

# Clery Act:

## Internal Control and Compliance Audit

Office of Internal Auditing

September 8, 2015



**Minnesota**  
STATE COLLEGES  
& UNIVERSITIES

Reference Number 2015-08

**Report Classification: Public**



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STATE COLLEGES  
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# Clery Act Internal Control and Compliance Audit

Office of Internal Auditing  
Reference Number 2015-08

Public Release Date – September 8, 2015

Members of the MnSCU Board of Trustees  
Chancellor Steven J. Rosenstone  
College and University Presidents

In June 2014, the Board approved the system audit of the Clery Act. This report presents the results of the audit. It contains six findings and recommendations to assist colleges, universities, and the system office in improving processes, controls, and compliance.

We conducted this audit in conformance with the *International Standards for the Professional Practice of Internal Auditing*.

The results of the audit were discussed with the system office and college and university staff for the ten institutions included in our review on July 30, 2015.

We appreciate the excellent cooperation and assistance that we received from employees at the colleges, universities, and system office.

Beth Buse, CPA, CIA, CISA  
Executive Director

## Executive Summary

### Background:

- Clery Act requires colleges and universities to disclose information about crime on and around their campuses.
- Colleges and universities must comply with Clery requirements to receive federal financial aid.
- Compliance with the Clery requirements can be complex.
- Each institution is responsible for developing processes and procedures to comply with the requirements.

### Conclusion:

Colleges and universities were aware of Clery requirements, fully understood the importance of complying with the requirements, and had procedures in place to collect and report crime data. We did, however, identify some internal control deficiencies and examples of non-compliance.

### Findings

- Six institutions did not properly identify Clery geography for campus and non-campus sites and 10 institutions may not have obtained crime data from some law enforcement agencies.
- Some institutions did not provide training to new campus security authorities (CSAs) or refresher training to remind CSAs of their responsibilities and one institution did not properly identify all CSAs.
- Five institutions did not properly maintain and allow access to crime or fire logs.
- Four institutions did not address new requirements related to Violence Against Women Reauthorization Act (VAWA) legislation.
- Nine annual security reports were missing required policy statements or other required information.
- Seven institutions did not provide sufficient notification about the availability of the report to students and employees.

### Long Term Consideration for System Leaders

- College, university, and system leaders should consider how the Clery support team can help institutions address audit findings.

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## Section I: Background

### Background

Participation in federal student financial aid programs requires colleges and universities to comply with the Clery Act (Clery), a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The original law was signed in 1990 and was known as the “Student Right-to-Know and Campus Security Act.” In 1998, it became known as the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.” In 2013, the Violence Against Women Reauthorization Act (“VAWA”) was signed into law and amended Clery.

### Clery Enforcement

Clery is enforced by the United States Department of Education (USDOE) who conducts program reviews. In addition to program reviews, the USDOE’s Office of Civil Rights investigates complaints related to the handling of sexual assault investigations.

In recent years, there has been increased scrutiny related to Clery compliance after high-profile incidents such as the 2007 Virginia Tech shootings, a 2007 death at Eastern Michigan University, and the 2011 Penn State sexual abuse scandal. These incidents prompted the USDOE to conduct program reviews of all three institutions. Each were found out of compliance and fined for their handling of each incident. Eastern Michigan University was fined \$357,500 for failing to warn the campus about the student’s assault and death. Virginia Tech was fined \$55,000, later reduced to \$32,500, for failing to issue timely warning to its campus. The Penn State investigation is ongoing. Fines have also been imposed on less high-profile cases. For example, the USDOE fined the University of Northern Iowa \$110,000 in 2013 because it failed to compile and disclose accurate crime statistics and adequately distribute the required Annual Security Report (ASR). The University of Lincoln was fined \$275,000 in 2014 for multiple violations, including failing to maintain a crime log, distribution of its ASR, and not providing victims of sexual assault with information pertaining to the outcome of campus disciplinary procedures.

The USDOE periodically performs federal financial aid program reviews at MnSCU institutions and have included components related to Clery. However, the USDOE has not performed a program review where Clery has been the primary focus.

