October 2, 2015

Dr. Lisa A. Rossbacher, President
Humboldt State University
One Harpst Street
Arcata, CA 95521

Dear Dr. Rossbacher:

Subject: Audit Report 15-27, Clery Act, Humboldt State University

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
CLERY ACT

Humboldt State University

Audit Report 15-27
August 5, 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 as of May 8, 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, we did identify opportunities for improvement in some areas such as campus security authority (CSA) management; annual security report (ASR) distribution; and ASR crime statistic tabulation.

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 identify and train employees who fall 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 athletic coaches and residence hall leadership staff.
• The list of CSAs had not been updated to reflect changes in personnel.
• Training was inconsistent. The campus offered general Clery Act training through its online training center; however, participation was neither required nor actively tracked.

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

RECOMMENDATION

We recommend that the campus:

a. Update the CSA list to include the positions of individuals who meet the definition of a CSA, including, but not limited to, athletic coaches and residence hall leadership staff.

b. Periodically update the list of CSAs.

c. Provide training to CSAs.

MANAGEMENT RESPONSE

We concur. The campus has implemented the prescribed corrective actions as of the date of this report.

Completion date: August 31, 2015
2. ANNUAL SECURITY REPORT NOTIFICATION

OBSERVATION

The campus could not provide evidence that current students were notified of the availability of the ASR.

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

We found that although the campus was able to demonstrate its efforts to notify prospective students and employees about the availability of the ASR, it could not provide similar proof that current students were notified of the ASR’s availability.

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

RECOMMENDATION

We recommend that the campus maintain evidence showing that current students were notified of the availability of the ASR.

MANAGEMENT RESPONSE

We concur. Beginning with the ASR that will be released in October 2015, the campus will utilize multiple methods to provide notice of availability of the report, including but not limited to, Portal Messages, e-mail notifications, and on the campus’ web page. Additionally, the campus will maintain documentation showing that current students were notified of the availability of the ASR.

Completion date: October 31, 2015

3. ANNUAL SECURITY REPORT STATISTICS

OBSERVATION

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

We reviewed the statistic-gathering process for 2011, 2012, and 2013, and we found that we could not readily validate the crime statistics reported in the ASR. Specifically, we could not identify the particular cases counted and included in the various reportable categories to support their inclusion in the ASR statistics.
We used various methods to identify 45 incident reports that we have reasonable assurance were related to statistics reported in the ASR. We reviewed the incident reports for compliance with Clery Act requirements, and we found that:

- One crime that occurred on campus was not captured in the crime log.
- One crime included in the ASR crime tally did not occur in a Clery Act-defined location.
- One crime that involved an additional charge of stalking was not counted in the ASR stalking category for the 2013 calendar year.
- The crime log records for two cases did not include all offenses listed in the police report.

Effective processes for ASR preparation improve compliance with Clery Act.

RECOMMENDATION

We recommend that the campus create and document a process to identify, review, and compile Clery Act statistics in the ASR that addresses:

a. Adequate documentation to support statistics reported in the ASR.

b. Proper reporting of crimes in the crime log.

c. Determination of the proper reporting category based on crime type, incident location, and number and nature of criminal charges per incident.

MANAGEMENT RESPONSE

We concur. While the campus currently has a process to identify, review, and compile Clery Act statistics, the campus will update its process and improve it to better address documentation to support statistics reported in the ASR, proper reporting of crimes in the crime log, and the determination of proper reporting in the ASR based on the Clery crime, Clery geography, and application of the Hierarchy Rule.

Completion date: October 31, 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 became 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 Humboldt State University (HSU), the University Police Department (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 HSU campus from April 13, 2015, through May 8, 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 HSU 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 May 8, 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
• DOE, The Handbook for Campus Safety and Security Reporting
• DOE, Dear Colleague Letter, dated July 14, 2014
• Government Codes §13402 and §13403
• HSU Executive Memorandum P13-02, Timely Warnings and Crime Alerts Under the Jeanne Clery Act
• UPD Policy Manual 822, Jeanne Clery Campus Security Act

AUDIT TEAM

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