

California's Postsecondary Educational Institutions

Some Institutions Have Not Fully Complied With Federal Crime Reporting Requirements

October 2012 Report 2012-032



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October 16, 2012

2012-032

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

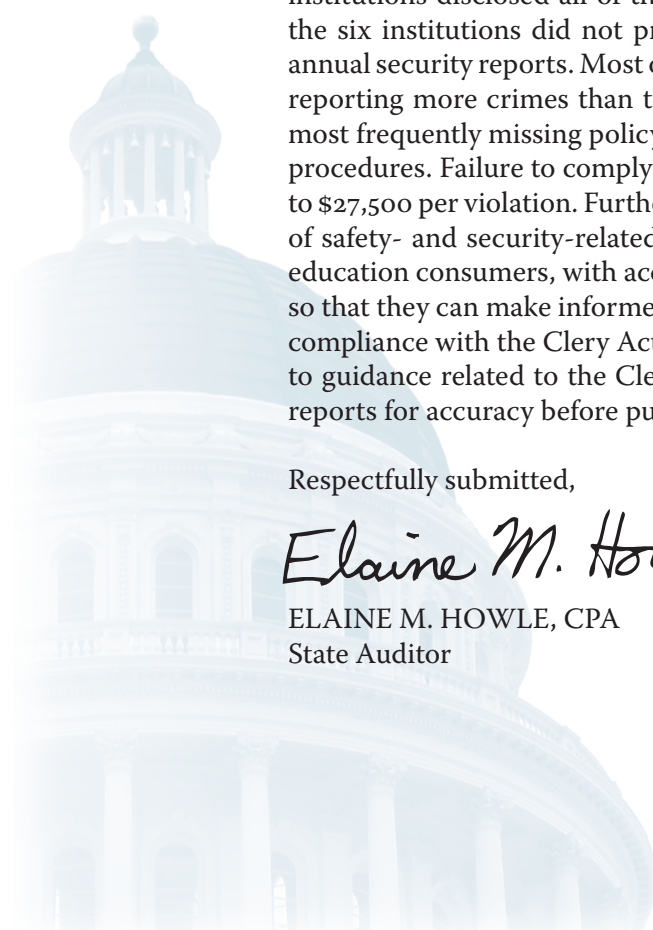
As required by Chapter 804, Statutes of 2002, the California State Auditor presents this audit report concerning the accuracy of 2010 crime statistics compiled and reported by a sample of California postsecondary educational institutions (institutions). The report also describes the results of our examination of these institutions' issuance of annual security reports, notification of the reports' availability, and disclosures of campus security policies required under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

This report concludes that the six institutions we visited did not fully comply with the Clery Act requirements. All six institutions reported at least some inaccurate statistics, none of the institutions disclosed all of the required policies in their annual security reports, and four of the six institutions did not properly notify prospective employees of the availability of their annual security reports. Most of the errors leading to inaccurate statistics resulted in institutions reporting more crimes than the Clery Act required them to disclose. We also found that the most frequently missing policy disclosures were related to emergency response and evacuation procedures. Failure to comply with the Clery Act may result in federal financial penalties of up to \$27,500 per violation. Furthermore, the U.S. Department of Education has stated that the goal of safety- and security-related regulations is to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus so that they can make informed decisions. We identified several reasons for institutions' lack of compliance with the Clery Act. These reasons included not adequately reviewing and adhering to guidance related to the Clery Act and the absence of a thorough review of annual security reports for accuracy before publication.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor



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Summary

Results in Brief

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires all postsecondary educational institutions (institutions) that participate in certain federal aid programs to publish annual reports disclosing their security policies and campus crime statistics. The Clery Act requires these institutions to distribute the reports to current students and employees and to notify prospective students and employees of their availability. According to the U.S. Department of Education (Education), the goal of safety- and security-related laws such as the Clery Act is to provide students and their families with accurate, complete, and timely information about safety on campus so that they can make informed decisions.

Our review of six California institutions found that none of the six were in complete compliance with the Clery Act's requirements. Specifically, the institutions inaccurately reported certain crime statistics, failed to disclose all required campus security policies, and did not always notify students and employees of the availability of their annual reports. By not fully complying with the Clery Act, these institutions may have inhibited the ability of students and employees to make informed decisions. The institutions may have also increased their risk of incurring federal financial penalties.

All six institutions reported inaccurate crime statistics to varying degrees for 2010, the latest year covered by their most recent annual security reports. Most of the errors we found resulted in the institutions reporting more crimes than the Clery Act required them to disclose. For instance, Laney College (Laney) reported 10 thefts from autos in its Clery Act crime statistics even though the act does not require disclosure of such crimes. In another example, the Academy of Art University (Academy) included two crimes in its statistics that took place in locations that the Clery Act does not cover. We also found several instances in which institutions misreported crimes or failed to report crimes, although these types of errors occurred less frequently.

In addition, none of the six institutions disclosed in their annual security reports all of the policies the Clery Act requires. The institutions most frequently failed to disclose policies related to their emergency response and evacuation processes. These disclosures, which federal regulations first required in the 2010 annual security reports, must explain how and when an institution will notify students and employees of dangerous situations on campus. They must also include information regarding the institution's testing of its emergency response and

Audit Highlights . . .

Our audit of the 2010 crime statistics compiled and reported by six California postsecondary educational institutions (institution) highlighted the following:

» *None of the six California institutions we reviewed completely complied with all of the federal reporting requirements.*

- *All six inaccurately reported crime statistics to varying degrees, with most of the errors resulting in the institutions reporting more crimes than required.*
- *None of the six institutions disclosed all required campus security policies in their annual security reports—most failed to disclose policies related to emergency response and evacuation processes.*
- *Several institutions did not always notify current and prospective students and employees of the availability of their annual security reports.*

» *Of the 71 survey respondents out of 80 campuses surveyed, most indicated that they have practices in place to help ensure that they collect and make available accurate crime statistics.*

evacuation procedures. Both Laney and San Diego City College failed to fully disclose in their annual security reports 10 of the 11 required policies related to this topic.

Although we found that all six of the institutions we visited published their annual security reports as required, we noted problems in several institutions' processes for notifying current and prospective students and employees of the availability of these reports. One institution, Laney, failed to provide required notification to any of the specified parties. Three of the other institutions we visited did not properly notify prospective employees of the availability of their annual security reports.

We also surveyed 80 campuses throughout the State that reported no Clery Act criminal offenses for 2010 to determine if they had adequate processes in place to collect and distribute accurate crime statistics. Of the 71 survey respondents, most indicated that they have practices in place to help ensure that they collect and make available accurate crime statistics. In addition, 69 percent of respondents indicated that their institutions' Web sites included direct links to their security policies and annual crime statistics. However, 10 percent of these respondents did not indicate whether they comply with the Clery Act requirement to notify their current students and employees by e-mail, publication, or any other means that their reports are available.

Recommendations

Institutions should do the following to ensure that they comply with the Clery Act by correctly reporting all applicable crimes and disclosing all required campus security policies:

- Review and adhere to applicable guidance related to the Clery Act, including Education's Office of Postsecondary Education's *Handbook for Campus Safety and Security Reporting* and the Federal Bureau of Investigation's *Uniform Crime Reporting Handbook*.
- Thoroughly review the Clery Act crime statistics and security policy disclosures in their annual security reports for accuracy before publication.

Also, institutions should ensure that they properly notify both current and prospective students and employees of the availability of their annual security reports in the manner prescribed by the Clery Act.

Agency Comments

Four of the six institutions we visited and the Chancellor's Office agreed with our findings and recommendations and the institutions indicated that they were already taking or had taken steps to correct the issues we identified. However, we needed to clarify some of the statements made by the Academy. Finally, Laney and San Bernardino Valley College disagreed with certain findings.

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Introduction

Background

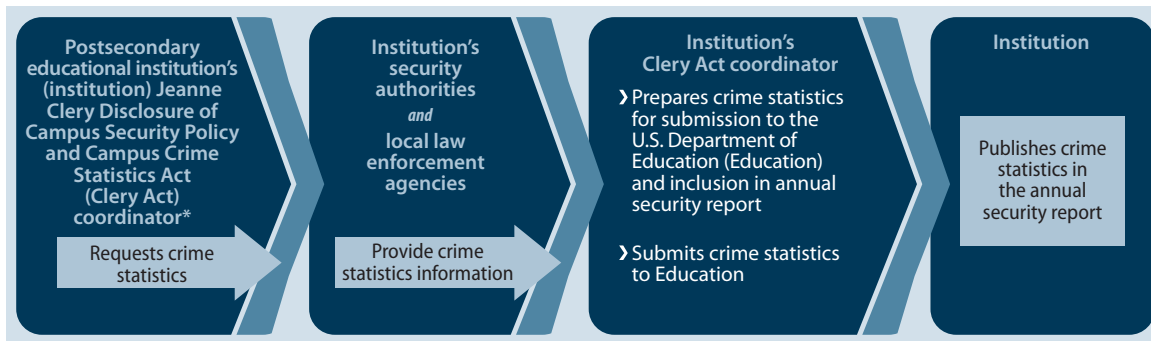
The U.S. Department of Education (Education) has stated that choosing a postsecondary educational institution (institution) is a major decision for students and their families and that, along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern. To this end, the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires all institutions that participate in federal student aid programs under Title IV of the Higher Education Act of 1965 to publish annual security reports disclosing specified campus crime statistics and campus security policies.¹ According to Education, the goal of safety- and security-related laws such as the Clery Act is to provide students and their families with accurate, complete, and timely information about safety on campus so that they can make informed decisions as consumers of higher education.

The Clery Act requires institutions to report statistics related only to certain crimes, as shown in Appendix A. The institutions must report these statistics for the most recent and two preceding calendar years. The act requires institutions to report their statistics within the following specific location categories:

- On campus and in residence halls.
- In or on certain noncampus buildings or property, such as off-campus housing.
- On specific public property that is within or immediately adjacent to the campus.

Figure 1 on the following page displays the process institutions must use to compile and report their crime statistics. The act requires institutions to obtain crime statistics from campus security authorities, such as campus police; individuals who are responsible for campus security, officials who are responsible for students and campus activities, and individuals and organizations to which students and employees report criminal offenses. The act also requires institutions to make a good faith effort to obtain crime statistics from local law enforcement agencies.

¹ Title IV of the federal Higher Education Act of 1965, as amended, provides funding to eligible students in the form of Pell Grants and other federal student aid, including direct loans.

Figure 1**The Process for Postsecondary Educational Institutions to Compile and Report Crime Statistics Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**

Sources: Federal law and regulations and *The Handbook for Campus Safety and Security Reporting*, issued by Education's Office of Postsecondary Education (2011 edition).

* For purposes of this report, we define the individual or individuals appointed by an institution to compile and report crime statistics under the federal Clery Act as the institution's *Clery Act coordinator*.

Additionally, the Clery Act requires institutions to include various campus security policies in their reports. For example, they must include their current policies related to illegal drugs and alcohol and to sexual assault on campus. In addition, some policies must provide descriptions of the topic that must be disclosed, such as programs to inform students about campus security and prevention of crime. Institutions must also include their procedures for students and others to report criminal actions or emergencies occurring on campus.

The Clery Act specifies that each institution must distribute its annual security report by October 1 of each year to all its current students and employees, a requirement the institution can fulfill by posting the report to its Web site and then e-mailing or mailing students and employees to notify them of its availability. Each institution must also notify prospective students and employees that it will provide the report upon request. Further, the Clery Act requires each institution to submit its campus crime statistics to the secretary of Education.

If institutions do not comply with the requirements of the Clery Act, they may be subject to financial penalties. According to federal regulations, Education may impose a fine of up to \$27,500 for each violation. In a prior report, we identified instances in which Education stated that it intended to fine one institution \$357,500 and another institution \$250,000. More recently, we found that the secretary of Education determined in a 2012 ruling that Tarleton State University in Texas was liable for four \$27,500 fines,

for a total of \$110,000. In addition to issuing fines, Education may also limit or terminate an institution's participation in Title IV programs.