### Overview of Compliance Requirements

Clery contains many requirements for colleges and universities. The USDOE published the Handbook for Campus Safety and Security Reporting to serve as guidance for implementing the federal requirements; it contains templates and sample policy statements. Table 1 summarizes these requirements.

**Table 1**  
**Summary of Clery Requirements**

Requirement Category	Requirement Details
<b>Publish an annual security report by October 1</b>	The report must include three calendar years of crime statistics including security policies and procedures and information on the basic rights guaranteed victims of sexual assault. The report must be available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. The report can be made available on the internet if required recipients are notified and provided exact information on the location of the report. Paper copies of the report should be available upon request. All crime statistics must be provided to the USDOE.
<b>Have a public crime log</b>	Institutions with a police or security department are required to maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. Incidents must be entered into the log within two business days. The past 60 days of incidents should be immediately accessible to the public during normal business hours; incidents older than 60 days must be made available within two business days.
<b>Disclose crime statistics</b>	<p>Statistics must be disclosed for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other officials who have "significant responsibility for student and campus activities."</p> <p>Crimes must be reported in <b>seven major categories</b>, some with subcategories: criminal homicide (murder and non-negligent manslaughter), sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, and arson.</p> <p>Institutions are also required to report statistics for <b>three categories of arrests or referrals for campus disciplinary action</b> (if an arrest was not made): liquor law violations, drug law violations and illegal weapons possession.</p> <p>Hate crimes must be reported by <b>category of prejudice</b>, including race, gender, religion, sexual orientation, ethnicity, disability, national origin, or gender identity. Hate crimes must be reported for the seven major categories listed above as well as the following additional crimes: larceny-theft, simple assault, intimidation, and destruction or vandalism of property.</p> <p>When multiple crimes occur in a single event, the crimes must be reported using the FBI's Uniform Crime Reporting hierarchy rules – which is to count the most serious offense that occurred. However, if the crime also involves a hate crime, the hierarchy rule does not apply and the institution must count all incidents involved.</p>
<b>Issue timely warnings</b>	Warnings must be issued for crimes which pose a serious or ongoing threat to students and employees. Timely warnings must be provided in a manner likely to reach all members of the campus community. There are differences between what constitutes a timely warning and an emergency notification; however, both systems are in place to safeguard students and campus employees.
<b>Devise an emergency response policy</b>	Institutions are required to inform the campus community about a "significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus." An emergency response expands

Requirement Category	Requirement Details
	the definition of timely warning as it includes both Clery crimes and other types of emergencies (i.e., a fire or infectious disease outbreak). Institutions with and without on-campus residential facilities must have emergency response and evacuation procedures in place. They must also disclose a summary of these procedures in their ASR. Emergency response procedures must be tested once annually and have policies for publicizing those procedures in conjunction with the annual test.
<b>Report fire data and publish an annual fire safety report</b>	Similar to the ASR and the current crime log, institutions with on-campus housing must report fires that occur in on-campus housing, generate an annual fire report, and maintain a fire log that is accessible to the public. Fire statistics must be provided to the USDOE.
<b>Enact policies and procedures to handle reports of missing students</b>	This requirement is intended to minimize delays and confusion during the initial stages of a missing student investigation. Institutions must designate one or more positions or organizations to which reports of a student living in on-campus housing can be filed if it is believed the student has been missing for 24 hours.

Source: Auditor prepared from information found in USDOE Handbook for Campus Safety and Security Reporting

In addition to Clery requirements, Minnesota statute 135A.15 Sexual Harassment and Violence Policy requires MnSCU institutions to have a sexual harassment and sexual violence policy. In 2004, Board policy 1B.3 Sexual Violence and procedure 1B.3.1 Sexual Violence were adopted. In May 2015, Minnesota statute 135A.15 was amended to require institutions to annually report sexual violence to the State, provide an online reporting system to allow anonymous reports, provide mandatory sexual violence training to students, enter into a memorandum of understanding with local law enforcement, and provide mandatory training for investigators, decision-makers and security officers. Institutions must comply with new requirements by August 1, 2016.

