

Audit and Advisory Services
401 Golden Shore
Long Beach, CA 90802-4210

June 27, 2023

Dr. Lynn Mahoney, President
San Francisco State University
1600 Holloway Avenue
San Francisco, CA 94132

Dear Dr. Mahoney:

Subject: Audit Report 22-07, Training Compliance, San Francisco State University

We have completed an audit of *Training Compliance* as part of our 2022-2023 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 will be posted to 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,



Vlad Marinescu
Vice Chancellor and Chief Audit Officer

c: Jolene Koester, Interim Chancellor
Yammilette Rodriguez, Chair, Committee on Audit
Jean Picker Firstenberg, Vice Chair, Committee on Audit

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TRAINING COMPLIANCE

San Francisco State University

Audit Report 22-07
June 27, 2023

EXECUTIVE SUMMARY

OBJECTIVE

The objectives of the audit were to ascertain the effectiveness of operational and administrative controls related to training compliance and to ensure compliance with relevant federal and state regulations, Trustee policy, Office of the Chancellor (CO) directives, and campus procedures.

CONCLUSION

Based upon the results of the work performed within the scope of the audit, except for the weaknesses described below, the operational and administrative controls for training compliance as of January 20, 2023, taken as a whole, provided reasonable assurance that risks were being managed and objectives were met.

In general, we noted that the campus had an appropriate framework for the administration of training compliance; however, we identified some areas that needed improvement. We found that monitoring and enforcement of training compliance needed improvement to ensure that required training was timely completed. In addition, we found that the campus recommended but did not require or assign Clery training to campus security authorities (CSA). Further, we noted that the campus did not always assign mandated reporter training to all individuals required to complete the training.

During fieldwork and the reporting process, campus management proactively started to take action to improve and increase compliance with training requirements.

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

OBSERVATIONS, RECOMMENDATIONS, AND RESPONSES

1. GENERAL TRAINING COMPLIANCE

OBSERVATION

Administration of the completion of long overdue or expired compliance training needed improvement.

We reviewed general compliance training records from the CSU Learn system in the areas of discrimination, harassment, and retaliation (DHR); gender equity and Title IX (Title IX); conflict of interest; mandated reporters; and data security and FERPA, and we found that monitoring and enforcement of training completion needed improvement. Specifically, the campus completion rates for the compliance training courses noted above ranged between 50.6% and 79.2%.

Campus management noted that efforts are made to monitor training and that in addition to automated reminders sent from the CSU Learn system, email reminders are sent to individuals and/or managers of individuals with long-overdue training. During fieldwork, the campus was also in the process of working with systemwide learning and development to implement a modification to the learning management system to make it easier to identify populations of individuals (student, staff, faculty) in the system to better track and monitor completion rates within these groups.

After fieldwork concluded, campus management stated that it had taken significant steps to improve and increase compliance training percentages. Some of these efforts included working to clear up inconsistency issues and ensuring that inactive employees were removed from the CSU Learn system, having the associate vice president of human resources reach out individually to staff not in compliance to remind them of the importance of each training, and including the topic of training compliance in several campus forums and meetings. As of the time of this report, training rates for the individuals noted above had increased significantly, to between 67.1% and 88.1%.

Proper administration of campus compliance training can help to ensure compliance with state law and systemwide regulation, as well as help to avoid adverse legal ramifications and loss of reputation.

RECOMMENDATION

We recommend that the campus develop written procedures for tracking and monitoring employees with overdue or expired compliance for the above-mentioned training, including escalation procedures for noncompliance.

MANAGEMENT RESPONSE

We concur. The campus will develop written procedures for tracking and monitoring employees with overdue or expired compliance training, including escalation procedures for noncompliance.

Going forward, audit services will provide detailed lists for all cabinet areas to directly address current employees who are not in compliance. Audit services, in collaboration with campus management, will clear inconsistency issues in the data and ensure the correct population and/or data has been pulled for this observation by checking university records in sum total, removing inactive employees and student workers who have moved on from the university.

