

California's Postsecondary Educational Institutions:

More Complete Processes Are Needed to Comply
With Clery Act Crime Disclosure Requirements

January 2010 Report 2009-032



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January 28, 2010

2009-032

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 its audit report evaluating the accuracy of 2007 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, notifications 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 institutions we reviewed did not always comply with the Clery Act's requirements. Of the six institutions we visited, one did not issue an annual security report, three did not properly notify students and staff of the availability of their security policies or crime statistics, and four did not disclose all required security policies. Further, the six institutions disclosed inaccurate crime statistics to varying degrees for 2007. We identified similar concerns among the 10 other institutions we surveyed. Failure to comply with the Clery Act may result in financial penalties of up to \$27,500 per violation. Also, the U.S. Department of Education (Education) has stated that choosing an 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. Education also believes that compliance with the Clery Act provides students and their families with information necessary to make informed decisions. Several reasons contributed to institutions' lack of compliance with the Clery Act. These reasons included an inadequate understanding of the Clery Act's requirements, the use of incorrect geographic areas or incorrect definitions of crimes when compiling statistics, failing to request crime statistics from local law enforcement agencies, and not using guidance available from Education.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

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Act Crime Disclosure Requirements

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Summary

Results in Brief

Under federal law, colleges, universities, and other postsecondary educational institutions (institutions) are required to report and distribute statistics regarding campus crime and to inform students and staff of certain security policies. Our review of California institutions' compliance with these federal requirements identified several concerns, including a failure to issue annual security reports, a failure to properly notify students and staff of the availability of annual security reports, a failure to disclose all required security policies, and a failure to disclose accurate crime statistics. The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires each eligible institution to issue an annual security report disclosing certain of institution's campus security policies and campus crime statistics. The Clery Act also requires each institution to distribute an annual security report to all current students and employees and upon request to any applicant for enrollment or employment.

The U.S. Department of Education (Education) has stated that providing students with a safe environment in which to learn and keeping students, parents, and employees well informed about campus security are goals many groups have voiced.¹ Education believes that compliance with the Clery Act provides students and families with information necessary to make informed decisions regarding campus safety. When institutions do not comply with the reporting requirements of the Clery Act, they inhibit the ability of students and others to make informed decisions. Further, not complying with Clery Act requirements by failing to issue annual security reports and disclose campus security policies and crime statistics may increase the risk of federal financial penalties against institutions.

The concerns we identified varied in their nature and severity. For instance, one of the six institutions we visited did not provide us with its annual security report from 2008, which should contain campus security policies and crime statistics for 2005, 2006, and 2007. Also, three institutions did not properly notify students and staff of the availability of their crime statistics or security policies by using direct mail or e-mail, or distributing them to everyone required. Additionally, four institutions either did not disclose or had not addressed all 19 security policies required by the Clery Act.

Audit Highlights . . .

Our review of a sample of postsecondary educational institutions' (institutions) compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) revealed that:

- » *One of the six institutions we visited did not provide us with a copy of the required annual security report.*
- » *Three institutions did not properly notify students and staff of the availability of certain crime statistics or security policies.*
- » *Four institutions either did not disclose or had not addressed all 19 security policies required by the Clery Act.*
- » *All six institutions reported inaccurate crime statistics to varying degrees for 2007.*
- » *Most of the 10 institutions we surveyed, which reported no crimes for 2007, did not have sufficient processes in place to ensure that they report accurate crime statistics under the Clery Act.*
- » *The California Community Colleges Chancellor's Office could increase its role in helping community colleges improve their compliance with the Clery Act.*

¹ U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Crime Reporting* (2005), page 9.

Further, all six institutions we visited reported inaccurate crime statistics to varying degrees for 2007, the latest year covered by the most recent annual security report at the time of our fieldwork. Although most of the errors resulted in institutions reporting more crimes than they actually were required to disclose (overreporting), some institutions did not disclose all required crimes (underreporting). For instance, Ohlone Community College (Ohlone) included 28 crimes in its statistics that took place in areas outside of those required for reporting under the Clery Act. It also failed to report three other crimes—two sex offenses and a motor vehicle theft.

Several factors contributed to institutions' inability to fully comply with Clery Act requirements. For example, although Ohlone believed the information it provided through various sources constituted an annual security report, the handbook on complying with the Clery Act issued by Education's Office of Postsecondary Education (OPE) states that the report must be contained within a single document, and if the report is posted on the institution's Web site, it must be clearly identified in a single, separate part of the site.² Also, although Ohlone and Mt. San Antonio Community College (Mt. San Antonio) each provided crime statistics and policies on their Web sites, they did not distribute the information or notify students and employees of its availability using proper methods. Additionally, Western University of Health Sciences (Western Health) stated that it provided the annual security report only to incoming new students and new employees. However, it did not inform current students and employees of the report's availability, as required by the Clery Act.

Additionally, four institutions either overreported or risked overreporting crimes because they obtained crime statistics from local law enforcement agencies for areas that are not required under the Clery Act. The Clery Act requires institutions to report criminal offenses that are reported to campus security authorities and local or state law enforcement agencies and that occur on campus; in or on certain noncampus buildings or property, such as off-campus housing; or on nearby public property. According to OPE's handbook and online tutorial, with respect to crimes occurring on public property, institutions generally need to report those crimes occurring on the accessible streets and sidewalks directly bordering the campus or in parking lots adjacent to and accessible from the campus. For example, Ohlone included in its statistics crimes that took place within approximately a one-mile radius surrounding the campus, an area clearly outside the geographic area required by

² Education also provides an online tutorial as a companion to the OPE handbook, designed to give a better understanding of what is involved in Clery Act data reporting.

the Clery Act. In addition, Mt. San Antonio requested information about crimes that occurred in a shopping center across the street from its campus. This shopping center is beyond the accessible streets and sidewalks directly bordering the campus, and therefore under the Clery Act the institution is not required to report crimes occurring there.

Further, differences in the definitions of some types of crimes contributed to mistakes by three institutions. California's definitions of battery and assault do not precisely match the definition of aggravated assault found in the Clery Act regulations and the *Uniform Crime Reporting Handbook* (UCR handbook) issued by the Federal Bureau of Investigation. This caused some institutions to overreport batteries, which are not reportable under the Clery Act, as aggravated assaults, which are reportable crimes under the Clery Act. For institutions that underreported crime statistics, the apparent cause was errors in identification or judgments about certain crimes. For instance, one institution mistakenly omitted a vehicle theft from its statistics because the crime involved a motorcycle, not an automobile.

We also surveyed 10 institutions that reported no criminal offenses for 2007. Of these institutions, two did not provide information or documentation that specifically addressed the processes they used to report their 2007 crime statistics. However, the processes these institutions described for compiling and distributing the 2008 statistics, if followed, would help ensure that their crime statistics were accurate and properly distributed. Another institution seemed to have adequate processes in place for compiling its crime statistics, but its responses indicate that it did not properly distribute the annual security report. The remaining seven institutions described varying processes for compiling and distributing crime statistics that indicate they will have trouble complying with the Clery Act. For example, three of the seven institutions stated that they did not request information about off-campus crimes from local law enforcement agencies. The Clery Act requires institutions to make a good-faith effort to obtain the required statistics from local or state law enforcement and include this information in their crime statistics. Additionally, two of the seven institutions did not use or were unaware of written guidance available through OPE that should be followed when compiling and distributing annual crime statistics. In addition, four of the seven institutions stated that they have not been provided any formal training regarding Clery Act compliance.

Finally, the California Community Colleges Chancellor's Office (Chancellor's Office) could increase its role in helping community colleges improve their compliance with the Clery Act. The Chancellor is the chief executive officer appointed by

the Board of Governors of the California Community Colleges (board). The Education Code requires the board to advise and assist the governing boards of community college districts on the interpretation and implementation of state and federal laws affecting community colleges. Two of the six institutions we visited and six of the 10 institutions we surveyed were community colleges. We saw no evidence that the community colleges included in our review had received guidance from the Chancellor's Office related to complying with the Clery Act. The Chancellor's Office informed us that although it currently does not provide any guidance to its community colleges on the Clery Act, it would consider it reasonable to provide limited guidance in the future. We believe that identifying tools related to the Clery Act, such as OPE's handbook and tutorial, as well as the UCR handbook, and informing community colleges of the negative effects of not complying with the Clery Act's provisions are appropriate steps the Chancellor's Office should consider taking.

Recommendations

To ensure that they provide students and others with a single source of information related to campus security policies and crime statistics, and to help avoid financial penalties, institutions should comply with the requirements of the federal Clery Act. Specifically, institutions should:

- Issue annual security reports.
- Include all required policy disclosures in their annual security reports.
- Properly notify all students and employees of the availability of their annual security reports.

To help ensure that they comply with the Clery Act's disclosure requirements, institutions should:

- Review and adhere to applicable guidance related to the Clery Act, including OPE's handbook and tutorial, as well as the UCR handbook.
- Identify and provide sufficient training to those employees responsible for compiling crime statistics and distributing annual security reports.

To ensure that they correctly report all applicable crimes in accordance with the Clery Act, institutions should request crime information from campus security authorities and local or state

law enforcement agencies. Further, they should carefully review all information for errors. Additionally, institutions should develop a clear understanding of the definitions of Clery Act crimes. For example, they could create or obtain a conversion list for crimes with differing definitions under the state Penal Code and the Clery Act, such as battery and aggravated assault.

To ensure that they include only reportable crimes from reportable areas in their annual security reports, institutions should request specific information from local or state law enforcement agencies. Such information can include addresses and details of specific crimes. If institutions wish to disclose crime statistics for areas outside those required by federal law, they should clearly distinguish those statistics from the ones required under the Clery Act.

To improve compliance among California's community colleges, the Chancellor's Office should provide direction to the institutions regarding the provisions of the Clery Act. This direction should include a discussion of the need to review and adhere to currently available Clery Act guidance such as OPE's handbook and tutorial, as well as the UCR handbook. The Chancellor's Office should also inform institutions of training opportunities for those employees responsible for compiling Clery Act crime statistics and distributing annual security reports. Finally, the Chancellor's Office should inform community colleges of the negative effects of not complying with the Clery Act.

Agency Comments

Overall, the six institutions we visited and the Chancellor's Office expressed no major concerns with our findings and recommendations. In fact, many institutions indicated that they were already taking or had taken steps to correct the issues we identified.

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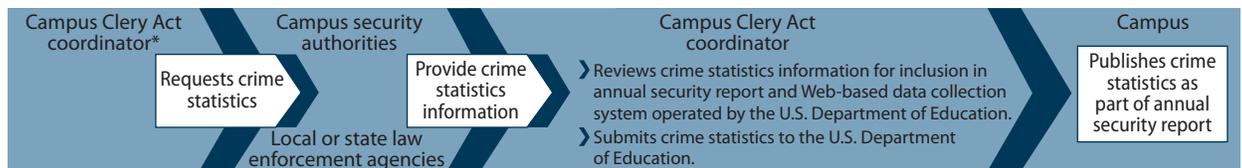
Introduction

Background

In August 2008 the federal government enacted the Higher Education Opportunity Act. This law reauthorizes and extends the Higher Education Act of 1965, as amended. Title IV of the Higher Education Act of 1965 provides funding to eligible students in the form of Pell Grants and other federal student aid, including direct loans. Postsecondary educational institutions (institutions) that participate in federal student aid under Title IV—such as public or private nonprofit educational institutions, proprietary institutions of higher education, and postsecondary vocational institutions—are required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) to create an annual security report disclosing certain campus crime statistics and campus security policies.

To identify their crime statistics, institutions are required to report information obtained from campus security authorities and local or state law enforcement agencies. Campus security authorities include a campus police or security department, individuals who have responsibility for campus security, and officials who have significant responsibility for student and campus activities. Figure 1 displays the process institutions are required to use to compile their crime statistics.

Figure 1
Process Campuses Are to Use to Compile and Report Crime Statistics



Sources: Federal law and regulations and *The Handbook for Campus Crime Reporting*, issued by the U.S. Department of Education, Office of Postsecondary Education (2005 edition).

* For purposes of this report, we defined the individual or individuals appointed by the postsecondary educational institutions to compile and report crime statistics under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as the campus Clery Act coordinator.

Among other requirements, federal regulations specify that each institution must distribute its annual security report by October 1 of each year to all enrolled students and current employees. An institution can fulfill this requirement by posting a copy of the annual security report to a separate part of its Web site and then using e-mail or direct mailings to notify enrolled students and

current employees of the report's availability. Additionally, each institution must notify prospective students and applicants for employment about its annual security report and, upon request, provide it. The report must contain statistics regarding the occurrences of certain crimes for the most recent and two preceding calendar years. Appendix A lists the crimes for which institutions are required to report statistics.

The Clery Act additionally requires an institution to include various campus security policies in its annual security report. For example, the annual security report is to include current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus, policies concerning campus law enforcement, and policies regarding sexual assault on campus.