### MnSCU Roles and Responsibilities

Each college and university is responsible for Clery compliance. In general, there has been little systemwide collaboration in the past and each institution has developed their own Clery-related policies, processes, and tools, including mechanisms for collecting relevant data and preparing the ASR.

We visited ten institutions and found that preparing the ASR typically required collaborating with different individuals on campus. However, the position ultimately responsible for assembling the report varied. The director of safety or security had responsibility at six institutions, a dean or director of students prepared the reports at three institutions while one institution had the president’s administrative assistant prepare the report.

The system office does not have a position tasked with being a subject matter expert or responsible for Clery compliance. However, it formed a Clery Support Committee in October 2014. The committee consists of representatives from the following system office divisions: academic and student affairs, finance and facilities, human resources, equal opportunity and diversity, and general counsel. The group meets periodically to provide support to colleges and universities.

The Clery Support Committee has recently created a SharePoint site to share resources. A Clery listserv was created for campus security contacts to communicate with each other. In addition, a listserv was created for those responsible for conducting sexual assault investigations.

In September 2014, the MnSCU Finance Division helped facilitate a limited-scope review of the majority of MnSCU college and university 2013 ASRs available on the Internet. A cursory review of crime statistics was performed to look for obvious errors or omissions. In addition, reports were reviewed to determine if they contained the required policy statements. A variety of issues were identified and feedback was provided to the institutions reviewed.

## Section II: Audit Objectives, Scope, Methodology, and Conclusion

### Objectives

Our overall audit objectives were to answer the following questions for the colleges and universities selected to be reviewed:

- Were internal controls adequate to ensure compliance with Clery requirements?
- Were federal regulations complied with for items tested?
- Do opportunities exist for management to improve practices to make them more effective and efficient?

### Scope and Methodology

We selected 10 institutions to review controls over Clery requirements. The areas reviewed included:

- ASRs, including notice of its availability,
- Timely warning procedures comply with Clery requirements,
- Emergency response procedures comply with Clery requirements, and
- Implementation of the new VAWA requirements.

*Our review did not verify:*

- *Crimes were properly classified,*
- *Crimes and fire logs reconciled to ASRs or statistics posted to the USDOE Clery site,*
- *Sexual assault investigation proceedings were properly conducted, or*
- *Minnesota requirements related to sexual harassment and violence policy were implemented.*

We surveyed the 10 institutions to identify current internal controls. We reviewed relevant documentation including MnSCU system policies, procedures, and guidelines and any institution specific policies and procedures. We reviewed the institution's process to notify students and employees of the ASR, and their procedures related to timely warning and emergency response. Finally, we reviewed the institution's ASR.

### Conclusions

Colleges and universities were aware of Clery requirements, fully understood the importance of complying with the requirements, and had procedures in place to collect and report crime data. We did, however, identify some internal control deficiencies and examples of non-compliance that are discussed in Section III: Audit Findings and Recommendations. Section IV discusses a long term consideration for college, university, and system office leaders for future changes and continuous improvement.

### Section III – Audit Findings and Recommendations

**1. Six institutions did not properly identify Clery geography for campus and non-campus sites and 10 institutions may not have obtained crime data from some law enforcement agencies.**

Institutions had some difficulty determining their Clery geography, a foundational step in complying with the requirements as it determines what data must be collected and how the data should be presented in the ASR. Determining an institution's Clery geography can be complex. Institutions must disclose statistics for crimes that occur (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property the institutions owns or controls. In addition, the following items are important in complying with Clery requirements:

- **Campuses:** The act defines a “campus” more broadly than MnSCU has internally defined a campus. For example, if a location utilized for classes has at least one administrator or staff member on-site to assist students, the location would be considered a “campus” for Clery purposes. When an institution has more than one campus, they must present the statistics for Clery crimes separately for each campus; this can be done by creating either a separate report for each campus or displaying the crime statistics in separate columns in a combined report.
- **Officially recognized student organizations:** If a student organization is officially recognized by the institution and the student organization owns or controls (includes rentals) a building or property, the property is considered non-campus property and statistics must be collected for this site. Therefore, colleges and universities must collect crime statistics for fraternities, sororities, or other student clubs that own or rent off-campus housing.
- **Annual field trips:** The USDOE issued guidance indicating that crime statistics should be obtained for annual field trips that utilize the same hotel each year, treating these locations as non-campus property.

