

# *Campus Security Authority Manual for Clery Crime Reporting*



*North Carolina Central University*

## **Introduction**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery) originally called the Crime Awareness and Campus Security Act, was passed in 1990 and has been amended and reauthorized on several occasions since its original passage. All institutions that participate in federal student financial aid programs must comply with Clery. Non-compliance can result in fines of up to **\$57,317** per violation and suspension of an institution's right to participate in federal student financial aid programs. In addition, individuals who suffer damages as a result of non-compliance can file federal civil lawsuits against the institution.

*Clery contains three major categories of requirements:*

- Every institution must collect and publish certain crime statistics and must adopt certain security related policies and procedures.
- An institution with a campus police department must publish a daily crime log.
- An institution with one or more on-campus student housing facilities must meet the missing student and fire safety requirements.

North Carolina Central University must comply with all three major requirements categories.

To comply with the crime statistics requirements, an institution must collect statistics for certain specified crimes that occur on the campus or other areas as defined by Clery within the institution's Clery geography. These statistics must be collected from the campus police, the local law enforcement agency, and from certain individuals and organizations that Clery defines as "Campus Security Authorities" (CSAs). The goal in collecting crime reports from CSAs rather than just from the police is to capture as many crime reports as possible. Although every institution wants community members to report crimes to law enforcement that does not always

happen. Even when an institution has a campus police department, some students who are victims of crime are more inclined to report the crime to someone other than the campus police. North Carolina Central University has identified you as an employee who meets the Clery definition of a campus security authority. This manual is being provided to you to assist you in your crime reporting responsibilities.



## Campus Security Authorities

### *Who is a Campus Security Authority?*

Campus Security Authority is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- Group 1: The campus police department or campus security department of an institution.
- Group 2: Any individual or individuals who have responsibility for campus security, but who do not constitute a campus police department. Examples: Individuals who are responsible for monitoring the entrance into institutional property, who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security, or escort students around the campus after dark.
- Group 3: Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- Group 4: An official of an institution who has significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings. An "official" is defined as any person who has the authority and the duty to take action or respond to issues on behalf of the institution.

Because official responsibilities and job titles vary significantly across campuses, a list of specific titles is not provided in the regulations. *If someone has significant responsibility for student and campus activities, he or she is a campus security authority.* Whether or not an individual is paid by the institution is not a factor in determining if that individual is a CSA. The following are examples the U.S. Department of Education has provided to individuals who meet the criteria for being a CSA:

- Officers from local law enforcement who are contracted by the institution to provide

campus safety-related services

- Human Resources and others responsible for disciplining employees
- Director of Campus Health or Counseling Center
- Dean of students who oversees student housing, a student center, or student extracurricular activities
- Victims' advocates or others who are responsible for providing victims with advocacy services
- Members of a Sexual Assault Response Team (SART) or other sexual assault advocates
- An ombudsperson(including student ombudsperson)
- Student conduct officers
- Students and other employees beyond student conduct personnel who are involved in adjudicating disciplinary issues on campus.
- Members of Student Conduct Hearing Boards
- Director/Assistant Directors of athletics, a team coach, a faculty advisor to a student group
- Directors/Coordinators of Student Housing

- A student resident advisor or assistant or a student who monitors access to dormitories
- A student who monitors access to dormitories or buildings that are owned by recognized student organizations
- A coordinator of Greek Affairs
- Members of student organizations hearing boards, such as fraternity and sorority governing bodies authorized to discipline members and organizations.
- Faculty or Staff advisors to student organizations
- A physician in a campus health center, a counselor in a campus counseling center, or a victim advocate or sexual assault response team in a campus rape crisis center if they are identified as someone to whom crimes should be reported or if they have significant responsibility for student and campus activities. These people would not be CSAs if they have not been identified as people to whom crimes should be reported or if they do not have significant responsibility for student and campus activities.

Examples of individuals who would not meet the criteria for being a CSA:

- A faculty member who does not have any responsibility for student and campus activity beyond the classroom
- Clerical or cafeteria staff

As job responsibilities change, a person who is a CSA one year may not be a CSA the following year, and vice versa. Example: A faculty member teaching computer science on the main campus is not a CSA because he/she has no responsibility for students and campus activity beyond the classroom. However, if the class is moved to a non-campus location and the faculty member is identified by the institution as the person to whom students should report crimes that occur there, then the faculty member is a CSA.

### **What Does a Campus Security Authority Do?**

The function of a campus security authority is to report to the campus police those allegations of Clery crimes that he or she receives and concludes were made in good faith. Examples provided by the Department of Education:

- A resident assistant is told by a fellow student that she has been raped and is seeking emotional and medical support. The resident assistant should document this information as a crime report. It should be reported regardless of whether the victim chooses to file a report with the police or campus judicial authorities.
- A student mentions to her boyfriend that a number of rooms in her residence hall were broken into during the previous night's basketball game. Later that day her boyfriend tells the athletic director what he heard. The AD asks which residence hall and what, if anything else, the boyfriend knows about the incident. The AD should file a crime report with the campus police department.
- The Director of Student Housing receives a call from a counseling center in town. The caller states that four students from the school sought assistance at the center and told the center's counselors that they had been sexually assaulted on campus and were seeking emotional support. The students do not want their cases investigated. These are four third party reports. Assuming the Director of Student Housing has no reason to believe they

were not made in good faith, crime reports should be sent to the campus police.

