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August 26, 2015

Dr. Jeffrey D. Armstrong, President
California Polytechnic State University, San Luis Obispo
One Grand Avenue
San Luis Obispo, CA 93407

Dear Dr. Armstrong:

Subject: Audit Report 15-22, Clery Act, California Polytechnic State University, San Luis Obispo

We have completed an audit of the *Clery Act* as part of our 2015 Audit Plan, and the final report is attached for your reference. The audit was conducted in accordance with the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

I have reviewed the management response and have concluded that it appropriately addresses our recommendations. The management response has been incorporated into the final audit report, which has been posted to the Office of Audit and Advisory Services' website. We will follow-up on the implementation of corrective actions outlined in the response and determine whether additional action is required.

Any observations not included in this report were discussed with your staff at the informal exit conference and may be subject to follow-up.

I wish to express my appreciation for the cooperation extended by the campus personnel over the course of this review.

Sincerely,



Larry Mandel
Vice Chancellor and Chief Audit Officer

c: Timothy P. White, Chancellor

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CLERY ACT

California Polytechnic State University, San Luis Obispo

Audit Report 15-22
July 1, 2015

EXECUTIVE SUMMARY

OBJECTIVE

The objectives of the audit were to ascertain the effectiveness of operational and administrative controls related to campus compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act) requirements, and to ensure compliance with relevant governmental regulations, industry-accepted standards, Office of the Chancellor directives, and campus procedures.

CONCLUSION

Based upon the results of the work performed within the scope of the audit, except for the effect of the weaknesses described below, the operational and administrative controls in effect as of March 27, 2015, taken as a whole, were sufficient to meet the objectives of this audit.

In general, the audit did not reveal any significant internal control problems or weaknesses that would be considered pervasive in their effects on operational and administrative controls. However, the review did identify opportunities for improvement in some areas, such as crime statistic tabulation, campus security authority (CSA) administration, and crime log maintenance.

Specific observations, recommendations, and management responses are detailed in the remainder of this report.

OBSERVATIONS, RECOMMENDATIONS, AND RESPONSES

1. ANNUAL SECURITY REPORT STATISTICS

OBSERVATION

The campus did not maintain evidence to support reported statistics on disciplinary referrals for drug, alcohol, and weapons violations.

Statistics for drug, alcohol, and weapons referrals were collected and maintained in University Housing (UH) and at the Office of Student Rights and Responsibilities (OSRR) and were reported annually to the University Police Department (UPD) for inclusion in the annual security report (ASR). Because the UH and OSRR data included incidences that were not required to be reported under the Clery Act, an analysis was required to ensure that Clery Act-required incidences were isolated for proper reporting. However, we found that neither the UPD, UH, nor OSRR retained these reports or analyses as support for the statistics recorded in the ASR.

Furthermore, we found inconsistencies between crime reports and ASR statistics for other crimes that occurred in 2012. Specifically, we found:

- Four drug-law violation referrals reported under “on-campus/resident community” that should have been reported as arrests, a separate required category.
- One alcohol violation arrest reported under “public property” that should not have been included in the ASR because it occurred on a non-Clery Act off-campus location.

Proper recording and reporting of crime statistics helps improve compliance with Clery Act requirements.

RECOMMENDATION

We recommend that the campus:

- a. Maintain records to support the statistics reported in the ASR, including any reconciliations of numbers provided by outside sources.
- b. Correct the above-mentioned 2012 statistics on the 2015 ASR, which is due on October 1, 2015.

MANAGEMENT RESPONSE

We concur.

- a. The campus will maintain records of the statistics received from UH and the OSRR in UPD files and reconcile them at least once annually with the data maintained in the source systems/files.
- b. The five cases mentioned will be corrected and accurately reported in the 2015 ASR.

Anticipated implementation date: October 30, 2015

2. CAMPUS SECURITY AUTHORITY MANAGEMENT

OBSERVATION

The campus process to identify and train employees who fell under the definition of a CSA needed improvement.

The Clery Act indicates that certain non-law enforcement personnel have an obligation to disclose knowledge of crimes to the campus entity that compiles statistics for Clery Act purposes. These individuals are known as CSAs, and they generally include campus officials who have significant responsibility for student and campus activities, such as housing officials, club advisors, and coaches. The reason for identifying CSAs is to help the campus capture crime statistics that may not be reported directly to law enforcement.

We found that:

- The campus CSA list did not include two Greek Life advisors and 280 faculty advisors for student organizations on campus.
- Although some CSA training was conducted annually, the campus did not maintain documentation of the names of individuals attending training sessions and the dates of attendance.

Efficient and effective management of CSA identification and training helps improve compliance with the Clery Act.

RECOMMENDATION

We recommend that the campus:

- a. Improve processes to identify employees who fall under the definition of a CSA.
- b. Maintain evidence of training provided to CSAs.

MANAGEMENT RESPONSE

We concur.

- a. The campus will continue to improve our processes to identify employees who fall under the definition of a CSA.
- b. The campus will maintain evidence of training provided to CSAs.

Anticipated implementation date: October 30, 2015

3. DAILY CRIME LOG

OBSERVATION

The daily crime log did not include all required information.

The Clery Act requires the campus to maintain a cumulative log of all criminal activity reported to UPD and make it readily available to the public during regular business hours. The daily crime log provides the campus community with additional information on criminal and alleged criminal incidents on a timelier basis than the annual statistical disclosures in the ASR.

We reviewed the daily crime log and found that selected entries did not meet the following Clery Act requirements:

- The entries did not always include the date and time when the crime occurred.
- The UPD did not have a process to ensure that changes to daily crime log entries were made within two business days of learning about any additional information.

Properly compiling the crime log helps ensure compliance with Clery Act requirements.

