Clery Act Reportable Crimes

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.

Arson – To any 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.

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

Manslaughter by Negligence – The killing of another person through gross negligence.

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

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

Robbery – The 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.

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. This includes the rape of both males and females.

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.

Domestic Violence – A felony or misdemeanor crime 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 cohabited 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; 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.

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. 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 the 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.

Stalking – 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.

For purposes 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, method,

device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

Reasonable person means a reasonable person under the similar circumstances and with similar identities to the victim.

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

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

Hate Crime – A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias based on one of the Categories of Prejudice listed below, plus the following four crimes.

Larceny/Theft – the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

Simple Assault – 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 actual physical attack.

Destruction/Damage/Vandalism to 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.


Categories of Prejudice

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.

Sexual Orientation - A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Gender - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity - A preformed negative opinion or attitude toward 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.

Law Violations:
Drug Law Violation – 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.

Liquor Law Violation – 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.

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 weapons offenses that are regulatory in nature.

*Referred for disciplinary action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

Clery Act Reportable Locations: To qualify as reportable, a Clery Act crime must have occurred in one of the following locations:

- **Non-Campus Property** – Any building or property owned or controlled by a student organization that is officially recognized by UM-Flint; or any building or property owned or controlled by the University that is used in direct support of, or in relation to, UM-Flint’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University of Michigan-Flint.

- **On-Campus Property** – Any student housing facility that is owned or controlled by UM-Flint, or is located on property that is owned or controlled by the University, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

- **Public Property** – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Instructions

If the reported incident constitutes a threat to the safety of the campus community the CSA shall immediately call 911. A CSA Reporting Form shall be completed and submitted when it is safe to do so.

Confidential and anonymous CSA reports are accepted. However, the reporting party should also be encouraged to report the crime directly to the Department of Public Safety.

While second hand (third party) reports may be 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.

CSA Crime Report and Resources: The CSA Reporting Form, training and resources are available online at:

[https://www.umflint.edu/node/12289](https://www.umflint.edu/node/12289).

The following resources are available via CSA Crime Definitions

- **Information for CSAs**
  - CSA Reporting Form
  - CSA Training
  - Clery Act Resources

- **Clery Crime Definitions**

- **Annual Security and Fire Safety Report**

Any questions on CSA reporting or the Clery Act should be directed to:

UM-Flint Department of Public Safety,
Sgt. Heather Bromley (McDonald)
mcdonalh@umflint.edu, (810) 237-6512.