Under Clery a crime is considered “reported” when it is brought to the attention of a CSA or law enforcement by:

- a victim
- a witness
- another third party
- the offender

It does not matter whether the individual is involved in the crime, or whether the individuals reporting the crime are associated with the institution. If a CSA receives the crime information and believes it was provided in good faith, the CSA must document it as a crime report. “In good faith” means there is a reasonable basis for believing the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

Institutions must disclose statistics from reports of alleged criminal incidents that are:

- Required to be reported by the Clery Act (Clery crimes) and
- Occurred in the institution’s Clery geography

It is not necessary for the crime to be investigated by the police or by a campus security authority. Neither is it necessary for a finding of guilt or responsibility to have been made. The requirement is for the institution to disclose reports of alleged criminal incidents.

### **What Shouldn’t a Campus Security Authority Do?**

The Department of Education provides the following specific examples of actions a CSA should not take:

- A CSA should not try to determine authoritatively whether a crime took place. That is the function of law enforcement personnel.

- A CSA should not try to apprehend the alleged perpetrator of a crime. That too is a function of law enforcement personnel.
- A CSA should not try to convince a victim of a crime to contact law enforcement if the victim chooses not to do so.

### **Exemptions from Campus Security Authority Reporting Responsibilities**

There are two types of individuals who, although they have significant responsibility for student and campus activities, are not campus security authorities under Clery:

- Professional counselor – Defined as a person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution but are under contract to provide counseling to the institution.
- Pastoral counselor – Defined as a person is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

The professional or pastoral counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may have learned about. This exemption is intended to protect the counselor-client role. However, even the legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are in fact under a legal obligation to report a crime.

To be exempt, professional or pastoral counselors must be acting in the role of professional or pastoral counselor. A person not yet licensed but acting in the role under the supervision of a person who meets the definition is exempt. An example is a Ph.D. counselor-trainee acting under

the supervision of a professional counselor. However, an individual with a professional counselor's license who is employed by the institution in a different role is not exempt. An example is the dean of students. If the dean of students is employed both as a professional counselor and an academic counselor, any alleged crime the dean learns of while engaged in academic counseling is not exempt from reporting. If this dean of students is employed as both a professional counselor and an academic counselor and the roles cannot be separated, then the dean is a CSA and must report all Clery crimes of which he/she becomes aware.

An individual who is counseling students and/or employees, but who does not meet the Clery definition of a professional or pastoral counselor, is not exempt from being a campus security authority if he/she otherwise has significant responsibility for student and campus activities.

This may include the director of the student health center or the director of a counseling or rape crises clinic at the institution.

*A pastoral or professional counselor loses this exemption if the institution includes the individual in its list of persons to whom the institution recommends crimes be reported.*

## **When, What, and How to Report Crimes**

*When Are Crimes Reportable Under The Clery Act?*

Crimes are reportable under the Clery Act if all three of the following conditions are met:

1. They are listed in the Clery Act as reportable crimes
2. They occur in the institution's Clery-defined geography
3. They are reported to Clery-defined Campus Security Authorities and/or local law enforcement

*Important:* Reports of crimes are disclosed, not convictions or other findings of a court system,

a corner, a jury, or the decision of a prosecutor

### *What Crimes Are To Be Reported?*

There are three groups of crimes that must be reported under the Clery Act: criminal offenses, hate crimes, and arrests and disciplinary referrals. Following are the requirements for each of these three categories:

#### **Criminal Offenses**

The Clery Act requires a campus security authority to report any of the following criminal offenses that are reported to the campus security authority:

1. Criminal Homicide, including:
  - a. Murder and Non-negligent Manslaughter
  - b. Negligent Manslaughter
2. Sex Offenses including:
  - a. Rape
  - b. Fondling
  - c. Incest
  - d. Statutory Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson
8. Dating Violence
9. Domestic Violence
10. Stalking

## **Hate Crimes**

A hate crime is a crime reported to the police or a campus security authority that manifests evidence the victim was intentionally selected because of the perpetrator's bias against the victim.

The Clery Act requires the following two groups of criminal offenses determined to be hate crimes to be reported by campus security authorities:

### **Group A:** The crimes listed above under Criminal Offenses

1. Criminal Homicide
  - a. Murder and Non-negligent Manslaughter
  - b. Negligent Manslaughter
2. Sex Offenses including:
  - a. Rape
  - b. Fondling
  - c. Incest
  - d. Statutory Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson
8. Domestic Violence
9. Dating Violence
10. Stalking

### **Group B:** The following additional crimes not listed above under Criminal Offenses

1. Larceny-Theft
2. Simple Assault
3. Intimidation
4. Destruction/Damage/Vandalism to Property

Clery recognizes the following categories of bias. These categories are from the Hate Crime Data Collection Guidelines and Training Manual of the Federal Bureau of Investigation

1. Race
2. Gender
3. Religion
4. Sexual Orientation
5. Ethnicity
6. Disability
7. National Origin
8. Gender Identity

A criminal offense from Group A or Group B and a category of bias must be indicated when reporting a hate crime.

### **Arrests and Referrals for Disciplinary Action**

The Clery Act requires the following crimes to be reported only if an arrest or a referral for disciplinary action is made.

1. Weapons Violations
2. Drug Abuse Violations
3. Liquor Law Violations

A referral for disciplinary action means the referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of

a sanction.

Campus security authorities do not report arrests. Since arrests are made only by the police, they are already known to the police. Campus security authorities report referrals for disciplinary action, unless these referrals come from the Police and Public Safety Department.