We noted that two institutions did not properly present data in their ASR related to campuses. One institution combined crime statistics for its two campuses rather than presenting the statistics separately. The other institution treated two of its sites as “non-campus” rather than “campus.”

One institution did not collect crime statistics for properties controlled by fraternities or sororities. There is a lack of clarity with some of the requirements for fraternities and sororities and so additional research and guidance from general counsel may be warranted. We reviewed two institutions that had fraternities and sororities and noted that one did not collect statistics for the sites.

Six institutions indicated they had not been collecting crime data for non-campus sites. Two institutions had not collected crime statistics for three non-campus sites and four institutions had not considered collection of statistics for annual field trips.

Finally, two institutions indicated they need to further evaluate their public space to ensure they properly include crime statistics for those areas.

We noted two institutions included a map in their ASR to denote their Clery geography. Inclusion of a map is a best practice because it allows readers to better understand where reported crimes occurred.

All 10 institutions requested data from local police departments; however, none of them requested data from other law enforcement agencies such as county sheriffs or state police. Clery requires institutions to make a good faith effort to obtain crime statistics from local or state police. The handbook, issued as guidance by the USDOE, discusses that institutions should request statistics from every law enforcement agency that has jurisdiction over some or all of the institution's geographic areas. The handbook indicates that several agencies may be involved, such as city police, county sheriff, and the state police.

### ***Recommendations***

- *Institutions should review their Clery geography to ensure they adequately capture crime statistics for all campus, public, and non-campus property.*
- *General counsel should work with colleges and universities to define standards for institutions to use to determine if a club or student organization is "officially recognized."*
- *Institutions should seek crime statistics from other law enforcement agencies, such as applicable county and state police.*
- *Institutions should consider implementing the best practice of including a map in their ASR to identify their Clery geography.*

## **2. Some institutions did not provide training to new campus security authorities (CSAs) or refresher training to remind CSAs of their responsibilities and one institution did not properly identify all CSAs.**

Institutions need to provide CSAs with proper tools and training to assist them if they are made aware of information about crimes or asked for assistance by a victim. Clery requires institutions to collect crime reports from CSAs for inclusion in the annual security report. CSA is a term used to describe someone who has significant responsibility for student and campus activities and have relationships with students such that they are more apt to receive reports from students who were a crime victim or witness. They include persons who have responsibility for campus security, student housing, student advising, and discipline. They would include security guards, parking attendants, resident hall advisors, athletic directors

and coaches, student advisors, and faculty advisors to student clubs or organizations. MnSCU Procedure 1B.3.1 Sexual Violence Policy also provides a similar list of persons that must be considered as CSAs. Institutions are not limited in who they can define as a CSAs.

The number of CSAs varied among the institutions we reviewed. The USDOE does not require an institution to have a minimum ratio of CSAs to students. Instead, as mentioned above, it requires specific positions to be automatically considered a CSA. While one institution reviewed had not yet identified all of its CSAs, the remaining institutions' CSA ratio of students to CSAs varied from 27 students to 197 students.

Although Clery does not have prescriptive requirements related to training and obtaining crime data from CSAs, it is a critical responsibility. This can be challenging because CSAs, such as club advisors, may change from year-to-year or even throughout the academic year. It is also challenging because ASRs are due October 1<sup>st</sup> for the previous calendar year and employees may have left employment with the institution. Therefore, it is important for institutions to have procedures in place to identify new CSAs and notify them of their responsibility to forward crime reports to the correct person in a timely manner. In addition, institutions should provide “refresher” training to continuing CSAs to remind them of their responsibilities. Issues noted at institutions include:

- Six did not provide training for new CSAs.
- Three did not provide refresher training for continuing CSAs.
- Two did not send out annual requests for crime data or periodic reminders of CSA responsibilities. Furthermore, these two institutions did not provide training to new or continuing CSAs.