The Clery Act requires institutions to report their statistics within the following specific location categories:

- On campus.
- In or on certain noncampus buildings or property (for example, off-campus housing).
- On specific public property that is within or immediately adjacent to and accessible from the campus.

The Clery Act also requires institutions to report statistics for residence halls, a subsection of the on-campus category.

Federal law and regulations related to the Clery Act can be complex and subject to interpretation. In June 2005 the Office of Postsecondary Education (OPE) in the U.S. Department of Education (Education) published *The Handbook for Campus Crime Reporting* (OPE handbook). This 200-page handbook, available from Education's Web site, provides guidance for meeting the Clery Act's requirements. Education also provides an online tutorial as a companion to the OPE handbook, designed to give a better understanding of what is involved in Clery Act data reporting.

Scope and Methodology

Chapter 804, Statutes of 2002, which added Section 67382 to the California Education Code (statute), requires the Bureau of State Audits (bureau) to report to the Legislature every three years on the results of our audit of not fewer than six institutions that receive federal student aid. The statute requires us to evaluate the accuracy of the statistics and the procedures institutions use to identify,

gather, and track data for reporting, publishing, and disseminating accurate crime statistics in compliance with the requirements of the Clery Act. The bureau previously issued audit reports in accordance with the statute in December 2003 and January 2007.

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 tutorial. Using factors such as the type of institution (for example, public or private, academic or vocational); student enrollment; funding amounts for federal student aid; and geographic location, we selected a sample of six institutions at which we would perform 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 were:

- California State University, Fresno
- Mt. San Antonio Community College in Walnut
- Ohlone Community College in Fremont
- University of California, Riverside
- Western Career College–Sacramento
- Western University of Health Sciences in Pomona

To ascertain whether the institutions adequately disclosed all required policies, we reviewed their 2008 annual security reports, which should contain crime statistics for 2005, 2006, and 2007, reviewed other available documents, and interviewed staff. To determine whether the institutions adequately notified students and employees of the annual security report, we obtained and reviewed relevant supporting documentation and interviewed staff. Appendix B shows the statistics for crimes, arrests, and disciplinary actions for 2006, 2007, and 2008.³

We reviewed each of the six institutions' 2007 crime statistics and confirmed that the statistics were the same as those the institution actually submitted to OPE. To evaluate the accuracy and completeness of these crime statistics, we examined a sample of crime reports from the institutions' security or police

³ At the time we began our audit, the crime statistics for 2007 were the latest available for our review. During our audit, federal law required that institutions issue their 2009 annual security reports, which would contain crime statistics for 2008. Although we did not audit the 2008 crime statistics, we included them as part of Appendix B to provide the most recent information available.

departments, interviewed staff, and reviewed relevant supporting documentation. Considering the large number of disciplinary actions that two institutions reported for drug, alcohol, and weapon violations, we included in our samples only weapon or drug violations that resulted in arrests. None of the six institutions we visited reported hate crime statistics for 2007. We also reviewed information obtained from campus security authorities and information submitted to the institutions by state or local law enforcement agencies to determine whether the institutions reported those incidents correctly. At each institution, we also interviewed campus security authorities and knowledgeable staff about their responses to Clery Act requirements and, when available, reviewed relevant supporting documentation to identify the processes used for collecting crime statistics.

Additionally, we surveyed 10 institutions that reported no criminal offenses reportable under the Clery Act to OPE for 2007 to determine whether their procedures for compiling and distributing crime statistics were sufficient.⁴ For our survey we selected six community colleges and four private institutions for which OPE reported enrollments of more than 1,250 students. To obtain an understanding of the information-gathering processes these institutions used, we surveyed them by conducting telephone interviews with persons the institutions identified as being familiar with campus crime reporting. We asked a list of predetermined questions and, when applicable, asked for and reviewed relevant supporting documentation. We selected the following 10 institutions and note their enrollment as reported by OPE in July 2009:

- Berkeley City Community College (5,287)
- Cerro Coso Community College in Ridgecrest (4,577)⁵
- DeVry University—San Diego Campus (6,183)⁵
- Gemological Institute of America in Carlsbad (3,268)
- Lake Tahoe Community College (2,576)
- Musicians Institute in Hollywood (1,252)
- Palo Verde Community College in Blythe (3,831)⁵

⁴ Three of the 10 institutions—Cerro Coso Community College, Santiago Canyon Community College, and West Hills Community College—Lemoore—reported arrests or disciplinary actions taken for alcohol, drug, or weapons violations. However, our review focused on criminal offenses, not on arrests or disciplinary actions reported as violations.

⁵ Enrollment figures are totals for multiple locations of the institution.

- Santiago Canyon Community College in Orange (14,085)
- University of Phoenix, Roseville Learning Center (4,065)⁵
- West Hills Community College–Lemoore (3,833)

We did not receive complete information for Berkeley City Community College. This institution referred us to the Peralta Community College District Office (district). The district then referred us to Peralta Police Services (police services), which compiles the crime statistics for the district. However, police services commented on the process used to compile the crime statistics, not the process for distributing and notifying students and employees of the availability of the annual security report. Police services mentioned that the district creates a campus safety handbook that includes the statistics.

Furthermore, we requested Clery Act statistics from four local law enforcement agencies—Los Angeles Police Department, Carlsbad Police Department, Lemoore Police Department, and the Berkeley Police Department—to determine if they had any statistics reportable under the Clery Act for the institutions we surveyed in their area.

The bureau also contacted the California Community Colleges Chancellor’s Office, which is charged with providing leadership, advocacy, and support for community colleges, to determine whether it furnished assistance or guidance to the community colleges with regard to the Clery Act.

Finally, the statute requires the California Postsecondary Education Commission (commission) to provide on its Web site a link to the Web site of each institution that includes crime statistics information. To determine whether it complied with this state law, we reviewed the commission’s Web site and interviewed its staff. We observed that the commission did not actually provide a link to the Web sites for the institutions that included crime statistics information. The commission told us that to meet its responsibility under the law, it obtained each institution’s crime statistics directly from OPE and posted this information on its Web site. Because we confirmed that the crime statistics the commission posted agreed with those submitted to OPE by the six institutions we visited, we believe this practice is reasonable.

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Audit Results

Educational Institutions Do Not Always Comply With Federal Crime Reporting Requirements

None of the six postsecondary educational institutions (institutions) we visited fully complied with federal law or regulations related to campus crime reporting. Specifically, one institution did not issue an annual security report, three institutions did not properly notify students and staff of the availability of their security policies and crime statistics in 2008, four did not issue or disclose all required campus security policies, and the crime statistics reported by all six institutions were inaccurate to varying degrees. The six institutions we visited were California State University, Fresno (Fresno); Mt. San Antonio Community College (Mt. San Antonio); Ohlone Community College (Ohlone); University of California, Riverside (Riverside); Western Career College–Sacramento (Western Career–Sacramento); and Western University of Health Sciences (Western Health).

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires eligible institutions to issue annual security reports that disclose campus security policies and campus crime statistics to all current students and employees. Institutions must also provide a notice to any prospective student or employee that includes a statement of the report's availability, a description of its contents, and an opportunity to request a copy. When institutions do not comply with the reporting requirements of the Clery Act, they inhibit the ability of students and others to make informed decisions.

According to the U.S. Department of Education (Education), providing students with a safe environment in which to learn and keeping students, parents, and employees well informed about campus security are goals that many groups have voiced.⁶ Education believes that compliance with the Clery Act provides students and families, as higher education consumers, with the information they need to make informed decisions. Education has also stated that choosing an 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.

⁶ U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Crime Reporting* (2005), page 9.

The U.S. Department of Education may impose a fine of up to \$27,500 for each Clery Act violation.

Not complying with these requirements can also subject institutions to financial penalties. Education has stated that it is committed to ensuring that institutions are in full compliance with the Clery Act and that enforcement of the act is a priority. According to federal regulations, Education may impose a fine of up to \$27,500 for each violation by any institution participating in a Title IV program.⁷ For example, in a 2007 letter to Eastern Michigan University, Education stated that it intended to fine the university \$357,500 for violations of Clery Act requirements, including failure to provide timely warning of a serious crime, lack of adequate policy statements, and failure to accurately disclose crime statistics. In another instance, in 2004 Education sent a letter to Salem International University in West Virginia, in which it stated that it intended to fine the university \$250,000 for failure to distribute an accurate and complete campus security report to the campus community in accordance with the Clery Act. According to Education, the university's report included neither accurate crime statistics nor all required campus security policy statements. Besides issuing fines, Education may also suspend or terminate an institution's participation in Title IV programs. Some of the concerns we identified as part of our review are similar to those in the previous two examples, for which Education expressed its intention to fine the universities involved.

Institutions Submitted Incomplete Annual Security Reports and Gave Improper Notifications

Collectively, the institutions we visited failed to fully disclose all required security policies and failed to properly notify the campus community of the availability of the annual security reports. The Clery Act requires each eligible institution to prepare an annual security report that discloses certain campus security policies and crime statistics. Federal regulations describe 19 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 describe what to do in the event of a sexual assault.

Each of the six institutions we visited made available information that the Clery Act requires to be included in an annual security report. However, one institution did not publish an annual security report specifically related to the Clery Act in 2008. Ohlone instead used multiple publications to disclose many of the required policies and its crime statistics. For example, Ohlone disclosed some policies and crime statistics in its class schedule, in

⁷ 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.

its course catalog, and in various locations on its Web site. Ohlone believed the information it provided through the various sources constituted an annual security report. However, Education's Office of Postsecondary Education (OPE), in *The Handbook for Campus Crime Reporting* (OPE handbook), states that the report must be contained within a single document and, further, that if the report is posted on the institution's Web site, it must be clearly identified in a single, separate part of the site.

Further, although Western Health produced an annual security report in 2008, it did not include crime statistics for the most recent calendar year and the preceding two calendar years as required by the Clery Act. Its 2008 report included crime statistics for 2002 through 2005 but not for 2006 and 2007.

Four of the six institutions we visited failed to fully disclose all of the security policies required by the federal regulations. Table 1 on the following pages summarizes the 19 policies the Clery Act requires institutions to disclose and the extent to which the six institutions disclosed them. Only Fresno and Riverside disclosed all required policies. For the remaining four institutions, the number of missing or only partially disclosed policies ranged from one at Mt. San Antonio to 12 at Western Career-Sacramento.

Three institutions did not use proper methods to notify all appropriate parties of the availability of their security policies and crime statistics. Federal regulations require institutions to distribute their annual security reports to all enrolled students and current employees through appropriate publications and mailings. If an institution chooses to distribute such reports by posting them on an Internet Web site, the institution must distribute to all students and employees a notice of the availability of the information they are required to disclose. This notice must include the exact electronic address (link) at which the information is posted and a statement that the institution will provide a paper copy of the information on request. In addition, institutions must notify prospective students and prospective employees of the availability of their annual security reports and provide copies upon request.

Four of the six institutions we visited failed to fully disclose all of the security policies required by the federal regulations.

Table 1
Summary of Institutions' Compliance With Federal Regulations Regarding Crime Policies

DESCRIPTION OF POLICIES	INSTITUTION					
	CALIFORNIA STATE UNIVERSITY, FRESNO	MT. SAN ANTONIO COMMUNITY COLLEGE	OHLONE COMMUNITY COLLEGE	UNIVERSITY OF CALIFORNIA, RIVERSIDE	WESTERN CAREER COLLEGE-SACRAMENTO	WESTERN UNIVERSITY OF HEALTH SCIENCES
Policies Regarding Procedures for Reporting Criminal Actions or Other Emergencies Occurring on Campus						
Policies for making timely warning reports to the campus community.	✓	✓	◇*	✓	✗	✓
Policies for preparing annual disclosure of crime statistics.	✓	✓	✓	✓	✗	✓
A list of the title of each person or organization to whom students and employees should report criminal offenses, and disclosure of whether institution has policies and procedures that allow victims or witnesses to report crimes on a voluntary confidential basis.	✓	✓	✓	✓	◇†	✓
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						
Policies addressing enforcement authority of campus personnel, including their relationship with state and local police.	✓	✓	✓	✓	✓	✓
Policies encouraging accurate and prompt reporting of all crimes to campus police and appropriate police agencies.	✓	✓	✓	✓	✗	✓
A description of programs to inform students and employees about campus security procedures and practices.	✓	✓	◇§	✓	✗	◇§
A description of programs to inform students and employees about prevention of crime.	✓	✓	◇§	✓	◇§	◇§
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.	✓	✓		✓		✓
A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws.	✓	✓	✓	✓	✓	◇#
A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws.	✓	✓	✓	✓	✓	✓
A description of programs for drug or alcohol abuse education.	✓	◇**	◇§	✓	✓	✓
Policies Regarding Campus Sexual Assault Programs						
A description of educational programs to promote the awareness of rape and other sex offenses.	✓	✓	◇§	✓	✗	✗
Procedures students should follow if a sex offense occurs.	✓	✓	✓	✓	✓	✓
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.	✓	✓	◇††	✓	✗	◇††

DESCRIPTION OF POLICIES	INSTITUTION					
	CALIFORNIA STATE UNIVERSITY, FRESNO	MT. SAN ANTONIO COMMUNITY COLLEGE	OHLONE COMMUNITY COLLEGE	UNIVERSITY OF CALIFORNIA, RIVERSIDE	WESTERN CAREER COLLEGE-SACRAMENTO	WESTERN UNIVERSITY OF HEALTH SCIENCES
A notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses.	✓	✓	✓	✓	✗	✓
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.	✓	✓	✗	✓	✗	✓
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.	✓	✓	✓	✓	✓	✓

Sources: Federal regulations and information obtained from the institutions.