### **How to Report Crimes**

*To report a crime a Campus Security Authority should follow these steps:*

Go to the North Carolina Central University website <http://www.nccu.edu>

Click on the University Police link at the bottom of the page on the right

Click on the Clery/ Crime Reporting Form in the list on the right

Click on CSA Maxient Reporting

Under Contact Information, complete the contact information for the Campus Security Authority submitting the form

Under Victim/Survivor Information, enter the personally identifying information about the victim

- The Clery Act requires that crime statistics be anonymous, and no personally identifying information about a victim will be disclosed
- The victim identifying information is needed for law enforcement purposes and to avoid double-counting
- The Police and Public Safety Department will not create a police report from the information provided by a Campus Security Authority
- If the victim wants the report to be confidential, the Campus Security Authority is still required to submit the information for statistical purposes but it can be submitted without identifying the victim

Under Offense there are three boxes, one for each of the three categories of crimes to be reported.

- Select the category to be reported and complete the information inside that box only. Be sure to complete both Part A and Part B in the Hate Crime box when reporting a hate crime.
- Each box is completely self-contained, only the information in the selected box needs to be completed.
- Refer to the reference manual on the website for the definitions of crimes, and hate crime bias categories, how to report crimes, and for information on how to determine whether bias exists.

#### Under Geography

- Select one location
- Use the campus map with the Clery Geography locations indicated to assist you in determining the proper location to select
- For more information about Clery Geography, refer to the Reference Manual on the website
- If you are still unsure about the correct location, skip the listed selections, go to the descriptive information section below, and fill in the blanks

Save the document on your computer and e-mail the completed form to Sergeant Cheryl Geiger at [cgeiger@nccu.edu](mailto:cgeiger@nccu.edu)

## **Where To Find Answers To Questions**

Consult the crime definitions, the campus map, and the reference manual on the Campus Security Authorities website for additional information.

Sergeant Cheryl Geiger is the Clery Compliance Manager and she can be located in the Department of Police and Public Safety. For any questions regarding how to report crimes or any other questions related to the Campus Security Authority Program, you may contact Sgt. Geiger by email at [cgeiger@nccu.edu](mailto:cgeiger@nccu.edu), office phone (919) 530-5578 or work phone (919) 201-5337.

## **What To Do If You Are Unsure Whether To Report**

If you are unsure whether an incident is a Clery crime, or even crimes at all, contact Sergeant Geiger, provide as much information as possible regarding the incident and she will make the determination.

### *TIMING OF REPORT SUBMITTAL*

Submit a crime report as soon as the crime is reported to you, the same day if at all possible. A crime report from a campus security authority may be the basis for determining if there is a serious or ongoing threat to the safety of the campus community, which would require a timely warning. If a crime is reported to a CSA, but not reported immediately to the police, then it will not be entered into the Daily Crime Log in a timely manner, as required by Clery. If a CSA learns of a crime but does not report it, then the institution is not in compliance with the Clery Act.

### *INCLUDING PERSONALLY IDENTIFIABLE INFORMATION*

CSA reports need to include personally identifying information if available for law enforcement purposes and to avoid double counting. The Clery Act requires that all crime statistics must be anonymous, so no personally identifying information will be disclosed. If the victim does not want the report to go further than the CSA, the CSA is still required to submit the information to

the campus police for statistical purposes but the victim's identifying information can be left blank

## **Detailed Reference Information for Criminal Offenses**

### *DEFINITIONS FOR CRIMINAL OFFENSES*

#### **Criminal Homicide**

*Murder and Non-negligent Manslaughter:*

*Definition:* the willful (non-negligent) killing of one human being by another

*Count:* one offense per victim

*Caution:* Do not count suicides, fetal deaths, traffic fatalities, accidental deaths, assaults to murder or attempts to murder (these are aggravated assaults), situations where a victim dies of a heart attack as a result of a crime, or justifiable homicide (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)

#### ***Negligent Manslaughter***

*Definition:* the killing of another person through gross negligence

*Count:* one offense per victim

Note: Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another, or in other words it is something a reasonable and prudent person would not do.

Caution: Do not count deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities.

## *Sex Offense*

*Definition:* any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

*Count:* one offense per victim. For cases with one victim and several offenders, count one offense. The count is per victims, not per offenders.

*There are four different Sex Offenses that must be reported under Clery:*

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

*Caution regarding consent:* The ability of a victim with temporary or permanent physical or mental impairment to give consent must be a professional determination by a law enforcement officer.

*Caution regarding age of victim:* If force was used or threatened, then count the crime as rape regardless of the victim's age. If no force was used or threatened but the victim was under the statutory of age consent then the crime is statutory rape (see below)

2. *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. *Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. *Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

*Note:* In North Carolina, the minimum age of consent is 16. For victims under age 13, the charge is first degree rape, not statutory rape, if the actor is at least 12 years old and at least 4 years older than the victim. For victims aged 13, 14, and 15, the actor must be at least 4 years older than the victim. Penalties for the actor differ depending upon whether the actor is (a) between 4 and 6 years older than the victim or (b) six or more years older than the victim.

Caution regarding use of force: Remember that if force was used or threatened, the offense is classified as rape, not statutory rape, regardless of the victim's age.

### ***Robbery***

Definition: 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.

Count: One offense per distinct incident, including attempts

Note: The use of or threat of force is an essential element of a robbery. For example, a purse-snatching is not a robbery unless force or threat of force is used to overcome the active resistance of the victim.

*Caution:* Do not count the number of victims robbed, those present at the robbery, or the number of offenders. For robbery, count distinct incidents.

*Robbery requires four elements:*

1. Committed in the presence of a victim (usually the owner or person having custody of the property)
2. Victim is directly confronted by the perpetrator
3. Victim is threatened with force or put in fear that force will be used
4. Involves a theft or a larceny

*Robbery does not require a weapon:*

1. Robbery can include the use of a weapon. A weapon can be a commonly known weapon

such as a gun, knife, or club, or any other item which, although not usually thought of as a weapon, becomes one in the commission of a crime.