To provide guidance in meeting the Clery Act's requirements, Education's Office of Postsecondary Education (OPE) published its most recent version of *The Handbook for Campus Safety and Security Reporting* (OPE handbook) in February 2011. Education has made this handbook available on its Web site, where it also provides an online tutorial as a companion to the handbook. In addition to the guidance in the OPE handbook, the Clery Act requires that institutions use the crime definitions in the Federal Bureau of Investigation's *Uniform Crime Reporting Handbook* when classifying Clery Act crimes.

Scope and Methodology

Section 67382 of the California Education Code requires the California State Auditor (state auditor) to report to the Legislature every three years the results of an audit of not fewer than six institutions that receive federal student aid. This law requires the state auditor to determine the institutions' compliance with the requirements of the Clery Act by evaluating the accuracy of the crime statistics they report and the effectiveness of the procedures they use to identify, gather, and disseminate these data. The state auditor previously issued audit reports on this subject in December 2003, January 2007, and January 2010.

To obtain an understanding of the requirements of the Clery Act, we reviewed relevant federal laws and regulations. We also reviewed OPE's handbook and online tutorial. Using factors such as the type of institution (for example, public or private, academic or vocational), student enrollment, and geographic location, we selected six institutions at which we performed detailed audit work related to the accuracy of the crime statistics and the disclosure of campus security policies. The six institutions we visited and their locations are as follows:

- Academy of Art University in San Francisco
- California State University, Northridge (Northridge)
- Laney College in Oakland
- San Bernardino Valley College in San Bernardino
- San Diego City College in San Diego
- University of the Pacific in Stockton

We reviewed each of the six institutions' 2010 crime statistics, the most recent available, and determined whether the statistics were the same as those they submitted to Education through OPE.² To evaluate the accuracy and completeness of these crime statistics, we selected a portion of the crimes reported and examined each crime's incident report from the institution's security or police department. We also interviewed staff and reviewed relevant supporting documentation related to these crimes. Further, we reviewed additional information we obtained from campus security authorities and information that local law enforcement agencies had submitted to the institutions to determine whether the institutions reported these incidents correctly.

We also interviewed campus security authorities and knowledgeable staff at the six institutions about their processes for meeting Clery Act requirements and, when available, we reviewed relevant supporting documentation to identify the processes they used for collecting crime statistics. The Clery Act permits institutions to trust certain information they receive from outside agencies; specifically, federal law states that an institution "may rely on" information or crime statistics it receives from local law enforcement agencies. Therefore, institutions are not required to verify the accuracy of statistics they receive from local law enforcement. Consequently, we focused on the accuracy of the statistics that the institutions generated and did not audit the accuracy of the statistics the institutions received from local law enforcement.

To ascertain whether the institutions adequately disclosed all required policies, we reviewed their most recent annual security reports and interviewed staff. To determine whether the institutions adequately notified students and employees of the availability of their annual security reports, we reviewed relevant supporting documentation and interviewed staff. Appendix C shows the six institutions' compliance with federal regulations regarding disclosure of their security policies.

Additionally, we surveyed 80 of the 540 campuses that reported no Clery Act crimes to the OPE for 2010 to determine whether their institutions' procedures for compiling and distributing crime statistics would help ensure they comply with the Clery Act

² Before we started our audit Northridge staff reviewed and revised the Clery Act crime statistics they reported to OPE for 2010. As a result, we audited Northridge's revised statistics instead of those it submitted to OPE. The emergency management and preparedness coordinator at Northridge informed us that Northridge will submit the revised statistics to OPE when submitting crime statistics in 2012.

if followed.³ Specifically, we asked about their practices for collecting their reportable crime statistics, verifying that the statistics they collected were complete and accurate, and notifying their current and prospective students and employees of the availability of their institutions' security reports. However, we did not validate the accuracy of the survey responses. Further, because we only used the survey data to summarize assertions obtained directly from the survey respondents, we determined that we did not need to assess the reliability of the data.

Finally, we contacted the California Community Colleges Chancellor's Office, which is responsible for providing leadership, advocacy, and support for community colleges, to determine the extent to which it implemented our previous recommendation to provide direction to community colleges with regard to the Clery Act.

³ These institutions reported no incidents that were classified as criminal offenses under the Clery Act. However, under the Clery Act, OPE categorizes and reports drug, liquor, and weapons violations separately from criminal offenses. When we identified the 80 campuses to survey, we did not consider whether they reported drug, liquor, or weapons violations in 2010.

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Audit Results

The Six Postsecondary Educational Institutions We Visited Had Errors in Their Reported Crime Statistics

None of the six postsecondary educational institutions (institutions) we visited fully complied with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act's (Clery Act) requirements for reporting crime statistics.⁴ Specifically, all six institutions reported statistics that were inaccurate to varying degrees. The majority of the errors we noted involved the institutions reporting crimes that they should not have reported according to the Clery Act's requirements, and most of these errors were due to overreporting burglaries. The six institutions we visited were the Academy of Art University (Academy); California State University, Northridge (Northridge); Laney College (Laney); San Bernardino Valley College (San Bernardino); San Diego City College (San Diego); and University of the Pacific (Pacific).

The Clery Act requires institutions to include statistics related to certain types of crimes that occur in certain types of locations in their annual security reports. We refer to these as *Clery Act crimes* in this report. Table 1 on the following page shows the Clery Act crimes that the six institutions we visited reported for 2010, the latest year included in their 2011 annual security reports. For the number of Clery Act crimes these six institutions reported for 2009 and 2011, see Appendix B.

To determine if they reported Clery Act crimes accurately, we tested the information on 15 to 23 of the crimes each institution reported for 2010.⁵ To determine if the institutions failed to report crimes that they should have reported, we tested an additional 30 crimes at each institution. When we identified systematic errors before our accuracy testing began, such as when an institution reported a type of crime as a Clery Act crime when it clearly was not, we noted them as errors and did not include the crimes in our accuracy testing.

⁴ Clery Act requirements apply to an institution that qualifies as an institution of higher education, a proprietary institution of higher education, or a postsecondary vocational institution, and meets other requirements outlined under federal regulations, such as offering fewer than 50 percent of its courses as correspondence courses and not having filed for bankruptcy relief.

⁵ The specific number of crimes we reviewed varied with the size of the population.

Table 1
The Six Postsecondary Educational Institutions' Crime Statistics Reported for 2010

	INSTITUTION					
	ACADEMY OF ART UNIVERSITY	CALIFORNIA STATE UNIVERSITY, NORTHRIDGE*	LANEY COLLEGE	SAN BERNARDINO VALLEY COLLEGE	SAN DIEGO CITY COLLEGE	UNIVERSITY OF THE PACIFIC
Enrollment	17,697	35,272	12,471	13,822	18,549	6,717
Clery Criminal Offenses						
Aggravated assault	1	1	8	1	5	1
Arson	-	1	-	-	-	-
Burglary	18	47	23	47	12	31
Motor vehicle theft	1 [†]	11	12	24	26	1
Murder and nonnegligent manslaughter	-	-	-	-	1	-
Negligent manslaughter	-	-	-	-	-	-
Robbery	4	4	3	3	5	2
Sex offenses, forcible	6	9	-	-	-	4
Sex offenses, nonforcible	-	-	-	-	-	1
Subtotals	30	73	46	75	49	40
Clery Arrests						
Drug abuse arrests	-	57	1	14	75	18
Liquor law arrests	-	8	-	9	11	4
Weapon law arrests	-	3	3 [‡]	11	4	2
Subtotals	0	68	4	34	90	24
Clery Disciplinary Actions						
Drug abuse disciplinary actions	18	86	-	2	3	20
Liquor law disciplinary actions	105	118	-	1	1	4
Weapon law disciplinary actions	-	2	-	5	1	2
Subtotals	123	206	0	8	5	26
Totals	153	347	50	117	144	90

Sources: Crime statistics from the U.S. Department of Education's (Education) Office of Postsecondary Education (OPE) Campus Safety and Security Statistics Web site and California State University, Northridge (Northridge). Enrollment figures from the National Center for Education Statistics in Education.

Note: The crime statistics shown are the numbers Northridge provided to us and the other five institutions reported to OPE and do not reflect any adjustments for the errors we found in testing 2010 crime statistics.

* Before our site visit, Northridge staff performed a review of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act crime statistics they reported to OPE for 2010. In this review, Northridge identified and corrected some inaccuracies. The emergency management and preparedness coordinator at Northridge informed us that Northridge will submit the revised statistics to OPE when submitting crime statistics in 2012. In addition, Northridge reported two hate crimes for 2010. It reported these crimes separately from the statistics reflected above. No other institutions reported hate crimes for 2010.

† The number of motor vehicle thefts (two) for 2010 in the Academy of Art University's annual security report does not agree with the number reported for 2010 (one) on the OPE Web site, as shown above.

‡ The number of weapon law arrests (two) for 2010 in Laney College's annual security report does not agree with the number reported for 2010 (three) on the OPE Web site, as shown above.

Our review found that all of the six institutions reported some inaccurate crime statistics. As shown in Table 2, we found a total of 42 reporting errors, including two Clery Act crimes that institutions did not report (underreporting), 32 crimes that institutions reported that were not Clery Act crimes (overreporting), and eight Clery Act crimes that institutions reported incorrectly (misreporting).

Table 2
Errors in the Six Postsecondary Educational Institutions' Crime Statistics Reported for 2010

	INSTITUTION						TOTALS
	ACADEMY OF ART UNIVERSITY	CALIFORNIA STATE UNIVERSITY, NORTHRIDGE	LANEY COLLEGE	SAN BERNARDINO VALLEY COLLEGE	SAN DIEGO CITY COLLEGE	UNIVERSITY OF THE PACIFIC	
Total Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) Crimes Reported for 2010	153	347	50	117	144	90	901
Total Reporting Errors We Identified	4	2	19	11	5	1	42
Underreporting— <i>Clery Act crimes not reported to the Office of Postsecondary Education</i>							
Criminal act was a Clery Act crime	-	-	1	-	-	1	2
Overreporting— <i>Crimes erroneously reported as Clery Act crimes</i>							
Criminal act was not a Clery Act crime	1	2	16	7	3	-	29
Crime did not occur in a Clery Act location	2	-	-	-	1	-	3
Misreporting— <i>Clery Act crimes reported incorrectly</i>							
Crime reported as the wrong type of Clery Act crime	-	-	1	1	-	-	2
Location reported as the wrong type of Clery Act location	1	-	1	3	1	-	6

Source: California State Auditor's analysis of Clery Act crime statistics the six postsecondary educational institutions (institution) reported for 2010.
Note: We tested only a selection of each institution's reported Clery Act crimes. We, therefore, may not have identified all possible errors.

As shown in the table, the majority of the errors we noted involved the institutions overreporting crimes. In particular, many of the errors involved institutions misidentifying thefts as burglaries: The Clery Act requires institutions to report the latter but not the former. Thefts and burglaries for Clery Act purposes are defined

Federal Crime Reporting Definitions of Theft and Burglary

Theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Burglary is the unlawful entry of a structure to commit a felony or a theft.

Source: Federal Bureau of Investigation's *Uniform Crime Reporting Handbook*, 2004.

in the text box. The errors concerning burglaries most often occurred because the institutions did not carefully follow the guidance concerning these crimes in the Office of Postsecondary Education's (OPE) *Handbook for Campus Safety and Security Reporting* (OPE handbook) and the Federal Bureau of Investigation's *Uniform Crime Reporting Handbook*. According to the OPE handbook, an incident must meet three conditions to be classified as a burglary: There must be evidence that a person committed unlawful entry, meaning that he or she did not have the right to be at the location at the time the incident occurred, the person must have committed the unlawful entry within a structure, and the person must have committed the unlawful entry with the intent to commit a felony or theft. If only two of these conditions are present in a crime, the incident does not meet the Clery Act definition of burglary and in most cases would be correctly classified as a theft.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act Locations

Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.

Noncampus building or property: Any building or property owned or controlled by a student organization that is officially recognized by the institution, or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area as the institution.