✓ = Fully disclosed

◇ = Partially disclosed

✗ = Not disclosed

* Participation in the emergency notification system is voluntary; the campus community must subscribe to its system.

† Institution did not disclose whether it had policies and procedures for witnesses to report crimes on a confidential basis.

‡ Disclosure does not specifically mention security or maintenance of campus facilities.

§ Disclosure does not describe programs but rather provides applicable procedures.

|| Not applicable—institution states that it does not recognize any off-campus student organizations.

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

** Disclosure does not describe programs; rather, the college offers courses related to preventing drug and alcohol abuse.

†† Policy does not specify that institutional personnel will assist the student in notifying appropriate authorities.

Although institutions used various distribution and notification methods, as described in Table 2 on the following page, only Fresno and Riverside provided documentation that appropriate methods were used. Specifically, Fresno posted the annual security report on its Web site and then notified students and staff of its availability by sending postcards. Riverside also posted its annual security report on its Web site and then sent e-mails to current students and employees as required. Although Western Career–Sacramento could not provide documentation to support its distribution methods, its executive director told us that her institution provided the security report directly to all active students and that staff received the annual security report with their pay stubs.

Ohlone and Mt. San Antonio each provided crime statistics and policies on their Web sites, but they did not distribute the information or notify students and employees of its availability using proper methods. Additionally, Western Health stated that it provided the annual security report to incoming new students and new employees only. It therefore did not inform current students and employees of the report's availability. Western Health's director of environmental health and safety indicated that the institution

Table 2
Summary of Methods Institutions Used to Distribute Their 2008 Annual Security Reports and to Notify Students and Staff of Report Availability

METHODS USED	CALIFORNIA STATE UNIVERSITY, FRESNO	MT. SAN ANTONIO COMMUNITY COLLEGE	OHLONE COMMUNITY COLLEGE	UNIVERSITY OF CALIFORNIA, RIVERSIDE	WESTERN CAREER COLLEGE—SACRAMENTO	WESTERN UNIVERSITY OF HEALTH SCIENCES
Allowable Distribution Methods						
Direct mail via U.S. Postal Service, campus mail, or e-mail	—	—	—	—	—	—
Copy of report provided directly to students and staff	—	—	—	—	✓*	◆†
Posting on Web site	✓	✓	◆‡	✓	—	—§
Allowable Notification Methods When Posting on Web Site						
Direct mail via U.S. Postal Service	✓	—	—	—	—	—
E-mail notification	—	—	—	✓	—	—§
Additional Methods Institutions Used for Notification of Availability of Annual Security Report						
Student orientation information	✓	—	—	—	✓	◆†
Class schedule	—	◆#	◆#	✓	—	—
Course catalog	—	—	—§	✓	—	—
Student guidebook	✓	—	**	—	✓	**
Employment application/orientation information	✓	—	✓	✓	✓	✓
Undergraduate admissions information	—	—	—	✓	—	††
Graduate admissions information	—	‡‡	‡‡	✓	‡‡	—

Source: Interviews with institution staff and documents provided by them.

✓ = Method used

◆ = Method used in part

— = Method not used

* According to its executive director, Western Career College—Sacramento provided copies of the annual security report to program directors to distribute to all students. The executive director also stated that staff received the annual security report with their pay stubs. However, it can provide no documentation of such actions.

† Western University of Health Sciences did not provide its report to all students and staff. According to its director of environmental health and safety, the institution provided its annual security report during new student orientation and as handouts to new employees.

‡ Although Ohlone Community College provided security-related information on various pages of its Web site, it did not provide the information as part of a single document in a separate part of the Web site as required.

§ Institution states this method will be used in the future.

|| Institution stated that notification is given verbally during orientation.

Institution published crime statistics in this publication.

** Not applicable—institution does not issue this publication.

†† Not applicable—institution does not have an undergraduate program.

‡‡ Not applicable—institution does not have a graduate program.

will begin using e-mail to provide notification about the availability of the report beginning in 2009. In late October 2009, Western Health notified students and staff via e-mail that its 2009 security report was available on its Web site and provided a link to it. Ohlone and Mt. San Antonio told us that they used neither direct

mail nor e-mail to inform the campus community of the availability of their Clery Act information. We also observed that even though Riverside appropriately notified students and staff via e-mail of the availability of its annual security report on its Web site, it also used other tools to notify students of the availability of the report. For instance, Riverside mentioned the security report in its class schedule, course catalog, employment application/orientation information, and admissions information. We believe the additional methods that Riverside uses help better ensure that the campus community is made aware of the report's availability.

None of the Campus Crime Statistics Reported by the Institutions We Visited Were Consistently Accurate

All six institutions we visited in our review reported inaccurate statistics for 2007 to varying degrees, by either underreporting or overreporting the number of crimes. The Clery Act requires institutions to include in their annual security reports statistics for specified crimes, referred to here as Clery Act crimes. These statistics are to be obtained from their own campus security authorities and from local or state law enforcement agencies. Table 3 shows the number of each Clery Act crime the six institutions reported for 2007, the latest year required to be included in their 2008 annual security reports.

Table 3
Clery Act Crime Statistics Reported for 2007 by the Six Institutions Visited

INSTITUTION NAME	ENROLLMENT	TOTAL CRIMES	AGGRAVATED ASSAULT	ARSON	BURGLARY	MOTOR VEHICLE THEFT	MURDER AND NONNEGLIGENT MANSLAUGHTER	NEGLIGENT MANSLAUGHTER	ROBBERY	SEX OFFENSES— FORCIBLE	SEX OFFENSES— NONFORCIBLE
California State University, Fresno	22,613	108	18	0	60	20	0	0	8	2	0
Mt. San Antonio Community College	30,026	45	14	0	8	17	0	0	5	0	1
Ohlone Community College	12,896	41	18	0	5	10	0	0	7	1	0
University of California, Riverside	18,079	171	16	9	55	56	0	0	23	12	0
Western Career College—Sacramento	1,548	66	15	0	36	1	0	0	11	3	0
Western University of Health Sciences	2,393	152	74	0	20	32	4	0	22	0	0
Totals		583	155	9	184	136	4	0	76	18	1

Sources: U.S. Department of Education, Office of Postsecondary Education (enrollment) and California Postsecondary Education Commission (crime statistics).

Note: We reviewed the crime statistics for 2007, the latest year required to be included in institutions' 2008 annual security reports.

Four of the six institutions we visited underreported their crime statistics for 2007 to some extent. Ohlone, Mt. San Antonio, Riverside, and Western Career–Sacramento misidentified or erroneously excluded information for certain crimes, resulting in underreporting. For instance, from a sample of 15 on-campus crime reports, we found that Ohlone omitted two sex offenses and one motor vehicle theft from the 41 Clery Act crimes it reported. Ohlone acknowledged these errors and believes that it should have reported the three crimes. Regarding Mt. San Antonio, our sample of 20 crime reports indicated that the institution did not include one motor vehicle theft in the total of 45 Clery Act crimes it reported.⁸ Mt. San Antonio's director of public safety stated that he chose not to include the crime because the California Penal Code does not consider the theft of a motorcycle to be grand theft auto. However, the Federal Bureau of Investigation's *Uniform Crime Reporting Handbook* (UCR handbook) specifically includes motorcycles as motor vehicles. Federal regulations require institutions to compile crime statistics in accordance with the definitions stated in the regulations and in the UCR handbook. Therefore, Mt. San Antonio should have reported the crime. As for Riverside, our review of a sample of 30 crime reports indicated that the institution did not include one sex offense in the 171 Clery Act crimes it reported. Riverside acknowledged that not reporting the sex offense was an error and believes that it should have reported it.

Although staff at Western Career–Sacramento created incident reports when offenses occurred on campus, the institution did not include information from these reports in its 2007 annual security report. We examined five incident reports from 2007 that we obtained from Western Career–Sacramento. However, it could not tell us whether the one Clery Act crime among its incident reports—a vehicle theft—was one of the two vehicle thefts the local law enforcement agency identified to the institution. Further, Western Career–Sacramento did not include in its crime statistics two Clery Act crimes that the local law enforcement agency identified to it: an arson and a vehicle theft. Western Career–Sacramento could not explain why these two crimes were omitted.

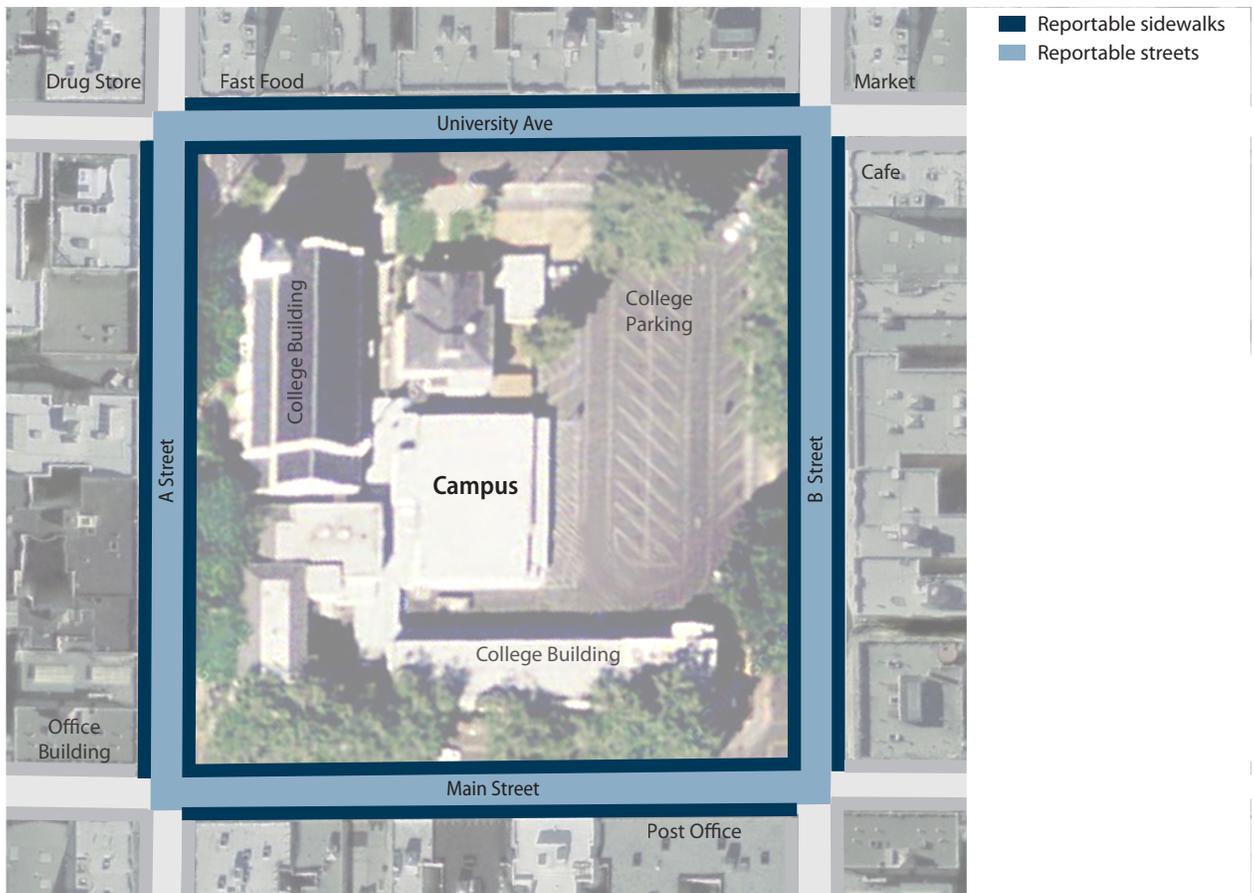
Four of the six institutions we visited overreported or risk overreporting crimes on nearby public property.

Additionally, four of the six institutions we visited—Ohlone, Fresno, Mt. San Antonio, and Western Health—overreported or risk overreporting crimes on nearby public property because they obtained crime statistics from local law enforcement agencies for areas beyond those required under the Clery Act. The OPE handbook defines public property as “all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is

⁸ We based the size of our sample of crime reports at each institution on the total number of crimes the institution reported.

within the campus, or immediately adjacent to and accessible from the campus.” The online tutorial produced by OPE clarifies the definition of public property. Figure 2 shows an example adapted from the tutorial of the areas OPE considers to be public property for reporting purposes under the Clery Act. According to OPE’s handbook and tutorial, institutions generally need to report those crimes occurring on the accessible streets and sidewalks directly bordering the campus or in parking lots adjacent to and accessible from the campus. If local law enforcement agencies cannot provide a breakdown of statistics specific to these geographic locations, OPE’s handbook suggests that institutions omit these statistics and provide a statement to that effect.