This will be completed by November 5, 2023.

2. CLERY TRAINING

OBSERVATION

Campus administration of Clery training provided to CSAs required improvement.

According to Executive Order (EO) 1107, *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act")*, CSAs must complete training as directed by the campus Clery director. Additionally, the campus Clery director determines the frequency and format of training to be completed by CSAs.

Based on discussions with campus management, we found that campus CSAs were recommended, but not required, to complete CSA training. Additionally, the Clery director had not determined the appropriate frequency for the training. As such, the campus had not assigned training to CSAs and had not established a mechanism to monitor and track training completion.

Prior to the issuance of this report, campus management noted that progress had been made in strengthening oversight over CSA training, including establishing a process for identifying and assigning training to CSAs, creating a CSA Working Group that will meet on a monthly basis, and partnering with Title IX/DHR administrators to provide live training for resident advisors.

Proper administration of Clery training for CSAs can help to ensure compliance with state law, systemwide policy, and campus policy.

RECOMMENDATION

We recommend that the campus develop written procedures that specify the frequency and format for Clery training; address assignment and tracking of training; and discuss monitoring mechanisms for employees with overdue or expired training, including escalation procedures for noncompliance.

MANAGEMENT RESPONSE

We concur. The campus will develop written procedures that specify the frequency and format for Clery training; address assignment and tracking of training of current employees; and discuss monitoring mechanisms for current employees with overdue or expired training, including escalation procedures for noncompliance.

With the direction of the campus' director of the office of emergency services and Clery, Hope Kaye, the campus has been able to clarify its ability to mandate CSA training and has made progress in establishing a process for identifying CSAs and assigning them training.

This will be completed by November 5, 2023.

3. MANDATED REPORTER TRAINING

OBSERVATION

Administration of the assignment of mandated reporter training needed improvement.

We noted that the campus had performed a thorough internal review to identify departments with employees required to take mandated reporter training and had developed a process to automatically assign the training in CSU Learn to these individuals. Additionally, the campus had developed a process to manually assign training to other individuals who could not be easily identified by department ID, such as volunteers and employees staffing summer camps, workshops, and clinics, or other similar positions.

However, through discussions and review of mandated reporter training records, we found that the campus had not set up automatic assignments for employees in kinesiology, physical therapy, and the Children's Center, as these departments were either overlooked or marked for further review and revisit during the initial internal review. The campus confirmed that employees in these departments should be considered general reporters and classified as category 49 reporters under the *Child Abuse and Neglect Reporting Act (CANRA)*, and therefore should take mandated reporter training. During fieldwork, campus management confirmed that training had been assigned to all individuals in the above department, and human resources is monitoring completion of the training.

Proper administration of mandated reporter training can help to ensure compliance with state law and systemwide regulation, as well as help to avoid adverse legal ramifications and loss of reputation.

RECOMMENDATION

We recommend that the campus review and strengthen the current process to ensure all individuals required to take mandated reporter training are identified and assigned.

MANAGEMENT RESPONSE

We concur. Campus management will review and strengthen the current process to ensure all individuals required to take mandated reporter training are identified and assigned.

Human resources has assigned the mandated reporter training to all indicated and will be following up to ensure completion and compliance.

This will be completed by November 5, 2023.

GENERAL INFORMATION

BACKGROUND

The CSU is home to a diverse student and staff population across its 23 campuses and the CO. The CSU workforce is made up of faculty, staff, and management employees, with a total headcount for the system estimated at 55,834 in fall 2022.

Employee training and development programs are essential in the workplace as they provide important tools to employees to aid in their success and promote safety and well-being in the workplace. The CSU requires that employees take mandatory human resources and risk management courses (compliance training) to ensure campuses are meeting federal and state regulations and to promote the safety and well-being of students and employees.

The Systemwide HR learning and development team administers training through CSU Learn, which is CSU's online learning management system. CSU Learn provides campuses with courses for required compliance training, along with a library of other professional development courses. CSU Learn tracks training activities, and campuses can run reports and access dashboards to monitor training compliance. Campuses also have the option to administer training independently through their own developed courses or through a third-party provider.