2. Robbery also includes crimes involving pretend weapons or those in which the weapon is not seen by the victim, but the robber claims to possess one.
3. Robbery also includes the use of personal weapons, such as hands, arms, fists, feet, and teeth, either actual or threatened use. Such robberies are often referred to as strong-arm robberies or muggings.

*Multiple simultaneous crimes:*

1. Some type of assault is an element of a robbery, but do not report an assault as a separate crime as long as it was performed in furtherance of the robbery unless the injury resulted in death, in which case the incident should be classified as Murder and Non-Negligent Manslaughter
2. The FBI Hierarchy Rule must be used when more than one offense was used during a single incident. If more than one crime is committed in a single incident, indicate all the crimes on one form and Sgt. Geiger will apply the FBI Hierarchy Rule to determine which offense to count.

**Aggravated Assault**

*Definition:* An unlawful attack by one person on another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

*Count:* One offense per victim.

*Note on Count:* 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.

*Classify the following as Aggravated Assaults:*

1. Assaults or attempts to kill or murder
2. Poisoning
3. Assault with a dangerous or deadly weapon
4. Maiming
5. Mayhem
6. Assault with explosives
7. Assault with a disease (cases where the offender knows he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.)
8. All assaults by one person upon another with intent to kill, maim, or inflict severe bodily injury with the use of any dangerous weapon. *It is not necessary that actual injury result from the assault when a gun, knife, or other weapon is used that could cause serious personal injury if the crime were successfully completed,*



**Note:** Assault cases that might be categorized as assault and battery, disorderly conduct, domestic violence, or simple assault by some jurisdictions, even though a knife or other weapon was used in the incident, are aggravated assaults for Clery reporting.

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

**Note:** Consider the seriousness of the injury as the primary factor in establishing whether an assault is aggravated or simple. For example, if there are broken bones, internal injuries, loss or teeth, or stitches required then classify as Aggravated Assault. If injury are not serious and require only first aid, then classify as simple assault, except if a dangerous weapon was used and in that case classify as aggravated assault. See #8 above. Only in a limited number of instances is it necessary to examine the intent of the assailant. The weapon used or the extent of injury sustained often will be the deciding factor.

**Caution:** Do not classify an incident as Aggravated or Simple based on the prosecutor's policy in the jurisdiction. Examine and classify all assaults according to the definitions in this manual regardless of whether they are labeled misdemeanors or felonies by the local prosecutor.

## **Burglary**

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

**Count:** One offense per each distinct operation (also see below Special Rules for Counting Burglaries)

**Note:** Burglary includes unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

*Burglary requires three conditions:*

1. There must be evidence of unlawful entry (trespass). In other words, the person did not have the right to be in the structure at the time the incident occurred.

*Caution:* Precise facts are required to make the determination of whether this condition is met. Examples: (a) A student uses her access card to enter her dorm and lets five other students who do not have access cards to this dorm into the building with her. All six of these students have lawful access. (b) The same student uses her access card to enter her dorm. The door closes slowly, and without this student knowing another student walks in the door behind her. The student without the access card does not have lawful access. (c) A faculty member with an office in the science building leaves his office open whenever the science building is open. Students are in and out of the office while the building is open. Anyone from the campus community who goes into the office during this time has lawful access. (d) One night, a maintenance worker who does not have a work order for the science building uses a maintenance key to unlock the science building and unlock the faculty member's office and then steals the faculty member's computer. The maintenance worker does not have lawful access.

2. The unlawful entry must occur within a structure, defined as having four walls, a roof, and a door. House trailers or other mobile units that are permanently affixed are structures. The following are not structures: Motor vehicles. Tents, tent trailers, motor homes, house trailers or other mobile units being used for recreational purposes. Telephone booths. Gym lockers or cubbies.

*Caution:* In some states, the definition of structure is narrower than the Clery definition, which could result in larcenies having to be reclassified as burglaries for Clery reporting. This is the case in North Carolina. Campus security authorities should report all

burglaries that come to their attention based on the Clery definition provided in this manual. The Police and Public Safety Department must take police reports and make arrests based on North Carolina law, and is responsible for converting its own police reports to Clery definitions for purposes of the Annual Security Report.

3. The structure was unlawfully entered to commit a felony or theft. For example, if someone entered a structure to write graffiti on the walls, do not classify the incident as burglary.

*Classify the following as Burglaries:*

1. Offenses classified by local law enforcement as burglary (any degree), unlawful entry with intent to commit larceny or a felony; breaking and entering with intent to commit larceny; housebreaking; safecracking; and all attempts at these offenses.
2. Forcible entry. All offenses where force of any kind is used to enter a structure for the purpose of committing a theft or felony.

Note regarding keys: This includes when the thief gains entrance by using a master key, unauthorized keys, a skeleton key, or any device that leaves no outward mark but is used to force the lock.

*Note regarding entering:* This includes the thief concealing him/herself inside a building followed by exiting the structure.

3. Unlawful entry – no force. The entry of a structure is achieved by use of an unlocked door or window. The element of trespass to the structure is the essential element in this category, which includes open dorm rooms where the entry is achieved by someone other than persons (tenants) who have lawful access.
4. Attempted forcible entry. Forcible entry to a locked structure is attempted but not completed.

*Do not classify the following as Burglaries:*

1. Theft from automobiles, whether locked or not.
2. Shoplifting from commercial establishments.
3. Theft from coin boxes or coin-operated machines.
4. Thefts from areas of open access. These incidents are classified as larcenies.
5. Robbery. A structure is burglarized, a structure cannot be robbed.

