October 20, 2015

Rear Admiral Thomas A. Cropper, President
California State University Maritime Academy
200 Maritime Academy Drive
Vallejo, CA 94590

Dear Admiral Cropper:

Subject: Audit Report 15-25, Clergy Act, California State University Maritime Academy

We have completed an audit of the Clergy 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,

[Signature]

Larry Mandel
Vice Chancellor and Chief Audit Officer

c: Timothy P. White, Chancellor
CLERY ACT

California State University
Maritime Academy

Audit Report 15-25
August 31, 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 July 9, 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 annual security report (ASR) preparation, notification, and distribution, and crime statistic reporting.

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

1. ANNUAL SECURITY REPORT POLICY STATEMENTS

**OBSERVATION**

Certain ASR policy statements did not adequately comply with Clery Act requirements.

We reviewed the 2014 ASR and found that it did not include:

- A list of the possible sanctions that the campus may impose following a final determination of a disciplinary proceeding regarding a sexual offense. It only mentioned that sanctions were possible.

- Procedures for disseminating information on campus emergency situations to the larger community, such as parents and neighboring communities.

- A required statement regarding the limited use of an emergency contact number collected from students specifically for the purpose of making notification in case they are reported missing.

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

**RECOMMENDATION**

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

**MANAGEMENT RESPONSE**

We concur. The campus will include all required policy information in future ASRs.

Expected completion date: October 2015

2. ANNUAL SECURITY REPORT STATISTICS

**OBSERVATION**

The process to identify, review, and compile Clery Act crime statistics for the ASR needed improvement.

We reviewed and tested selected statistics reported in the 2014 ASR, which captured statistics from 2011 to 2013, and found:

- Two instances of over-reporting of crime statistics in 2012, and one instance of under-reporting in 2013.
• Unexplained inconsistencies in the reported statistics that carried over into subsequent-year ASRs. For example, we noted that the incident tallies for 2012 aggravated assaults had been revised for the 2013 and 2014 ASRs, without a footnote explanation. Statistics in the 2011 report regarding weapons violation referrals and in the 2012 report regarding liquor law violation referrals had also been revised in subsequent ASRs.

• A lack of evidence to support the reported statistics for alcohol, drug, and weapons violations that were reported for referral to Cadet Conduct, the student judicial department on campus.

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

RECOMMENDATION

We recommend that the campus:

a. Report the correct statistics in the 2015 ASR and include footnotes to explain revisions as necessary.

b. Implement improved procedures for gathering crime statistics, including retention of the documentation to support the alcohol, drug, and weapons violations reported for referral to Cadet Conduct.

MANAGEMENT RESPONSE

We concur.

a. The campus will report the correct statistics in the 2015 ASR and include footnotes to explain revisions as necessary.

   Expected completion date: October 2015.

b. The campus will improve its procedures in gathering the required data.

   Expected completion date: January 2016.

3. ANNUAL SECURITY REPORT NOTIFICATION

OBSERVATION

Notification of the availability of the ASR did not always include required disclosures.

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. Electronic notification to current students and employees is allowed, in lieu of the distribution of a hard copy, under certain circumstances.
If the electronic notification method is selected, the communication must include a statement of the report’s availability, a list and brief description of the information contained in the report, the exact webpage address of the ASR location, and a statement that the campus will provide a paper copy of the ASR upon request. We noted that parts of the required language were missing from the 2012 and 2013 notifications to current students, the 2012 notification to current employees, and the notification to prospective students included in the 2014/15 campus catalog.

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

RECOMMENDATION

We recommend that the campus include all required disclosures in ASR notifications to current and prospective students and employees.

MANAGEMENT RESPONSE

We concur. The campus will include all required disclosures in ASR notifications to current and prospective students and employees.

Expected completion date: October 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 Annual Security Report (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 became effective July 1, 2015, the rule itself and directives from the U.S. Department of Education (DOE) stated that universities were 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 Maritime Academy, the Department of Police Services (DPS), under the vice president of administration and finance, is the main entity responsible for ensuring Clery Act compliance. Specifically, the DPS is responsible for ensuring the issuance of an accurate, timely, and comprehensive ASR by the October 1 deadline each year.
SCOPE

We visited the California Maritime Academy campus from June 15, 2015, through July 9, 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 California Maritime Academy. 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 July 9, 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; 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:

- 34 Code of Federal Regulations §668.41, Reporting and Disclosure of Information
- DOE, The Handbook for Campus Safety and Security Reporting
- Government Codes §13402 and §13403
- California Code of Regulations, Title 5
- DPS Policy Manual 818, Jeanne Clery Campus Security Act

AUDIT TEAM

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