

Clery Crime Definitions

Types of Criminal Offenses

Criminal Homicide

- **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of a human being by another.
- **Manslaughter By Negligence:** The killing of person through gross negligence.

Sexual Assault (Sex Offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Offenses that meet the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program are considered Sexual Assault (Sex Offenses) crimes for the purposes of Clery Act reporting.

- **Rape** is defined as the penetration by cisgender or non-cisgender, no matter how slight, of the vagina or anus with anybody part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling** is defined as the touching of the private body parts of another person for the purposes 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.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

Robbery

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 forces or violence and/or by putting the victim in fear.

Aggravated Assault

An unlawful assault or attempted assault by one (or more) persons on another for the purpose of inflicting severe or aggravated bodily injury.

Burglary

The unlawful entry (or attempt to enter) into a defined structure with the intent to commit a theft or any felony. (Excludes vehicle burglary)

Motor Vehicle Theft

The taking of a motor vehicle (as defined) without the consent of the owner with the intent to either permanently or temporarily deprive the owner of the vehicle. (Includes attempts)

Arson

The willful or malicious burning or attempt to burn (w/o the intent to defraud) a dwelling, house, public building, motor vehicle or aircraft, or personal property of another. (Includes attempts)

Hate Crime

A criminal act involving one or more of the listed crimes which was motivated by bias against any person or group of persons, or the property of any person or group of persons. The crimes listed above will also be evaluated for hate crime statistics.

- **Larceny-Theft:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession.
- **Simple assault:** An unlawful physical attack by one or more persons upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property.

Bias

A pre-formed negative opinion or attitude toward a person or group of people because of their ethnicity, race, national origin, religion, gender, gender identity, sexual orientation, or disability (varied ability) or based upon the perception that the person or group has one or more of those characteristics.

Hazing

any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

1. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
2. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:
 - a) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - b) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - c) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - d) causing, coercing, or otherwise inducing another person to perform sexual acts;
 - e) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - f) any activity against another person that includes a criminal violation of local, State, Tribal or Federal law; and
 - g) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

The term 'student organization' for purposes of reporting, means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Types of VAWA Offenses (Violence Against Women Act)

Domestic Violence

A felony or misdemeanor crime of violence committed.

- By a current or former spouse or intimate partner of the victim;
- By a person with who the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crimes of violence occurred.

For the purposes of complying with the requirements of this section and 34 C.F.R. §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition -

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and 34 C.F.R. §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking

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

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition -

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

For the purposes of complying with the requirements of this section and 34 C.F.R. §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Types of Weapon, Drug, and Liquor Violations

Weapon, Drug and Liquor violations of the law that occur on UTRGV Clery Act geography and result in arrests or persons being referred for disciplinary action.

Weapons

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.

Drug

Laws or ordinances regulate possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

Liquor

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.