ATTACHMENT T: CLERY ACT REPORTING FOR INTERNATIONAL PROGRAMS: SUMMARY, PROTOCOL, AND YOUR ROLE AS A CAMPUS SECURITY AUTHORITY UNDER THE CLERY ACT

The federal Clery Act requires public reporting and timely warnings as to covered crimes when the College "controls" premises even in international or domestic off-campus settings. If the College sends students to study abroad at an institution that it does not own or control, it does not have to disclose statistics for crimes that occur in those facilities.

The College is deemed to control premises in either of the following situations:

A. “Control” may exist in use of premises under a written agreement (including informal communication, such as a letter or email) giving exclusive use of a designated area to the College for a given period of time. This definition includes housing and classroom space. Therefore, if the College rents or leases designated space (e.g. a specific block of rooms) for our students in a hotel or student housing facility, it is in control of that space for the time period covered in the agreement. We are not responsible under Clery for programs run by third party providers unless we have a written affiliation agreement for control of specific housing and/or classroom space. The customary home stay (i.e. host family) arrangement is not covered unless a written agreement with the family gives the College some significant control over space in the family home.

B. “Control” may also be found if students use the premises frequently or repeatedly (i.e. on a regular basis). The federal Department of Education leaves it to the individual institution to define these terms. The only usable example the Department offers is of a yearly one-night class trip where students stay in the same hotel each year. In this instance, Clery reporting is said to be required.

NACUA summarizes the statutory requirements as follows:

Clery Act crimes are reportable as non-campus incidents if they occur:
- In space that the institution owns or controls overseas or at a distance, which is used to support the institution’s mission and are frequently used by students;
- On an overseas study trip which includes overnight trips and either:
  - The same hotel/hostel is used on a regular basis (the institution has a long-term agreement with the hotel or housing company to utilize its space or has a practice of using the same hotel or housing company); or
  - It is a longer overnight trip and the institution makes a written agreement for use of space to house or offer programs to students.

Only crimes that occur during the time in which that hotel or housing company is used by the institution are reportable (e.g. if the institution hosts only a summer trip to France, a crime occurring in the winter at that location is not reportable). Also, only crimes in the area that is actually controlled by the institution or that are necessary to access that area are reportable.

Messiah College Protocol

1. Messiah College will consider the “control” criteria to be satisfied only if (a) we use the same space once or more per year, or (b) if we have a written agreement with the owner of the premises which gives the College control over any specific portion of the premises (e.g. a block of rooms, a designated class meeting area, etc.). If a hotel assigns random available rooms to our students, we will not consider the College to have the requisite control. We will report Clery crimes occurring on international programs if either or both of these criteria are met.
2. Whether or not a particular location or crime is reportable under Clery in no way affects the responsibility of trip leaders and those responsible for risk management or supervision to plan prudently and to advise students of potential risks. Leaders are obligated to take reasonable steps to safeguard students and to warn them of dangers in the course of the off-campus experience, and are responsible to provide for the care of any student who is the victim of a crime.

3. Trip leaders are also regarded as Campus Security Authorities (CSAs) under Clery, thus are responsible to notify the Director of International Programs and the Department of Safety of any crimes of which they become aware. If trip leaders become aware of crimes having been committed in the course of an international program (*regardless of whether the “control” criteria are satisfied*), they are to report the incident to the Department of Safety Coordinator of Compliance for compilation and reporting. A simple online form will be developed to facilitate that task. Trip leaders are *not* responsible to contact police agencies or facilities at which students stay to learn whether any criminal incidents of which they are not already aware have occurred.

4. It will be the Coordinator of Compliance’s responsibility to examine the facts of any criminal incident to determine whether it is reportable under Clery. Trip leaders have no responsibility to interpret Clery regulations to decide whether or not the crime is reportable to the federal government.

5. International program trip leaders are responsible to provide the Director of the Intercultural Office with full address and contact information for any location where students will be living or studying (excluding home stays, unless the College has a written agreement for significant control over space in a family home) prior to leaving on the international program. The Director of the Intercultural Office will furnish that information to the Department of Safety Coordinator of Compliance, who will be responsible to contact local police agencies to secure crime information as to locations meeting the “control” criteria.

6. In the event that future semester-long programs are structured such that either of the Clery control criteria is satisfied, the Director of the Intercultural Office will have the same obligations under this protocol.

7. Regular training sessions for all trip leaders will be scheduled to explain their roles as CSAs and their responsibilities under the Clery Act.

June 2014

TO: Vice Provost Dean of Students
Associate Dean of Students
FROM: Amanda Coffey, Vice President for Human Resources & Compliance

DATE: June 2015

RE: Your role as a Campus Security Authority under the Clery Act

This letter is to inform you that you have been identified as a Campus Security Authority to report crimes for the annual federally mandated Clery Act report. This responsibility is in addition to the requirement that you report suspected child abuse as dictated by Pennsylvania Act 31 and detailed in the enclosure entitled Compliance Responsibilities.

According to a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, our school is required to disclose “statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the institution who is defined as a ‘Campus Security Authority.’”

The law defines “Campus Security Authority” as: “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” An example would be a dean of students who oversees student housing, a student center, or student extra-curricular activities and has significant responsibility for student and campus activities. Similarly, a director of athletics, team coach, and faculty advisor to a student group also has significant responsibility for student and campus activities. A single teaching faculty member is unlikely to have significant responsibility for student and campus activities, except when serving as an advisor to a student group. Clerical staff, as well, are unlikely to have significant responsibility for student and campus activities.

The criminal offenses for which we are required to disclose statistics are murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug abuse violations and reports of weapons: carrying, possessing, etc.
We are also required to report statistics for bias-related (hate) crimes for the following offenses: murder/non-negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, vandalism, intimidation, simple assault, and damage/destruction/vandalism of property.

In emergency situations, these crimes should be reported by calling the police at 911. In non-emergency situations, reports can be made to Campus Security at ext. 6565 from a campus phone or by calling 717-691-6005 from off campus. It is recommended that CSAs save this number on their cell phones in the event they are not near a campus phone.

We are required to disclose statistics for offenses that occur on campus, in or on non-campus buildings or property owned or controlled by our school, and public property within or immediately adjacent to our campus. This includes the Harrisburg campus and the Philadelphia campus. Also please be aware that we are required to report violations that occur off campus while in an official college capacity.

Clery report statistics are reported based on the calendar year not the academic year.

**Our school 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 to the Campus Security immediately. Even if you are not sure whether an ongoing threat exists, immediately contact Campus Security at 6565.**

We will provide further information to all recognized CSA’s during the 2015-2016 academic year.

If you have any questions about this request please contact me at (717) 796-5300. Thank you for your assistance in complying with this federal law.