Figure 2
Public Property to Be Considered When Compiling and Reporting Crime Statistics



Source: Adapted from the online tutorial related to reporting of campus crime statistics, available on the U.S. Department of Education’s Web site.

Because the information that three campuses received from local law enforcement agencies lacked sufficient detail, we can conclude only that the risk of overreporting crimes exists.

Ohlone provided information that clearly shows that it overreported crimes on nearby public property that is outside the areas considered reportable under the Clery Act. According to its campus police chief, Ohlone included in its statistics those crimes that took place within a one-mile radius surrounding the Ohlone campus. For 2007 the crimes that occurred within this radius but outside the reportable area include six robberies, 14 assaults (reported as aggravated assaults), and eight motor vehicle thefts among the 41 total Clery Act crimes Ohlone reported. It also included in its statistics one robbery, two assaults (reported as aggravated assaults), two motor vehicle thefts, and one sex offense that occurred on a street that borders the campus. However, because this street extends well beyond Ohlone's property, and because the information Ohlone received from the local law enforcement agency did not contain specific addresses, we could not determine whether these crimes occurred along Ohlone's border or not and, therefore, whether Ohlone should have included these crimes in its statistics as it did or exclude them.

The information that the other three institutions received from local law enforcement agencies lacked sufficient detail concerning the commission of crimes. As a result, we can conclude only that the risk of overreporting crimes exists. For instance, Fresno requested crimes statistics from two local law enforcement agencies for seven off-campus streets. A public information officer told us that Fresno requests crime statistics for these streets because they are easily accessible to the campus community. However, all or portions of four of these streets are not adjacent to the institution, and crimes committed in those nonadjacent areas are not reportable under the Clery Act. Because the information the local law enforcement agencies provided did not always contain the addresses where the crimes occurred, we could not conclusively determine whether the crimes were reportable.

The local law enforcement agencies from which Mt. San Antonio and Western Health obtained crime information provided insufficient detail to allow us to determine whether the institutions had overreported Clery Act crimes. In both instances, the local law enforcement agencies provided only the statistics for the crimes, not the details supporting how they calculated those statistics. According to its director of public safety, Mt. San Antonio requests crime statistics regarding a shopping center across the street from its campus, which is not reportable under the Clery Act. If the local law enforcement agency included crimes from the shopping center in the statistics it provided to Mt. San Antonio, the institution would report more crimes than required. Western Health also told us that a local law enforcement agency provided statistics for an entire "zone" or patrol area around the institution, encompassing an area roughly 10 by 12 city blocks. If the local law enforcement agency included in the statistics any crimes that occurred outside

the public areas adjacent to and accessible from the institution, Western Health would have reported more crimes than required. If institutions wish to disclose crime statistics for off-campus areas that the Clery Act does not require, they should clearly distinguish them from those statistics that the Clery Act does require so that students and staff can make fair comparisons with the crime statistics reported by other institutions.

We also observed that Western Health counted some types of crimes twice by including the same counts for all types of crimes except burglary in both the noncampus areas and the public property areas. The result was a near doubling of its reported crime statistics. For example, from the crime statistics it obtained from local law enforcement agencies, the institution included the same 37 aggravated assaults both in its count of crimes occurring at noncampus locations and in its count of crimes occurring on public property, resulting in a total of 74 aggravated assaults being reported. According to its director of environmental health and safety, Western Health included the crimes in both categories because local law enforcement did not differentiate between the public property crimes and the noncampus crimes in the crime statistics it provided to the university for 2007.

Although Riverside mistakenly included three arrests in its statistics—the institution’s police department had made these arrests at off-campus locations for which the Clery Act does not require reporting—it has a good practice in place to help ensure that it reports only crime statistics required under the Clery Act that it received from local law enforcement agencies. Riverside sent letters to local law enforcement agencies requesting statistics for the specific Clery Act crimes that occurred in specific campus-related locations. The local law enforcement agencies included specific addresses for the crime information they provided. Additionally, according to a records clerk with the institution’s police department, she reviewed the information she obtained from the local law enforcement agencies to ensure that Riverside included only crime statistics required under the Clery Act.

Inconsistencies Between Federal and State Definitions of Assault Result in Inaccurate Statistics

Differences in the definitions of some types of crimes contributed to reporting mistakes made by two of the six institutions we visited. As we mentioned earlier, institutions are to compile crime statistics in accordance with the definitions stated in the Clery Act regulations and in the UCR handbook. However, California’s definitions of battery and assault do not precisely match the definition of aggravated assault found in the regulations and the

One institution counted some types of crimes twice by including the same counts for most crimes in two different areas.

UCR handbook. Under the Clery Act, battery is not a reportable crime. As a result, institutions may inaccurately classify crimes of this type as aggravated assaults, which are reportable under the Clery Act. For example, under California law, a crime identified as battery, defined as any willful and unlawful use of force or violence upon another person, may also meet the definition of aggravated assault, a reportable crime under the Clery Act, if the crime was accompanied by the use of a weapon or by means likely to produce death or great bodily harm. These differences in definitions prompted Riverside to use a crime conversion list provided by the University of California Office of the President to determine which crimes defined by California law are reportable under the Clery Act. However, the other institutions we visited did not have such a means for converting crimes to determine whether they are reportable under the Clery Act.

Mt. San Antonio incorrectly reported nine of the 10 aggravated assaults we reviewed as Clery Act crimes because it misclassified them. Incident reports for these nine crimes confirm that Mt. San Antonio should have classified eight of them as batteries and another as a sex offense. Mt. San Antonio simply submitted all batteries as aggravated assaults. Also, in a sample we reviewed of 30 on-campus Clery Act crimes, Riverside incorrectly reported one of the two aggravated assaults as a Clery Act crime when it actually was a battery. Institutions are responsible for correctly classifying crimes and the locations where they occur in accordance with the definitions of crimes reportable under the Clery Act. By applying California definitions rather than the definitions found in the Clery Act regulations and the UCR handbook, institutions risk overreporting crime statistics.

Definitions of Larceny, Burglary, and Robbery

Larceny 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.

Robbery is the 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.

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

Some Institutions Miscategorized Certain Types of Offenses

Two institutions we reviewed incorrectly categorized larcenies as burglaries, resulting in an overreporting of Clery Act crimes. Larceny, burglary, and robbery are all crimes that may involve the taking of property from another person. The text box provides the definitions of these crimes as given by the UCR handbook. Although burglary and robbery are reportable under the Clery Act, larceny is not. When we sampled reported crimes of burglary at two institutions, we found that both had misclassified some instances as reportable under the Clery Act

when they were not. Specifically, in a sample of five burglaries we examined for Fresno, the institution incorrectly reported two larcenies as burglaries. Similarly, Mt. San Antonio misreported two larcenies as burglaries, out of a sample of four burglaries. In each case, the crime report showed no evidence of unlawful entry, an element necessary for the crime to be considered a burglary.

Some Institutions That Reported No Criminal Offenses Have Insufficient Processes for Compiling and Distributing Crime Statistics

We surveyed a sample of 10 institutions with student enrollments of 1,250 or more that reported no criminal offenses for 2007 (see the text box) to determine whether their processes for compiling and distributing crime statistics met Clery Act requirements.⁹ Most of the 10 institutions did not have sufficient processes in place to ensure that they reported accurate crime statistics under the Clery Act, and several did not properly distribute an annual security report detailing these statistics.

As we noted earlier, the Clery Act requires all eligible institutions to compile crime statistics for both on-campus and noncampus buildings or property, as well as public property that is within the campus or immediately adjacent to and accessible from the campus. In addition, the Clery Act mandates that institutions make a reasonable, good-faith effort to obtain the required statistics from local or state law enforcement agencies and include this information in their crime statistics. Each institution is also required to prepare an annual security report that contains mandatory crime statistics and to distribute it or notify students and employees of its availability on a Web site.

Of the 10 institutions surveyed, two—the San Diego campus of DeVry University (DeVry, San Diego) and the University of Phoenix, Roseville Learning Center (Phoenix)—did not provide information or documentation that specifically addressed the processes they used in 2008 to report the 2007 crime statistics. In response to

Ten Institutions That Reported No Criminal Offenses in 2007 and Their Enrollments

- Berkeley City Community College—5,287
- Cerro Coso Community College—4,577*
- DeVry University—San Diego Campus—6,183*
- Gemological Institute of America—3,268
- Lake Tahoe Community College—2,576
- Musicians Institute—1,252
- Palo Verde Community College—3,831*
- Santiago Canyon Community College—14,085
- University of Phoenix, Roseville Learning Center—4,065*
- West Hills Community College—Lemoore—3,833

Source: U.S. Department of Education, Office of Postsecondary Education.

* Enrollment amounts are totals for multiple locations of the institution.

⁹ Three of the 10 institutions—Cerro Coso Community College in Ridgecrest, Santiago Canyon Community College in Orange, and West Hills Community College—Lemoore—reported a small number of arrests or disciplinary actions taken for alcohol, drug, or weapons violations. However, our review focused on criminal offenses and not on arrests or disciplinary actions reported as violations.

Based on its description, it seems that one surveyed institution's process, if followed, will help ensure that it compiles and distributes accurate crime statistics.

our follow-up inquiries, DeVry, San Diego subsequently provided information on the process it used in 2009 to compile and report its 2008 crime statistics. According to DeVry, San Diego's campus director, at the time it reported the 2007 statistics, much of the work relating to the crime statistics for all of DeVry's Southern California campuses was being done by one person located in Los Angeles. For DeVry, San Diego's 2008 crime statistics, however, the campus director stated that she was responsible for collecting and reporting the required crime statistics. Based on her description, it seems that DeVry, San Diego's process, if followed, will help ensure that it compiles and distributes accurate crime statistics.

When asked about the process used to report its 2007 campus crime statistics, Phoenix also provided us with copies of documentation that related to its process for reporting 2008 statistics. However, in gathering data to report its 2007 crime statistics, Phoenix did not send a letter to local law enforcement requesting information about off-campus crimes. Phoenix's director of student services told us that she did not request crime information from local law enforcement because she was not aware of this particular requirement until after the 2007 crime survey was completed. Phoenix did make the request when compiling the 2008 statistics, and it also described a current process that, if followed, will help ensure that the institution compiles accurate crime statistics and properly distributes them to students and employees.

Although Santiago Canyon Community College (Santiago) seemed to have adequate processes in place for compiling its crime statistics, it did not properly distribute the annual security report. According to the director of safety and security (director) for the community college district to which Santiago belongs, he reviews all incident reports, using the UCR handbook and the OPE handbook to determine if the crime is reportable under the Clery Act before submitting Santiago's crime statistics to OPE. He also stated that he called and sent an e-mail to the local law enforcement agency requesting the specific crime categories required under the Clery Act. However, Santiago did not properly distribute the statistics or notify students and staff of their availability. The director stated that Santiago made the annual crime statistics available to students and employees through its class schedule, on Santiago's Web site, and in brochures placed around campus, rather than providing a copy directly to each student and current employee or notifying each of these individuals of the exact electronic link where the information could be found.

Similarly, the Gemological Institute of America (Gem Institute) did not properly notify students and staff of the availability of its annual security report. Because it could not provide us with a copy of its notification for the 2007 crime statistics that it stated it sent to students and staff, the Gem Institute provided a copy of its notification for the 2006 statistics. However, rather than providing a link in the document to a separate part of its Web site that contained the annual security report, including the 19 security policies the Clery Act requires to be disclosed, the 2006 notification stated that the report for the campus could be viewed at OPE's Web site. Because OPE's Web site includes only crime statistics, the Gem Institute failed to disclose the required security policies.

In our attempts to survey Berkeley City Community College (Berkeley), we were first referred to the Peralta Community College District Office (district). The district then referred us to Peralta Police Services (Police Services), which compiles the crime statistics for the district. However, Police Services commented on the process it used to compile the crime statistics, not the process for distributing and notifying students and employees of the availability of the annual security report. Police Services stated that the district creates a campus safety handbook for its campuses annually. The process Police Services described to compile the statistics seemed reasonable to ensure that Clery Act crimes were accurately compiled; however, we obtained no additional information regarding how Berkeley complied with Clery Act requirements for distributing the crime statistics information or making its annual security reports available.

The remaining institutions we surveyed described varying processes for compiling crime statistics. Based on their descriptions, we believe they will have trouble complying with the Clery Act. Three institutions—Palo Verde Community College (Palo Verde), Lake Tahoe Community College (Lake Tahoe), and West Hills Community College–Lemoore (West Hills)—stated that they did not gather information about off-campus crimes from local or state law enforcement agencies, a required step in the process of compiling accurate crime statistics. The dean of students at West Hills, for example, stated that he did not request information about incidents occurring off campus. He stated that he did not believe he was required to report off campus information to OPE, but also said that he was not certain regarding this matter. Palo Verde's payroll and benefits coordinator, who in her former position compiled the campus's 2008 annual security report, stated that she did not attempt to acquire information about off-campus crime because the institution is isolated and surrounded by desert. Additionally, she stated that Palo Verde did not have an

Three institutions surveyed stated that they did not gather information about off-campus crimes from local or state law enforcement authorities.

official incident report form to document incidents on campus before 2009. Palo Verde did, however, state that it receives nightly reports from a private security company.