*Note:* An incident can begin as a burglary and end up as a robbery. For example, a student returns to her dorm room and surprises a burglar, who attacks the student, steals her purse, and flees. This is a robbery. If the student had not been physically confronted by the burglar but the burglar merely left the room with the student watching, then the incident is a Burglary, even if the burglar left empty-handed.

6. A forcible entry or unlawful entry in which no theft or felony occurs, but acts of vandalism, malicious mischief, and so forth are committed, and the investigation clearly establishes that the unlawful entry was for a purpose other than to commit a felony or theft.

*Special rules for counting Burglaries:*

1. *Burglaries in individual student rooms:* Residents in student housing facilities are not considered transients. Burglary of each room is a separate offense. For example, if a burglar enters five dorm rooms on one floor of a student housing facility for the purpose of taking something, this is five burglaries for Clery reporting.
2. *Burglaries in suites:* Each bedroom in a student housing facility is considered a separate dwelling. Count the burglary of four bedrooms and the common room in a suite as five burglaries for Clery reporting.
3. *Burglaries in private academic offices:* Unlike a student housing facility in which each room is considered to be a separate dwelling, the various rooms within an academic building are typically under the control of a single entity (the college or university). Count the burglary of an academic building as one offense, regardless of the number of interior rooms entered or items stolen if the rooms were all burglarized during the same incident. If the burglaries were within different time frames, count them separately. For example, one on Monday and another on Tuesday in the same building = two burglaries.
4. *Burglaries in patient rooms in campus or non-campus medical centers:* Residents in patient rooms in hospitals or medical centers are transients. Count the burglary of multiple rooms during the same incident as a single burglary.

## **Motor Vehicle Theft**

*Definition:* The theft or attempted theft of a motor vehicle.

*Count:* One offense for each stolen vehicle.

*Classify the following as Motor Vehicle Theft:*

1. Theft of any self-propelled vehicle that runs on land surface and not on rails. This includes SUVs, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, ATVs, self-propelled motor homes, snowmobiles, golf carts, and motorized wheelchairs.
2. All incidents where vehicles are taken by persons not having lawful access even though the vehicles are later abandoned. This includes joyriding.

**Caution:** If the motor vehicle theft is in conjunction with another offense, use the Hierarchy Rule to classify the crime.

*Do not classify the following as Motor Vehicle Theft:*

1. Theft of farm equipment, bulldozers, airplanes, construction equipment, watercrafts (i.e. motorboats, sailboats, houseboats, or jet skis).
2. Taking a vehicle for temporary use when prior authority has been granted or can be assumed, as in a family situation, a rental car agreement, or unauthorized use by chauffeurs and others having lawful access to the vehicle.
3. A forcible or unlawful entry of a building to steal a motor vehicle. Classify this offense as Burglary.
4. Theft from motor vehicles, theft from a motor home is a larceny, which is not a Clery crime unless it is motivated by bias (Hate Crime)

## **Arson**

*Definition:* 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, and so forth.

*Count:* One offense for each distinct arson operation

*Classify the following as Arson:*

1. Only fires determined through investigation to have been willfully or maliciously set.

**Caution:** This means every fire that is not known to be accidental (such as a cooking fire) must be investigated. An arson determination must be made by a fire authority, law enforcement personnel, or another person experienced in arson investigation.

2. Attempt to burn.
3. Any fire that investigation determines to meet the definition of arson regardless of the value of the property damage.
4. Incidents where an individual willfully or maliciously burns his or her own property.

*Note:* If an arson occurs in an on-campus student housing facility, it is also disclosed in the fire statistics. The Police and Public Safety Department will add the arson to both sets of data.

*Do not classify the following as Arson:*

1. Fires of suspicious origin.
2. Fires of unknown origin.

## **Dating Violence**

*Definition:* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such.

*Count:* One offense per incident.

*Important:* Under Clery, dating violence does not include acts covered under the definition of domestic violence. If the victim and perpetrator fit one of the relationships defined under domestic violence, report the incident as domestic violence (not dating violence).

## **Domestic Violence**

*Definition:* A felony or misdemeanor crime of violence committed by (a) a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (e) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

*Count:* One offense per incident

## **Stalking**

*Definition:* Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others or (b) suffer substantial emotional distress.

*Notes:*

1. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with the person's property.
2. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
3. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Caution:** When recording reports of stalking that include activities in one or more calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to police or a campus security authority. An institution must record each report of stalking as occurring at only the first location within the institution's Clery geography in which the perpetrator engaged in the stalking course of conduct and the victim first became aware of the stalking.

## **Additional Rules for Counting and Disclosing Criminal Offenses**

### *The Hierarchy Rule*

When counting multiple offenses, the FBI UCR Hierarchy Rule must be used. This rule requires only the most serious offense to be counted when more than one offense was committed during a single incident. A single incident means the offenses were committed at the same time and place.

That is, the time interval between the offenses and the distance between the locations is insignificant. Campus security authorities should include multiple crimes that occur in a single incident on one form. The Police and Public Safety Department will apply the Hierarchy Rule in determining how to report the incident in the annual crime statistics.

### **Attempted Crimes**

Do not differentiate between attempted and completed crimes. For example, count an incident involving an attempted rape as a rape.

*Exception to using the attempted crimes rule:* For attempts to murder or assaults to murder when the victim does not die, classify the incident as Aggravated Assault.

### **Status of Victim and Perpetrator**

The status of the victim and the perpetrator is irrelevant. Count all Clery crimes, even if they involve individuals not associated with the institution.

### **Personal Identification**

When disclosing the number of reported crimes, the institution does not identify the victim or the person accused of committing the crime. The Clery Act prohibits personally identifiable information from being included in the institution's disclosure of crime statistics. However, as noted elsewhere in this manual, for law enforcement purposes and to avoid double-counting, campus security authorities should disclose the name of the victim when reporting the crime to Police and Public Safety unless the victim has requested that his or her name remain confidential.

