

NORTH DAKOTA STATE UNIVERSITY

Criminal Offense Data Form

Type of offense: Aggravated assault _____ Arson _____ Burglary _____ Manslaughter _____
 Motor vehicle theft _____ Murder _____ Robbery _____
 Sexual offenses: forcible _____ non-forcible _____

Date information submitted: _____ Date of alleged crime: _____ Time (if known): _____

Location: _____

Complainant is: Accuser _____ Accused _____ Other _____

Name of complainant [optional] _____

	Yes	No	Unknown
Was alleged perpetrator an NDSU student?			
Was offense reported to NDSU Police Department?			
Was offense reported to other law enforcement agency?			
Was a weapon involved in the commission of the offense?			
Was offense in association with a University sponsored event/activity?			
Was offense alcohol or other drug related?			

Did offense occur ...	at an NDSU Fraternity or Sorority?
	at any other NDSU affiliated property? (e.g. Alumni Center, Newman Center, etc.)
	on public property? (immediately adjacent to & accessible from the campus)
	in an NDSU Residence facility?
	on University owned/controlled property? (Extension Research Center, etc.)

If this was hate-crime related was it based on [specify **type** for all that apply]:

Race _____ [Type of] Gender _____ [Type of] Religion _____ [Type of faith] Sexual Orientation _____ [Explain]
 Ethnicity _____ [Country] Disability _____ [Type of disability]

Initials of complainant: _____

Name of person and department completing this form:

 [Name]

 [Department]

 [Date]

Submit completed form to NDSU Police, Auxiliary Enterprise Building PO Box 6050 Dept 3301, Fargo, ND 58108



DEFINITIONS

GENERAL DEFINITIONS

NDSU is a community of approximately 16,500 students, faculty and staff.

Business day is defined as “Monday through Friday, excluding any day when NDSU is closed.”

Campus is defined as “1) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by NDSU in direct support of, or in a manner related to, NDSU’s educational purposes, including residence halls; and 2) any building or property that is within or reasonably contiguous to the area identified in item 1 of this definition, that is owned by NDSU but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).”

Campus residences are defined as “residential facilities for students on campus.”

Noncampus building or property. 1) Any building or property owned or controlled by a student organization that is officially recognized by NDSU; or 2) any building or property owned or controlled by NDSU that is used in direct support of, or in relation to, NDSU’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of NDSU.

Pastoral counselor. A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. (Note: pastoral counselors are not campus security authorities for reporting campus crime statistics.)

Professional counselor. A person whose official responsibilities include providing mental health counseling to members of NDSU’s community and who is functioning within the scope of his or her license or certification. (Note: professional counselors are not campus security authorities for reporting campus crime statistics when acting in their counseling capacities.)

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.

Referred for campus disciplinary action. The referral of a student 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. (Note: These referrals do not include those students already counted in the arrest categories for liquor law violations, drug law violations, and arrests for weapons violations, but will include students referred for disciplinary action for a major crime (murder, sexual offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson and manslaughter.)

DEFINITIONS OF CRIMINAL OFFENSES

The following definitions are those used in the Uniform Crime Reporting system of the U.S. Department of Justice, Federal Bureau of Investigation.

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 serious personal injury if the crime were successfully completed.)

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.

Burglary. The unlawful entry into a building or other structure with the intent 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; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Drug abuse violations. Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs and the equipment or devices utilized in their preparation and/or use. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Hate crimes. Crimes that manifest evidence of prejudice based on race, religion, sexual orientation, disability and gender or ethnicity.

Liquor law violations. The violation of 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 this definition.)

Manslaughter. Manslaughter is defined as "the reckless or grossly negligent killing of a human being, excluding traffic fatalities."

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

Negligent manslaughter. The killing of another person through gross negligence.

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 joy riding.)

Robbery. The taking of, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of a person or persons by force or threat of force or violence or by putting the victim in fear.

Note: Carjackings are robbery offenses where a motor vehicle is taken through force or threat of force.

SEX OFFENSES

FORCIBLE

(Definitions are from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program)

Any sexual act directed against another person, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent.

- a. **Forcible Rape** (except "Statutory Rape"). The carnal knowledge of a person, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity (or because of his or her youth).
- b. **Forcible Sodomy.** Oral or anal sexual intercourse with another person, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
- c. **Sexual assault with an object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
Note: An "object" or "instrument" is anything used by the offender other than the offender's genitalia. Examples are a finger, bottle, handgun, stick, etc.
- d. **Forcible fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly or against that person's will, or both; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.
Note: Forcible Fondling includes "Indecent Liberties" and "Child Molesting."

NONFORCIBLE

(except "prostitution offenses")

Unlawful, nonforcible sexual intercourse.

- a. **Incest.** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- b. **Statutory rape.** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

WEAPON LAW VIOLATIONS

The violation of laws or ordinances dealing with weapon 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.

Prepared by: NDSU - University Police & Safety Office (UP&SO), Reviewed, May, 2009