Public property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

Source: Code of Federal Regulations, Title 34, Section 668.46 (a).

We found that four of the institutions incorrectly reported a total of 21 thefts as burglaries, thereby overreporting their Clery Act crimes. In 12 of these incidents, the institutions did not establish that unlawful entry took place. In the remaining nine incidents, one of the institutions—Laney—reported thefts from autos as burglaries even though the Clery Act requirements and federal guidance do not require disclosure of such crimes unless the autos are located in structures with restricted access.⁶ We also noted that Laney failed to report a burglary even though the incident met the definition of a burglary; thus, it also underreported its number of burglaries.

In addition, institutions sometimes reported inaccurate statistics because of errors related to the location of crimes. Specifically, some institutions erroneously reported crimes that took place outside of the reporting area specified by the Clery Act, and some institutions miscategorized the location of the crimes. As shown in the text box, the Clery Act requires institutions to report crimes that happen on campus, in or on

⁶ Previously in this report, we mention that Laney incorrectly reported 10 thefts from autos as burglaries. In nine of these 10 incidents, a theft occurred, which is not reportable, instead of a burglary, which is reportable. The tenth incident involved both a nonreportable theft and a reportable weapon law arrest. Consequently, of these 10 incidents, only the weapon law arrest should have been reported as a Clery Act crime.

certain noncampus buildings or property, and on certain public property. Figure 2 shows an example of the areas OPE considers to be public property for reporting purposes under the Clery Act. One example of an institution incorrectly reporting a crime occurred when the Academy reported a forcible sex offense that did not take place at or adjacent to any buildings it owned or controlled. Some examples of an institution miscategorizing the locations of crimes occurred when San Bernardino reported one vehicle theft and two liquor and drug arrests as happening on campus when they actually occurred on public property adjacent to the campus. Although San Bernardino was correct to identify these crimes as Clery Act crimes, it did not provide accurate information about their locations.

Figure 2
Public Property for Which Institutions Must Report Crime Statistics



Source: Adapted from *The Handbook for Campus Safety and Security Reporting*, issued by the U.S. Department of Education's Office of Postsecondary Education (2011 edition).

Although three of the six institutions said they review Clery Act crimes, in some cases, they still reported inaccurate statistics.

To ensure they are reporting accurate statistics, institutions should use available guidance when generating and reporting Clery Act crime statistics. All but one of the institutions we visited indicated they were aware of OPE's handbook. However, Laney did not use the guidance in this handbook when reporting its Clery Act crime statistics because it was not aware of it. This likely contributed to Laney reporting more inaccurate crime statistics than the other institutions we reviewed. As indicated in Table 2 on page 13, Laney had 19 reporting errors—almost half of all the errors we found.

Three of the six institutions informed us that they review Clery Act crimes to ensure that they report accurate statistics to OPE. However, in some cases, these institutions still reported inaccurate statistics, suggesting their reviews were inadequate. For example, although San Bernardino informed us it reviews Clery Act crimes before submitting them to OPE, it reported an auto theft when no car had been stolen—only a license plate. Additionally, although the Academy informed us it conducts two reviews of Clery Act crimes before submitting them to OPE, it reported as a liquor law violation an incident in which no law had been broken. If institutions establish processes to ensure that they thoroughly review the accuracy of their reports before submitting them to OPE, they could increase their compliance with the Clery Act.

Four Institutions Did Not Have Complete Daily Crime Logs

The Clery Act requires that institutions with campus police or campus security departments maintain written daily crime logs of all crimes or alleged crimes reported to them. The campus police or security must add to the crime log within two business days all incidents reported to them, unless disclosing an incident is prohibited by law or would jeopardize the confidentiality of a victim. According to the OPE handbook, these daily crime logs must be accessible on campus in either hard copy or electronic format and must be available for public inspection for the most recent 60-day period.

However, four of the institutions we visited did not keep complete daily crime logs as required. Specifically, when we tested Clery Act crimes that each institution had reported, we also determined whether the institutions had recorded the crimes in their daily crime logs. The crime logs at the Academy and Northridge included all of the incidents we tested. However, Laney's log did not include five of the 15 crimes we tested, San Diego's log did not include four of the 16 crimes we tested, San Bernardino's log did not include two of the 18 crimes we tested, and Pacific's log

did not include one of the 15 crimes we tested. If institutions do not maintain complete daily crime logs, the public may not have complete and timely information related to campus safety.

None of the Six Institutions Included All Necessary Policy Disclosures in Their Annual Security Reports

None of the six institutions that we visited fully disclosed all of the information that the Clery Act requires in their 2011 annual security reports. We identified 34 federally mandated disclosures covering a wide range of topics and specific policies that the Clery Act requires be contained in an annual security report. For example, the report should include policies for assisting students who report sexual assaults and for communicating with students and staff during campus emergencies. As shown in the text box, Pacific had the fewest missing or incomplete disclosures, while San Diego had the most. Table C in Appendix C lists the disclosure requirements and indicates whether the institutions we visited fulfilled them.

Total Number of Missing or Incomplete Disclosures by Institution

INSTITUTION	QUANTITY
San Diego City College	18
Laney College	13
Academy of Art University	10
San Bernardino Valley College	5
California State University, Northridge	3
University of the Pacific	1

Source: California State Auditor's analysis of the postsecondary educational institutions' annual security reports.

The topic area in which the institutions' reports were most frequently missing one or more policies involved emergency response and evacuation procedures. As indicated in Table 3 on the following page, all six institutions failed to disclose at least one of the 11 procedures we identified in this area, with Laney and San Diego missing the most disclosures. In part, this may be because regulations first required institutions to disclose emergency response and evacuation procedures in their 2010 annual security reports. We brought these missing disclosures to the attention of Laney and San Diego. Laney explained that it has detailed written policies and procedures to handle emergency response and evacuation situations, and that it holds frequent internal meetings and trainings on this subject. Laney further explained that it intends to add related policies and procedures to its future reports. San Diego explained that it also has written emergency response and evacuation procedures, which are currently undergoing administrative approval. When these procedures have been formally approved, San Diego will update its annual security report to include them. We believe that some institutions may not be fully aware that these new requirements exist, particularly if they do not consult the most recent version of the OPE handbook when compiling their annual security reports.

Table 3
The Six Postsecondary Educational Institutions' Compliance With Federal Regulations Requiring Disclosure of Campus Emergency Response and Evacuation Procedures

	INSTITUTION					
	ACADEMY OF ART UNIVERSITY	CALIFORNIA STATE UNIVERSITY, NORTHRIDGE	LANEY COLLEGE	SAN BERNARDINO VALLEY COLLEGE	SAN DIEGO CITY COLLEGE	UNIVERSITY OF THE PACIFIC
Policies Regarding Campus Emergency Response and Evacuation Procedures						
1 A statement of the procedures the postsecondary educational institutions (institution) will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.	✓	✓	✓	✓	✓	✓
2 A description of the process to confirm that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.	✓	✓	✗	✓	✗	✓
3 A description of the process the institution will use to determine the appropriate segment or segments of the campus community to receive a notification.	◆*	✓	✗	✓	✗	✓
4 A description of the process the institution will use to determine the content of the notification.	✓	✓	✗	✓	✗	✓
5 A description of the process the institution will use to initiate the notification system.	✓	✓	✗	✓	✗	✓
6 A statement that the institution will, without delay, determine the content of the notification and initiate the notification system, unless issuing a notification will compromise efforts to assist a victim or respond to an emergency.	✓	✓	✗	✓	✗	✗
7 A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described above.	✓	✓	✗	✓	✗	✓
8 A statement of the institution's procedures for disseminating emergency information to the larger community.	✓	✓	✗	✓	◆†	✓
9 A statement advising that tests of response and evacuation procedures may be announced or unannounced.	✗	✗	✗	✗	✗	✓
10 A statement publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year.	✗	✓	✗	✓	✗	✓
11 A statement of the institution's procedures for documenting each test and whether it was announced or unannounced.	✗	◆‡	✗	✗	✗	✓
Totals						
◆ Partially disclosed	1	1	0	0	1	0
✗ Not disclosed	3	1	10	2	9	1
Total disclosure errors	4	2	10	2	10	1

Sources: Federal regulations and the California State Auditor's analysis of the institutions' annual security reports.

✓ = Fully disclosed

◆ = Partially disclosed

✗ = Not disclosed

* Disclosure identifies the entity responsible for communicating the notification to the appropriate segment or segments of the campus community but does not describe the process the institution uses to determine the appropriate segment or segments.

† The disclosure lists some methods of sending notifications but provides no additional details of the procedures for dissemination.

‡ The disclosure states that the institution will document each test but does not specify that the documentation will indicate whether tests were announced or unannounced.

The institutions also often failed to provide descriptions of certain programs and processes as the Clery Act requires. In fact, three institutions failed to even partially describe at least one of the eight programs or processes for which the act requires descriptions, as shown in the text box. When we discussed the missing descriptions with Laney and San Diego, both institutions noted that they are in the process of reviewing their disclosures and will address any issues in this area in future annual security reports. The Academy and San Bernardino indicated that they believed at least some of their existing disclosures that we found deficient were sufficiently descriptive; however, we disagree. For example, the Academy's executive vice president for financial aid and compliance informed us he believes the information included in the Academy's annual security report about its crime prevention programs fulfills the requirement to provide descriptions of such programs. However, we determined that while the Academy's report mentioned several crime prevention programs it offers, the report lacked the required descriptions of these programs that would inform students and employees about the programs' content. Similarly, a San Bernardino official stated that the institution had adequately described educational programs to promote the awareness of rape and other sex offenses by including in its 2011 annual security report a mention of a class it offers concerning individuals who commit violent crimes, including rape; however, we do not believe the class described by San Bernardino meets the intent of the Clery Act requirement.

In response to our concerns, most of the institutions agreed to strengthen at least some of their disclosures in their future annual security reports. Northridge staff shared with us language it intends to add to its annual security report to address its missing disclosures, and Pacific informed us it intends to correct the disclosure error we identified. San Diego stated that it plans to add some missing disclosures to its 2012 annual security report and has formed a committee to review and address its compliance with Clery Act disclosure requirements. Laney informed us that it intends to review and address any required policy disclosures that are not currently included in its annual security report, with the intent to add these policies and procedures to future reports. San Bernardino informed us it has reviewed our concerns and is taking steps to ensure that its annual security report issued in 2012 will reflect any necessary

Programs and Processes Institutions Must Describe in Their Annual Security Reports

- Programs to inform students and employees about campus security procedures and practices.
- Programs to inform students and employees about prevention of crimes.
- Programs for drug or alcohol abuse education.
- Educational programs to promote the awareness of rape and other sex offenses.
- The process to confirm that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.
- The process the institution will use to determine the appropriate segment or segments of the campus community to receive an emergency notification.
- The process the institution will use to determine the content of the emergency notification.
- The process the institution will use to initiate the emergency notification system.

Source: Code of Federal Regulations, Title 34, Section 668.46.

Institutions that fail to make all required disclosures risk incurring federal financial penalties.

adjustments to its disclosures. In contrast, the Academy informed us it intends to improve some of its disclosures but noted it believed it already met the minimum requirements in most of its disclosures.

If institutions do not make all required disclosures, students and other stakeholders may not have the information necessary to make informed decisions about safety on campus, including what actions they should take in the event of emergencies. Moreover, institutions that fail to make these disclosures risk incurring federal financial penalties, as described in the Introduction.

Although the Six Institutions Published Their Annual Security Reports as the Clery Act Requires, Some Did Not Properly Notify All Parties

As discussed in the Introduction, federal regulations require institutions to distribute their annual security reports to all current students and employees. If an institution chooses to distribute its report by posting it on its Web site, it must provide a notice of the availability of the information to all students and employees. This notice must include the exact electronic address (link) at which the information is posted, a description of the report's contents, and a statement that the institution will provide a paper copy of the information upon request. In addition, the institution must notify prospective students and employees of the availability of its annual security report and provide copies upon request.

