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August 4, 2015

Dr. William A. Covino, President
California State University, Los Angeles
5151 State University Drive
Los Angeles, CA 90032

Dear Dr. Covino:

Subject: Audit Report 15-24, Clery Act, California State University, Los Angeles

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 State University,
Los Angeles**

Audit Report 15-24
June 18, 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, operational and administrative controls in effect as of March 20, 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 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 campus security authority (CSA) administration and annual security report (ASR) preparation, notification, and distribution.

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

OBSERVATIONS, RECOMMENDATIONS, AND RESPONSES

1. CAMPUS SECURITY AUTHORITY MANAGEMENT

OBSERVATION

The campus process to notify 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 reviewed procedures and interviewed 10 CSAs, and we found that:

- The campus could not provide evidence that CSAs received notification of their status and responsibilities in 2013 and 2014. All 10 CSAs indicated they did not recall receiving the notification, and four said they were unaware of their designation and all of their reporting responsibilities.
- The campus did not offer sufficient training to CSAs to ensure that they had adequate understanding of their role in Clery Act compliance. Seven of the 10 CSAs indicated they had not received training.

Each of the CSAs we interviewed indicated that they received Title IX training in fall 2014, and although the Clery Act and Title IX overlap in certain aspects for certain types of crimes, other aspects that fall solely under the Clery Act were not addressed.

Efficient management of CSA notification and training helps improve compliance with Clery Act requirements.

RECOMMENDATION

We recommend that the campus notify CSAs of their designation and provide them with training regarding their roles and responsibilities under the Clery Act.

MANAGEMENT RESPONSE

The department of public safety will consult with human resources management to notify the CSAs of their designation and provide them with training regarding their roles and responsibilities under the Clery Act. The implementation date is September 15, 2015.

2. ANNUAL SECURITY REPORT POLICY STATEMENTS

OBSERVATION

The campus ASR policy statements regarding emergency preparedness did not contain all of the required information under the Clery Act.

We reviewed the 2014 ASR and found that the following required information was missing:

- A description of the process the institution will use to confirm that there is a significant emergency or dangerous situation, determine the appropriate segment or segments of the campus community to receive a notification, determine the content of the notification, and initiate the notification system.
- A statement declaring that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
- A list of the titles of the people or organizations responsible for carrying out the actions described in the emergency response and evacuation procedures.
- Information regarding the campus' procedures for disseminating emergency information to the larger community.

Effective processes for ASR preparation improve compliance with Clery Act requirements.

RECOMMENDATION

We recommend the campus include all required information in future ASRs.

MANAGEMENT RESPONSE

The 2016 ASR will include the four requirements noted. The implementation date is October 1, 2015.

3. ANNUAL SECURITY REPORT NOTIFICATION

OBSERVATION

The campus process to ensure that the ASR was distributed in accordance with Clery Act requirements needed improvement.

The Clery Act requires that the ASR be distributed to all current students and employees; it also requires that prospective students and employees be notified of the availability of the report. The Clery Act allows for electronic notification to current students and employees, in lieu of the distribution of a hard copy, under certain circumstances.

To notify prospective students, the campus included a link to the campus Clery Act webpage on its admissions webpage. However, the link was not accompanied by two required disclosures: a brief description of the report and a statement that the institution will provide a paper copy of the report upon request.

Effective processes for ASR distribution and notification improve compliance with Clery Act requirements.

RECOMMENDATION

We recommend that the campus include all required disclosures on ASR distribution and notification correspondence and web links.

MANAGEMENT RESPONSE

The campus webpage will be updated to include the description of the report and a statement that the institution will provide a paper copy of the report upon request. The implementation date is August 15, 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 State University, Los Angeles (CSULA), the department of public safety (DPS), is the main entity responsible for ensuring Clery Act compliance. Specifically, DPS is responsible for preparing, publishing, and distributing a comprehensive ASR by the October 1 deadline each year. DPS consists of 21 sworn police officers and has primary police jurisdiction for all property owned and operated by CSULA, including adjacent public streets and property.

SCOPE

We visited the CSULA campus from February 23, 2015, through March 20, 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 the CSULA campus. 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 20, 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
- CSULA DPS, *Campus Public Safety Reporting & Clery Requirements*

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