate a victim or survivor or to decide that an incident does not need to be reported.**

Your priorities during a disclosure should be to:

- Listen;
- Support the person;
- Ask limited and appropriate clarifying questions when necessary;
- Avoid retraumatizing the person;
- Explain available support and resources;
- Make the person aware of options for speaking with Public Safety;
- Recognize that some evidence may need to be preserved promptly; and
- Report the information you receive to Public Safety.

1. Your Role: Report — Do Not Investigate or Classify

The crime definitions in this document are provided so that CSAs can recognize the types of incidents that may need to be reported and understand why particular facts may be important.

They are not intended for a CSA to determine whether a crime occurred or whether an incident meets a particular Clery definition.

Do not decide that something is “not Clery” and therefore does not need to be reported. If information reported to you could reasonably involve a Clery-reportable crime, provide the information to Public Safety and allow Public Safety to make the classification determination.

Similarly, a CSA is **not an investigator**. You are not expected to:

- Establish the elements of a crime;
 - Determine whether the person reporting is credible;
 - Resolve inconsistencies;
 - Identify or interview witnesses;
 - Question an accused person;
 - Collect evidence; or
 - Determine whether there is sufficient evidence to support criminal charges.
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2. Ask Good Questions — But Do Not Conduct an Investigation

The quality of the information provided to Public Safety matters.

Clery classification can depend upon very specific facts and circumstances. Details that may initially seem unimportant can affect whether an incident meets a federal crime definition or occurred within Clery geography.

For example, Public Safety may need to know:

- Where and approximately when the incident occurred;
- Whether a theft occurred inside a room or structure or in an open common area;
- Whether a door was open, closed, locked, or unlocked;
- Whether someone entered a room or structure without authorization;
- Whether an assault involved a weapon or an object used as a weapon;
- The nature of injuries and, if known, whether medical treatment included stitches, treatment for a fracture, hospitalization, or other advanced medical care;
- The relationship between the people involved when dating or domestic violence may be relevant;
- Whether repeated behavior may constitute a course of conduct for stalking;

- Whether conduct was associated with initiation into, affiliation with, or continued membership in a student organization;
- Whether there is information suggesting that a person or property was targeted because of bias; and
- The location necessary for Public Safety to determine whether the incident occurred within Clery geography.

A lack of useful information may prevent Public Safety from determining whether an incident meets a particular Clery crime definition. If an incident cannot be appropriately classified based upon the information available, it may not be able to be counted in the College's Clery crime statistics.

That does **not** mean the CSA should attempt to establish every element of an offense.

3. Be Careful Not to Retraumatize a Survivor

Many CSAs have not received specialized training in trauma-informed interviewing.

Excessive, repetitive, skeptical, unnecessary, or poorly phrased questions can cause additional distress and may make a survivor feel that they are being challenged, blamed, or required to prove what happened.

The goal is **clarification, not interrogation.**

When someone discloses an incident:

- **Listen first.** Allow the person to describe what happened in their own words.
- Ask only limited, reasonable questions necessary to understand the basic circumstances.
- Use open-ended and neutral questions whenever possible: "Can you tell me what happened?" or "Can you tell me where this occurred?"
- Do not press for details simply because those details could help with Clery classification.
- Do not ask questions that imply blame or judgment, such as "Why did you go there?", "Why didn't you leave?", "Why were you drinking?", or "Why didn't you report sooner?"
- Do not challenge inconsistencies or gaps in the person's account.
- Do not unnecessarily require someone to repeat traumatic details already disclosed.

- If the person does not know, does not remember, does not want to discuss something, or appears uncomfortable answering, **do not pressure them**.
- Do not fill gaps with assumptions.
- Report what the person actually told you as accurately as possible.

If information is incomplete, **report what you have and identify what is unknown**.

Public Safety can determine whether additional follow-up is necessary and how that follow-up should occur.

4. Provide Information About Support and Resources

A CSA's responsibility should not end with forwarding the required information.