Finally, we noted a potential best practice at three institutions that contacted their CSAs during the year and required them to submit a response that indicating there were “no crimes” to report. Another best practice is to determine if an employee was a CSA during employment exit interviews. This could allow institutions to request any unreported crimes before the employee leaves employment.

### ***Recommendations***

- *Institutions should implement procedures to ensure new CSAs are identified timely and receive adequate training.*
- *Institutions should implement procedures to ensure CSAs periodically receive refresher training.*
- *Institutions should consider implementing the following best practices:*
  - *Request CSAs to report back that either “no crimes” occurred or the specific crimes they had knowledge of for the reporting period.*
  - *Discuss CSA responsibilities during employment exit interviews to request final unreported crime statistics.*

### 3. Five institutions did not properly maintain and allow access to crime or fire logs.

A crime log must be maintained if an institution has a security department, including when security services are contractual. The crime log must contain at least five elements: (1) date the crime was reported, (2) date and time of the crime, (3) nature of the crime, (4) general location of the crime, and (5) disposition of the complaint, if known. In addition, the institution must ensure the crime log does not contain information to identify the victim. Institutions that have on-campus housing must also maintain a fire log to record fires in their residence halls. Crime and fire logs must be retained for seven years.

Crimes and fire logs must be available to anyone that inquires about the log. Upon request, colleges and universities must provide access to the most recent 60 days of their crime or fire log. Within two business days, institutions must provide access to portions of the crime or fire log that are older than 60 days.

Five institutions had the following deficiencies related to crime and fire logs:

- Three had a security department but did not maintain a crime log.
- One maintained a crime log for only a portion of the campus, rather than the entire campus.
- One crime log contained the names of victims.
- One crime log did not include the disposition of the crime, even if it was known.
- Two were not aware they needed to provide access to their crime logs.
- One with student housing did not maintain a fire log.

Finally, four institutions retained their crime logs past the seven year requirement. For example, two indicated they had crime logs dating back 17 – 20 years. Record retention schedules for each institution should identify Clery-related records and their retention periods. Institutions that do not destroy records according to their records retention schedule may be assuming additional legal risks.

#### ***Recommendations***

- *Institutions with security personnel must implement procedures to maintain a crime log to record security-related incidents and ensure:*
  - *it includes the required information,*
  - *does not contain data to identify a victim, and*
  - *is available for review when requested.*
- *Institutions with on-campus student housing must maintain a fire log to record student housing fire-related incidents.*
- *Institutions should ensure their record retention schedule includes Clery-related records, including crime and fire logs.*

#### **4. Four institutions did not address new requirements related to Violence Against Women Reauthorization Act (VAWA) legislation in their 2014 ASR.**

VAWA, signed into law in March 2013, requires institutions to expand the reportable crimes to include domestic violence, dating violence, and stalking. It also requires institutions to provide sexual violence prevention and awareness training to employees and students and update sexual assault policies and procedures to include additional statements. Additionally, it requires sexual assault investigations to be completed by an investigator who has received sexual assault investigator training<sup>1</sup>.

The law indicated the changes related to the ASR would take effect one calendar year after the law was enacted. Therefore, colleges and universities were required to make some policy statement and definition changes to their ASR published October 1, 2014. We noted that four institutions did not include all of the new definitions and policy statements in their 2014 ASR.

Because the USDOE was engaging in rule-making providing additional clarity to the requirements, institutions were expected to make a reasonable, good faith effort to implement other required changes, such as providing required training and presenting new crime statistics, in its October 2014 ASR, with the expectation of full implementation when the final regulations became effective on July 1, 2015. Although prior to the full implementation date, our audit noted that as of February and March, some institutions had not yet implemented some of the new requirements. We noted:

- Three institutions had not provided the required training to their sexual assault investigators.
- Two institutions had not provided sexual assault prevention and awareness training to incoming or existing students and four had not provided training to new or continuing employees.

