

Clery Compliance for University Sponsored Student Travel, Study Abroad and Field Study Programs

Under the Clery Act, the university is required to collect and publish statistics on crimes occurring on campus, and on "non-campus property."

Non-Campus Property is defined in the Act as:

- Property outside the contiguous border of the campus "owned or controlled" by the university

Written Agreements

- For the purposes of non-campus property, the determining factor is an agreement, defined as a rental or lease document or other written form of agreement covering the university's use of academic and/or residential space. The agreement need not be a formal one; something *in writing* agreeing to the utilization of space being utilized by this university suffices.
- If there is an agreement between the university and the host, the Clery requirements kick in only for those areas for which the university has the agreement as well as public areas leading to those spaces (such as hallways, entryways, etc.). This makes providing as much detail when you notify Campus Police about your program.
- Clery requirements also only apply to those dates and times covered by the agreement. If a property manager agrees to provide a block of rooms to our students for 8 weeks during the summer, statistics only need to be collected for those locations during that time, not for the entire year.
- Clery requirements may also kick in when the university rents a specific block of hotel rooms or a specific hostel, especially if students return to that location regularly (annually, each semester, etc.).

Students Educated Overseas Taught and Housed by a Third Party or Local Institution

- If the agreement is with another institution or third party, you may not have Clery requirements. For example, you have an agreement with a university to allow our students to enroll at their institution, but not to provide specific rooms, etc., the university does not have Clery requirements. (Title IX requirements may, however, apply.)

Private Home Stays

- Normally home stays do not invoke Clery requirements.
- Similar to other academic and residential space, Clery requirements would kick in if the university has some kind of agreement directly with the provider of the homestay (such as agreement to provide certain services for our student).
- Arrangements with another institution or company would not necessarily cause Clery to click for the homestays that may be arranged by that third party.

Side Trips

- Side trips organized by the attending students or by host families which are not covered by an agreement by the university and are not officially organized by the university do not have Clery reporting requirements.
- However, as in other areas, there could potentially be Title IX implications.
- Best practice would also suggest that if the university becomes aware of a crime that occurred during such a trip, it may be beneficial to advise students involved in the particular program when possible.

Field Trips

Not all student trips need be reported. For trips to be reportable, student trips must meet certain requirements. The University must have control over the trip or program accommodation and any related academic space used in conjunction with the trip. Control, as defined by the Clery Act, means that there is a written agreement (no matter how informal) directly between the university and the end provider for use of the space.

In addition, the controlled space must be used in direct support of, or in relation to, the institution's educational purposes and frequented by students. Some examples of a written agreement include renting hotel rooms, leasing apartments, leasing space in a student housing facility or academic space on another campus and even an e-mail agreement for use of space free of charge. Hostels are not normally reportable unless the written agreement gives the University control over the space within the accommodation.

This definition would cover trips such as those below, provided the university has an agreement for academic/residential space and the trip is part of the university's educational purpose:

- Athletics long-term travel
- Performing & visual arts long-term travel

Non-Campus Property Matrix

To determine if your site is Clery reportable, please check this [Non-Campus Property Matrix](#).

Research Vessels

Similar to other study abroad or field study, the university must disclose statistics for the ship or the areas controlled by the university while students are on board.

Other Field Study Locations

If the university owns or controls property overseas or at a distance, that does not meet the definition of a separate campus but that is frequently used by students, crimes that occur there must be reported.

Note that some crimes may be relevant based on Title IX requirements but may not initiate Clery requirements. Refer to the university's information on Title IX for abroad and field study programs.

Timely Notifications

Study abroad and field study coordinators should note that in addition to obtaining crime statistics, the university is responsible for providing timely notification of incidents made known to the university which threaten the safety of students studying at an abroad or field location. This notification need not be issued to the entire community, but can be issued only to students studying in that same program.

The role of study abroad and field study coordinators:

- notify Campus Police of the exact location and addresses for abroad and field study programs; be prepared to provide sufficient details about the university's control over those spaces that will determine if the space is covered by Clery Act requirements.
- assure students report any crimes occurring on non-campus property (residential and academic areas controlled by the university)
- obtain sufficient information on what happened, where, and when
- report the crime to Campus Police who will review it for potential inclusion in Clery crime statistics (the most significant factor is where the crime occurred)
- assure that students studying at an abroad or field study location are made aware of crimes that are reported to you or location coordinators

Documentation and Maintenance of Files

The university is required to maintain documentation of Clery records for a period of seven (7) years. This includes correspondence with Campus Security Authorities relating to incidents occurring in non-campus property. Campus Security Authorities should maintain a copy of all records shared with the campus Clery Compliance Coordinator, including any criminal incidents determined ultimately not to meet Clery definitions.

Questions?

If you have any questions relating to study abroad or field study, please contact Claudia Archer (ccp@berkeley.edu or 510-642-9113).

Resources:

NAFSA The Clery Act and Education Abroad

NACUA Notes: The Clery Act and Overseas/Distance Study: New Developments and Compliance Guidance

Non-Campus Matrix

Trip Accommodation and/or Academic Space Usage Agreement	Student Trip Accommodation	Student Trip Accommodation	Clery Act Reportable Student Trip
The University has a written agreement with the end provider for trip accommodations and/or academic space for use of the accommodations or space	The same accommodations are used in two consecutive years or more frequently	1 night or more	Yes
The University has a written agreement with the end provider for trip accommodations and/or academic space for use of the accommodations or space by 2 or more students	You don't anticipate using the same accommodation every year	10 or more nights	Yes
The University has a written agreement with a third party to arrange trip accommodations and/or academic space for use of the accommodations or space	The same accommodations are used in two consecutive years or more frequently	1 night or more	Yes
University sponsored trip	None	Day Trip	No
Student organized or private trips – no college agreements		1 night or more	No



CLERY ACT STUDENT TRAVEL FORM

*This form is to be completed for and University-related overnight travel
That includes students such as athletics, academics, clubs/organizations, etc.*

Group Name: _____

Travel Contact: _____

Name

Title

Department

Phone

Email

Travel Dates: Departure from UCB ___/___/___

Return to UCB ___/___/___

Lodging Facility Information:

Note: If group is staying at more than one lodging facility, please complete a separate form for EACH facility.

Name _____

Street Address _____

City, State, Zip _____

Specific floor(s), room number(s), or unit numbers(s) occupied _____

This trip is:

a one-time trip repeated each semester repeated annually

other _____

If trip is repeated, our group:

always stays at the exact same lodging facility uses various lodging facilities with each trip

Person submitting this form:

Name

Signature

Date

Submit this completed form to:

Claudia Archer, Clery Compliance Coordinator
Phone: 510-642-9113 Email: ccp@berkeley.edu