

## 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.

### 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.

### Fondling

The touching of the private 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

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### Statutory Rape

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

### 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.

### Domestic Violence

1) Felony or misdemeanor crimes of violence committed —

- By a current or former spouse or intimate partner of the victim;
- By a person with whom 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; or
- 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.

2) Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### Dating Violence

*Dating violence is not defined specifically in Massachusetts' State criminal law.*

Violence committed by a person

- 1) who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) 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.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### Stalking

1) 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.

2) 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.
- 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.

3) Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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### Hate Crimes

A criminal act involving one/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.

- Theft (Larceny): includes the crimes of Pocket Picking, Purse Snatching, Shoplifting, Theft from Building, Theft from Coin Operated Machine or Device, Theft from Motor Vehicle, Theft of Motor Vehicle Parts or Accessories, and All Other Larceny.

- 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.
- 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 a physical attack.
- Vandalism:** 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.

## HOW TO REPORT?

**CSA Report Routing:** CSA Crime Report Forms can be submitted online at <https://www.umass.edu/umpdapps/csa-report-form>, 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) 545-8095.

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**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 the Campus Security Authority (CSA) shall notify UMPD immediately. A CSA Crime Report Form (see next section, CSA Report Routing) 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, the Center for Women and Community, or the University Title IX Office.
- 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.