RECOMMENDATION

We recommend that the campus:

- a. Include the date and time when crimes occurred on the daily crime log.
- b. Establish procedures to ensure that changes to daily crime log entries are made within two business days of learning about any additional information.

MANAGEMENT RESPONSE

We concur.

- a. An upcoming software upgrade to the Automated Reporting Management System (ARMS) will allow UPD to document the date and time when crimes occurred.
- b. Through the ARMS system and an upcoming available software systems upgrade, UPD will be able to establish a procedure to identify cases that receive additional information or changes, most notably any changes to case disposition, and require updates to the daily log entries within two business days of learning about the additional information or changes.

Anticipated implementation date: October 30, 2015

GENERAL INFORMATION

BACKGROUND

Originally known as the Campus Security Act of 1990, the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (20 USC § 1092(f), the Clery Act) is the landmark federal law that requires colleges and universities across the United States to disclose information about crime on and around their campuses. An amendment to the 1965 Higher Education Act, the law requires institutions participating in federal student financial aid programs under Title IV to prepare, publish, and distribute an ASR with specific information on crime statistics and campus policies and related resources to enable people to make informed decisions when choosing a college for educational or employment purposes.

The Clery Act requires colleges and universities to publish the annual ASR; maintain a comprehensive public crime log; disclose accurate crime statistics that occur on campus and in certain non-campus and public areas; issue timely warnings about crimes that pose a serious or ongoing threat to students and employees; devise an emergency response and notification policy; and enact policies and procedures to handle reports of missing students.

The Clery Act has been amended several times since its inception. The first amendment, in 1992, added a requirement that schools afford the victims of campus sexual assault certain basic rights. In 1998, another amendment expanded the reporting requirements and formally changed the name of the law to acknowledge the campus safety advocacy work of the parents of Jeanne Clery, a LeHigh University freshman who was raped and murdered in her dormitory room in 1986.

Subsequent amendments in 2000 and 2008 added provisions dealing with registered-sex-offender notification and campus emergency response. The 2008 amendments also added a provision to protect crime victims, whistleblowers, and others from retaliation. The most current amendments under the 2013 Violence Against Women Reauthorization Act (VAWA) added additional statistics reporting for incidents of sexual assault, domestic violence, dating violence, and stalking, as well as additional requirements for policy statements, particularly in reference to resources available to crime victims and procedures for internal disciplinary proceedings. Although the VAWA final rule is effective July 1, 2015, the rule itself and directives from the U.S. Department of Education (DOE) state that universities are expected to take immediate measures to ensure that the programs in support of the changes are reasonably operative prior to that date.

The DOE is the agency assigned to enforce the provisions of the Clery Act. The agency revised and published its guidelines and best practices in 2011 in the Handbook for Campus Crime Reporting. In addition to reputational risk and the possibility of suspension of federal student financial aid, fines of up to \$35,000 per violation may be imposed by the DOE on any university found to be noncompliant with the requirements of the Clery Act.

At California Polytechnic State University, San Luis Obispo (Cal Poly SLO), the UPD, under the vice president of administration and finance, is the main entity responsible for ensuring Clery Act compliance. Specifically, the UPD is responsible for ensuring the issuance of an accurate, timely, and comprehensive ASR by the October 1 deadline each year.

SCOPE

We visited the Cal Poly SLO campus from February 23, 2015, through March 27, 2015. Our audit and evaluation included the audit tests we considered necessary in determining whether operational and administrative controls are in place and operative at Cal Poly SLO. In order to capture the entirety of the three years of crime statistics required as part of the 2014 ASR, the audit focused on procedures in effect from January 1, 2011, through March 27, 2015.

Specifically, we reviewed and tested:

- Processes to ensure accurate and timely compilation and publication of the required policies and crime statistics for the ASR.
- Measures to ensure timely distribution of the ASR to current students and employees, and publication of notices of ASR availability to potential students and employees.
- Processes to ensure that the campus has properly identified the campus boundaries and non-campus properties that encompass the Clery Act crime statistic reporting area.
- Processes to identify and notify campus security authorities of their responsibilities to centrally report incidents that may be part of the Clery Act crime statistics.
- Processes to accurately identify, count, and tabulate Clery Act crime statistics.
- Measures to ensure that the campus community is adequately warned, in a timely manner, of crimes that pose a serious or ongoing threat to students and employees.
- Measures to meet DOE expectations of a good-faith effort to comply with changes mandated as part of the VAWA.

As a result of changing conditions and the degree of compliance with procedures, the effectiveness of controls changes over time. Specific limitations that may hinder the effectiveness of an otherwise adequate system of controls include, but are not limited to, resource constraints, faulty judgments, unintentional errors, circumvention by collusion, and management overrides. Establishing controls that would prevent all these limitations would not be cost-effective; moreover, an audit may not always detect these limitations.

Our testing and methodology was designed to provide a review of key operational controls, which included detailed testing on a limited number of crime statistics and campus crime warning bulletins. In addition, our review was limited to steps to gain a reasonable assurance that required prevention, awareness, and training programs were implemented by the campus, but did not validate the content or adequacy the programs.

CRITERIA

Our audit was based upon standards as set forth in federal and state regulations; CSU Board of Trustee policies; Office of the Chancellor policies, letters, and directives; campus procedures; and other sound administrative practices. This audit was conducted in conformance with the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

This review emphasized, but was not limited to, compliance with:

- 20 United States Code §1092(f), *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*
- 34 Code of Federal Regulations §668.41, *Reporting and Disclosure of Information*
- 34 Code of Federal Regulations §668.46, *Institutional Security Policies and Crime Statistics*
- DOE, *The Handbook for Campus Safety and Security Reporting*
- Government Codes §13402 and §13403
- Cal Poly SLO UPD Policy 822, *Jeanne Clery Campus Security Act*

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