#### ***Recommendation***

- *Institutions should update their sexual assault policies in their ASR to include new definitions and policy requirements.*

#### **5. Nine ASRs were missing required policy statements or other required information.**

An institution's ASR must contain over 40 policy or procedure statements related to the safety and security of the institution. For example, it must include information about how the ASR was prepared, who crimes should be reported to, and the institution's procedures related

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<sup>1</sup> The recent Minnesota legislative changes will require institutions to provide mandatory sexual violence training for incoming students and expands the required training for sexual assault investigations to include decision-makers and security officers.

to missing students, timely warning, and emergency response. The handbook lists the required statements and also provides sample policy statements institutions can use as a template.

Examples of required statements or information we noted as missing from an institution's ASR included one or more of the following:

- Titles to whom crimes should be reported.
- Whether the institution has any policies that allow victims to report crimes on a confidential basis.
- Statements regarding the security and access to campus facilities, including campus housing.
- Security considerations used in the maintenance of campus facilities (e.g. review of pathway lighting and egress lighting).
- Policies which encourage individuals to report crimes to campus security and other appropriate law enforcement agencies.
- The types and frequency of programs to encourage students and employees to be responsible for their own security and the security of others.
- The types and frequency of programs used to inform students about campus safety procedures.
- Statements in the sexual assault disciplinary procedures that:
  - The accuser and accused are entitled to the same opportunities to have others present during a disciplinary proceeding.
  - Both the accuser and the accused must be informed of the outcome of a disciplinary proceeding.
  - The sanctions that may be imposed following a final determination of a disciplinary proceeding.

### ***Recommendation***

- *Institutions should update their ASRs to include all required policy statements and other required information.*

## **6. Seven institutions did not provide sufficient notification about the availability of the ASR to students and employees.**

Institutions must notify prospective and continuing students and employees of the availability of the ASR. The notification must indicate the report is available, briefly describe the information in the report, and indicate a copy of the report can be requested. It may provide the report on a website, but it must provide the exact internet address, rather than a general reference to the institution's website. We found that seven institutions were not providing adequate notification of the report's availability, including:

- Two did not provide the appropriate notification to prospective and current students and employees.
- Three did not provide the notification to prospective students and employees.
- Two did not provide the notification to prospective students.

***Recommendation***

- *Institutions should ensure they properly notify prospective and continuing students and employees of the availability of the ASR.*

## Section IV – Long Term Consideration for Leaders

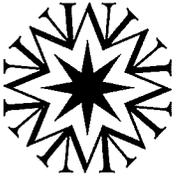
*College, university, and system leaders should consider how the Clery support team can help institutions address audit findings and assist with compliance.*

Complying with Clery requirements can be complicated. Each institution is responsible for developing processes and practices to comply. The Clery support team was recently created to provide support to colleges and universities. Colleges, universities, and the system office should work together to determine a work plan that prioritizes activities to support institutions. Some areas to consider:

- **Team participation:** The support team currently does not have college and university representation. Institutional membership may help the team become more robust and cross-functional. Institution participation could allow for better sharing of practices.
- **Regular conference calls:** Regular, scheduled conference calls (ex: monthly) with those responsible for Clery implementation could help colleges and universities share information and address topics of interest. The system office has typically scheduled three in-person security director meetings which generally coincided with security officer association chapter meetings. Some meetings have contained components related to Clery. However, as noted earlier, academic deans or other, non-security personnel may have responsibility for Clery. Regular, Clery-focused conference calls may allow for better participation of persons responsible for Clery.
- **MnSCU ASR report template:** We reviewed the 2014 ASRs for the ten institutions in our audit. Institutions have flexibility in determining how to display the information in their reports. They can present the information in any order they wish. We noted that some reports were very lengthy (66 pages) and others much shorter (15 pages). Some reports had a table of contents page while others did not. We discussed report preparation with institutions and some expressed frustration with preparing their ASR. Because reports do not follow a specific format, it is difficult for institutions to compare their policy and procedure statements with other institutions. Institutions indicated that a MnSCU report template would be helpful to ensure they included all required elements. The USDOE handbook provides sample policy statements. However, institutions were looking for additional guidance in applying the statements to their colleges and universities.

