

Terms and Legal Definitions (Revised 2016)

The following terms are defined from 20 U.S.C. § 1092(f) Disclosure of campus security policy and campus crime statistics.

The term "campus" includes the following—

Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area, above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

The term "non-campus building or property" means—

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

Any building or property (other than a branch campus) owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The term "public property" encompasses the following --

All public property; including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Crime Definitions

Under the Clery Act, for the purposes of counting and disclosing Criminal Offenses, Hate Crime, arrest and disciplinary referral statistics are based on definitions provided by the Federal Bureau of Investigations' (FBI's) Uniform Crime Reporting (UCR) Program. The definitions for *Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Law Violations, Drug Abuse Violations, and Liquor Law Violations* are from the *Summary Reporting System (SRS) User Manual* from the FBI's UCR Program. The definitions of *Fondling, Incest and Statutory Rape* are from the FBI's *National Incident-Based Reporting System (NIBRS) Data Collection Guidelines* edition of the UCR.

Hate Crimes are classified according to the FBI's *Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual*. Note that, although the law states that institutions must use the UCR Program definitions, *Clery Act* crime-reporting does not have to meet all of the UCR Program standards.

The categories of *Domestic Violence*, *Dating Violence* and *Stalking* are defined using the language provided by the *Violence Against Women Act of 1994* and repeated in the *Clery Act* regulations.

These definitions are outlined below:

Murder & Non-Negligent Manslaughter - The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter-The killing of another person through gross negligence.

Rape -Is defined as 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 where the victim is incapable of giving consent.

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 where in marriage is prohibited by law.

Statutory Rape- Sexual intercourse with a person who is under the statutory age of consent.

Robbery - The taking or attempting at taking 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.

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 aggravated assault when a gun, knife, or other weapon is used that could possibly result in serious personal injury if the crime were successfully completed).

Burglary - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; house breaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft- The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including guarding).

Arson- Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or air craft or personal property of another .

Arrest - A person processed by arrest, citation or summons.

Referral for Disciplinary Action- The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

Liquor Law Violations- The violation of any laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging, operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in the definition).

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, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Weapons Law Violations- The violation of laws or ordinances dealing with weapons offenses, regulatory in nature, such as manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Hate Crimes- A Hate Crimes is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, ethnicity/national origin or gender identity.

- **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 or African Americans, whites.
- **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.
- **Gender** – A preformed negative opinion or attitude towards a person or group of person based on their actual or perceived gender, e.g., male or female.
- **Gender Identity** – A preformed negative opinion or attitude towards a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

- **Ethnicity** – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Hate Crimes include the primary crimes, noted in the previous section (except negligent manslaughter), in addition to the offenses of Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included if they are Hate Crimes.

Larceny-Theft- The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. 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 the offender neither displays a weapon nor the victim suffers obvious severe or aggravated bodily injury, such as apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

Intimidation- Unlawfully placing 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-Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

Domestic Violence - A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or 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.

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; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Unfounded Crimes -- Only sworn or commissioned law enforcement personnel may unfound a crime. Oberlin College Safety and Security is not a law enforcement agency, and will not declare reported incidents unfounded. If a reported crime is investigated by law enforcement authorities and found to be baseless or false, the crime is “unfounded,” and can be declared so, for these statistical processes. Unfounded crimes are counted in the year they originally were reported. Unfounded crimes could include any of the criminal offenses, hate crimes, arrests or disciplinary action referrals for weapons, drug, or liquor law violations and domestic violence, dating violence, or stalking incidents that have been declared “unfounded.”