## Excluded Crimes

Crimes that should not be included in the institution's Clery statistical disclosures are:

1. Non-Clery crimes. These are crimes other than those listed and discussed in this manual.
2. Crimes not committed in geographic locations specified in Clery.
3. Unfounded crimes. If a reported crime is investigated by law enforcement and found to be false or baseless, the crime is "unfounded." ***Only sworn law enforcement personnel may "unfound" a crime.*** A district attorney cannot "unfound" a crime. Note that the recovery of stolen property, the low value of stolen property, the refusal of a victim to cooperate with prosecution, or the failure to make an arrest does not "unfound" a legitimate offense. Also, the findings of a coroner, court, jury, or prosecutor do not "unfound" offenses or attempts that law enforcement investigations establish to be legitimate. If a person is convicted of a lesser offense, found not guilty, or enters into a plea bargain, the initial report of the crime does not change for Clery reporting purposes. If an institution discloses a crime statistic that is "unfounded" in a subsequent year, the institution must include a note stating there is a change in prior year statistics reflecting the "unfounding" of a crime.

## Detailed Reference Information for Hate Crimes

### *Definitions*

1. *Hate crime*: A criminal offense committed against a person or property which is motivated in whole or in part by the offender's bias.
2. *Bias*: A preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation, ethnicity, national origin, or gender identity.

### *Categories of Bias*

Under Clery, hate crimes based on the following categories of bias must be reported:

1. *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. Asian, black, white)
2. *Gender*: A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
3. *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).
4. *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)
5. *Ethnicity*: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a

common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term *race* in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

6. *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.
7. *National Origin*: A preformed negative opinion or attitude toward a person or group of people based upon their country of origin.
8. *Gender Identity*: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. A transgender person may express their gender identity through gender characteristics, such as clothing, hair, voice, mannerisms, or behaviors that do not conform to the gender-based expectations of society. A transgender person does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such

## **Two Groups of Hate Crime Offenses**

### *Group A*

- Criminal Homicide
  - Murder and Non-negligent Manslaughter
  - Negligent Manslaughter
- Sex offenses
  - Rape
  - Fondling
  - Incest
  - Statutory Rape
- Robbery
- Aggravated assault
- Burglary
- Motor Vehicle Theft
- Arson
- Dating Violence
- Domestic Violence
- Stalking

Group A offenses are the Criminal Offenses. Definitions are provided above under Definitions for Criminal Offenses.

### *Group B*

- Larceny-theft (other than Motor Vehicle Theft)
- Simple assault

- Intimidation
- Destruction/damage/vandalism of property

Group B offenses are included in the Clery statistics only if they are Hate Crimes. Definitions follow.

### **Definitions of Category B Offenses**

#### **Larceny – Theft**

*Definition:* The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Larceny and theft mean the same thing under Clery. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

*Classify the following as larceny*

1. Thefts of bicycles or automobile accessories
2. Shoplifting
3. Pocket-picking
4. Stealing of any property or article which is not taken by force and violence or fraud
5. Any of the above regardless of the value of the item taken (for example, include the unlawful taking of a parking sticker that is peeled off a car windshield).
6. Attempted larcenies

*Do not classify the following as larceny*

1. Motor vehicle theft
2. Attempted motor vehicle theft
3. Confidence games
4. Forgery

## 5. Worthless checks

### **Simple Assault**

*Definition:* An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Include all assaults which do not involve the use of a firearm, knife, cutting instrument, or other dangerous weapon and in which the victim did not sustain serious or aggravated injuries.

### **Intimidation**

*Definition:* To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

A person is assumed to be placed in “reasonable fear” if he/she reports threatening words or other conduct to law enforcement personnel. One does not have to be the intended target to be intimidated. For example, a person who reports seeing anti-gay threats on a bathroom wall to law enforcement is considered a victim. For the intimidation to be considered a hate crime there would have to be other supporting evidence of bias as well.

Include cyber intimidation if the victim is threatened via computer while in the institution’s Clery geography.

## **Destruction/Damage/Vandalism to Property**

*Definition:* To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

*Classify the following as destruction/damage/vandalism to property*

A wide range of malicious behavior directed at property, such as

1. Cutting auto tires
2. Drawing obscene picture on restroom walls
3. Smashing windows
4. Destroying school records
5. Defacing library books

*Note:* Incidents of burning that willfully or maliciously destroy, damage, or deface property are classified as Arson.

## **Findings Supportive Of Bias**

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

1. The offender and the victim are of different race, religion, disability, sexual orientation, ethnicity, national origin, gender, and/or gender identity. For example, the victim was African American and the offender was white.
2. Bias-related comments, written statements, or gestures were made by the offender, which indicates the offender's bias. For example, the offender shouted a racial epithet at the victim.
3. 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, mosque, or LGBT Center.

4. Certain objects, items, or things that indicate bias were used. For example, the offenders taped a photo of a burning cross to the victim's dorm room.
5. The victim is a member of a specific group, which is overwhelmingly outnumbered by other residents in the student housing facility where the victim lives and the incident took place. This factor loses significance with the passage of time (it is most significant when the victim first moves into the facility and becomes less and less important as time passes without incident).
6. Several incidents occur in the same location or at about the same time, and the victims were all of the same race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender-identity.
7. A substantial portion of the campus community where the crime occurred perceived that the incident was motivated by bias.
8. The victim was engaged in activities promoting his or her race, religion, disability, sexual orientation, or ethnicity, national origin, gender, or gender identity. For example, the victim participated in an LGBT Pride celebration or is a member of the NAACP.