Although all six institutions we visited made their annual security reports available to the public through the Internet, only Northridge and the Academy provided documentation that they used appropriate notification methods for current and prospective students and employees. As shown in Table 4, all the other institutions we reviewed failed to provide adequate notice to prospective employees.

In addition, Laney did not provide sufficient notice to current students and employees. Also, while San Bernardino asserted it sent notifications to current students and employees through its electronic communications system in accordance with a policy statement in its annual security report, the evidence it furnished did not provide enough detail to verify this assertion. When institutions do not fully comply with the Clery Act's notification requirements, they inhibit the ability of current and prospective students and employees to make informed decisions about campus safety.

Table 4
The Six Postsecondary Educational Institutions' Compliance With Federal Regulations Requiring Notification of the Availability of Their Annual Security Reports

	INSTITUTION					
	ACADEMY OF ART UNIVERSITY	CALIFORNIA STATE UNIVERSITY, NORTHRIDGE	LANEY COLLEGE	SAN BERNARDINO VALLEY COLLEGE	SAN DIEGO CITY COLLEGE	UNIVERSITY OF THE PACIFIC
Did the institution properly notify current students of the availability of its annual security report?	✓	✓	◆*	Inconclusive [†]	✓	✓
Did the institution properly notify current employees of the availability of its annual security report?	✓	✓	◆*	Inconclusive [†]	✓	✓
Did the institution properly notify prospective students of the availability of its annual security report?	✓	✓	◆*	◆*	✓	◆*
Did the institution properly notify prospective employees of the availability of its annual security report?	✓	✓	◆*	◆*	◆*	◆*

Source: California State Auditor's analysis of postsecondary educational institutions' (institution) documentation regarding compliance with notification requirements in the Code of Federal Regulations, Title 34, Section 668.41.

✓ = Yes

◆ = Partially

* The institution posted its annual security report on its Web site but did not provide the required notification of the report's availability.

† San Bernardino Valley College asserts it sent notifications to current students and employees, but we could not verify this assertion with the evidence provided.

Most of the 80 Campuses We Surveyed Reported Having Processes in Place to Help Ensure the Accuracy of Their Clery Act Statistics

In addition to the six institutions discussed previously, we surveyed 80 campuses with student enrollments of 500 or more that reported no criminal offenses for 2010 to determine whether the institutions had established adequate processes for compiling and distributing their crime statistics to help ensure that they met Clery Act requirements.⁷ Most of the 71 respondents indicated they had sufficient processes in place to help ensure that they reported accurate crime statistics. However, based on their responses, some institutions should strengthen their practices for notifying students and employees of the availability of their annual security reports.

Most survey respondents reported they have practices in place to help ensure that they fulfill their Clery Act crime reporting requirements. For example, 75 percent of respondents indicated they have provided specific training to the individuals responsible

⁷ Although we use the term *institutions* throughout this report to describe the entities that must comply with the Clery Act, in this section we discuss survey responses we solicited from selected *campuses* of statewide institutions. Some institutions have more than one campus: For example, Pacific's main campus is in Stockton, but Pacific also maintains campuses in Sacramento and San Francisco. We surveyed 80 individual campuses, asking each respondent to tell us about its institution's policies as they apply to its campus.

for compiling and distributing their annual crime statistics. Of the respondents, 72 percent indicated institutions follow guidance from the OPE handbook when compiling and distributing their campus' annual crime statistics. Furthermore, 86 percent of respondents indicated that they have written policies and procedures for collecting crime statistics, which can be helpful in establishing consistent methodologies for fulfilling reporting requirements.

Most survey respondents also reported that they take steps to ensure that the campus crime statistics they report are complete and accurate. As mentioned earlier, the Clery Act permits institutions to trust certain information they receive from outside agencies; specifically, federal law states that an institution "may rely on" information or crime statistics it receives from local law enforcement agencies. Therefore, institutions are not required to verify the accuracy of statistics they receive from these agencies. Nonetheless, 76 percent of our survey respondents indicated they followed up on the statistics they received from their off-campus sources, most often by reviewing reports. In addition, 90 percent of respondents said they took steps to verify the data they received from on-campus sources, most typically by e-mailing their on-campus sources and by reviewing reports from their off-campus sources to confirm the data from on-campus sources. Campuses indicated they request information in writing; specifically, 80 percent of respondents indicated they request information from on-campus entities by e-mail, and 55 percent of respondents stated they request information from off-campus sources of crime information by e-mail.

Although most survey respondents of the 80 campuses we surveyed indicated they provide a link on their Web sites to their security policies and annual crime statistics, some may not ensure—as required—that their students and employees are aware the reports are available.

Although most survey respondents indicated they provide a link on their Web sites to their security policies and annual crime statistics, some may not take all the steps required to ensure that their students and employees are aware that these reports are available. For example, 69 percent of respondents to our survey indicated that their institution's Web sites include direct links to their policies and statistics. However, 10 percent of these respondents did not indicate that they notify their current students and employees by e-mail, publication, or any other means that their annual security reports are available. If institutions do not provide proper notification of the availability of their annual security reports, their students and employees are less likely to be aware of important information about their institution's security policies and crime statistics.

Recent Changes in State Oversight Do Not Appear to Have Affected the Public's Access to Institutions' Crime Statistics

State law requires the California Postsecondary Education Commission (commission) to provide links on its Web site to the crime statistics Web sites of every institution in the State. However, the commission ceased operations after losing its funding in 2011. We did not identify an entity that has taken over the commission's responsibilities for meeting this requirement. Nonetheless, we do not believe that the public's access to campus crime data has been materially impeded because all six of the institutions we visited during this audit had their crime statistics publicly available on their individual Web sites, which is where we believe interested parties would most likely first check to learn of an institution's crime statistics. Moreover, OPE's Web site provides campus crime statistics not only for California's institutions but for all institutions nationwide. This Web site allows its visitors to compare the crime statistics of institutions located within the State and throughout the country.

In addition, some of California's institutions may benefit from recent changes that increase the level of guidance available to them. The California Community Colleges' Chancellor's Office (Chancellor's Office) helps community colleges comply with the Clery Act. In our January 2010 report on Clery Act compliance, *California's Postsecondary Educational Institutions: More Complete Processes Are Needed to Comply With Clery Act Crime Disclosure Requirements*, Report 2009-032, we recommended that the Chancellor's Office provide direction to community colleges regarding the provisions of the Clery Act. In response to this recommendation, the Chancellor's Office informed us that it manages a Web site focused on emergency management resources that now includes links to Clery Act guidance such as the OPE handbook. We reviewed the information on this Web site during our current audit and noted that it was difficult to find. We shared this concern with Chancellor's Office staff, who subsequently improved the navigation to, and visibility of, the campus safety information page. We believe this information could be helpful to community colleges in complying with the Clery Act.

Because all six of the institutions had their crime statistics publicly available on their individual Web sites, we do not believe the public's access to campus crime data has been materially impeded since the commission ceased operations.

Recommendations

Institutions should do the following to ensure that they comply with the Clery Act by correctly reporting all applicable crimes and disclosing all required campus security policies:

- Review and adhere to applicable guidance related to the Clery Act, including OPE's handbook and the Federal Bureau of Investigation's *Uniform Crime Reporting Handbook*.
- Thoroughly review the Clery Act crime statistics and security policy disclosures in their annual security reports for accuracy before publication.
- Ensure that they have a complete, accessible daily crime log, as required by the Clery Act.

Also, institutions should ensure that they properly notify both current and prospective students and employees of the availability of their annual security reports in the manner prescribed by the Clery Act.

We conducted this audit under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives specified in the scope section of the report. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

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Appendix A

CRIMES AND VIOLATIONS POSTSECONDARY EDUCATIONAL INSTITUTIONS MUST REPORT UNDER FEDERAL CRIME DISCLOSURE REQUIREMENTS

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and federal regulations require all postsecondary educational institutions that participate in federal student aid under Title IV to report statistics for the categories of criminal offenses and violations shown in Table A.⁸

Table A
Crimes and Violations Postsecondary Educational Institutions Must Report Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

CRIME/VIOLATION	DEFINITION UNDER FEDERAL REGULATIONS
Aggravated assault	Unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. However, it is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.
Arson	Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.
Burglary	Unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes the following: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.
Motor vehicle theft	Theft or attempted theft of a motor vehicle. This includes all cases in which automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned—including joyriding.
Murder and nonnegligent manslaughter	Willful (nonnegligent) killing of one human being by another.
Negligent manslaughter	The killing of another person through gross negligence.
Robbery	Taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
Sex offense, forcible	Any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent.
Sex offense, nonforcible	Unlawful sexual intercourse not performed by force, such as incest or statutory rape.
Drug abuse violation	Violations of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance; arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
Liquor law violation	The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
Weapon law violation	Violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
Hate crimes	Crimes reported to local police agencies or to a campus security authority that are any of the crimes described above, other than violations of liquor or weapons laws; as well as larceny-theft, simple assault, and intimidation; destruction, damage, or vandalism of property; and any other crimes involving bodily injury in which the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.

Source: Code of Federal Regulations, Title 34, Section 668.46 and Appendix A to Subpart D of Part 668.

⁸ Title IV of the federal Higher Education Act of 1965, as amended, provides funding to eligible students in the form of Pell Grants and other federal student aid, including direct loans.

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Appendix B

THE SIX POSTSECONDARY EDUCATIONAL INSTITUTIONS' CRIME STATISTICS IN THEIR 2011 ANNUAL SECURITY REPORTS

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and federal regulations require all postsecondary educational institutions (institutions) that participate in federal student aid under Title IV to report statistics for the categories of criminal offenses and violations described in Appendix A.⁹ Tables B.1 through B.6 on the following pages summarize the criminal offenses, arrests, and disciplinary actions the six institutions we visited reported for 2009, 2010, and 2011. California State University, Northridge reported that one hate crime occurred in 2009 and two hate crimes occurred in 2010. University of the Pacific reported that one hate crime occurred in 2009. San Diego City College reported that one hate crime occurred in 2011. The other institutions we visited did not report any hate crimes for 2009, 2010, and 2011.

⁹ Title IV of the federal Higher Education Act of 1965, as amended, provides funding to eligible students in the form of Pell Grants and other federal student aid, including direct loans.

Table B.1
The Academy of Art University's Reported Crime Statistics Under the
Jeanne Clery Disclosure of Campus Security Policy and Campus
Crime Statistics Act

CATEGORY	2009	2010	2011*
Clery Criminal Offenses			
Aggravated assault	1	1	3
Arson	-	-	-
Burglary	4	18	9
Motor vehicle theft	-	1 [†]	-
Murder and nonnegligent manslaughter	-	-	-
Negligent manslaughter	-	-	-
Robbery	4	4	3
Sex offenses, forcible	2	6	2
Sex offenses, nonforcible	-	-	-
Subtotals	11	30	17
Clery Arrests			
Drug abuse arrests	1	-	-
Liquor law arrests	-	-	-
Weapon law arrests	-	-	-
Subtotals	1	0	0
Clery Disciplinary Actions			
Drug abuse disciplinary actions	58	18	45
Liquor law disciplinary actions	110	105	32
Weapon law disciplinary actions	-	-	-
Subtotals	168	123	77
Totals	180	153	94

Sources: 2009 and 2010 crime statistics from the U.S. Department of Education's Office of Postsecondary Education (OPE) Campus Safety and Security Statistics Web site as of July 30, 2012, and 2011 crime statistics from the Academy of Art University (Academy) as of September 24, 2012.

* Postsecondary educational institutions are required to submit their 2011 crime statistics to OPE no later than October 2012. According to OPE, the 2011 statistics should be available on its Web site by mid-November.

† The number of motor vehicle thefts (two) for 2010 in the Academy's annual security report does not agree with the number reported for 2010 (one) on OPE's Web site, as shown above.

