

Clery Act Crime Definitions (FBI Uniform Crime Reporting)

- **Criminal Homicide — Murder/Non-Negligent Manslaughter**
The willful (non-negligent) killing of one human being by another.
- **Criminal Homicide — Negligence Manslaughter**
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.
 - **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.
 - **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.
- **Robbery**
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.
 - **With a Firearm** - Use of any firearm as a weapon or employed as a means of force to threaten the victim or put the victim in fear.
 - **With a Knife or Cutting Instrument** - Use of a knife, broken bottle, razor, ice pick or other cutting or stabbing instrument as weapon or as a means of force to threaten the victim or put the victim in fear.
 - **With other Dangerous Weapon** - Use of a club, acid, explosive, brass knuckles, mace, pepper spray or other dangerous weapon used or use is threatened.
 - **Strong Arm – Hands, Fists, Feet, Etc.** - Includes muggings and similar offenses where personal weapons such as hands, arms, feet, fists and teeth are used or use is threatened to deprive victim of possessions.
- **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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in a serious personal injury if the crime were successfully completed.)
 - **With a Firearm** - All assaults in which a firearm of any type is used or is threatened to be used. Assaults with revolvers, automatic pistols, shotguns, zip guns, rifles, etc. are included in this category.
 - **With a Knife or Cutting Instrument** - Assaults wherein weapons such as knives, razors, hatchets, axes, cleavers, scissors, glass, broken bottles, and ice picks are used as cutting or stabbing objects or their use is threatened.
 - **With Other Dangerous Weapon** - Assaults resulting from the use or threatened use of any object as a weapon in which serious injury does or could result. The weapons in this category include, but are not limited to, mace, pepper spray, clubs, bricks, jack handles, tire irons, bottles or other blunt instruments used to club or beat victims. Include attacks by explosives, acid, lye, poison, scalding, burnings, etc.
 - **With Hands, Fists, Feet, and Teeth** - Attacks using personal weapons (hands, fists, feet, etc.) that result in serious or aggravated injury.

- **Burglary**

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

- **Forcible Entry** - All offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony. Include entry through the use of tools; breaking or forcing windows, doors, transoms, or ventilators; cutting screens, walls, or roofs; and, where known, using master keys, picks, unauthorized keys, celluloid, a mechanical contrivance such as a pass or skeleton key, or any device that leaves no outward mark but forces a lock. Also include concealment inside a building followed by exiting the structure.
- **Unlawful Entry — No Force** - The entry of a structure by use of an unlocked door or window. The element of trespass to the structure is essential in this category, which includes thefts from open garages, open warehouses, open or unlocked dwellings (such as dorm rooms), and open or unlocked common basement areas where entry is achieved by someone other than the tenant who has lawful access.
- **Attempted Forcible Entry** - Situations where a forcible entry burglary is attempted but not completed.

- **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. There are three classes of motor vehicles: (1) autos, (2) trucks and buses, and (3) other vehicles.

- **Autos** - Sedans, station wagons, coupes, convertibles, sport utility vehicles, minivans and other similar motor vehicles that serve the primary purpose of transporting people from one place to another. Autos used as taxis and station wagons licensed as trucks must be classified as autos.
- **Trucks/Buses** - Vehicles specifically designed (but not necessarily used) to commercially transport people and cargo.
- **Other Vehicles** - Motor vehicles that meet the UCR definition such as snowmobiles, motorcycles, motor scooters, trail bikes, mopeds, golf carts, all-terrain vehicles and motorized wheelchairs.

- **Arson**

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, etc.

- **Structural** - Houses, townhouses, duplexes, apartments, hotels, inns, dormitories, boarding houses, barns, garages, warehouse stores, restaurants, offices, churches, jails, schools, colleges, hospitals, monuments and buildings under construction.
- **Mobile** - Cars, trucks, buses, motorcycles, trailers, planes, boats.
- **Other** - Crops, timber, fences, signs, merchandise stored outside a structure.

- **Liquor, Drug and Weapons Violations**

Under the Clery Act institutions must also report arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

- **Arrest** - Persons processed by arrest, citation or summons.
- **Weapons: Carrying, Possessing, Etc.** - 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. Include in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.
- **Drug Law Violations** - 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).
- **Liquor Law Violations** - 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. Include in this classification: the manufacture, sale, transporting, furnishing possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on train or public conveyance; and attempts to commit any of the above.

Hate Crimes (FBI Uniform Crime Reporting)

"Hate crimes" are crimes that, upon investigation, manifest evidence that the victim was intentionally selected because of the perpetrator's bias. Clery Act statistics for hate crimes are derived from any of the Clery Act reportable crimes listed in the Crime Definitions section and, beginning in 2009, the following additional crimes:

Note: Non-Criminal hate incidents are not included.