9. The incident coincided with a holiday or a date of particular significance relating to a race, religion, disability, sexual orientation, ethnicity, national origin, gender, or gender identity. For example, Martin Luther King Day, Rosh Hashanah, Cinco De Mayo, or the Transgender Day of Remembrance (November 20).
10. The offender was previously involved in a similar hate crime or is a hate group member.
11. There were indications that a hate group was involved. For example, a hate group is active on campus or claimed responsibility for the crime.
12. A historically established animosity existed between the victim's and the offender's groups.
13. The victim, although not a member of the targeted racial, religious, disability, sexual orientation, ethnic, national origin, gender, or gender-identity group, was a member of an advocacy group supporting the precepts of the victim's group.

### **Additional Considerations**

1. Case-by-case assessment is needed. The above factors are not all-inclusive. Examine each case for facts that clearly provide evidence that the offender was motivated by bias.
2. 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 the victim are of the same race.
3. Feigned facts. Be alert for evidence left by the offender meant to give the false impression that the incident is motivated by bias. For example, students vandalizing their own property.
4. Offender's mistaken impression. Even if the offender was mistaken about the victim's membership in one of the eight bias categories defined by Clery, the crime is still a hate crime as long as the offender was motivated by bias against that group.

Remember, it is the perception of the offender, not the perception of the victim that determines

whether a crime is classified as a Hate Crime.

### **Rules for Counting Hate Crimes**

*The Hierarchy Rule does not apply*

1. If there are multiple offenses in a single incident, if they are all motivated by bias, all are reported in the hate crime statistics, although only the most serious one is reported in the general criminal offense category.
2. If only some of the multiple offenses in a single incident are motivated by bias, only those motivated by bias should be reported in the hate crimes statistics. If presented with this situation, complete two crime reports with the general criminal offenses on one and the hate crime offenses and categories of bias on the other.



## Detailed Reference Information for Disciplinary Referrals

### General Rules

#### Definition

*Disciplinary Referral:* 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.

*Note:* Disclosures are for violations of the law resulting in persons being referred for disciplinary action. *Do not include violations of institutional policies* that resulted in disciplinary referrals.

*Example:* A student of legal drinking age is referred for disciplinary action because he/she consumed alcoholic beverages at a function the campus had designated as alcohol-free.

### Law Violations

#### Weapons

*Definition:* The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

*Classify as weapons violations:*

1. Manufacture, sale, or possession of deadly weapons
2. Carrying deadly weapons, concealed or openly
3. Using, manufacturing, etc. the use of silencers
4. Furnishing deadly weapons to minors
5. Aliens possessing deadly weapons
6. Attempts to commit any of the above

*Note:* This violation is not limited to “deadly” weapons, it also applies to weapons used in a

*deadly manner.*

## **Drug Abuse**

*Definition:* 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).

*Classify as drug violations*

1. All drugs, without exception that are illegal under local or state law where the institution is located. Campuses in different states may have different laws.
2. All illegally obtained prescription drugs.

## **Liquor Law**

*Definition:* 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.

*Classify as liquor law violations*

1. The manufacture, sale, transporting, furnishing, possessing, etc. of intoxicating liquor
2. Maintaining unlawful drinking places
3. Bootlegging
4. Operating a still

5. Furnishing liquor to a minor or an intemperate person
6. Underage possession
7. Using a vehicle for illegal transportation of liquor
8. Drinking on a train or public conveyance
9. Attempts to commit any of the above

*Do not classify as drug violations*

1. Drunkenness
2. Driving under the influence

### **Criteria for Counting Referrals for Disciplinary Action**

*Criteria for Counting Disciplinary Referrals*

The disciplinary process at an institution can be called disciplinary action, mediation, judicial process, or some other term. The referral can, but does not have to, originate with the police. A disciplinary action can be initiated in an informal as well as a formal manner. It can include an interview or an initial review of names submitted to an official.

Regardless, if the following three criteria are met, Clery considers it a disciplinary referral:

1. The official receiving the referral initiates a disciplinary action
2. A record of the action is kept
3. The action may, but does not have to, result in a sanction

### *Rules for Reporting Disciplinary Actions*

1. Report persons who were referred for Weapons violations, Drug Abuse violations, and Liquor Law violations.
2. Do not report persons who were referred solely for violations of institutional policy. Only count persons who were referred for violations of the law.
3. If a person is referred for disciplinary action for multiple incidents during one reporting (calendar) year, report each referral, even if some or all are for the same type of violation.
4. If an individual is arrested for one type of law violation and referred for disciplinary action for a different type of law violation during a single incident, only the arrest is counted. If the Police and Public Safety Department makes the arrest and the disciplinary referral, Sergeant Geiger knows how the data are to be reported in the annual statistics. If you make a disciplinary referral and know the person was arrested, you do not need to report the disciplinary referral. If you make a disciplinary referral and do not know whether or not the person also was arrested, report the disciplinary referral and Sergeant Geiger will eliminate those that do not need to be counted for Clery purposes.
5. If a person is referred for disciplinary action for multiple violations during a single incident, report all the violations on a single form. Clery requires the determination regarding which violation to count must be made by law enforcement and the justification for the determination must be documented. Sergeant Geiger will make the determination and maintain the appropriate records for Clery.
6. If a person is issued a civil citation and you make a disciplinary action, report the disciplinary referral. Only the disciplinary referral is counted in this case.

