Clery Act Definitions and Instructions

**Murder**
The willful (non-negligent) killing of a human being by another.

**Manslaughter**
The killing of another person through gross negligence.

**Sex Offense (Forcible)**
Any sexual act directed against another person without the other person’s consent. (Includes attempts)
- A. Sexual intercourse (penetration—however slight)
- B. Sodomy (penetration—however slight)
- C. Oral copulation (vaginal, anal)
- D. Rape with a foreign object (penetration vaginal or anal—however slight)
- E. Sexual battery (the touching of the intimate parts [sexual organ, anus, groin, or buttocks of any person, or the breast of a female] of another person for the purpose of sexual gratification.)

**Sex Offense (Non-forcible)**
Any unlawful, but consensual sex act with another person. (Includes attempts)
- A. Incest (sexual intercourse between persons who are related to one another within the degrees wherein marriage is prohibited)
- B. Statutory rape (intercourse with a person who is under the age of consent—18 years)

**Robbery**
The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear. (Includes attempts)

**Aggravated Assault**
An unlawful assault upon the person of another for the purpose of inflicting severe or aggravated bodily injury. (Includes attempts, and whether or not an injury occurred.)

**Burglary**
The unlawful entry (or attempts 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)

**Drug/Narcotic Violations**
The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

**Alcohol Violations**
The unlawful possession, sale, transportation, manufacturing, furnishing alcohol to a minor (under 21 years), or maintaining an unlawful drinking place. The Clery Act does not require the reporting of public drunkenness or driving while under the influence offenses.

**Weapons Violation**
The unlawful possession or control of any firearm, dangerous weapon, or illegal knife, while on the property of the University of Massachusetts Amherst.

**Hate Crimes**
A criminal act involving one or more of the listed crimes, the crimes of Theft, Simple Assault, Intimidation and Vandalism, and any other crime involving bodily injury which was motivated by bias against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, gender, sexual orientation, or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

**Clery Act Reportable Locations:** To qualify as reportable, a Clery Act crime must have occurred in one of the following locations:
- A. On-campus property: Any building or property owned, leased, or controlled by the University within the same reasonable contiguous geographic area and used by the University in direct support of, or in a manner related to, the University’s educational purpose, including buildings or property the location described herein that is owned by the University but controlled by another person and which is frequently used by students.
- B. On-campus residential life buildings and Greek houses
- C. Non-campus property: Any non-campus property or building owned or controlled (leased) by the University that is frequently used by students and is not within the same reasonable contiguous geographic area of the institution.
- D. Public Property: Any public property located immediately adjacent to and accessible from campus including public garages, thoroughfares, sidewalks, streets, lands, parks and beaches.

**Instructions**
A. If the reported incident constitutes a threat to the safety of the University community, in addition to completing a report form, the Campus Security Authority (CSA) shall immediately call 911. A CSA Crime Report Form shall be completed and submitted when it is safe to do so.

B. Confidential and anonymous CSA reports are accepted. However, if the reporting party is a victim of a sex offense, he/she shall also be encouraged to report the crime directly to the Police Department and/or to the Dean of Students, or the Center for Women and Community.

C. While second hand (third party) reports are inherently unreliable and are difficult to verify, such reports shall also be accepted. The potential for duplication of reported incidents shall not be a factor in determining whether or not a report is taken.

D. Clery Act reporting, via the CSA Crime Report form, does not replace or change any existing reporting requirements or procedures for disciplinary referrals or misconduct.

E. Hate Crimes present a special reporting challenge. CSA’s are to document each reported Hate Crime occurrence and the related category of prejudice.

**CSA Report Routing:** Completed CSA Crime Report Forms can be submitted online at http://www.umass.edu/umpd/crimereporting/csa, mailed or faxed (413) 545-1725 in a timely manner to the attention of Lt. Brian Henault at the UMass Police Department. Any questions on crime reporting or the Clery Act should be directed to the University Police Clery Coordinator at (413) 545-2440.

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