Table B.2
California State University, Northridge’s Reported Crime Statistics
Under the Jeanne Clery Disclosure of Campus Security Policy and Campus
Crime Statistics Act

CATEGORY	2009	2010	2011*
Clery Criminal Offenses			
Aggravated assault	4	1	6
Arson	2	1	-
Burglary	14	47	34
Motor vehicle theft	9	11	15
Murder and nonnegligent manslaughter	-	-	-
Negligent manslaughter	-	-	-
Robbery	1	4	5
Sex offenses, forcible	2	9	1
Sex offenses, nonforcible	-	-	-
Subtotals	32	73	61
Clery Arrests			
Drug abuse arrests	89	57	41
Liquor law arrests	10	8	16
Weapon law arrests	3	3	6
Subtotals	102	68	63
Clery Disciplinary Actions			
Drug abuse disciplinary actions	134	86	107
Liquor law disciplinary actions	188	118	297
Weapon law disciplinary actions	8	2	3
Subtotals	330	206	407
Totals	464	347	531

Sources: 2009 crime statistics from the U.S. Department of Education’s Office of Postsecondary Education (OPE) Campus Safety and Security Statistics Web site as of July 30, 2012, and 2010 and 2011 crime statistics from the California State University, Northridge (Northridge) as of June 25, 2012.

Notes: Northridge reported one on-campus hate crime occurring in 2009 and two occurring in 2010. It reported these crimes separately from the statistics reflected above.

Before our site visit, Northridge staff performed a review of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act crime statistics they reported to OPE for 2010. In this review, Northridge identified and corrected some inaccuracies in its crime statistics. The emergency management and preparedness coordinator informed us that Northridge will submit the revised statistics to OPE when submitting crime statistics in 2012.

* Postsecondary educational institutions are required to submit their 2011 crime statistics to OPE no later than October 2012. According to OPE, the 2011 statistics should be available on its Web site by mid-November.

Table B.3
Laney College's Reported Crime Statistics Under the Jeanne Clery Disclosure
of Campus Security Policy and Campus Crime Statistics Act

CATEGORY	2009	2010	2011*
Clery Criminal Offenses			
Aggravated assault	1	8	5
Arson	-	-	-
Burglary	30	23	12
Motor vehicle theft	9	12	8
Murder and nonnegligent manslaughter	-	-	-
Negligent manslaughter	-	-	-
Robbery	1	3	2
Sex offenses, forcible	-	-	2
Sex offenses, nonforcible	-	-	-
Subtotals	41	46	29
Clery Arrests			
Drug abuse arrests	3	1	1
Liquor law arrests	1	0	-
Weapon law arrests	2	3 [†]	3
Subtotals	6	4	4
Clery Disciplinary Actions			
Drug abuse disciplinary actions	-	-	1
Liquor law disciplinary actions	-	-	-
Weapon law disciplinary actions	-	-	-
Subtotals	0	0	1
Totals	47	50	34

Sources: 2009 and 2010 crime statistics from the U.S. Department of Education's Office of Postsecondary Education (OPE) Campus Safety and Security Statistics Web site as of July 30, 2012, and 2011 crime statistics from Peralta Community College Police Services for Laney College (Laney) as of September 21, 2012.

* Postsecondary educational institutions are required to submit their 2011 crime statistics to OPE no later than October 2012. According to OPE, the 2011 statistics should be available on its Web site by mid-November.

† The number of weapon law arrests (two) for 2010 in Laney's annual security report does not agree with the number reported for 2010 (three) on OPE's Web site, as shown above.

Table B.4
San Bernardino Valley College's Reported Crime Statistics Under the
Jeanne Clery Disclosure of Campus Security Policy and Campus
Crime Statistics Act

CATEGORY	2009	2010	2011*
Clery Criminal Offenses			
Aggravated assault	1	1	-
Arson	1	-	-
Burglary	24	47	2
Motor vehicle theft	12	24	6
Murder and nonnegligent manslaughter	-	-	-
Negligent manslaughter	-	-	-
Robbery	2	3	6
Sex offenses, forcible	-	-	-
Sex offenses, nonforcible	-	-	-
Subtotals	40	75	14
Clery Arrests			
Drug abuse arrests	9	14	29
Liquor law arrests	9	9	5
Weapon law arrests	8	11	3
Subtotals	26	34	37
Clery Disciplinary Actions			
Drug abuse disciplinary actions	3	2	10
Liquor law disciplinary actions	0	1	2
Weapon law disciplinary actions	0	5	2
Subtotals	3	8	14
Totals	69	117	65

Sources: 2009 and 2010 crime statistics from the U.S. Department of Education's Office of Postsecondary Education (OPE) Campus Safety and Security Statistics Web site as of July 30, 2012, and 2011 crime statistics from San Bernardino Community College District Police Department for San Bernardino Valley College as of September 25, 2012.

* Postsecondary educational institutions are required to submit their 2011 crime statistics to OPE no later than October 2012. According to OPE, the 2011 statistics should be available on its Web site by mid-November.

Table B.5
San Diego City College's Reported Crime Statistics Under the Jeanne Clery
Disclosure of Campus Security Policy and Campus Crime Statistics Act

CATEGORY	2009	2010	2011*
Clery Criminal Offenses			
Aggravated assault	6	5	5
Arson	0	0	-
Burglary	1	12	2
Motor vehicle theft	8	26	27
Murder and nonnegligent manslaughter	0	1	-
Negligent manslaughter	0	0	-
Robbery	2	5	8
Sex offenses, forcible	2	0	2
Sex offenses, nonforcible	0	0	-
Subtotals	19	49	44
Clery Arrests			
Drug abuse arrests	26	75	68
Liquor law arrests	4	11	22
Weapon law arrests	5	4	2
Subtotals	35	90	92
Clery Disciplinary Actions			
Drug abuse disciplinary actions	3	3	-
Liquor law disciplinary actions	1	1	1
Weapon law disciplinary actions	0	1	1
Subtotals	4	5	2
Totals	58	144	138

Sources: 2009 and 2010 crime statistics from the U.S. Department of Education's Office of Postsecondary Education (OPE) Campus Safety and Security Statistics Web site as of July 30, 2012, and 2011 crime statistics from San Diego Community College District Police Department for San Diego City College (San Diego) as of September 27, 2012.

Note: San Diego reported one on-campus hate crime occurring in 2011. It reported this crime separately from the statistics reflected above.

* Postsecondary educational institutions are required to submit their 2011 crime statistics to OPE no later than October 2012. According to OPE, the 2011 statistics should be available on its Web site by mid-November.

Table B.6
University of the Pacific’s Reported Crime Statistics Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

CATEGORY	2009	2010	2011*
Clery Criminal Offenses			
Aggravated assault	1	1	2
Arson	1	-	-
Burglary	19	31	5
Motor vehicle theft	5	1	-
Murder and nonnegligent manslaughter	-	-	-
Negligent manslaughter	-	-	-
Robbery	2	2	4
Sex offenses, forcible	2	4	3
Sex offenses, nonforcible	-	1	-
Subtotals	30	40	14
Clery Arrests			
Drug abuse arrests	9	18	17
Liquor law arrests	-	4	8
Weapon law arrests	2	2	4
Subtotals	11	24	29
Clery Disciplinary Actions			
Drug abuse disciplinary actions	8	20	26
Liquor law disciplinary actions	10	4	8
Weapon law disciplinary actions	-	2	-
Subtotals	18	26	34
Totals	59	90	77

Sources: 2009 and 2010 crime statistics from the U.S. Department of Education’s Office of Postsecondary Education (OPE) Campus Safety and Security Statistics Web site as of July 30, 2012, and 2011 crime statistics from University of the Pacific (Pacific) as of October 1, 2012.

Note: Pacific reported that one hate crime occurred in 2009. It reported this crime separately from the statistics reflected above.

* Postsecondary educational institutions are required to submit their 2011 crime statistics to OPE no later than October 2012. According to OPE, the 2011 statistics should be available on its Web site by mid-November.

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Appendix C

THE SIX POSTSECONDARY EDUCATIONAL INSTITUTIONS' COMPLIANCE WITH FEDERAL REGULATIONS REGARDING DISCLOSURE OF SECURITY POLICIES

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and federal regulations require all postsecondary educational institutions (institutions) that participate in federal student aid under Title IV to prepare annual security reports that disclose certain campus security policies.¹⁰ Federal regulations describe 34 specific policies that each institution must address in its annual security report. These policies include procedures for students and others to report criminal actions and procedures to follow in the event of sexual assault. Table C indicates whether the six institutions we visited fully disclosed each of these required policies in their most recent annual security reports.

Table C
The Six Postsecondary Educational Institutions' Compliance With Federal Regulations Regarding Disclosure of Security Policies

DESCRIPTION OF POLICIES	INSTITUTION					
	ACADEMY OF ART UNIVERSITY	CALIFORNIA STATE UNIVERSITY, NORTHRIDGE	LANEY COLLEGE	SAN BERNARDINO VALLEY COLLEGE	SAN DIEGO CITY COLLEGE	UNIVERSITY OF THE PACIFIC
Policies Concerning Annual Reports and Access to Campus						
1 Disclosed its 2010 crime statistics in its annual security report.	✓	✓	✓	✓	✓	✓
2 A statement of current campus policies regarding procedures for students to report criminal actions or other emergencies occurring on campus.	✓	✓	✓	✓	✓	✓
3 Policies for making timely warning reports to the campus community.	✓	✓	✓	✓	✓	✓
4 Policies for preparing annual disclosure of crime statistics.	✓	✓	✓	✓	✓	✓
5 A list of the title of each person or organization to whom students and employees should report criminal offenses, and disclosure of policies and procedures, if any, that allow victims or witnesses to report crimes on a voluntary, confidential basis.	✓	✓	✓	✓	♦*	✓
6 A statement of policies concerning security of and access to campus facilities, including campus residences, and security considerations used in maintenance of campus facilities.	✓	✓	✓	✓	✓	✓
Policies Concerning Campus Law Enforcement and Crime Prevention						
7 Policies addressing enforcement authority of campus security personnel, including their relationship with state and local police.	✓	✓	✓	✓	✓	✓
8 Policies encouraging accurate and prompt reporting of all crimes to campus police and appropriate police agencies.	✓	✓	✓	✓	✓	✓
9 A description of programs to inform students and employees about campus security procedures and practices.	♦†	✓	✓	✗	✗	✓
10 A description of programs to inform students and employees about prevention of crime.	♦‡	✓	✓	✓	✗	✓
11 A statement of policy concerning the monitoring and recording through local police agencies of criminal activity engaged in by students at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.	§	✓	✓	✓	✓	✓

continued on next page...

¹⁰ Title IV of the federal Higher Education Act of 1965, as amended, provides funding to eligible students in the form of Pell Grants and other federal student aid, including direct loans.