Survivors and other victims of crime should be informed that they have options for support and assistance.

Refer the person to appropriate campus resources based upon the circumstances. Those resources may include:

- Counseling and mental-health services;
- Medical care;
- Confidential resources;
- Title IX resources;
- Student support services;
- Public Safety; and
- Other appropriate College or community resources.

The CSA's role is to **provide information and options — not to decide which option the person should choose**.

5. Explain the Option of Meeting With a Public Safety Investigator

CSAs should inform victims and survivors that the **Department of Public Safety has a qualified criminal investigator who is available to meet with them to explain their options regarding a possible criminal investigation or other criminal justice action**.

Meeting with the investigator does not mean that the person is agreeing to pursue a criminal investigation or criminal charges.

Someone may simply want to:

- Understand what options are available;
- Learn what an investigation could involve;
- Ask questions before deciding whether to participate;
- Understand what evidence may exist;
- Learn what evidence should be preserved;
- Understand which evidence may be time-sensitive; or
- Preserve options that they may want to consider later.

The purpose is to provide information and preserve options — **not to pressure someone into pursuing criminal action.**

6. Today's Decision May Not Be Tomorrow's Decision

A victim or survivor may decide today that they do not want a criminal investigation.

That decision may change.

Six months from now, a year from now, or even three years from now, the person may be in a different place and decide that they want to explore whether criminal action is possible.

The challenge is that evidence available today may not still exist years from now.

For this reason, it may be beneficial for a victim or survivor to understand **evidence-preservation options now**, even if they have no intention of pursuing an investigation now.

7. Some Evidence Has a Limited Preservation Window

This is particularly important with **digital evidence**.

Certain electronic information may be retained for only a limited period before it is overwritten, deleted, or otherwise becomes unavailable.

Depending upon the incident, potentially relevant evidence could include:

- College security-camera video;
- Door and building access-control records;
- Text messages;
- Emails;
- Direct messages;
- Social-media communications;
- Photographs and videos;
- Voicemails and call logs;
- Information stored on phones, computers, or other electronic devices;
- Electronic information maintained by third parties; and
- Other digital information that may establish what occurred, when and where it occurred, or who was present.

College security-camera video and access-control records are particularly important examples. These systems have retention periods. Relevant data may need to be intentionally identified, pulled, and preserved before the normal retention period expires.

Once information is overwritten or deleted, it may no longer be recoverable.

A person who does not want an investigation today may still want potentially relevant evidence preserved so that **the loss of evidence does not unnecessarily eliminate options they may wish to consider later.**

8. Why an Early Conversation With an Investigator May Help

A meeting with a Public Safety investigator soon after an incident may therefore be beneficial even when the person is uncertain about — or presently does not want — a criminal investigation.

The investigator can explain:

- What investigative options may be available;
- What a criminal investigation could involve;
- What types of evidence could potentially be relevant;

- What evidence may be time-sensitive;
- What College-held evidence may need to be identified and preserved;
- What evidence the person may wish to preserve on their own devices or accounts; and
- What waiting may mean for evidence that could become unavailable.

The purpose is not to convince someone to pursue an investigation. It is to help the person make an informed decision and avoid unintentionally losing options because potentially important evidence was not preserved.

9. Suggested Language for a CSA

“You do not have to decide today whether you want to pursue a criminal investigation. Public Safety has a qualified criminal investigator who can meet with you simply to explain your options. Meeting with the investigator does not obligate you to move forward with a criminal investigation or criminal action.

“One reason you may want to consider speaking with the investigator is evidence preservation. You may feel differently about pursuing an investigation months or even years from now. Some evidence — particularly College security-camera video, door-access records, and other electronic information — may only be available for a limited period unless it is specifically identified and preserved.

“The investigator can explain what evidence may be important and what can be done now to preserve your options for the future. What you decide to do after that remains your decision.”

10. Remember Your Role

LISTEN. Give the person an opportunity to tell you what happened.