**Section V – Management’s Response**

Management response follows:



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September 1, 2015

Board of Trustees  
Chancellor Steven Rosenstone  
Minnesota State Colleges and Universities

The Office of the Internal Auditing has completed an examination of certain questions concerning the administration by colleges and universities of the requirements of the Clery Act. We view the completed audit as a very helpful contribution to our understanding of the system and the campus control environment, areas of compliance concern, and opportunities for improvement.

It is the auditor's opinion that "Colleges and universities were aware of Clery requirements, fully understood the importance of complying with the requirements, and had procedures in place to collect and report crime data." The auditors, while recognizing the complexities associated with compliance and the broad collaboration required to properly document and report, did "identify some internal control deficiencies and examples of non-compliance."

Colleges and universities staff, with assistance from the Clery Support Team in the system office, are taking action to enhance understanding and compliance in the areas of Clery geography, crime logs and statistics, records management, campus security authority (CSA) management and training, sexual assault definition and policy, and report access in advance of the 2015 Clery reporting cycle. Attached please find a detailed management plan.

The audit report also notes areas of work that were not within the scope of this report including recent Minnesota law changes effective in 2016. Under these changes, continued collaboration will be required to properly fulfill the soon to be required state reporting, access to anonymous reporting tools, mandatory sexual violence training for students, memorandum of understanding with local law enforcement, and mandatory investigator, decision-maker, and security officer training. Additional follow up work will continue in the upcoming months. Additionally, the Clery Support Team is tasked with providing assistance in process improvements and best practice suggestions for sharing by all colleges and universities.

Our presidents and the chancellor take very seriously the responsibility for provision of a safe and healthy learning and working environment for all students and employees. The auditor's findings, conclusions and observations will contribute to continuous improvement and serve as assurance to the Board of Trustees, Chancellor Rosenstone and the public that care and stewardship are exercised on behalf of our students, employees and communities.

Warm regards,

Ron Anderson  
Vice Chancellor - Academic and Student Affairs

Laura M. King  
Vice Chancellor - Finance

Enclosure

**Clery Act: Internal Control and Compliance Audit**  
**Office of Internal Auditing**  
**Attachment to Management Response**  
**September 1, 2015**

**Purpose:** To outline response actions in considering and implementing Office of Internal Auditing recommendations to strengthen compliance in Clery reporting and management. Findings identified within the audit report associated with prior year annual security reports (ASR) generating these recommendations will be remedied in the development and publishing of future ASRs. Colleges and universities are to file next ASRs by October 1, 2015. The Clery Support Team will take overall responsibility for communicating the audit findings and advising colleges and universities on process and practice improvements.

Audit Recommendation	Response	Estimated Completion Date	Primary Responsibility
<i>Institutions should review their Clery geography to ensure they adequately capture crime statistics for all campus, public, and non-campus property. (Page 9)</i>	Concur. Tracy Worsley, Emergency Preparedness and Security, in System office Facilities, has conducted and recorded a series of web-ex presentations on defining Clery Geography. He will share these and make himself available to college and universities as they draft their individual ASRs. Colleges and universities should take advantage of these resources.	October 1, 2015 with availability and updates provided into the future.	Colleges and universities with assistance from system office Facilities and General Counsel
<i>General counsel should work with colleges and universities to define standards for institutions to use to determine if a club or student organization is "officially recognized." (Page 9)</i>	Concur. General Counsel will review current policies and provide decision framework.	September 15, 2015	General Counsel. Colleges and universities for application.
<i>Institutions should seek crime statistics from other law enforcement agencies, such as applicable county and state police (Page 9)</i>	Concur. Tracy Worsley, Emergency Preparedness and Security, in System office Facilities, will provide recommendation matrix to colleges and universities.	September 15, 2015	Colleges and universities with assistance from system office Facilities
<i>Institutions should consider implementing the best practice of including a map in their ASR to identify their Clery geography. (Page 9)</i>	Concur. Will share recommendation with colleges and universities.	September 1, 2015	Colleges and universities
<i>Institutions should implement procedures to ensure new CSAs are identified timely and receive adequate training. (Page 11)</i>	Concur. Will share recommendation with colleges and universities.	September 1, 2015	Colleges and universities