In addition to not having sufficient procedures to compile crime statistics, several institutions did not create an annual security report or did not properly notify students and employees of the availability of crime statistics. Four of the institutions surveyed—Cerro Coso Community College (Cerro Coso), West Hills, Lake Tahoe, and the Musicians Institute—told us that they did not create annual security reports that included crime statistics and disclosed security policies. Lake Tahoe and the Musicians Institute stated that they make their statistics available through other methods. For example, Lake Tahoe told us that it includes its statistics in the class schedule and the annual course catalog. The other two institutions—Cerro Coso and West Hills—indicated that they do not make students and employees aware of the availability of the statistics. West Hills, for example, did not publish campus crime statistics, and its dean of students believes he would have to check with the West Hills Community College District to determine what information he can release to students or the public.

Of the 10 institutions we surveyed, we contacted the local law enforcement agencies of four—the Musicians Institute, the Gem Institute, West Hills, and Berkeley. We requested statistics on Clery Act crimes for 2007, informing the local law enforcement agencies of the specific crimes and the locations for which we were requesting statistics. Only the Los Angeles and Berkeley police departments identified Clery Act crimes that the institutions had failed to report. The Los Angeles Police Department identified a robbery that the Musicians Institute did not report, while the Berkeley Police Department identified a motor vehicle theft that Berkeley omitted from its report. Information provided by the Lemoore Police Department for West Hills and the Carlsbad Police Department for the Gem Institute did not identify any Clery Act crimes that either West Hills or the Gem Institute should have reported.

Institutions we surveyed that did not properly compile and distribute their crime statistics frequently lacked adequate guidance and training related to the Clery Act.

Institutions we surveyed that did not properly compile and distribute their crime statistics to OPE frequently lacked adequate guidance and training related to the Clery Act. For instance, statements from representatives of six institutions—Cerro Coso, the Gem Institute, Lake Tahoe, the Musicians Institute, Palo Verde, and West Hills—and documents they provided indicate that they do not have sufficient written policies and procedures for the collection and reporting of crime statistics. Such policies would provide specific direction to elaborate on the guidance provided by OPE. An example of such a policy is identifying the titles of campus security authorities to whom students and staff should

report crimes and from whom the institution would request crime statistics. Three of these institutions—Lake Tahoe, Palo Verde, and the Gem Institute—provided some type of general written policy covering the publishing of security policies and crime statistics, information about overall campus security, or procedures for completing incident reports; however, none of the procedures mentioned guidelines for collecting and reporting crime statistics, as outlined in OPE’s handbook. Moreover, representatives from two institutions—West Hills and Palo Verde—either did not use or were unaware of written guidance available through OPE that should be followed when compiling and distributing annual crime statistics. In addition, representatives from Lake Tahoe, Palo Verde, the Musicians Institute, and the Gem Institute stated that they have not been provided any formal training regarding Clery Act compliance. Since we performed our survey, representatives from West Hills and the Musicians Institute stated that they have attended formal Clery Act training. After the training, West Hills’ dean of students acknowledged that “we have some work to do,” while the Musicians Institute’s director of operations stated that he has begun to revamp the annual security report using the guidelines and rules he received from the training.

The Community Colleges Chancellor’s Office Needs to Provide Guidance

In light of the nature and extent of the exceptions we noted that relate to the two community colleges we visited and the six we surveyed, we believe that the California Community Colleges Chancellor’s Office (Chancellor’s Office) should take an increased role in helping community colleges improve their compliance with the Clery Act. The chancellor is the chief executive officer appointed by the Board of Governors of the California Community Colleges (board). According to California’s Education Code, the board is to provide leadership and direction in the continuing development of the community colleges as an integral and effective element in the structure of public higher education in the State. In furtherance of this responsibility, the Education Code requires the board to provide general supervision over community college districts and to advise and assist the governing boards of community college districts on the implementation and interpretation of state and federal laws affecting community colleges. We saw no evidence that the eight community colleges we visited or surveyed had received any guidance related to complying with the Clery Act from the Chancellor’s Office. The Chancellor’s Office informed us that although it currently does not provide any guidance to its community colleges on the Clery Act, it would consider it reasonable to provide limited guidance in the future. We believe that identifying tools related to the Clery Act such as

We believe that the Chancellor’s Office should take an increased role in helping community colleges improve their compliance with the Clery Act.

OPE's handbook and tutorial and the UCR handbook, identifying applicable Clery Act training opportunities for community college staff, and informing community colleges of the negative effects of not complying with the Clery Act's provisions are appropriate steps that the Chancellor's Office should take.

Recommendations

To ensure that they provide students and others with a single source of information related to campus security policies and crime statistics, and to help avoid federal financial penalties, institutions should comply with the requirements of the federal Clery Act. Specifically, institutions should:

- Issue annual security reports.
- Include all required policy disclosures in their annual security reports.
- Properly notify all students and employees of the availability of their annual security reports.

To help ensure that they comply with the Clery Act's disclosure requirements, institutions should:

- Review and adhere to applicable guidance related to the Clery Act, including OPE's handbook and tutorial and the UCR handbook.
- Identify and provide sufficient training to those employees responsible for compiling crime statistics and issuing annual security reports.

To ensure that they correctly report all applicable crimes in accordance with the Clery Act, institutions should request crime information from campus security authorities and local or state law enforcement agencies. Further, they should carefully review all information for errors. Additionally, institutions should develop a clear understanding of the definitions of Clery Act crimes. For example, they could create or obtain a conversion list for crimes with differing definitions under the state Penal Code and the Clery Act, such as battery and aggravated assault.

To ensure that they include only reportable crimes from reportable areas in their annual security reports, institutions should request specific information from local or state law enforcement agencies. Such information should include addresses and details of specific

crimes. If institutions wish to disclose crime statistics for areas outside those required by federal law, they should clearly distinguish those statistics from the ones required under the Clery Act.

To improve compliance among California's community colleges, the Chancellor's Office should provide direction to the institutions regarding the provisions of the Clery Act. This direction should include a discussion of the need to review and adhere to currently available Clery Act guidance such as OPE's handbook and tutorial, as well as the UCR handbook. The Chancellor's Office should also inform institutions of training opportunities for those employees responsible for compiling Clery Act crime statistics and distributing annual security reports. Finally, the Chancellor's Office should inform community colleges of the negative effects of not complying with the Clery Act.

We conducted this review 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. We limited our review to those areas specified in the audit scope section of the report.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

Date: January 28, 2010

Staff: Dale Carlson, MPA, CGFM, Project Manager
Rosa Reyes
Jason Beckstrom, MPA
Ryan Coe, MBA

Legal Counsel: Janis Burnett

For questions regarding the contents of this report, please contact Margarita Fernández, Chief of Public Affairs, at 916.445.0255.

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Appendix A

DEFINITIONS OF CRIMES AND VIOLATIONS REPORTABLE UNDER FEDERAL CRIME DISCLOSURE REQUIREMENTS

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and federal regulations require institutions that participate in federal student aid under Title IV¹⁰ to report statistics for the categories of criminal offenses and violations shown in Table A.

Table A
Crimes and Violations Reportable Under the Clery Act

CRIME/VIOLATION	DEFINITION
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. Classify as motor vehicle theft 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 state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Relevant substances include the following: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).
Liquor law violation	The violation of laws or ordinances prohibiting the following: manufacture, sale, transporting, furnishing, or possessing intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)
Weapon law violation	Violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as the following: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
Hate crimes	When the crimes described above and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim are reported to campus security authorities or local police agencies.

Sources: Code of Federal Regulations, Subpart D, Part 668, Section 668.46 and Appendix A.

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.

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Appendix B

STATISTICS REPORTED BY INSTITUTIONS IN THEIR ANNUAL SECURITY REPORTS

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and federal regulations require postsecondary educational institutions (institutions) that participate in federal student aid under Title IV¹¹ to report statistics for the categories of criminal offenses and violations described in Appendix A. Tables B.1 through B.6 summarize the crimes, arrests, and disciplinary actions reported for 2006, 2007, and 2008 by the six institutions we visited. These institutions did not report any hate crimes in 2006 or 2007. In 2008 the University of California, Riverside reported one hate crime.

Table B.1
Crime Statistics Reported by California State University, Fresno

CATEGORY	NUMBER REPORTED		
	2006	2007	2008
Clery Crimes			
Aggravated assault	6	18	6
Arson	0	0	0
Burglary	104	60	80
Motor vehicle theft	42	20	32
Murder and nonnegligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Robbery	3	8	8
Sex offenses, forcible	4	2	6
Sex offenses, nonforcible	0	0	0
Subtotals	159	108	132
Clery Arrests			
Drug abuse arrests	37	46	67
Liquor law arrests	47	31	22
Weapon law arrests	6	9	3
Subtotals	90	86	92
Clery Disciplinary Actions			
Drug abuse disciplinary actions	6	18	16
Liquor law disciplinary actions	207	199	88
Weapon law disciplinary actions	2	0	2
Subtotals	215	217	106
Total Clery Crimes, Arrests, and Disciplinary Actions	464	411	330

Sources: California Postsecondary Education Commission (2006 and 2007) and California State University, Fresno's statistics submitted to the U.S. Department of Education, Office of Postsecondary Education (2008).

¹¹ 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.2
Crime Statistics Reported by Mt. San Antonio Community College in Walnut

CATEGORY	NUMBER REPORTED		
	2006	2007	2008
Clergy Crimes			
Aggravated assault	20	14	1
Arson	0	0	0
Burglary	11	8	7
Motor vehicle theft	30	17	27
Murder and nonnegligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Robbery	2	5	3
Sex offenses, forcible	0	0	1
Sex offenses, nonforcible	0	1	0
Subtotals	63	45	39
Clergy Arrests			
Drug abuse arrests	3	5	3
Liquor law arrests	1	1	1
Weapon law arrests	3	2	0
Subtotals	7	8	4
Clergy Disciplinary Actions			
Drug abuse disciplinary actions	3	3	2
Liquor law disciplinary actions	1	1	3
Weapon law disciplinary actions	3	2	1
Subtotals	7	6	6
Total Clergy Crimes, Arrests, and Disciplinary Actions	77*	59*	49

Sources: California Postsecondary Education Commission (2006 and 2007) and U.S. Department of Education, Office of Postsecondary Education (2008).

* For the years prior to 2008, Mt. San Antonio Community College said that it reported, in error, all misdemeanor batteries as aggravated assaults. As a result, it reported more crimes prior to 2008.

Table B.3
Crime Statistics Reported by Ohlone Community College in Fremont

CATEGORY	NUMBER REPORTED		
	2006	2007	2008
Clery Crimes			
Aggravated assault	0	18	0
Arson	0	0	0
Burglary	13	5	5
Motor vehicle theft	2	10	0
Murder and nonnegligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Robbery	0	7	0
Sex offenses, forcible	0	1	0
Sex offenses, nonforcible	0	0	0
Subtotals	15	41	5
Clery Arrests			
Drug abuse arrests	1	10	2
Liquor law arrests	2	1	1
Weapon law arrests	0	1	0
Subtotals	3	12	3
Clery Disciplinary Actions			
Drug abuse disciplinary actions	2	1	0
Liquor law disciplinary actions	0	3	0
Weapon law disciplinary actions	0	2	0
Subtotals	2	6	0
Total Clery Crimes, Arrests, and Disciplinary Actions	20	59*	8

Sources: California Postsecondary Education Commission (2006 and 2007) and U.S. Department of Education, Office of Postsecondary Education (2008).

* Ohlone Community College indicated that for 2007 it reported crimes that occurred beyond the areas surrounding its campus required by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. As a result, it reported more crimes in 2007 than it did in 2006 and 2008.

Table B.4
Crime Statistics Reported by University of California, Riverside

CATEGORY	NUMBER REPORTED		
	2006	2007	2008*
Clery Crimes			
Aggravated assault	15	16	8
Arson	4	9	3
Burglary	60	55	54
Motor vehicle theft	56	56	16
Murder and nonnegligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Robbery	11	23	9
Sex offenses, forcible	12	12	4
Sex offenses, nonforcible	0	0	0
Subtotals	158	171	94
Clery Arrests			
Drug abuse arrests	81	68	46
Liquor law arrests	7	15	2
Weapon law arrests	6	11	5
Subtotals	94	94	53
Clery Disciplinary Actions			
Drug abuse disciplinary actions	38	37	55
Liquor law disciplinary actions	81	14	8
Weapon law disciplinary actions	5	3	9
Subtotals	124	54	72
Total Clery Crimes, Arrests, and Disciplinary Actions	376	319	219[†]

Sources: California Postsecondary Education Commission (2006 and 2007) and University of California, Riverside's (Riverside) statistics submitted to the U.S. Department of Education, Office of Postsecondary Education (2008).