SUPPORT. Make sure the person knows that resources and assistance are available.

CLARIFY. Ask limited, neutral questions when necessary to understand the basic circumstances.

DO NOT INVESTIGATE. Do not interrogate, challenge credibility, attempt to prove what happened, or determine whether the elements of a crime have been established.

DO NOT PRESSURE. Respect what the person is comfortable sharing and what options they wish to explore.

REPORT. Promptly provide the information reported to you to the Department of Public Safety.

OFFER OPTIONS. Let the person know that a qualified Public Safety investigator is available to explain criminal-investigation and evidence-preservation options without obligating them to pursue criminal action.

LET PUBLIC SAFETY CLASSIFY. Public Safety — not the CSA — determines whether the information meets a Clery crime definition and how the incident should be classified.

Clery Crime Definitions — Reference Section

The following definitions are provided as a reference. They should not be used by a CSA as an investigative checklist or as a basis for deciding not to report an incident.

Murder and Non-Negligent Manslaughter

The willful, non-negligent killing of one human being by another.

Manslaughter by Negligence

The killing of another person through gross negligence.

Rape

Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling

The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances in which the victim is incapable of giving consent because of age or temporary or permanent mental incapacity.

Incest

Sexual intercourse between persons related to each other within the degrees in which marriage is prohibited by law.

Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

Robbery

The taking or attempted taking of anything of value from the care, custody, or control of another person by force, threat of force or violence, and/or by putting the victim in fear.

The presence of **force, threat, violence, or fear** is important in distinguishing robbery from ordinary larceny/theft.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting **severe or aggravated bodily injury**.

This type of assault is typically accompanied by the use of a weapon or by other means likely to produce death or great bodily harm.

Indicators of aggravated bodily injury may include:

- Broken or fractured bones;
- Loss of teeth;
- Possible internal injuries;
- Severe lacerations;
- Significant blood loss;
- Loss of consciousness;
- Injuries requiring **stitches, sutures, or staples**;
- Injuries requiring **casting or similar treatment**;
- Injuries requiring hospitalization; or
- Injuries requiring significant or advanced medical treatment beyond basic first aid.

When an assault involves **hands, fists, feet, teeth, or other body parts**, the seriousness of the resulting injury can be particularly important to the classification.

A Serious Injury Does Not Always Have to Occur

An assault may qualify as aggravated even if the victim does not ultimately sustain a serious injury when a **firearm, knife, club, vehicle, or another object is used as a weapon in a manner capable of causing serious bodily injury**.

For CSA purposes, useful information may include whether a weapon or object was used, what injuries were reported, whether EMS responded, whether the person went to an emergency department or hospital, and whether treatment included stitches, staples, casting, surgery, or other significant medical treatment.

Do not make the classification yourself. Report the facts to Public Safety.

Burglary

The unlawful entry of a **structure** to commit a felony or theft.

Burglary is not limited to residences. Offices, classrooms, residence-hall rooms, storage areas, and other qualifying structures may be burglarized.

An ordinary theft from an **open area**, such as an open dining area, library study area, lounge, or similar space, is not automatically a burglary.

Details can therefore be important, including:

- Where the property was located;
 - Whether it was inside a room or other structure;
 - Whether a door was open, closed, locked, or unlocked;
 - Who was authorized to enter the area;
 - Whether there were indications of unauthorized entry; and
 - When and where the property was last seen.
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Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

This includes situations in which a motor vehicle is taken by someone without lawful access even if the vehicle is later abandoned.

Arson

The willful or malicious burning, or attempt to burn, a dwelling, public building, motor vehicle, aircraft, personal property, or other property, with or without intent to defraud.

VAWA / Clery Offenses

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Whether such a relationship existed is considered based on factors including:

- Length of the relationship;
- Type of relationship; and
- Frequency of interaction.

Dating violence includes sexual or physical abuse or threats of such abuse and does not include acts covered under the definition of domestic violence.

