

**James Madison University Police Department
Campus Security Authorities Clery Incident Report Form**

This form should be completed by those individuals identified as “campus security authorities” who are required to report information they receive about specified crimes pursuant to the federal Clery Act. The information collected from these forms will be used to prepare a compilation of statistical crime information that will be included in the University’s Annual Security and Fire Safety Report.

If a serious crime that may cause an ongoing threat to the James Madison University community is reported to anyone who is defined as a Campus Security Authority, that individual should not wait to report that incident to the JMU Police Department. The institution has a responsibility to notify the campus community about any crimes which pose an ongoing threat to the community, and as such, Campus Security Authorities are obligated by law to report crimes immediately to the JMU Police Department. If there is any question about whether an ongoing threat exists, immediately contact the JMU Police department at (540) 568-6912.

Please forward this completed form to: Attention: Lisa Carickhoff Clery Compliance Officer
821 S. Main Street MSC6820
Harrisonburg, Va. 22807
Email: clerycompliance@jmu.edu
Fax: 540-568-3308

Person (CSA) Receiving Report: _____
CSA’s Contact Phone Number: _____ JMU Dept./Group: _____
Reported to the above CSA on: (Date) _____ (Time) _____
Report Made by:
_____ Victim Name (Optional): _____
_____ Third Party, please identify relationship to victim: _____

Date & Time Incident Occurred: _____
Did the crime occur in a building or on the street? Building: _____ Street: _____
Did the crime occur on JMU owned, controlled, or leased property? Yes: _____ No: _____
Did the crime occur at an JMU-sponsored activity or event? Yes: _____ No: _____

If Applicable: Type of Bias (circle):
Race Religion Ethnicity National Origin Gender Sexual Orientation Disability Gender Identity

Description of the Incident or Crime, include witness(s) and location when possible:

Use additional sheets if needed.

The Department of Public Safety will use this form to determine the category of crime and location under which the crime should be reported according to the requirements of the Clery Act.

It is the policy of James Madison University to ensure that victims and witnesses to crime are aware of their right to report criminal acts to the police, and to report University policy violations to the appropriate office (e.g., student conduct violations to the Office of Student Accountability and Restorative Practice or Office of Residence Life).

If a reporting person requests anonymity, this request must be honored to the extent permitted by law. Accordingly, no information should be included on this form that would personally identify the victim without his/her consent.

Definitions

Criminal Homicide

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

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

Sexual Assault – *An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) programs. Per the National Incident-Based Reporting Systems User Manual from the FBI UCR Programs, a sex offense is “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

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 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 person 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 and does not include acts covered under the definition of domestic violence.*

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 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 jurisdiction in which the crime of violence occurred.*

Stalking - *Engaging in a course of conduct directed at a specific person that would cause a reasonable person to – fear for person's safety or the safety of others; or suffer substantial emotional distress. 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; reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.*

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.*

Aggravated Assault – *An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually 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 serious personal injury if the crime were successfully completed. Aggravated assault includes poisoning (date rape drug, etc.)*

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

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 joyriding.)*

Arson – 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.

Hate Crimes – Any crime that manifests evidence that the victim was intentionally selected because of actual or perceived bias against race; gender; gender identity, religion; sexual orientation; ethnicity, national origin or disability. This includes murder and nonnegligent manslaughter, negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, and also larceny-theft, simple assault, intimidation, and destruction/damage/ vandalism of property.

Bias

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics such as color of skin, eyes, and/or hair, facial features genetically transmitted which distinguish them as a distinct division of humankind,

Gender: A preformed negative opinion or attitude toward a group of persons because those persons are either male or female. (Gender bias is a Clery Act specific term that is not found in the FBI's Hate Crime Data Collection Guidelines).

Gender identity: A preformed negative opinion or attitude toward a group of persons because those persons are of or relating to a person who identifies as a different gender from their gender as assigned at birth.

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 existence or nonexistence of a supreme being.

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.

Ethnicity: A preformed negative opinion or attitude toward a group of persons of the same race who share common or similar traits, languages, customs, and traditions.

National origin: A preformed negative opinion or attitude toward a group of persons of the same national origin.

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairment/challenges whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

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. (Currently, this crime category only applies to hate crimes.)

Larceny-Theft - The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. (Currently, this crime category only applies to hate crimes.)

Destruction/Damage/Vandalism of property- 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. (Currently, this crime category only applies to hate crimes.)

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. (Currently, this crime category only applies to hate crimes.)

The Clery Act also requires disclosure of statistics for liquor law violations, drug law violations, and weapons possession. Reports of these violations are made differently, and reflect the total number of individuals arrested or referred for campus disciplinary action, rather than total number of incidents.

Liquor Law Violation – *The violation of federal, state and local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.*

Drug Law Violation – *The violations 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 unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.*

Weapon Law Violation – *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.*

Disciplinary Referrals – *The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.*

These offenses must be reported according to their occurrence in the following Clery locations, or geographic categories:

Map/list with designations can be found at

https://www.jmu.edu/publicsafety/clerycompliance/clery_geography.shtml

Campus – *(i) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (ii) any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, 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).*

NonCampus/ Affiliated – *(i) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (ii) any building or property 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.*

Public Property – *"public property" is defined by the Clery Act regulations as all public property including thoroughfares, streets, sidewalks, and parking facilities that is within the campus, or immediately adjacent to and accessible from the campus. Include the sidewalk across the street from your campus, but do not include public property beyond the sidewalk.*