

CLERY ACT REPORTABLE CRIMES / DEFINITIONS

CLERY ACT CRIMES (SECTION 1)

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 attempt 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)

CLERY ACT REPORTABLE ARRESTS (SECTION 2)

Drug/Narcotic Violation

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

Alcohol Violation

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, deadly weapon, illegal knife or explosive device while on the property of Mississippi State University.

CLERY ACT HATE CRIMES (SECTION 3)

Hate Crimes

A criminal act involving one or more of the crimes listed in Section 1, the crimes of Theft, Simple Assault, Intimidation or Vandalism, or 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.

And any other crime involving Bodily Injury.

The JEANNE CLERY ACT and ANNUAL SECURITY REPORT — CAMPUS GUIDELINES —



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WHAT IS THE CLERY ACT?

Jeanne Clery, a 19-year-old Lehigh University freshman, was assaulted and murdered in her dorm room in 1986. In 1998, the “Student Right-to-Know and Campus Security Act” was renamed in her memory. The Clery Act was enacted in the belief that crime awareness can prevent campus victimization.

The federal law requires colleges and universities receiving federal funding to prepare, publish, and distribute, by October 1 of each year, campus security/safety policies and crime statistics in the form of an Annual Security Report (ASR). University community members are notified, annually in September, of the availability the ASR and how and where to access the ASR. The Department of Education is responsible for Clery Act compliance.

Mississippi State University ASR's are posted at [<http://www.msstate.edu/web/security/>]. Hard copies are available from the Dean of Students' Office and MSU Police Department.

WHAT IS A CSA?

Campus Security Authority is a Clery-specific term that encompasses four groups of individuals and organizations associated with the institution.

THE LAW DEFINES FOUR CATEGORIES OF CSA'S:

- 1. A campus police department of an institution.** The Mississippi State University Police Department (MSUPD) sworn personnel and department administrators are considered as CSA's.
- 2. Non-police individuals or offices responsible for campus security of an institution.** At Mississippi State, this includes community service officers, campus contract security personnel, parking enforcement staff, personnel providing access control and/or security at campus facilities, athletic events or other special events, safety escort staff (Bully Patrol), and other similar positions.
- 3. An official of an institution who has significant responsibility for student and campus activities.** At Mississippi State this includes, but are not limited to: academic deans; student affairs/residential life officials; coordinator of Greek affairs (or related positions); athletic administrators including director, assistant directors and coaches; student activities coordinators and staff; student judicial officials; faculty and staff advisors to student organizations; student center building staff; student peer education advisors; and administrators at branch campuses.
- 4. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which**

students and employees should report criminal offenses. – Mississippi State University Police Department (MSUPD)

CSA CRIME REPORTING

WHEN A CRIME IS REPORTED TO A CSA, THE CSA SHOULD:

1. Ask the individual if they would like to report the crime to MSUPD. If so, contact MSUPD at (662) 325-2121 to receive further instructions on how to file a police report.
2. If the individual does not want to complete a police report, it is the responsibility of the CSA to notify the proper crime reporting agency and complete an Incident Report Form. (<https://ssl2.msstate.edu/saffairs/incident/>)

CSA's are encouraged to report all crimes reported to them, on a timely basis, to MSUPD or the Dean of Students' Office. However, under the Clery Act, only Clery Act qualifying crimes are required to be reported.

If the reported crime is made in good faith, meaning that there is reasonable basis for believing that the information is not rumor or hearsay, then the crime is Clery reportable. CSA's, when interacting with the crime reporting party, need to gather incident information that would provide sufficient detail to properly classify the incident. This means CSA's need to document reporting party responses or lack thereof. Reporting party identifying information should only be included in the Incident Report Form if the reporting party is willing to provide same (see Anonymous Reporting section below). CSA's should not investigate the crime or attempt to determine whether a crime, in fact, took place. When in doubt regarding a reportable crime, please contact MSUPD or the Dean of Students' Office for further clarification.

To review information on reportable Clery Act crimes, disciplinary referrals, and/or the Clery Act incident occurrences locations, please refer to the MSU's Annual Security Report.

ANONYMOUS REPORTING

The Mississippi State University Police Department (MSUPD), unless otherwise prescribed by law, does not take anonymous police reports. The exception related to anonymous reporting involves Campus Security Authorities (CSA). Mississippi State University permits victims or witnesses to report crimes to CSA's on a voluntary, anonymous basis (and includes such anonymous reports in reported Annual Security Report crime totals) but encourages individuals who report crime to provide identifying information.

MSU faculty and staff should not presume or promise confidentiality to students who discuss any violations of MSU policy or state law. Faculty and staff should refer the student to the Dean of Students Office. Once an incident has been reported to a university official, it becomes the university's obligation to take appropriate measures.

WHAT IS DONE WITH CSA REPORT FORMS?

Incident Report Forms along with other crime reporting measures are collected and the proper crime reporting agency within the institution makes a determination if an incident warrants timely warning/emergency notification to the University community and whether it is a reportable crime in the Annual Security Report (ASR). Representatives within the Dean of Students' Office will consolidate crime data from multiple sources, report qualifying crime data to the federal Department of Education, publish campus ASR's and inform the campus community when and where ASR's are available.

CRIME/EMERGENCY AND NON-EMERGENCY REPORTING

Regardless of your status (CSA or non-CSA), all community members are encouraged to promptly report all MSU campus related criminal incidents and other public safety related emergencies to MSUPD. For incidents requiring immediate attention, dial 911 or use one of the “Blue Light” Police Emergency Phones (call boxes) located throughout campus. Non-emergency incidents can be reported by dialing 662-325-2121 in order to contact the MSUPD.

WHO IS NOT A CSA?

The following non-CSA positions/functions include but are not limited to: faculty member without responsibility for student and campus activity beyond the classroom; physicians/nurses in Student Health who only provide care for students; clerical or administrative support staff; cafeteria staff; facilities maintenance staff; information technology staff, licensed mental health or pastoral counselors, when acting within the scope of their license or certificate; and other like functions.

WHAT IS THE ROLE OF A CSA?

CSA's are encouraged to report all crimes reported to them, on a timely basis, to the Mississippi State University Police Department (MSUPD) or Dean of Students' Office. However, under the Clery Act, CSA's are only obligated to report Clery Act qualifying crimes which occurred on campus, in public areas bordering campus and in certain non-campus buildings owned or controlled (leased) by the University. CSA's should only report those crimes that have not been previously reported to MSUPD or another University CSA. The intent of including non-law enforcement personnel in the CSA role is to acknowledge that some community members and students in particular, may be hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.