<i>Institutions should implement procedures to ensure CSAs periodically receive refresher training. (Page 11)</i>	Concur. Will share recommendation with colleges and universities.	September 1, 2015	Colleges and universities
<i>Institutions should consider implementing the following best practices:</i> <ul style="list-style-type: none"> <li>• Requesting their CSAs to report back that either “no crimes” occurred or the specific crimes they had knowledge of for the reporting period.</li> <li>• Discuss CSA responsibilities during employment exit interviews to request final unreported crime statistics.</li> </ul> (Page 11)	Concur. Will share recommendation with colleges and universities.	September 1, 2015	Colleges and universities
<i>Institutions with security personnel must implement procedures to maintain a crime log to record security-related incidents and ensure it:</i> <ul style="list-style-type: none"> <li>• Includes the required information,</li> <li>• Does not contain data to identify a victim, and</li> <li>• Is available for review when requested.</li> </ul> (Page 12)	Concur. Will share recommendation with colleges and universities.	September 1, 2015	Colleges and universities
<i>Institutions with on-campus student housing must maintain a fire log to record student housing fire-related incidents. (Page 12)</i>	Concur. Will share recommendation with colleges and universities.	September 1, 2015	Colleges and universities
<i>Institutions should ensure their record retention schedule includes Clery-related records, including crime and fire logs. (Page 12)</i>	Concur. Will share recommendation with colleges and universities.	September 1, 2015	Colleges and universities
<i>Institutions should update their sexual assault policies in their ASR to include new definitions and policy requirements. (Page 13)</i>	Concur. Will share recommendation with colleges and universities.	September 15, 2015	Colleges and universities
<i>Institutions should update their ASRs to include all required policy statements and other required information. (Page 14)</i>	Concur. Will share recommendation with colleges and universities.	September 15, 2015	Colleges and universities

<i>Institutions should ensure they properly notify prospective and continuing students and employees of the availability of the ASR. (Page 14)</i>	Concur. Will share recommendation with colleges and universities.	October 15, 2015	Colleges and universities
<b>Long Term Consideration for Leaders</b>	<b>Response</b>	<b>Estimated Completion Date</b>	<b>Primary Responsibility</b>
<i>Clery Support Team participation: The support team currently does not have college and university representation. Institutional membership may help the team become more robust and cross-functional. Institution participation could allow for better sharing of practices. (Page 15)</i>	Will conduct call during first two weeks of September led by Clery Support Team with colleges and universities. Will discuss interest in methods for enhancing cross-functional communication and better sharing of practices and emerging issues.	September 15, 2015	Clery Support Team. Colleges and universities for participation.
<i>Regular conference calls: Regular, scheduled conference calls (ex: monthly) with those responsible for Clery implementation could help schools share information and address topics of interest. The system office has typically scheduled three in-person security director meetings which generally coincided with security officer association chapter meetings. Some meetings have contained components related to the Clery Act. However, as noted earlier, academic deans or other, non-security personnel may have responsibility for Clery. Regular, Clery-focused conference calls may allow for better participation of persons responsible for Clery. (Page 15)</i>	Will conduct first call during first two weeks of September led by Clery Support Team with colleges and universities. Will include elements of the audit as well as discussion on recurring nature of calls and expectations.	September 15, 2015	Clery Support Team. Colleges and Universities for participation.
<i>MnSCU ASR report template: We reviewed the 2014 ASRs for the ten institutions in our audit. Institutions have flexibility in determining how to display the information in their reports. They can present the information in any order they wish. We noted that some reports were very lengthy (66 pages) and others much shorter (15 pages). Some</i>	Will share recommendation with colleges and universities.	September 15, 2015	Clery Support team working with colleges and universities

*reports had a table of contents page while others did not. We discussed report preparation with institutions and some expressed frustration with preparing their ASR. Because reports do not follow a specific format, it is difficult for institutions to compare their policy and procedure statements with other institutions. Institutions indicated that a MnSCU report template would be helpful to ensure they included all required elements. The USDOE handbook provides sample policy statements. However, institutions were looking for additional guidance in applying the statements to their colleges and universities.*  
(Page 15)