## **Clery Geography**

The Clery Act requires institutions to disclose statistics for the following geographic areas:

1. On campus
2. On public property within or immediately adjacent to the campus
3. In or on non-campus buildings or property that the institution owns or controls

The Clery Act provides specific definitions for these terms (see Detailed Geographic Definitions below) that are the same for every institution regardless of its physical size or configuration.

*Important: Location is key*

Statistics for Clery crimes that do not occur within an institution's Clery geography are not included in that institution's Clery statistical disclosures even if the institution's students or employees are involved.

### ***Detailed Geographic Definitions***

#### ***On campus***

##### ***Definition:***

1. 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 education purposes, including any residence halls; and
2. any building or property that is within or reasonably contiguous to #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, for example, a food or other retail vendor).

## Key Terms

1. Controlled by means there is a lease or some other type of written agreement, including an informal written agreement such as a letter or e-mail for a building or property, or a portion of a building or property, even if there is no payment involved in the transaction. For example, if an institution leases the third floor of an office building, the institution is in control of the third floor. A reported crime that occurs on the third floor (rooms, restrooms, or hallways), or in the lobby, stairwell, or elevator that students must use to access the third floor is considered to have occurred “on campus.” If the agreement gives the institution the right to use the parking lot, or certain spaces in the parking lot, the lot or the specific spaces are “on campus” property. If an institution leases space in a building only for a specific period of time, for example using a classroom in a high school to teach creative writing, then the space is only controlled by the institution during the agreed upon hours of use.

*Note:* If an institution-associated foundation owns or controls a building or property that is operated in support of or in relation to the institution’s educational purposes, the institution is considered to be in control of that building or property.

2. Directly support or relate to the institution’s educational purposes, refer to the function of the building or property.

*Examples:* Residence halls support the institution’s educational purpose. A high school located on the campus but not otherwise associated with the institution, and not used by students or employees for any reason, is not in direct support of the educational purpose.

3. Reasonably contiguous means buildings or properties that meet all three of the following criteria:

- (a) The institution owns or controls the building or property.
- (b) The building or property is in a location that the institution and its students consider to be and treat as an integral part of the main core campus.
- (c) The building is covered by the same security policies as the campus.

*Examples:* A bookstore or fast food restaurant located in a student center leased to a private company is considered to be “on campus” because the institution owns but does not control the space, the space is reasonably contiguous to the campus, and it supports the educational mission. A fast food restaurant across the street is not on campus although many students frequent it because it is not owned or controlled by the institution.

**On Campus Student Housing Facilities:**

*Definition:* Any student housing facility that is owned or controlled by the institution, or that is located on property owned or controlled by the institution, and that is within the reasonably contiguous geographic area that makes up the campus is considered an on campus student housing facility. This definition includes:

- a. undergraduate, graduate, and married student housing
- b. single family houses used for student housing
- c. summer school student housing
- d. buildings that are used for student housing but also have faculty, staff, or any other individuals living there
- e. buildings that are owned by a third party that has a written agreement with the institution to provide student housing (whether the rent is paid to a third party by

the institution on behalf of the students or paid directly by the students)

- f. housing for officially and not officially recognized student groups, including fraternity and sorority houses, that are owned or controlled by the institution or located on property that the institution owns or controls

Crimes in on-campus student housing facilities are included in the total of crimes that occurred on campus and also are reported separately as a subset of the total

### **Non-Campus Buildings or Property**

*Definition:* The non-campus category includes two distinct types of buildings and property.

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution.
2. 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.
  - a. If the institution owns the building, statistics must be disclosed for crimes that occur there at any time.
  - b. If the institution controls but does not own the location, crime statistics are disclosed only for crimes that occur when the institution has control of the space. The statistics must be disclosed for all the time the institution has contracted to use the space, even if students and employees do not occupy it during the entire contracted period.
  - c. If the institution controls only a portion of the space, then crime statistics are disclosed only for that floor *plus* any areas used to access the contracted space. For example, the institution contracts for the third floor of a building. Crime

statistics must be disclosed only for the third floor, the main lobby, the elevators and the stairwells that access the third floor.

**Limits of Control:**

1. If the institution controls only a portion of the space (for example, it rents half of a building) and a crime occurs in the part of the building not leased by the institution, the crime is not reported in the Clery statistics even if one of the institution's students is involved in the crime.
2. If the institution has a program agreement not a lease, the institution does not control the space.

*Note:* Non-campus locations do not have a public property reporting requirement.

**Public Property**

*Definition:* Public property means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. Public property refers to property owned by a public entity, such as a city or state government. A parking lot owned by a private entity for parking by the public is not a public parking lot.

*There are only two types of public property*

1. Public property within the campus, such as a public road or bike path, or a public parking lot owned by a public entity. *Note: however, if the institution has been granted authority to control the public road through the campus, or has contracted with the public entity that owns the parking lot to use the lot for institutional use, then this property is "on campus" property (not "public property").* To report a criminal offense or a hate crime

that occurred on a public roadway through the campus, indicate the Clery geography as public property. North Carolina Central University does not have authority to control the public roadways through the campus,

2. Public property that immediately borders and is accessible from the campus, such as a public sidewalk that borders the campus, the public street along the sidewalk, and the public sidewalk on the other side. In general, for a campus building along a street, the sidewalk/street/sidewalk rule is used to determine the extent of the public property for which crime statistics must be maintained.

*Public Property is accessible if one of two conditions is met:*

1. There is no barrier of any kind between the campus and the public property. For example, a person can step off the edge of the campus directly onto a public sidewalk.
2. A standard of use has been established by students. This means that although a barrier is present, the students frequently ignore or overcome or even use it to gain access to public property. For example, a wall that students climb over, a fence students climb over or under or through (including a hole in a fence frequently used by students), or a fence with a missing gate that students walk or drive through.