DESCRIPTION OF POLICIES	INSTITUTION					
	ACADEMY OF ART UNIVERSITY	CALIFORNIA STATE UNIVERSITY, NORTHRIDGE	LANEY COLLEGE	SAN BERNARDINO VALLEY COLLEGE	SAN DIEGO CITY COLLEGE	UNIVERSITY OF THE PACIFIC
Policies Concerning Illegal Drugs and Alcohol						
12 A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws.	✓	◆ II	✓	✓	✓	✓
13 A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws.	✓	✓	✓	✓	✓	✓
14 A description of programs for drug or alcohol abuse education.	◆ ‡	✓	◆ ‡	◆ ‡	◆ ‡	✓
Policies Regarding Campus Sexual Assault Programs						
15 A description of educational programs to promote the awareness of rape and other sex offenses.	◆ ‡	✓	✗	✗	✓	✓
16 Procedures students should follow if a sex offense occurs.	✓	✓	✓	✓	✓	✓
17 Information on a student's option to notify appropriate law enforcement authorities and a statement that institutional personnel will assist the student in notifying these authorities.	✓	✓	✓	✓	◆ #	✓
18 A notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses.	✓	✓	✓	✓	✓	✓
19 A notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and options for those changes.	✓	✓	✗ **	✓ **	✓ **	✓
20 A statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained.	✓	✓	✓	✓	✓	✓
Procedures for campus disciplinary action in cases of an alleged sex offense, including:						
21 A statement that the accuser and accused are entitled to the same opportunities to have others present during a disciplinary proceeding.	✗	✓	✓	✓	✗	✓
22 A statement that both the accuser and accused will be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense.	✗	✓	✓	✓	◆ ††	✓
23 A statement of sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding any forcible or nonforcible sex offense.	✓	✓	✓	✓	◆ ††	✓
Policies Regarding Campus Emergency Response and Evacuation Procedures						
24 A statement of the procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.	✓	✓	✓	✓	✓	✓
25 A description of the process to confirm that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.	✓	✓	✗	✓	✗	✓
26 A description of the process the institution will use to determine the appropriate segment or segments of the campus community to receive a notification.	◆ §§	✓	✗	✓	✗	✓
27 A description of the process the institution will use to determine the content of the notification.	✓	✓	✗	✓	✗	✓
28 A description of the process the institution will use to initiate the notification system.	✓	✓	✗	✓	✗	✓

DESCRIPTION OF POLICIES	INSTITUTION					
	ACADEMY OF ART UNIVERSITY	CALIFORNIA STATE UNIVERSITY, NORTHRIDGE	LANEY COLLEGE	SAN BERNARDINO VALLEY COLLEGE	SAN DIEGO CITY COLLEGE	UNIVERSITY OF THE PACIFIC
29 A statement that the institution will, without delay, determine the content of the notification and initiate the notification system, unless issuing a notification will compromise efforts to assist a victim or respond to an emergency.	✓	✓	✗	✓	✗	✗
30 A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described previously.	✓	✓	✗	✓	✗	✓
31 A statement of the institution's procedures for disseminating emergency information to the larger community.	✓	✓	✗	✓	◆ III	✓
A statement of the institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including:						
32 Advising that tests of response and evacuation procedures may be announced or unannounced.	✗	✗	✗	✗	✗	✓
33 Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year.	✗	✓	✗	✓	✗	✓
34 The institution's procedures for documenting each test and whether it was announced or unannounced.	✗	◆ ##	✗	✗	✗	✓
Totals						
◆ Partially disclosed	5	2	1	1	6	0
✗ Not disclosed	5	1	12	4	12	1
Total disclosure errors	10	3	13	5	18	1

Sources: Federal regulations and information obtained from the institutions.

✓ = Fully disclosed

◆ = Partially disclosed

✗ = Not disclosed

* Disclosure does not specifically mention policies for confidential reporting of crimes.

† Disclosure mentions the type of program offered but not the frequency with which it is offered.

‡ Disclosure lists available programs but does not describe them.

§ Not applicable because the institution states that it does not recognize any off-campus student organizations.

|| Disclosure does not specifically address enforcement of state underage drinking laws.

Disclosure provides guidance for calling law enforcement but does not state institutional staff will assist the student in notifying authorities.

** Institution does not have campus housing and thus does not control students' living situations. However, the institution does control students' academic situations, so that part of the disclosure requirement still applies to this institution.

†† Disclosure states the accuser will be informed of the outcome but does not provide the same assurance to the accused.

‡‡ Disclosure states the institution has a disciplinary procedure and sanctions but directs reader to another source to obtain specific information.

§§ Disclosure identifies the entity responsible for communicating the notification to the appropriate segment or segments of the campus community but does not describe the process the institution uses to determine the appropriate segment or segments.

||| Disclosure lists some methods of sending notifications but provides no additional details of the procedures for dissemination.

Disclosure states that documentation occurs after each test but does not discuss whether tests are announced or unannounced.

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(Agency comments provided as text only.)

Academy of Art University
79 New Montgomery Street
San Francisco, California 94105

September 24, 2012

Ms. Elaine M. Howle State Auditor*
California State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

Enclosed please find our response to the findings in your report titled "California Postsecondary Educational Institutions: Some institutions Have Not Fully Complied With Federal Crime Reporting Requirements."

If you need any additional information or have any questions please contact me at 415-618-6528.

Sincerely,

(Signed by: Joe Vollaro)

Joe Vollaro
Executive Vice President –
Financial Aid and Compliance

* California State Auditor's comment appears on page 43.

Finding 1:

In three cases the Academy of Art University (AAU) over reported crimes. In one case a liquor law violation should not have been reported because of the student's age, and in two cases the crime did not occur within the Clery reporting area on campus.

In one case a motor vehicle theft was counted as occurring off campus as well as on campus in the Annual Security Report (the correct figure was reported to DOE through to data collection survey).

Response:

The AAU concurs with the auditor's findings and procedures are now in place to ensure that crimes that are not Clery reportable are not contained in the Annual Security Report.

Finding 2:

In five cases required disclosures of security policies were only partially disclosed.

1. A description of programs to inform students and employees about campus security procedures and practices.

Response: In addition to the programs already contained in the report, including Campus Safety Patrol & Campus Host Program, we added information on presentations given by the Director of Campus Safety at the Student Orientation (3 times per year) and new hire orientation (once per month) in our 2012-2013 Annual Campus Safety report. We also added a sentence that building hours are posted within each building location.

2. A description of programs to inform students and employees about prevention of crimes.

Response: In addition to the programs already contained in the report including Campus Safety Leadership, Campus Host Program, National Incident Management System training, Neighborhood Emergency Response Team training, Mobiletrac and Crime Prevention Tips we added a more complete description of our "Take a Bite Out of Crime" (McGruff materials) program.

3. A description of programs for drug or alcohol education.

Response: The following programs were contained in the Annual Security Report but the auditor required a more detailed description. The 2012-2013 Annual Security contains a more detailed description-

- Harm Reduction Clinic
- National Institute on Drug Abuse
- San Francisco Drug Live
- National Drug & Alcohol Referral
- Alcoholics Anonymous
- Adult Children of Alcoholics
- Family & Friends of Alcoholics

4. A description of educational programs to promote the awareness of rape and other sex offenders.

Response: The following programs were contained in the Annual Security Report but the auditors required a more detailed description. The 2012-2013 Annual Security Report contains a more detailed description.

- RAINN (Rape, Abuse & Incest National Network)
- SFWAR (San Francisco Woman Against Rape)
- San Francisco Rape Treatment Center

5. A description of the process the institution will use to determine the appropriate segment or segments of the campus community to receive a notification.

Response: The 2012-2013 Annual Security Report now contains a statement that students and staff in all buildings will receive a notification in the event of an emergency or dangerous situation. The previous Annual Security Report stated that the various buildings received notification.

Finding 3:

In five cases required disclosures of security policies were not disclosed in the Annual Security Report.

- Procedures for campus disciplinary action in cases of an alleged sex offense

1. A statement that the accuser and accused are entitled to the same opportunities to have others present during a disciplinary proceeding.
2. A statement that both the accuser and accused will be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense.

Response: The 2012-2013 Annual Security Report now contains these two disclosures.

3. A statement advising that tests of response and evacuation procedures may be announced or unannounced.
4. A statement publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year.

Response: Although the current Annual Security Report does indicate that tests are done each semester we also added a statement in the 2012-2013 Annual Security Report that tests are conducted at least once per calendar year and may be announced or unannounced.

5. A statement of the institution's procedures for documenting each test and whether it was announced or unannounced.

Response: This procedure that is fully automated at AAU is now contained in the 2012-2013 Annual Security Report.

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Comment

CALIFORNIA STATE AUDITOR'S COMMENT ON THE RESPONSE FROM THE ACADEMY OF ART UNIVERSITY

To provide clarity and perspective, we are commenting on the response from the Academy of Art University (Academy). The number below corresponds to the number we have placed in the margin of the Academy's response.

As stated on page 19, it is the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, not the California State Auditor that requires descriptions of certain programs and processes in postsecondary educational institutions' annual security reports.

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(Agency comments provided as text only.)

California State University, Northridge
18111 Nordhoff Street
Northridge, California 91330-8230

September 25, 2012

Elaine M. Howle, State Auditor
California State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Subject: Campus Response to Recommendations of Audit Report Number 2012-032,
"California's Postsecondary Educational Institutions: Some Institutions Have Not Fully Complied
With Federal Crime Reporting Requirements."

Dear Ms. Howle:

Enclosed please find the California State University, Northridge (CSUN) response to the recommendations of the audit.

We have read the report including the observations and recommendations, and agree with them.

Should there be questions regarding the contents of the response, they may be addressed to Howard Lutwak, CSUN Internal Audit Director at (818) 677-2333.

Sincerely,

(Signed by: Dianne F. Harrison)

Dr. Dianne Harrison
President

Enclosure

Page 2

Elaine M. Howle, State Auditor

September 25, 2012

**California State University, Northridge (CSUN) Response to California State Auditor Report #2012-032,
"California's Postsecondary Educational Institutions: Some Institutions Have Not Fully Complied With
Federal Crime Reporting Requirements."**

CSUN has reviewed and will adhere to applicable guidelines related to the Clery Act. The over-reporting of crimes occurred due to classifying two thefts as burglaries. The Clery Act Coordinator has made the corrections in the statistics which will appear in our 2012 Clery Report as well as be reported to the Department of Education.

CSUN has taken corrective action to ensure that all required policies and disclosures are included in Clery Act reports.

(Agency comments provided as text only.)

Laney College
Office of the President
900 Fallon Street
Oakland, California 94607

September 25, 2012

Elaine M. Howle, CPA*
California State Auditor
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

We appreciate the recent audit conducted by the California State Auditor regarding our 2010 Clery Act compliance; specifically the proper and accurate reporting of Clery-reportable crimes and information necessary for our Annual Safety Report (ASR), as well as its proper dissemination.

We were provided with the necessary information to assist us in gaining full compliance with all Clery Act requirements. We accept the Clery Act Audit recommendations that we:

- Review and adhere to applicable guidance related to the Clery Act, including Education's Office of Postsecondary Education's Handbook for Campus Safety and Security Reporting and the Federal Bureau of Investigation's Uniform Crime Reporting Handbook, and
- Thoroughly review the Clery Act crime statistics and security policy disclosures in their annual security reports for accuracy before publication.

More specifically, our procedures will include a regular review and adherence to applicable guidance related to the Clery Act. All required employees will be informed and trained on all applicable information in the Clery Act. Further, all statistics and security policy disclosures will be reviewed annually for accuracy before publication of the annual security report.

As requested in the audit (see Table C from the California State Auditor's Report), we are providing information that reveals that we were already in compliance with items 15, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34, which was conveyed during the site meeting of Wednesday, September 5, 2012. Per the Clery representatives' request, below is evidence of our compliance:

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②

Audit Finding No. 15

- Awareness of rape and other sex offenses are addressed throughout the year in various disciplines including the following courses: Perceptions of African American Women; Social Problems; Human Sexuality (offered in Biology and Psychology).
- Guest speakers and exhibits on campus each year during the month of March, Women's Herstory Month, address issues to raise awareness of rape and other sex offenses.

* California State Auditor's comments begin on page 53.

- The following information is being added to the Laney College Catalog under Health Services: "Additional services include health education and wellness classes and information; crisis counseling; referrals for domestic violence, sexual assault, drug abuse, and parental stress; and Social Service referrals for shelter, food, and legal needs."

Audit Findings Nos. 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34

The following publications (also enclosed) reveal details developed over the past 5+ years to ensure full preparation for an emergency¹:

- The Alertify Notification System, which is being highlighted in the schedule of classes and will be added to the 2013 ASR – Campus Safety Handbook
- The Laney College Emergency Operations Plan
- The Laney College Emergency Preparedness Overview
- The Statement of Emergency Processes and the Laney College Emergency Procedures, which are posted in each classroom and office at the college

(See http://www.laney.edu/wp/business_office/emergency-preparedness-and-response/ for plan, overview and procedures.)

- ③ Again, our apologies for not having these documents available for your review during your visit, and explicit in the 2012 ASC report. We thank you for acknowledging that we were in compliance with these areas in the final Clery audit report.

