

# Definitions of Reportable Crimes

Below are the definitions of the categories of offenses defined by the Clery Act. Criminal Offenses, Hate Crimes, arrest and disciplinary referral statistics are based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The definitions for the categories of Dating Violence, Domestic Violence and Stalking are provided by the *Violence Against Women Act of 1994* and the *Clery Act* regulations.

## CRIMINAL OFFENSES

***Murder/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.

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

- ***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, including instances in which the victim is incapable of giving consent.
- ***Fondling:*** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
- ***Incest:*** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- ***Statutory Rape:*** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

***Robbery:*** the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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

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

***Motor Vehicle Theft:*** The theft or attempted theft of a motor vehicle.

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

## HATE CRIMES

Northwest Nazarene University is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery,

aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

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

**Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**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.

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

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

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc... the assault is then also classified as a hate/bias crime.

## **VAWA OFFENCES**

**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.

(1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(2) For the purpose of this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat 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

(1) By a current or former spouse or intimate partner of the victim.

(2) By a person with whom the victim shares a child in common.

(3) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

(4) 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.

(5) 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.

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

(1) Fear for the person's safety or the safety of others; or

(2) Suffer substantial emotional distress.

(3) For the purpose of this definition:

- 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 a person's property.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

## **ARRESTS AND REFERRALS FOR WEAPONS, DRUG ABUSE AND LIQUOR LAW VIOLATIONS**

Northwest Nazarene University is required to disclose the number of arrest and the number of persons referred for disciplinary action for the law violations of: Weapons; Carrying, Possessing, etc.: Drug Abuse Violations; and Liquor Law Violations.

- **Weapon Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapon offenses that are regulatory in nature. The following are classified as Weapons violations: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the using, manufacturing, etc., of silencers; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the aforementioned.
- **Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- **Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful

drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

If you have any questions, please contact the Director of Campus Safety at [safety@nnu.edu](mailto:safety@nnu.edu) or 208-467-8550.