* Riverside reported one hate crime in 2008.

† Riverside indicated that the decrease in the number of crimes it reported in 2008 was because in prior years it requested statistics for locations that were not reportable under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and it included a greater number of locations reported by the local law enforcement agency.

Table B.5
Crime Statistics Reported by Western Career College–Sacramento

CATEGORY	NUMBER REPORTED		
	2006	2007	2008
Clery Crimes			
Aggravated assault	0	15	0
Arson	0	0	0
Burglary	3	36	0
Motor vehicle theft	1	1	0
Murder and nonnegligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Robbery	0	11	0
Sex offenses, forcible	0	3	0
Sex offenses, nonforcible	0	0	1
Subtotals	4	66	1
Clery Arrests			
Drug abuse arrests	0	2	0
Liquor law arrests	0	6	0
Weapon law arrests	0	0	0
Subtotals	0	8	0
Clery Disciplinary Actions			
Drug abuse disciplinary actions	0	8	0
Liquor law disciplinary actions	0	6	0
Weapon law disciplinary actions	0	1	0
Subtotals	0	15	0
Total Clery Crimes, Arrests, and Disciplinary Actions	4	89*	1

Sources: California Postsecondary Education Commission (2006 and 2007) and Western Career College–Sacramento’s 2009 annual security report (2008).

* Western Career College–Sacramento said that for 2007 it reported crimes that occurred outside the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act reportable area. As a result, it reported more crimes in 2007 than it did in 2006 and 2008.

Table B.6
Crime Statistics Reported by Western University of Health Sciences in Pomona

CATEGORY	NUMBER REPORTED		
	2006	2007	2008
Clery Crimes			
Aggravated assault	0	74	12
Arson	0	0	0
Burglary	0	20	38
Motor vehicle theft	1	32	12
Murder and nonnegligent manslaughter	0	4	0
Negligent manslaughter	0	0	0
Robbery	0	22	11
Sex offenses, forcible	0	0	0
Sex offenses, nonforcible	0	0	0
Subtotals	1	152	73
Clery Arrests			
Drug abuse arrests	0	10	*
Liquor law arrests	0	2	*
Weapon law arrests	0	4	*
Subtotals	0	16	*
Clery Disciplinary Actions			
Drug abuse disciplinary actions	0	0	*
Liquor law disciplinary actions	0	0	*
Weapon law disciplinary actions	0	1	*
Subtotals	0	1	*
Total Clery Crimes, Arrests, and Disciplinary Actions	1	169[†]	73[*]

Sources: California Postsecondary Education Commission (2006 and 2007) and the 2009 *Safety and Security on Campus* report for Western University of Health Sciences (Western Health), 2008.

* Western Health did not provide the audit team with arrests and disciplinary actions statistics for 2008.

† Western Health said that for 2007 it reported crimes that occurred outside the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act reportable area and double-counted crimes provided by its local law enforcement agency. As a result, it reported more crimes in 2007 than it did in 2006 and 2008.

(Agency response provided as text only.)

California State University, Fresno
5200 N. Barton Avenue
Fresno, CA 93740

January 13, 2010

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

Dear Ms. Howle,

Enclosed you will find the response to the report titled "California's Postsecondary Educational Institutions: More Complete Processes Are needed to Comply With Federal Clery Act Disclosure Requirements."

Thank you for providing the draft report. As we make progress to implement the recommended changes we will provide that information in the follow up reports.

If you have any questions regarding our response please feel free to contact me at (559) 278-2083.

Sincerely,

(Signed by: Cynthia Teniente-Matson)

Cynthia Teniente-Matson
Vice President for Administration
and Chief Financial Officer

Enclosure

Finding 1

In the response to the finding that California State University, Fresno reported crimes which are not Clery Act reportable as they occurred outside the required reporting area. The university is in the process of reviewing reportable areas as per Figure 2 "Public Property Area to be Considered When Compiling and Reporting Crime Statistics" and will make necessary changes.

Finding 2

In response to the finding that California State University, Fresno over-reported by incorrectly reporting two larcenies documented as burglaries, the university is reviewing the crime report review process to assure that the federal definition of burglary, i.e. FBI Uniform Crime Reporting Handbook, is not confused with the California State Penal Code definition. California State Penal Code section 459 burglary, does not identify "unlawful entry", as a required element of burglary.

(Agency response provided as text only.)

Mt. San Antonio College
1100 North Grand Avenue
Walnut, CA 91789

January 7, 2010

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

Dear Ms. Howle:

California's Postsecondary Education Institutions Audit
January 2010 (2009-032)
Mt. San Antonio College's Audit Findings and Responses

Enclosed you will find Mt. San Antonio College's response to the audit conducted by your Office related to the College's Federal Clery Act Disclosure Requirements.

If I may be of any further assistance, please contact me at 909.594.5611, ext. 4230.

Sincerely,

(Signed by: Michael D. Gregoryk)

Michael D. Gregoryk
Vice President
Administrative Services

**California's Postsecondary Education Institutions Audit
January 2010 (2009-032)
Mt. San Antonio College's Audit Findings and Responses**

Institutions Submitted Incomplete Annual Security Reports and Gave Improper Notifications:

Clearly, we at the Mt. San Antonio College (Mt. SAC) Public Safety Department recognize our role to be of service to the entire College community. As such, prior to receiving the auditors draft report, dated January 2010, in an effort to provide the finest customer service possible and to ensure that the Mt. SAC web site related to the Public Safety Department and the Annual Security Report is within compliance with the Jeanne Clery Act, adjustments have already been made to the web site. These adjustments to the Mt. SAC web site now allows anyone wishing to view the Annual Security Report published by Mt. SAC to have a single document where they will find all of the information rather than being required to query individual links.

These changes were made in a timely manner, and the 2009 Annual Security Report reflects the adjustments to the web site. (Refer to attached addendum.)

As indicated in the Audit Results, 18 of the 19 Federal Regulations required under the Clery Act had been addressed by Mt. SAC in their publications. However, the regulation requiring information on "Drug & Alcohol Abuse Programs" merely described an individual's ability to attend classes listed in the College Catalog and the Schedule of Classes.

The Mt. SAC Public Safety Department and the Mt. SAC Student Health Services Department is currently addressing amendments to Board Policy 3550 (Drug-Free Environment and Drug Prevention Program). Once approved, the description of available programs through the Student Health Services Clinic will be published and be available to any interested party.

As noted in the Audit Results, Mt. SAC did not adequately notify students or prospective students, employees, or prospective employees of their ability to locate and review the Annual Security Report.

Mt. SAC has consistently placed the Annual Security Report on the College web site. In addition, Mt. SAC has consistently placed the Crime Statistics as well as the Mt. SAC web site in the Schedule of Classes for each period of instruction; Fall, Winter, Spring, and Summer.

In an effort to comply with the Notification and Availability requirement, the Mt. SAC Public Safety Department plans on including notifications using several additional sources, campus-wide e-mails, the Banner Portal, and Mt. SAC Facebook, as well as a flier to be provided to every new and prospective student at Student Orientations (the Counseling Department), and new and prospective employees at New Employee Orientations (the Human Resources Department). The Public Safety Department flier will be made available campus-wide. The flier will include all of the services provided by the Public Safety Department including references to the Annual Security Report and where to locate the Report.

The Mt. SAC Public Safety Department will be evaluating, with the assistance of Admissions & Records as well as Human Resources, the feasibility of sending postcards to students/prospective students as well as employees/prospective employees regarding the availability and location of the Annual Security Report.

California's Postsecondary Education Institutions Audit
January 2010 (2009-032)
Mt. San Antonio College's Audit Findings and Responses
Page 2

None of the Institutions Reviewed Reported Consistently Accurate Campus Crime Statistics:

The Audit Results determined that Mt. SAC had underreported one incident in the Crime Statistics for the 2008 Annual Security Report. The one case of underreporting involved the required section for number of Grand Theft Autos. Mt. SAC erroneously classified the theft of a Motorcycle as a Grand Theft Merchandise, which is not a reportable Clery Crime. The cause of the underreporting of the one incident was as a result of a conflict between California Penal Code's definition of a Grand Theft Auto and those of the United States Department of Justice Federal Bureau of Investigation Uniform Crime Reporting Handbook. The reporting of Crime Statistics and Classification of Crime Statistics fall within the Uniform Crime Reporting definition and not those of individual State Statutes.

It should be noted that, as a result of discussions with the Audit Team during the audit, the one Grand Theft Auto that should have been reported to the U. S. Department of Education was corrected on the 2008 Annual Security Report prior to receiving the Draft Audit Report.

The Audit Results determined that Mt. SAC over reported crimes that under the Clery Act were not required to be reported or risked over reporting of crimes based on location of occurrence.

The Audit Results determined that Mt. SAC error in the interpretation of the requirement of reporting crimes occurring on public property, sidewalks, roadways, and thoroughfares, etc., adjacent to the College placed the College at risk of over reporting crimes. Routinely, Mt. SAC has included the Clery Act Reportable crimes occurring at the commercial center on the west side of Grand Avenue (across the street from the College) in the Crime Statistics Section of the Annual Security Report.

However, as a result of insufficient information provided to the College by the Los Angeles County Sheriff's Department, the Audit was unable to determine the number, if any, Clery Reportable Crimes that may have been over reported.

Inconsistencies Between Federal and State Definitions of Assault Result in Inaccurate Statistics:

The Audit Results determined that Mt. SAC over reported a total of nine crimes on the 2008 Annual Security Report. Once again, the nine crimes that were over reported to the U. S. Department of Education in 2008 were as a result of a conflict between the definitions between the State of California Penal Code and the Uniform Crime Reporting Handbook.

The nine crimes over reported as Aggravated Assaults actually had been classified as eight Misdemeanor Batteries and one Sexual Battery, none of which would be reportable crimes under the Clery Act.

Note: It should be noted that as a result of conversations held between the Mt. SAC Public Safety Department Management Team and the Audit Team during the audit, the Crime Statistics provided to the U. S. Department of Education listed on the 2008 Annual Security Report were corrected prior to receiving the Draft Audit Report. The corrections are reflected on the Mt. SAC web site as well as the current Schedule of Classes.

California's Postsecondary Education Institutions Audit
January 2010 (2009-032)
Mt. San Antonio College's Audit Findings and Responses
Page 3

Some Institutions Miscategorized Certain Types of Offenses:

The Audit Results determined that Mt. SAC over reported two Burglaries to the U. S. Department of Education in the Crime Statistics Section of the 2008 Annual Security Report.

According to the Audit Results, Mt. SAC reported four Burglaries, two of which failed to meet the elements of Burglary, both by the State of California Penal Code as well as the Uniform Crime Reporting Handbook.

The classification of a crime is always dependant on the intent of any suspect. In addition, Crime Reports completed by Los Angeles County Sheriff's Department Deputies have at times been classified as one thing, only to be changed by a Sheriff's Department Supervisor.

To prevent future reporting and classification issues, the Mt. SAC Public Safety Department has instituted an internal audit system where three members of the Management Team review each Crime Report submitted by the Public Safety Department staff.

The Public Safety Department is currently drafting a Conversion List of Clery Reportable Crimes that would assist those managers, supervisor, and support staff that are responsible for reviewing the completed Crime Reports to confirm that the crime is properly classified and is indeed a Clery Reportable Crime.

To ensure that there are no conflicts, the Public Safety Department has purchased and supplied each Public Safety Department manager, supervisor, and support staff with a Clery Act Training Reference Guide. In addition, all Department managers, supervisor, and support staff have been provided with copies of the Department of Justice Federal Bureau of Investigation Uniform Crime Reporting Handbook.

The Director of Public Safety, as well as support staff will attend annual Clery Act Training to ensure that any new requirements under the Clery Act are obtained for the purposes of completing the Annual Security Report.

In the past, in preparation for submitting the Annual Crime Statistics to the U. S. Department of Education, the Mt. SAC Public Safety Department would meet annually with the Crime Statistics Coordinator at the Los Angeles County Sheriff's Department (LASD), Walnut/Diamond Bar Station.

Subsequent to the Audit Team's visit and prior to receiving the Draft Audit Report, the Mt. SAC Public Safety Department has established a new protocol with the LASD Crime Statistics Coordinator. In an effort to ensure the accurate reporting of crimes occurring on the public walkways, roadways, and thoroughfares adjacent to the College, the Public Safety Department will be meeting monthly with the LASD Crime Statistics Coordinator. These meetings will include the confirmation of the final classification of any Crime Report completed by the LASD after review by an LASD Supervisor.

ADDENDUM

Mt. SAN ANTONIO COLLEGE 2009 ANNUAL REPORT CLERY ACT DISCLOSURES

Mt. SAC is dedicated to providing a safe, healthy campus environment for students, employees, and the public who visit our campus. The Public Safety Department operates 24 hours a day, seven days a week. A Public Safety Officer is always on duty to respond to calls for assistance. In 1990, the U.S. Congress enacted the "Crime Awareness and Campus Security Act of 1990," which requires colleges and universities to disclose information about crime on and around their campuses. This law was renamed in 1992 to the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (Internet Explorer only). The following information available to the public provides statistical, policy, and procedural information required by law.