Through a preliminary review of CSU training requirements, as well as discussions with systemwide management, training in the following areas were selected for review: discrimination, harassment, and retaliation (DHR); gender equity and Title IX (Title IX); conflict of interest; data security and FERPA; CSAs (Clery Act); and mandated reporters.

The CSU is committed to creating an atmosphere where all individuals can work and study free of unlawful discrimination, and both DHR training and gender equity and Title IX training are required for all employees. Conflict-of-interest ethics training is required for all designated employees, or those employees identified by the university as most likely to be involved in university decision-making processes. Information security training is vital to educate employees on basic security principles, promote awareness and recognition of potential security threats, and protect university data.

CSAs are defined by the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (20 USC § 1092(f), the Clery Act). These individuals include campus police, individuals to whom students or employees report criminal offenses, and any officials of the university who have significant responsibility for student and campus activities. Each campus Clery director determines the frequency and format of training to be completed by CSAs. CANRA identifies certain groups of employees as mandated reporters of child abuse and includes certain requirements on notifying these employees of their responsibility to report suspected child abuse or neglect, along with training for specific classifications of individuals.

As of fall 2021, San Francisco State University (SFSU) had 3,581 employees, including 1,857 faculty, 1,400 staff, and 324 student employees. At SFSU, training responsibility is overseen by different areas, depending on the topic. For the training topics included in the scope of this audit, human resources is responsible for conflict of interest and mandated reporters training; student affairs and enrollment management is responsible for Title IX and DHR; the office of

emergency services is responsible for Clery training; and information technology services is responsible for data security and FERPA. The campus uses the systemwide training system, CSU Learn, to some degree for all six training topics we reviewed, although the methods for identification of employees who require training differ depending on the need.

SCOPE

We performed fieldwork from November 4, 2022, through January 20, 2023. Our audit and evaluation included the audit tests we considered necessary in determining whether operational and administrative controls are in place and operative. The audit focused on procedures in effect from January 1, 2021, through January 20, 2023. Training topics reviewed were in the areas of DHR; gender equity and Title IX; conflict of interest; data security and FERPA; Clery Act; and mandated reporters.

Specifically, we reviewed and tested:

- Administration of compliance training, including defined responsibilities and current policies and procedures.
- Procedures for identification and assignment of employees for required training.
- Campus methods for providing compliance training courses.
- Monitoring of training completion and enforcement procedures for initial and refresher training.

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, which was designed to provide a review of key operational, administrative, and financial controls, included interviews, walkthroughs, and detailed testing on certain aspects of training compliance. Our review was limited to gaining reasonable assurance that essential elements for training compliance were in place and did not examine all aspects of the program.

CRITERIA

Our audit was based upon standards as set forth in federal and state regulations and guidance, Trustee policy, Office of the Chancellor directives, and campus procedures, as well as sound administrative practices and consideration of the potential impact of significant risks. 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 §668.46, *Institutional Security Policies and Crime Statistics*
- Title IX of the Education Amendments Act of 1972
- The Political Reform Act of 1974
- Senate Bill 778, *Employers: Sexual Harassment Training Requirements*
- California Penal Code §11165.7, *Child Abuse and Neglect Reporting Act (CANRA)*
- California Government Code §13402 and §13403
- EO 1083, *Mandatory Reporting of Child Abuse and Neglect*
- EO 1095, EO 1096, and EO 1097, *CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (Nondiscrimination Policy)*
- EO 1107, *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”)*
- CSU Information Security Policy and Standards
- HR 2005-05, *CSU Employment and Conflicts of Interest and Incompatible Activities*
- HR 2015-02, *Revisions to the COI Filing Officers’ Requirements*
- HR 2018-02, *Ethics Regulations and Conflict of Interest Training*
- SFSU *Identified Populations for the Mandated Reporter Training*
- SFSU *2022 Annual Security Report*

AUDIT TEAM

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