As for Audit Finding No. 19, Laney College does not have student housing. Currently, a notification is being developed for inclusion in the upcoming Laney College Catalog to address the option for a victim to request a change in academic situations after an alleged sex offense. In addition, we now know not to report auto burglaries as Clery-reportable burglaries, and we have a better understanding of burglary as it is defined per the Clery Act.²

- ④ While the auditors were at our facility they asked us if we had any direction or guidance from the Department of Education regarding updates or changes in Clery information. We advised them that we have not received any updates from the Department of Education. We also advised them we have never received a Clery Handbook. The auditors advised us that the Clery Handbook could be found on the California Department of Education website.³ After securing and reviewing it, our reporting team found that the Clery Act does not always provide clear definitions of how to categorize a crime as it is defined by Clery. In fact, the lack of specific guidance from the Department of Education caused the Clery reporter to broadly interpret Clery in good-faith to appropriately categorize crimes in an effort to comply with Clery. While this joint audit review netted helpful and shared insights, it suggested the need for clearer definitions that would help reporting institutions and Clery auditors.
- ⑤
- ⑥

Again, we thank you for this opportunity and the information we were provided. We are correcting the discrepancies as reported by the auditors, and will continue to make every effort to achieve and maintain full and complete compliance with the Jeanne Clery Act.

Sincerely and respectfully,

(Signed by: Elnora T. Webb)

Elnora T. Webb, Ph.D.

President

- 1 As an integral part of preparing for emergencies, we have carried out training annually with up to three planning and emergency operations training session per term during the last 5 years.
- 2 It should be noted, however, that the three auditors who conducted the audit of Laney College used the *2005 Clery Handbook* and its definition of burglary. This definition was applied to Laney's burglaries and thefts while the auditors were on site. After their departure, the College's reporting team researched various websites related to the Clery Act and learned that the *2010 Clery Handbook* contained a **new** definition of burglary, which was radically different from the definition found in the 2005 Handbook, and far more similar to the definition found in the California State Penal Code. The Clery auditors were unaware of this change and only became aware after the Laney College team e-mailed them the information. Nevertheless, we are now aware of all crime definitions as enumerated in the *2010 Clery Handbook* and will strive to report crimes accordingly. ⑦
- 3 After an exhaustive search of the website, our reporting team could not locate any Clery information. We advised the auditors, and they checked and also could not find any Clery information on the website. Eventually our reporting team searched the internet and located the Clery Handbook through the Campus Safety and Security Magazine website. ④

Laney College Clery Act Audit 2012
RESPONSE

⑧

Reponse to Recommendations		
Page#	Clery Act Responses	Laney College Response
4	<p>Recommendations</p> <ul style="list-style-type: none"> • Review and adhere to applicable guidance related to the Clery Act, including Education's Office of Postsecondary Education's Handbook for Campus Safety and Security Reporting and the Federal Bureau of Investigation's Uniform Crime Reporting Handbook. • Thoroughly review the Clery Act crime statistics and security policy disclosures in their annual security reports for accuracy before publication 	<p>Our procedures will include a regular review and adherence to applicable guidance related to the Clery Act. All required staff, faculty and management will be informed and trained on all applicable information in the Clery Act.</p> <p>All statistics and security policy disclosures will be reviewed annually for accuracy before publication of the annual security report.</p>

Reponse to Audit Findings		
Page#	Table C from the California State Auditor's Report:	Laney College Response
37	15. A description of educational programs to promote the awareness of rape and other sex offenses.	<p>Awareness of rape and other sex offenses are addressed in various disciplines including the following courses: Perceptions of African American Women; Social Problems; Human Sexuality (offered in Biology and Psychology).</p> <p>Guest speakers and exhibits on campus each year during the month of March, Women's HerStory Month, address issues to raise awareness of rape and other sex offenses</p> <p>The following information will be added to the catalog under Health Services: " Additional services include health education and wellness classes and information; crisis counseling; referrals for domestic violence, sexual assault, drug abuse, and parental stress; and Social Service referrals for shelter, food, and legal needs."</p>
37	19. A notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and options for those changes.	Laney College does not have student housing. A notification will be developed for inclusion in the catalog to address the option for the victim to request a change in academic situations after an alleged sex offense.

37	25. A description of the process to confirm that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.	We regret that we failed to have the information in the annual report. However, items 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34 are addressed in the following Peralta publications - see the attached: Alertify Notification; Laney College Emergency Operations Plan and; Laney College Emergency Preparedness Overview and Statement of Emergency Processes; Laney College Emergency Procedures (posted in each classroom and office.	①
37	27. A description of the process the institution will use to determine the content of the notification.		
37	28. A description of the process the institution will use to initiate the notification system.		
37	28. A description of the process the institution will use to initiate the notification system.		
37	29. A statement that the institution will, without delay, determine the content of the notification and initiate the notification system, unless issuing a notification will compromise efforts to assist a victim or respond to an emergency.		
37	30. A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described above.		
39	31. A statement of the institution's procedures for disseminating emergency information to the larger community		
39	32. A statement advising that tests of response and evacuation procedures may be announced or unannounced.		
39	33. A statement publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year.		
39	34. A statement of the institution's procedures for documenting each test and whether it was announced or unannounced.		

Note: Laney College (Laney) provided us copies of additional materials along with its response. Due to the volume of this documentation, we have not included it with Laney's response. These documents are available for inspection at our office during business hours upon request.

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM LANEY COLLEGE

To provide clarity and perspective, we are commenting on the response from Laney College (Laney). The numbers below correspond to the numbers we have placed in the margin of Laney's response.

Laney is incorrect in suggesting it was already in compliance with Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requirements for the specified items before we brought these items to its attention. For a postsecondary educational institution (institution) to comply with the Clery Act, it must include various campus security policies in its annual security report, as we explain on page 6. As Laney acknowledges in its response (page 51 of this report), it failed to include the required information about its policies and procedures in its annual security report.

①

Laney erroneously refers to the State Auditor's staff as "Clery representatives" in its response.

②

As Table C on pages 35 through 37 reflects, we concluded that Laney is not in compliance with the indicated policy disclosure requirements because its annual security report did not include them. At no time did we acknowledge that Laney was in compliance with the deficiencies we noted in Table C.

③

We did not advise Laney that the U.S. Department of Education (Education) Office of Postsecondary Education's (OPE) *Handbook for Campus Safety and Security Reporting* (OPE handbook) could be found on the California Department of Education's (CDE) Web site (Laney refers to the OPE handbook as the Clery handbook). Rather, we told Laney that the OPE handbook was available on the OPE Web site, which is the same Web site where it submits its annual Clery Act crime statistics. Also, the Web site on which we initially could not find Clery information, which Laney mentions in footnote 3 of its response, was the California Community Colleges Chancellor's Office (Chancellor's Office) Web site, not CDE's Web site. As discussed on page 23, after we shared with the Chancellor's Office that it was difficult to find Clery Act guidance on its Web site, it improved the navigation to, and visibility of, its campus safety information page, which includes Clery Act guidance.

④

We disagree that there is a lack of specific guidance from Education regarding Clery Act crimes. The OPE handbook not only includes clearly stated definitions and dozens of examples to help users

⑤

interpret and understand what constitutes a Clery Act crime, it also provides an e-mail address for users to seek assistance for questions they have that are not answered by the handbook. Further, Laney's assertion that the lack of specific guidance caused it to broadly interpret Clery is disingenuous. As stated on page 16, when Laney reported its 2010 crime statistics it was not even aware of the OPE handbook.

- ⑥ The term "joint" in reference to the audit implies that our office performed the audit as part of a team with another entity. However, this is not the case. Instead, we work with each auditee to obtain an understanding of its processes and the basis for the actions it takes.
- ⑦ During the course of the audit, we discussed with Laney and the other institutions the various Clery Act criteria and guidance we considered in assessing their compliance with Clery Act requirements. These criteria included the 2005 and 2011 editions of the OPE handbook and the Federal Bureau of Investigation's *Uniform Crime Reporting Handbook*. Although Laney refers to a 2010 edition of the OPE handbook in its response, there is no such edition. We also kept the auditees informed if our understanding of these criteria changed and, if applicable, how it affected our analysis of their compliance with the Clery Act. Laney's comment regarding an e-mail it sent us after we completed our onsite work at Laney is incorrect: the definition of burglary—"the unlawful entry of a structure to commit a felony or a theft"—has not changed, in fact it is identical in both handbooks.
- ⑧ While preparing our draft report for publication, page numbers shifted. Therefore, the page numbers that Laney cites in its response do not correspond to the page numbers in our final report.

(Agency comments provided as text only.)

San Bernardino Community College District
Police Department
701 S. Mt. Vernon Ave.
San Bernardino, CA 92410

September 25, 2012

Elaine M. Howle, CPA*
California State Auditor
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Subject: San Bernardino Community College District Police Department
2011 Annual Security Report Audit Response

Officials at San Bernardino Valley College reviewed the results of the 2012 audit related to the 2011 Annual Security Report and have the following comments:

- San Bernardino reported one vehicle theft and two liquor and drug arrests as happening on campus when they actually occurred on public property adjacent to the campus:
 - We acknowledge the mischaracterization of the location of the crimes noted above. While the College did properly note them as Clery crimes, we did incorrectly identify the location.
- San Bernardino reported an auto theft when no car had been stolen – only a license plate:
 - We acknowledge the mischaracterization of the type of crime. The College has since put in redundant layers of review to the characterization and classification of Clery reportable crimes to ensure the crimes are captured accurately.
- San Bernardino’s daily crime log did not include two of the 18 crimes tested:
 - Again, the College has added a redundant layer of review to the characterization and classification of Clery reportable crimes to ensure the crimes are captured accurately.
- San Bernardino indicated that they believed at least some of their existing disclosures found deficient were sufficiently descriptive; however, we disagree:
 - While the College did indicate the procedures for response and evacuation procedures, the language of explicitly noting they were announced or unannounced was not evident. This has since been corrected in the 2012 report, as well as the procedures noting how the tests are documented and where they can be obtained.

* California State Auditor’s comments appear on page 57.

- San Bernardino official stated that the institution had adequately described educational programs to promote the awareness of rape and other sex offenses by including in its 2011 annual security report a mention of a class it offers concerning individuals who commit violent crimes, including rape. However, we do not believe the class cited by San Bernardino meets the intent of the Clery Act requirement.
- ①
- We disagree with this finding. The College does offer a class to any interested parties to promote the awareness of rape and other sexual offenses. Perhaps the designation of this as a “class” has been the point of contention. This course is not an academic course, and is offered periodically throughout the year, and including during orientation.
- San Bernardino provided us with evidence that it sent notifications to current students and employees through its electronic communications system in accordance with a policy statement in its annual security report, the evidence it furnished did not provide enough detail to verify that the notifications contained all the required information:
- ②
- The College utilized the communication system, Blackboard, in accordance with the District’s policies and procedures. We provided evidence of the script sent in conjunction with the specific URL, as well as the success rate of all notices sent. We are unsure of what additional information we could have provided to create a level of assurance with the auditors and disagree with this finding.
- The institution posted its annual security report on its Web site, but did not provide the required notification of the report’s availability:
- The annual security report is posted on each page of the College’s web site for any potential students or employees. The College makes every attempt at having the information available to prospective employees and students by having hard copies of the report available at a variety of locations throughout the campus and at off-campus events. With the addition of the report available within the footer section of each page of the web site, the College is confident that the information is available to prospective students and employees and disagree with this finding.
- ③

Respectfully submitted,

(Signed by: Pierre Galvez)

Pierre Galvez, Chief
San Bernardino Community College District Police Department

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM SAN BERNARDINO COMMUNITY COLLEGE DISTRICT

To provide clarity and perspective, we are commenting on the response from San Bernardino Community College District (San Bernardino). The numbers below correspond to the numbers we have placed in the margin of San Bernardino's response.

As we indicate on page 19, the class in question concerns individuals who commit violent crimes, including rape; it is not an educational program intended to promote awareness of rape and other sex offenses.

①

As we state on page 20, while San Bernardino asserted it sent notifications to current students and employees through its electronic communications system in accordance with a policy statement in its annual security report, the evidence it furnished did not provide enough detail to verify this assertion.