Annual Report Policy

The Public Safety Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be accessed from our website at <http://www.mtsac.edu>. This report is prepared in cooperation with the Police Agencies surrounding our main campus and our alternate sites.

To comply with the act, we collect crime statistics from local police agencies, by providing the addresses of off campus properties either owned or controlled by the College or public property immediately adjacent to the College campus. All local Police Agencies provide automated statistics for the property and a radius around the property requested. These statistics may also include crimes that have occurred in private residences or businesses and is not required by law. Student organization recognition does not extend beyond the College and student organizations are not recognized to engage in activity off campus. A postcard is available to all enrolled students, faculty and staff that provides the website to access this report. Copies of the report may also be obtained at the Public Safety Department, 1100 N. Grand Avenue; Walnut, CA 91789 or by calling (909) 594-5611 ext. 4555. All prospective employees may obtain a copy from Human Resources in Building 16F at 1100 N. Grand Avenue; Walnut, CA 91789 or by call (909) 594-5611 ext. 4225. Crime Statistics are printed in the College catalog and all class schedule catalogs.

SECURITY REPORTS

Campus Law Enforcement Authority

The Mt. San Antonio College Public Safety Department has the authority to enforce the Student Discipline Code of Conduct under the Education and Penal Codes of the State of California. Public Safety personnel are not sworn law enforcement officers but act as the liaison with local police and Sheriff's departments in cases of criminal reports. If an official police report is required, the Walnut substation of the Los Angeles County Sheriff's Department is the appropriate agency to contact.

Crime Prevention

The Public Safety Department's primary responsibility is the safety and security of all members of the College community. Every effort is made to inform students and staff of criminal activity or any other concern that may be an immediate threat to the safety and security of those on campus. Information and workshops on crime prevention are made available to College students and staff throughout the academic year. It is the responsibility of every member of the campus community to act in ways that promote the safety of self, other, and the protection of District property.

Reporting Crimes & Emergencies

Students and staff should report serious crimes and emergencies, i.e., fire/medical, occurring on campus to the Public Safety Department or call 911. When using an on-campus extension, call 9911. Incidents may be reported to Public Safety by call (909) 594-5611, ext. 4555, 24 hours a day. During normal business hours, Public Safety may be contacted at Building 40, Room 102, or by calling ext. 4233. The Public Safety Department is located at the southeast portion of the campus off Bonita Drive in Building 23. Public telephone locations on campus have at least one phone that is equipped with a red emergency button that is a direct line to the Mt. SAC Public Safety Office during and after business hours. In the event of an emergency, students and staff are requested to make a prompt and accurate report to the Public Safety Department.

Students are also encouraged to report any problems with the campus environment to the Public Safety Department, but we encourage reporting anywhere on campus you feel comfortable, such as the Student Life Office or any other campus administrators. The Public Safety Department maintains an anonymous crime tip line at (909) 594-5611 ext. 4555. The Public Safety Department, Counseling, Psychological Services and Student Life will accept confidential and anonymous reports of crimes for inclusion in the annual statistical report. It is our goal to provide assistance wherever the report is made to make sure we include the crime in our annual security report.

Mt. SAC also encourages anyone who witnesses or has knowledge of a crime, or if you have seen or know of someone who has committed a crime, is dealing drugs, or has defaced Mt. SAC property, to report the information to WeTIP (<http://www.wetip.com>) by calling 800-78-CRIME. Reports are taken 24 hours a day, 7 days a week, and are completely anonymous.

If you are interested in information about registered sex offenders, you can call or visit the State of California "Megan's Law" sex offender search web page at <http://meganslaw.ca.gov/Search.aspx>. Information can also be obtained from the Los Angeles County Sheriff's Department Station located at 21695 East Valley Boulevard, Walnut, California.

Timely Warning Policy

On occasion, you will see timely warning notices describing recent crime trends or dangerous incidents. It is our policy to post these notices on the exterior doors of campus buildings to provide our community with the information about the incidents and crime prevention recommendations. Once all relative information is received, these notices will typically be posted within 24 hours.

Access & Security Issues

All buildings except the library will be secured by the Public Safety Department by 11:00pm on weekdays and by 6:00pm on weekends. We recognize that there will be some need for after-hour and weekend access to buildings. After hours, a faculty or staff I.D. is required. Anyone working late, faculty, staff or students on the weekends should notify the Public Safety Department. Holiday access scheduling is treated as weekend access.

Access to College facilities is limited to staff, students and escorted guest. Entry is monitored on a 24-hour basis. The campus facilities are maintained by Facilities Management (909) 594-5611 ext. 4850 and patrolled by Public Safety Officers. The Public Safety Officers regularly test the emergency phones and submit work orders for repair, recommend the trimming of shrubbery for safety reasons and conduct periodic lighting surveys. Officers report the need for replacement of lights and any other physical hazards they notice. Periodic crime prevention surveys are conducted when a crime trend occurs or upon physical changes of office space and equipment when requested by an administrator. Lighting improvements are constantly being evaluated. Improvements have included the placement of high intensity lights in the buildings, parking lot areas, in areas with heavy landscaping and trees and along pathways frequently traveled by students. Outdoor emergency phones are located throughout the campus. All emergency telephones are connected directly to the Public Safety Department.

Security & Safety of Off-Campus Sites

The Public Safety Department does not provide security at off-campus sites. All emergencies and crimes should be reported to the local police agencies in that area. The Public Safety Department should be notified after the local Police Agencies to ensure you have received the appropriate service. We have made arrangements for the administrators at these sites to notify us of any reported crimes.

Safety of Campus Facilities/Residences

Mt. San Antonio College does not provide housing or residences for students, faculty, or staff on or off-campus. Regarding on-campus security, Mt. SAC strives to:

- Create and maintain an environment for learning that promotes respect and appreciation of scholarship, freedom, human diversity and the cultural mosaic of the campus community.
- Promote excellence in instruction and intellectual accomplishments.
- Provide broadly accessible higher education for residents of the region, state and/or nation.

The Public Safety Department participates in delivery of the College's mission and strives to create a safe environment conducive to academic excellence. We understand that crime is a nationwide problem and we strive to make our campus community a safe and secure environment. The Public Safety Department works closely with local Police Agencies and employs security measures to reduce and prevent crime. We believe that security is everyone's responsibility and ask for your assistance.

Alcohol & Drug Policy

Alcohol and Other Drugs The possession or consumption of alcoholic beverages or illegal drugs prior to, or during any College sponsored activity, on or off-campus, by any person attending, regardless of age, is forbidden by State law. The Federal government has mandated that as of October 1, 1990, there will be no drug usage by students, staff, or faculty on college campuses anywhere in the United States. Please see the latest Schedule of Classes for the College's Alcohol and Other Drug Policy.

Drug & Alcohol Abuse Programs

A description of drug & alcohol-abuse education programs is available throughout the academic year in the College Catalog (all classes offered are listed) and in the Schedule of Classes (<http://www.mtsac.edu/schedule/>) (only classes offered during the semester are listed) and the College Catalog (<http://www.mtsac.edu/catalog/>).

SEXUAL ASSAULT POLICY

Sexual Assault Policy

Mt. San Antonio College recognizes that sexual assault is a serious issue and will not tolerate actions of sexual assault on campus. The College will investigate all allegations of sexual assault and take appropriate disciplinary, criminal, or legal action.

As soon as possible, the victim of a sexual assault should report the incident to the Public Safety Office, the local police or any faculty or staff member. The victim should make every attempt to preserve any physical evidence of the assault. This may include a voluntary medical exam, not showering or disposing of any damaged clothing or other items that are present after/during the assault. Victims are encouraged to call any law enforcement agency by dialing 911 after a sexual assault for a crime investigation, referral or transport for medical treatment and referral to crisis counseling and legal advocacy.

Disciplinary actions may be imposed on recognized individual students, student organizations and/or any College faculty or staff responsible for sexual assault. College sanctions following campus disciplinary procedures depend on the outcome and may range from suspension to expulsion. Every effort will be made to criminally prosecute perpetrators of sexual assaults. The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding and both shall be informed of the outcome.

The College's Sexual Assault & Rape Policy is explained in the Mt. SAC Administrative Procedures document, which is available on the Board of Trustees web page (<http://www.mtsac.edu/administration/trustees/procedures/>) in Adobe PDF format.

Sexual Assault Prevention Programs

At this time, Mt. SAC does not provide sexual assault programs. There are, however, courses in understanding violent offenders in the Corrections program. This course is a study of the violent crimes of felony assault, robbery, rape, the various types of homicide, and the characteristics of both the offender and the victim. Students should check the Schedule of Classes each semester to determine when these classes are offered.

If You Are A Victim Of Sexual Assault:

- GET to a safe place
- CONTACT the Department of Public Safety (909) 594-5611 ext. 4555 or call your local authorities by dialing 911 (9911 from on-campus)
- DO NOT shower, bathe, douche, change or destroy clothing
- DO NOT straighten up the area
- SEEK medical attention
- SEEK emotional support from local Rape Crisis Center at (213) 626-3393

Notice: The College will change a victim's academic situation after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available.

Victims of sexual assault may report the crime to any Mt. SAC faculty, staff, or administrator, but the Public Safety office should be notified as soon as possible. Victims or witnesses to crimes should follow the basic policy for reporting crimes. This policy is available in the College Catalog (<http://www.mtsac.edu/catalog/>) and in the Schedule of Classes (<http://www.mtsac.edu/schedule>).

PUBLIC SAFETY & PARKING

Mt. SAC's Public Safety Department works diligently to protect all of us while on campus, and they enforce parking regulations to ensure fair and adequate accommodations for our visitors, students, faculty and staff. While every effort is made to keep our campus safe, each of us has ultimate responsibility for our personal safety.

We've provided tips and information below and within this site to heighten campus awareness.

FYI—For Your Information

We post a campus security report (<http://www.mtsac.edu/safety/disclosures/>) annually on this website, as well as a timely advisory of crimes reported to Campus Security and local police agencies.

Phones

Public pay phones are found in many locations on campus. These are coin-operated public phones for general use. There are also Emergency phones in each parking lot area and many other areas on campus. These phones are a direct line to campus security for emergency use and do not have a dial and do not require coins.

Contact Us

For Security: Ext. 4555

For Parking: Ext. 4233

Public Safety Officers are working on campus 24-hours a day 7 days a week.

Parking Services Office Building 40, Room 102

Escort Service

To enhance security, Mt. SAC offers an evening Campus Escort Service: Monday – Thursday 6:30pm – 10:15pm. Escort stations are located at various campus locations. Escorts can be identified by their yellow jackets and I.D. badges. Call (909) 594-5611 ext. 4322 to arrange for an Escort.

CRIME STATISTICS

By October 1 of each year, Mt. SAC is required to publish and distribute an annual campus security report to all current students and employees. In addition, Mt. SAC must provide a timely warning of crimes reported to campus security and local police agencies in a manner that is intended to prevent similar crimes from recurring and to protect the personal safety of students and employees.

Crimes	2006	2007	2008
Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offences – Forcible	0	0	0
Sex Offences – Non Forcible	0	1	0
Robbery	1	2	0
Aggravated Assault	17	14	1
Burglary	11	8	6
Motor Vehicle Theft (GTA)	26	16	17
Arson	0	0	0
Liquor Law Violations	1	1	2
Drug Law Violations	3	4	1
Illegal Weapons Violations	3	2	2
Hate Crimes – Race	0	0	0
Hate Crimes – Gender	0	0	0
Hate Crimes – Religion	0	0	0
Hate Crimes – Sexual Orientation	0	0	0
Hate Crimes – Ethnicity	0	0	0
Hate Crimes – Disability	0	0	0
YEARLY TOTALS	62	48	29

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(Agency response provided as text only.)

Ohlone Community College District
43600 Mission Blvd
Fremont, CA 94539

January 13, 2010

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

Re: **Audit of Ohlone Community College District Compliance with Jean Clery Act**

Dear Ms. Howle:

I would like to thank the Bureau of State Audits and your staff for bringing to our attention the deficiencies of the Ohlone Community College District that prevented the district from being in full compliance with the Jean Clery Act.

The Ohlone Community College District strives to provide a safe and secure learning and working environment for every student and employee. It is our intent and objective to be in full compliance with all laws and regulations. Measures have been taken to correct those areas deemed deficient and most have been corrected. The Ohlone Community College District will be in full compliance within the time allotted.

I would like to thank Dale Carlson, Rosa Reyes, Jason Beckstrom, and Ryan Coe for their efforts in reviewing our policies and procedures and the recommendations made to assist us in correcting any deficiencies and being in full compliance with the Clery Act.

Enclosed are the response to the Audit Report and documents supporting and substantiating corrective changes.