- **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. Asians, blacks, whites).
- **Gender**
A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **Gender Identity**
One's personal experience of one's own gender. This is generally described as one's private sense of being a man or a woman.
- **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).
- **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).
- **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.
- **Ethnicity**

A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

- **National Origin**

A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).

Additional Hate Crimes (FBI Uniform Crime Reporting)

- **Larceny-Theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession or constructive possession of another. (Larceny and theft mean the same thing in UCR). 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.

- **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**

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 (Except Arson)**

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.

Fire Safety Right-To-Know Act Definitions

Fire: Rapid oxidation of combustible material accompanied by heat, light and smoke of combustible material, which is found outside of its normal appliance, whether or not it is extinguished prior to arrival of emergency.

Fire-related Deaths: Number of persons who were fatalities because of a fire incident, including death resulting from a natural or accidental cause while involved in fire control, attempting a rescue, or persons escaping from the fire scene (an individual who dies within one (1) year of injuries sustained as a result of a fire).

Fire-related Injuries: Number of persons receiving injuries from fire-related incidents, including an injury from a natural or accidental cause who received medical treatment at a local medical facility. This includes first responders attempting to control the fire, attempting a rescue, or persons escaping from the fire scene. Persons may include students, faculty, staff, visitors, firefighters, or any other individuals.

Estimated U.S. Dollar Loss Related to Fire Incidents: Estimated total U.S. dollar loss of both contents and structure or property destroyed because of a fire incident, not loss of business.

Evacuation Procedures Posted: When a fire alarm is activated, evacuation is mandatory. DO NOT use elevators; evacuate the building using the nearest available exit. Gather outside at the Housing Quad/Lawn area in front of Dining Commons to begin an accountability and assessment process.

Fire Alarms Monitored by Sacramento State: Fire alarms are monitored 24 hours a day, seven days a week, 52 weeks a year by the Sacramento State Police Department.

Buildings Equipped with Fire Alarm Systems and Smoke Detectors: Buildings that have functional fire alarm systems and smoke detectors installed.

Buildings Protected with Automatic Sprinkler System Throughout: Indicates an automatic sprinkler system protects all areas of a building.

Emergency Evacuation Drills (formerly known as Fire Drills): The number of supervised scheduled drills or actual events at campus residence halls are facilitated and certified by Housing personnel. Various drills are conducted throughout the year to familiarize students and staff with emergency procedures and individual roles.

Sex Offense Definitions

These definitions include items that would not constitute reportable crimes under Clery. For example, “sexual harassment” and “sex discrimination” are not reportable Clery crimes, however, if the University determined harassment and/or discrimination occurred, it would constitute a violation of campus policy and possibly Title IX.

- **Sexual Harassment**, a form of Sex Discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, any other conduct of a sexual nature, offering employment benefits or giving preferential treatment in exchange for sexual favors, or indecent exposure, where:
 1. Submission to, or rejection of, the conduct by the Complainant is explicitly or implicitly used as the basis for any decision affecting a term or condition of the Complainant’s employment, or an employment decision; **or**
 2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as creating an intimidating, hostile or offensive environment.

Sexual Harassment could include being forced to engage in unwanted sexual contact in exchange for a raise or promotion; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in the work environment.

Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on Gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

This policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as

consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to this policy.

- **Sexual Misconduct:** All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on Gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the Complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

1. Sexual Assault is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or sex (https://www.calstate.edu/eo/EO-1096-rev-6-23-15.html#_ftn22).

2. Sexual Battery is a form of Sexual Misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's Gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification, or abuse (https://www.calstate.edu/eo/EO-1096-rev-6-23-15.html#_ftn23).

3. Rape is a form of Sexual Misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The Respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Affirmative Consent above.) (https://www.calstate.edu/eo/EO-1096-rev-6-23-15.html#_ftn24).

4. Acquaintance Rape is a form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

5. Statutory Rape is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

6. Fondling is defined as 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.

7. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Affirmative Consent** means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent.

Affirmative Consent can be withdrawn or revoked. Affirmative Consent cannot be given by a person who is incapacitated.

A person with a medical or mental Disability may also lack the capacity to give consent.

Sexual activity with a minor (under 18 years old) is never consensual because a minor is considered incapable of giving legal consent due to age.

- **Domestic Violence** is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the Parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the Parties hold themselves out as spouses; (5) the continuity of the relationship; and, (6) the length of the relationship. For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another (https://www.calstate.edu/eo/EO-1096-rev-6-23-15.html#_ftn12). Abuse does not include non-physical, emotional distress or injury.
- **Dating Violence** is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim (https://www.calstate.edu/eo/EO-1096-rev-6-23-15.html#_ftn10). This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.
- **Stalking** means engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his/her or others’ safety or to suffer Substantial Emotional Distress (https://www.calstate.edu/eo/EO-1096-rev-6-23-15.html#_ftn26). For purposes of this definition:

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 a person’s property;

2. Reasonable Person means a reasonable person under similar circumstances and with the same Protected Status(s) as the Complainant;

3. Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.