②

San Bernardino misunderstands the notification requirement. Although an institution can choose to distribute its annual security report to prospective students and employees by posting it on its Web site, to satisfy Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) regulations it must also provide a notice to prospective students and employees that includes a statement of the report's availability, a description of its contents, and an opportunity to request a copy. As reflected in Table 4 on page 21, San Bernardino did not demonstrate that it provides such notifications to all prospective students and employees. Furthermore, although providing hard copies of the report to campus visitors and at off-campus events are valuable practices, these activities also do not provide all prospective students and employees with satisfactory notice of the report's availability as required by the Clery Act.

③

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(Agency comments provided as text only.)

San Diego Community College District
1536 Frazee Road
San Diego, California 92108-4345

September 25, 2012

Elaine M. Howle, State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

RE: Audit of San Diego City College Compliance with the Jeanne Clery Act

Dear Ms. Howle,

The San Diego Community College District strives to provide a safe learning environment for all our Faculty, Staff and Students on all our campuses. The audit conducted by the Bureau of State Audits on our City College campus has brought to our attention areas where we can improve our compliance with the Jeanne Clery Act. The San Diego Community College District has and will continue to take whatever steps are necessary to maintain full compliance with the Act.

In that regard, prior to the audit, the District hired an outside consultant to conduct training for all our staff and formed a Clery Act Compliance Committee to review our current policies and procedures and to make changes and/or additions as necessary. We appreciate the additional input and recommendations from your staff in regards to improving our compliance. Please thank them for their professionalism in reviewing all our current policies and procedures and for their recommendations for improvement. Enclosed is our response to the Audit Report outlining our corrective actions.

If you have any additional questions or need further clarification, please call me at (619) 388- 6411.

Sincerely,

(Signed by: Charles F. Hogquist)

Charles F. Hogquist
Chief of Police
San Diego Community College District

San Diego Community College District
1536 Frazee Road
San Diego, California 92108-4345

September 25, 2012

Elaine M. Howle, State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 94814

Re: Response to Audit of San Diego City College Compliance with the Jeanne Clery Act

The audit of the San Diego Community College District – San Diego City College identified areas wherein the College was deficient in its compliance with the Jeanne Clery Act and provided recommendations for improved compliance. The following findings have been or are currently in the process of being corrected:

1. In response to the finding that the SDCCD over reported crimes by incorrectly reporting three larcenies as burglaries, the 2010 crime statistics have been corrected to reflect the above changes. The United States Department of Education will be notified and the statistics reported to them will be amended.

The district has taken the necessary steps to ensure that the crime reporting review process is in compliance with the federal definition of burglary as defined as the unlawful entry of a structure to commit a felony or a theft, not the California State Penal Code section of burglary (459PC), which does not identify “unlawful entry” as a required element of the crime.

2. In response to the finding that SDCCD over reported by incorrectly reporting one motor vehicle theft that did not occur in a Clery Act location, the 2010 crime statistics have been corrected to reflect the above changes. The United States Department of Education will be notified and the statistics reported to them will be amended.

Additionally, the district is reviewing all reportable “Public Property” locations and will make any necessary changes to ensure full compliance.

3. In response to the finding that the SDCCD misreported one narcotics law offense by incorrectly reporting it as “public property” instead of the proper location of “on campus”, the 2010 crime statistics have been corrected to reflect this change. The United States Department of Education will be notified and the statistics reported to them will be amended.
4. In response to the finding that the SDCCD is missing four crimes in the daily crime log, a review of the police department’s records information system was completed. The system has gone through nine upgrades since 2010 and the district is confident that the issue has been resolved and all crimes are included in the daily crime log. However, the police department will continue to spot check the daily crime logs for accuracy on a monthly basis for a period of at least six months to ensure that all required information is being reported correctly. Any discrepancies found will be resolved immediately.

5. In response to the failure to properly notify prospective employees of the availability of the annual security report; SDCCD is adding the link to the annual security report on the Employment Opportunities website. In addition, SDCCD has formed a Clery Act Compliance Committee to assess compliance concerns and the Committee will work with Human Resources to establish any additional guidelines necessary for compliance.
6. In response to the missing or partially missing security policy disclosures in the Annual Security Report; Table C, *Policies Concerning Annual Reports and Access to Campus*, number 5, currently SDCCD does not have a policy addressing confidential reporting. The 2012 Annual Security Report has been revised to include the San Diego County Crime Stoppers website at <http://www.sdcrimestoppers.com/>, where anyone can report crimes anonymously.
7. In response to the missing or partially missing security policy disclosures in the Annual Security Report; Table C, *Policies Concerning Campus Law Enforcement and Crime Prevention*, numbers 9-10, the SDCCD Police Department posts Crime Prevention Alerts, Campus Crime Alerts, safety flyers and safety bulletins, on its website at http://police.sdccd.edu/alerts_news.cfm, as well as emailing this information to the faculty, staff and students (emails to students are sent via the Vice Chancellor of Student Services Office). Information has been included in the 2012 Annual Security Report informing students that they can find these alerts on the police department website.
8. In response to the missing or partially missing security policy disclosures in the Annual Security Report; Table C, *Policies Concerning Illegal Drugs and Alcohol*, number 14, the Student Health Services Department on each campus provides students with information and guidance, education and/or treatment through Alcoholics Anonymous and Narcotics Anonymous. The District provides assistance to employees through the Employee Assistance Program. Information on these programs has been added to the 2012 Annual Security Report.
9. In response to the missing or partially missing security policy disclosures in the Annual Security Report; Table C, *Policies Regarding Campus Sexual Assault Programs*, number 17, and *Procedures for campus disciplinary action in cases of an alleged sex offense*, numbers 22-23, the SDCCD Student Code of Conduct (Policy 3100) statement as well as the Student Grievance Procedure has been added to the 2012 Annual Security Report, which cover these deficiencies. Additionally, the SDCCD Police Department conducts Rape Aggression Defense classes for faculty, staff, students and the community. Information on this program has been added to the 2012 Annual Security Report and can be found on the SDCCD Police Department website at <http://police.sdccd.edu/rad.cfm>.
10. In response to the missing or partially missing security policy disclosures in the Annual Security Report; Table C, *Policies Regarding Campus Emergency Response and Evacuation Procedures*, numbers 25-31, and *Statements of the institution's procedures to test the emergency response and evacuation procedures on at least an annual basis*, numbers 32-34; the SDCCD Emergency Communications Policy and Procedure is currently being reviewed. The following campus emergency message information will be added to the 2012 Annual Security Report under *Emergency Notifications*:

"In case of a campus emergency or college closure, students should check the District website for up-to-date information at: www.sdccd.edu.

- *The District will also communicate college emergency information through emergency cell phone numbers if it is provided on Reg-e.*
- *Log-on to Reg-e at: <http://studentweb.sdccd.edu> to provide this important information."*

Once the SDCCD Emergency Communications Policy and Procedure are approved an addendum to the 2012 Annual Security Report will be completed and distributed.

In April 2012, SDCCD hired an outside consultant to train employees in Clery Act compliance. From that training the SDCCD Clery Act Compliance Committee has been formed and will be assessing compliance concerns, including District and police policies and procedures. All policies and procedures determined to be out of compliance with the Clery Act will be revised and/or included in future Annual Security Reports.

Respectfully submitted,

(Signed by: Charles F. Hogquist)

Charles F. Hogquist
Chief of Police
College Police Department
San Diego Community College District

(Agency comments provided as text only.)

University of the Pacific
Department of Public Safety
3601 Pacific Avenue
Stockton, CA 95211

September 26, 2012

Elaine M. Howle, State Auditor
California State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento CA 95814

Dear Ms. Howle:

Thank you for the opportunity to respond to the discrepancies noted during your staffs recent audit of our 2010 Clery statistics and Annual Security Report. We take this very seriously and will work diligently to address all the issues mentioned during the audit. Accuracy and complete compliance with the Clery Act is very important and this audit will help us accomplish that.

I would also like to point out that your auditor's professional and courteous demeanor was helpful in setting us at ease so that we could concentrate on answering their questions and supplying records. While I'm sure that few organizations enjoy being audited, we are pleased that this look from the outside will help us improve our compliance with the Clery Act.

The following are the discrepancies noted, followed by our response:

Underreporting of one burglary:

This was caused by a setup error in the recordkeeping program used by Public Safety. It resulted in one burglary not appearing in our 2010 Clery statistics. The problem has been fixed. In addition, a separate counting system (recommended by Delores Stafford, a Clery expert) will be implemented as part of the incident report review process.

The 2010 burglary statistic will be corrected in Pacific's Annual Security Report, as well as in the Department of Education statistics (following their procedure for correcting reporting errors).

Daily crime log did not include one of the 15 crimes tested:

Public Safety has changed its procedure for reporting crimes that occurred in previous years. Following Clery Act guidelines, a delayed-report crime will now appear in the daily crime log within two business days of being reported to Public Safety (following Clery guidelines). The daily crime report shows the date of occurrence, so it will be clear that the incident was from a previous year.

Proper notification of prospective students and employees of the availability of the annual security report:

A notice of the availability of Pacific's annual security report has been added to the online university catalog at <http://catalog.pacific.edu/undergraduate/generalinformation/divisionofstudentlife/>.

The notice (shown below) should reach all prospective undergraduate students:

Campus Safety and Security Report

University of the Pacific publishes an Annual Safety and Security Report for the Stockton campus that includes statistics concerning reported crimes that occurred on and around the Stockton campus for the previous three years. The Report specifically identifies statistics for crimes that occurred on campus, in certain off-campus buildings owned or controlled by the University and on public property within, or immediately adjacent to and accessible from the campus.

The Report also includes institutional policies and procedures related to campus safety and security. The Report provides information on the University of the Pacific's policies concerning alcohol and drug use, sexual assault and fire safety, including fire statistics. Additionally, the Report outlines University procedures for reporting crimes, providing emergency response, emergency evacuations and emergency notifications.

The report is available on-line at: <http://web.pacific.edu/Documents/student-life/publicsafety/public-safety-brochure.pdf>.

You may also contact the Department of Public Safety to obtain a hard copy of the report.

Information on registered sex offenders is available on-line at <http://www.meganslaw.ca.gov> or from the Stockton Police Department located at 22 E. Market Street.

Public Safety will be working with Human Resources and Graduate Studies to place this notification in prominent locations on the University's web site so that all prospective employees and prospective graduate students will see it.

Policy not disclosed: "A statement that the institution will, without delay, determine the content of the notification and initiate the notification system, unless issuing a notification will compromise efforts to assist a victim or respond to an emergency.":

This section was inadvertently omitted from Pacific's Annual Security Report. This has been corrected.

Again, thank you for the opportunity to respond.

Sincerely,

(Signed by: Edward M. Belcher)

Edward M. Belcher, Director
Department of Public Safety

(Agency comments provided as text only.)

California Community Colleges Chancellor's Office
California Community Colleges System Office
1102 Q Street
Sacramento, California 95811-6549

September 15, 2012

Elaine M. Howle, State Auditor
California State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento CA 95814

Dear Ms. Howle:

This letter is to confirm that I am in receipt of the draft copy of your report, "California's Postsecondary Educational Institutions: Some Institutions Have Not Fully Complied With Federal Crime Reporting Requirements."

During your audit your team communicated to our office that it was difficult to find some of the resources and guidance for Clery Act compliance offered on our website. As a result, the navigation and visibility of the campus safety page has been improved. I would like to take this opportunity to thank you for this feedback, as making information easily accessible is one of the goals of our website.

Please do not hesitate to contact me if you require additional information. I can be reached at: (805) 452-1075 or pwright@cscoco.edu.

Respectfully,

(Signed by: Peter Wright)

Peter Wright
Director of Emergency Planning and Preparedness

cc: Members of the Legislature
Office of the Lieutenant Governor
Little Hoover Commission
Department of Finance
Attorney General
State Controller
State Treasurer
Legislative Analyst
Senate Office of Research
California Research Bureau
Capitol Press