Domestic Violence

A felony or misdemeanor crime of violence committed by a person who has a qualifying domestic or intimate relationship with the victim, including certain current or former spouses or intimate partners, persons who share a child, persons who cohabit or have cohabited as spouses or intimate partners, and other persons covered by applicable domestic or family violence law.

Stalking

Engaging in a **course of conduct** directed at a specific person that would cause a reasonable person to:

- Fear for their safety or the safety of others; or
- Suffer substantial emotional distress.

A course of conduct involves **two or more acts** and may include following, monitoring, observing, surveilling, threatening, communicating with or about a person, or interfering with the person's property.

Hazing — Stop Campus Hazing Act

For purposes of Clery reporting, **hazing** means an intentional, knowing, or reckless act committed by a person, individually or together with others, against another person or persons, **regardless of whether the other person or persons are willing to participate**, that:

1. Occurs in the course of **initiation into, affiliation with, or maintenance of membership in a student organization**; and
2. Causes or creates a risk, above the reasonable risk normally encountered through participation in the institution or organization, of **physical or psychological injury**.

Conduct covered by the federal definition includes:

- Whipping, beating, striking, electronic shocking, placing a harmful substance on someone's body, or similar activity;
- Causing, coercing, or inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or similar activity;
- Causing, coercing, or inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- Causing, coercing, or inducing another person to perform sexual acts;
- Activity that places another person in reasonable fear of bodily harm through threatening words or conduct;
- Activity against another person involving a criminal violation of local, state, Tribal, or federal law; or
- Activity that induces, causes, or requires another person to perform a duty or task involving a criminal violation of local, state, Tribal, or federal law.

Student Organization

For purposes of Clery hazing reporting, a **student organization** includes an organization at the institution in which two or more members are enrolled students, **whether or not the organization is formally established or recognized by the College**.

Examples include clubs, societies, associations, varsity and junior-varsity athletic teams, club sports teams, fraternities, sororities, bands, and student government.

Important Points About Hazing

- **Consent does not remove conduct from the federal hazing definition.**

- An actual physical or psychological injury **does not have to occur** if the conduct creates the qualifying risk of injury.
 - The organization **does not have to be officially recognized by the College** for purposes of the federal Clery hazing-statistics definition.
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Hate Crimes

For Clery purposes, certain offenses are also reported as **hate crimes** when there is evidence that the victim was intentionally selected because of bias based on the victim's actual or perceived:

- Race;
- Religion;
- Gender;
- Gender identity;
- Sexual orientation;
- Ethnicity;
- National origin; or
- Disability.

In addition to applicable primary Clery crimes, the following offenses are Clery-reportable when they meet the hate-crime requirements:

Larceny-Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Simple Assault

An unlawful physical attack by one person upon another in which the offender does not display a weapon and the victim does not suffer obvious severe or aggravated bodily injury.

Intimidation

Unlawfully placing another person in reasonable fear of bodily harm through threatening words or other conduct without displaying a weapon or physically attacking the victim.

Destruction/Damage/Vandalism of Property

Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the owner's consent.

Arrests and Disciplinary Referrals

Clery also requires reporting of **arrests and disciplinary referrals** for certain offenses.

Weapons Law Violations

Violations of laws or ordinances involving unlawful manufacture, sale, purchase, transportation, possession, concealment, or use of firearms or other prohibited weapons.

Drug Abuse Violations

Violations of laws prohibiting the production, manufacture, distribution, possession, or use of controlled substances and related unlawful drug activity.

Liquor Law Violations

Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

Final Reminder for CSAs

You do not need to determine which definition applies before making a report.

Listen to what the person tells you. Ask limited, appropriate questions when clarification is necessary. Do not interrogate or pressure the person. Explain available resources and options. Consider whether time-sensitive evidence may need to be preserved. Promptly report the information to Public Safety.

Public Safety will determine whether the incident meets a Clery crime definition and how it should be classified.