If you have any questions or wish to discuss the response, please contact Steve Osawa, Chief of Campus Police Services, Safety and Security, at (510) 659-6113.

Sincerely,

(Signed by: Gari Browning)

Gari M. Browning
President/Superintendent

Enclosures

Ohlone Community College District Police Department
43600 Mission Boulevard
Fremont, CA 94539-5847

13 January 2010

Dale Carlson, Project Manager
Bureau of State Audits

Re: Response to State Audit Report

The audit of the Ohlone Community College District revealed several areas deficient in compliance to the Jean Clery Act. The following areas noted have been or are in the process of being corrected:

1. The Ohlone Community College District did not have a single source or methodology for distributing and publishing crime statistics on an annual basis.

The crime statistics information will be uniform in composition and in compliance with the Jean Clery Act. The information will be placed in the college schedule of classes, in the college catalog, on-line on the Ohlone website, and available in a printed form to students and employees at the Campus Police office. Information regarding the availability to view and receive copies of the crime statistics and information will be distributed to all students and employees via e-mail, published in the college catalog and schedule of classes, placed on the student and employee web pages, placed on the Ohlone website, and placed in the student registration application package.

Copies of the Jean Clery Disclosure of Campus Security Policy and Campus Crime Statistics and the Students Right to Know are attached.

2. The annual security report will be modified to include all policies and information required under the Clery Act.
3. Notification to students and employees regarding any crime or potentially hazardous situation will now be handled through several methods of notification. The Ohlone Community College District will continue to utilize AlertU, a mass SMS text messaging system, available to students and employees at no cost, mass e-mails will be sent to employees and students, who have listed an e-mail address with Admissions and Records, and the college district newspaper, radio station, and television station will provide public safety information bulletins.
4. Under reporting and over reporting of crimes has been corrected.

The crime statistics for 2007 have been corrected and the United States Department of Education has been notified and the statistics reported have been amended to reflect 2 additional sex offenses

and 1 additional auto theft. Those changes are also reflected in the Crime statistics reported and listed in the 3 year crime stats for the college catalog and schedule of classes per the Jean Clery Act. (Please refer to the attached Jean Clery Disclosure of Campus Security Policy and Campus Crime Statistics and 2007 Crime Summary – old format.)

The Crime Statistics compilation form has been changed to reflect the crime categories as required by the Jean Clery Act. A copy of the form is attached. This will ensure that all applicable crimes are properly included.

The Ohlone Community College District over-reported public crimes for the period of 2007. The crime statistics reported included areas that was not directly adjacent to the college and should not have been included. This has been corrected and the information requested from the Fremont and Newark Police Departments will be more closely reviewed and screened to reflect accurate data.

5. Training of employees responsible for compiling crime statistics for issuing annual security reports.

All Ohlone Community College District Campus Police Services, Safety and Security personnel will receive Jean Clery Act training in 2010 to ensure that each officer and clerk is familiar with and in full compliance of the Jean Clery Act.

The Ohlone Community College District is firmly committed to compliance with all laws, rules, and regulations, especially with regard to campus safety. The college district will take steps to ensure full compliance with the Jean Clery Act.

Respectfully submitted,

(Signed by: Steven M. Osawa)

Steven M. Osawa
Chief
Campus Police Services, Safety and Security
Ohlone Community College District

Ohlone Community College

CLERY ACT

The following is to be briefed at the beginning of your class to all students. This is compliant with the Clery Act regarding student, faculty, and staff right to know of campus crimes:

Ohlone College's Annual Campus Security Report includes statistics for the previous three years concerning reported crimes that occur on campus; in certain off-campus buildings or property owned or controlled by Ohlone College and on public property within, or immediately adjacent to and accessible from the campus.

The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assaults, and other matters.

You can obtain a copy of this report by contacting the Ohlone College Police Department at (510) 659-6111 or by accessing the website at <http://www.ohlone.edu/org/security/>

Steve Osawa
Chief of Police

Students Right to Know

What is the Jeanne Clery Act?

The "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (formerly the Campus Security Act) is a federal law that requires institutions of higher education (colleges and universities) in the United States to disclose campus security information including crime statistics for the campus and surrounding areas. It was first enacted by Congress in 1990 and amended in 1992, 1998 and 2000.

Who is Jeanne Clery?

In 1986 Jeanne Clery, a freshman at Pennsylvania's Lehigh University, was murdered and sexually assaulted in her campus residence hall room by another student she didn't know. Her school hadn't informed students about 38 violent crimes on campus in the three years preceding her murder. Clery's parents, Connie & Howard, led the crusade to enact the original Campus Security Act. In 1998, Congress formally named the law in memory of Jeanne Clery.

Which schools must comply with the Clery Act?

All institutions of postsecondary education, both public and private, that participate in federal student aid programs must publish and disseminate an annual campus security report as well as make timely warnings of any criminal activities.

What does a school have to disclose under the Clery Act?

Schools must publish and disseminate an annual campus security report containing various security policies and three years worth of crime statistics. They must also issue timely warnings about crimes that pose an ongoing danger. Schools with a police or security department of any kind must also maintain a public crime log of all crimes reported to that department.

Who is entitled to receive information under the Clery Act?

Currently enrolled students and employees are to receive a school's annual campus security report automatically. Prospective students and employees are to be provided with information about the report and entitled to request a copy. The general public, including parents and the news media, have access to the public crime log as well.

Does a school have to submit their annual crime statistics to the Department of Education (DOE)?

Yes, they do. Schools have to report their crime statistics to the DOE through a specially designed web site.

Do school officials other than law enforcement have reporting obligations under the Clery Act?

Yes, they do. All institutional officials with significant responsibility for campus and student activities have reporting obligations under the Clery Act. A school should have a policy for surveying these officials each year to determine if any of the covered crimes were reported to them. Only professional mental health and pastoral counselors are exempt from reporting.

Are schools required to include crimes reported to local police agencies?

Schools are required to "make a reasonable, good-faith effort to obtain statistics from outside" law enforcement agencies for inclusion in their annual report for all geographic areas including the main campus.

Does someone have to be convicted of a crime before it is reportable under the Clery Act?

Not necessarily. Convictions are not required under either the Clery Act or the FBI Uniform Crime Report (UCR) program for a crime to be reportable.

Who enforces the Jeanne Clery Act and what are the penalties for noncompliance?

The United States Department of Education is charged with enforcing the Jeanne Clery Act and may level civil penalties against institutions of higher education up to \$27,500 per violation or may suspend them from participating in federal student financial aid programs. Complaints of violations should be filed with DOE regional offices.

Do schools have to add arson and manslaughter, as well as a geographic breakdown to their annual crime statistics?

Yes, they do.

What is the difference between FBI's Uniform Crime Reporting (UCR) program and the Clery Act?

There are several key differences between how crime statistics are reported under the UCR program and the Clery Act. The UCR program is a voluntary program where law enforcement agencies submit monthly reports, while reporting under the Clery Act is mandatory and not limited to crimes reported to law enforcement. Additionally, some reporting categories are different, specifically simple theft is not included and the definition of sexual assault is broader under the Clery Act.

Does the Clery Act follow the guidelines established in the UCR program?

Where guidance from the UCR program does not conflict with Clery Act reporting requirements schools are expected to follow the classifying and scoring methods outlined in the FBI UCR Handbook.

If more than one crime occurs in the same incident, which offense is reported?

Under a UCR standard known as the "hierarchy rule" only the most serious (using the order found in the UCR Handbook) incident is to be reported in annual crime statistics. The crime log and timely warnings may reflect more than one crime.

CRIME STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly known as the Clery Act) is federal legislation designed to provide students, prospective students, and the public with uniform information from universities throughout the country on criminal problems and police and security issues. This brochure meets all reporting requirements as set forth in the Clery Act. Criminal statistics are updated by October 1 of each year and include data from the three previous calendar years.

3-Year Annual Crime Report									
Crime Type	Fremont Ohlone College Campus			Newark NCHST College Campus			College District Total		
	2007	2008	2009	2007	2008	2009	2007	2008	2009
HOMICIDE	0	0	0	N/A	0	0	0	0	0
NON-NEGLIGENT MANSLAUGHTER	0	0	0	N/A	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	N/A	0	0	0	0	0
FORCIBLE SEX OFFENSES/RAPE ±	4	0	0	N/A	0	0	4	0	0
NON-FORCIBLE SEX OFFENSES ‡	0	0	0	N/A	0	0	0	0	0
ROBBERY	0	0	0	N/A	0	0	0	0	0
AGGRAVATED ASSAULT	1	2	0	N/A	0	0	1	2	0
BURGLARY	5	0	8	N/A	0	0	5	0	8
AUTO THEFT	6	2	1	N/A	0	0	6	2	1
ARSON	0	0	0	N/A	0	0	0	0	0
THEFT / LARCENY	22	26	27	N/A	0	0	22	26	27
VANDALISM	167	57	57	N/A	0	0	167	57	57
WEAPONS VIOLATIONS	2	1	0	N/A	0	0	2	1	0

3-Year Annual Crime Report

Crime Type	Fremont Ohlone College Campus			Newark NCHST College Campus			College District Total		
DRUG VIOLATIONS	2	2	0	N/A	0	0	2	2	0
ALCOHOL VIOLATIONS	7	2	0	N/A	0	0	7	2	0
HATE CRIME (ASSAULT)	0	0	1	N/A	0	0	0	0	1

Megan's Law

Information on Registered Sex Offenders

NOTIFICATION

California Penal Code Section 290.01 requires every person who was convicted of a sex offense to register with the Campus Police Department of a College or University within Five (5) days where he/she is:

1. Enrolled as a Full-time student.
2. Enrolled as a Part-time Student.
3. Employed as a Full-time Staff, Faculty, or Instructor.
4. Employed as a Part-time Staff, Faculty, or Instructor.
5. Employed as a Full-time or Part-time Classified employee.
6. Employed as a volunteer.
7. A contractor who is contracted by the College or University to work on campus.
8. A carrier driver who delivers to that College or University more than 14 consecutive days or 30 days in a calendar year (i.e. Water delivery, Mail, VTA drivers, Outreach drivers, Armored car drivers, Telephone, Gas, and Electricity technicians, Computer technicians, Office supply drivers, and others).

This section does not relieve the person to register as a Sex Offender with the jurisdiction where he/she is residing. The registrations as a Sex Offender with a College or University Police Departments are in addition to the registration with the local police and sheriff's departments.

Once you have read and acknowledged the disclaimer on the next page, you may search the database by a sex offender's specific name, obtain ZIP Code and city or county listings, obtain detailed personal profile information on each registrant, and use the map application to search your neighborhood or anywhere throughout the State to determine the specific location of any of those registrants on whom the law allows us to display a home address.

<http://www.meganslaw.ca.gov/>

CRIME STAT CATEGORIES (INCLUDES CLERY ACT)

MONTH OF AUGUST 2009

	THIS MONTH	ARRESTS	DISCIPLINE	LAST YR THIS MONTH	ARRESTS	DISCIPLINE	CHANGE THIS MONTH	ARRESTS	DISCIPLINE	THIS YEAR	ARRESTS	DISCIPLINE	LAST YEAR TO DATE	ARRESTS	DISCIPLINE	CHANGE THIS YEAR	ARRESTS	DISCIPLINE	
CRIME AGAINST PERSONS																			
<i>HOMICIDE *</i>																			
MURDER AND NON-NEGLIGENT MANSLAUGHTER*	0	0		0	0		0	0		0	0		0	0		0	0		0
NEGLIGENT MANSLAUGHTER *	0	0		0	0		0	0		0	0		0	0		0	0		0
<i>SEX OFFENSES</i>																			
FORCIBLE *	0	0		0	0		0	0		0	0		0	0		0	0		0
NON-FORCIBLE (STATUTORY RAPE AND INCEST) *	0	0		0	0		0	0		0	0		0	0		0	0		0
OTHER	0	0		0	0		0	0		0	0		0	0		0	0		0
ROBBERY *	0	0		0	0		0	0		0	0		0	0		0	0		0
<i>ASSAULT BATTERY</i>																			
AGGRAVATED ASSAULT *	0	0		0	0		0	0		0	0		0	0		0	0		0
ASSAULT WITH A DEADLY WEAPON *	0	0		0	0		0	0		0	0		0	0		0	0		0
SIMPLE ASSAULT	0	0		0	0		0	0		0	0		0	0		0	0		0
CRIME AGAINST PROPERTY																			
<i>BURGLARY *</i>																			
STRUCTURE *	0	0		0	0		0	0		0	0		0	0		0	0		0
AUTO *	0	0		0	0		0	0		0	0		0	0		0	0		0
MOTOR VEHICLE THEFT (STOLEN VEHICLE) *	0	0		0	0		0	0		0	0		0	0		0	0		0
ARSON *	0	0		0	0		0	0		0	0		0	0		0	0		0
THEFT/LARCENY	0	0		0	0		0	0		0	0		0	0		0	0		0
HATE CRIME *																			
RACE	0	0		0	0		0	0		0	0		0	0		0	0		0
GENDER	0	0		0	0		0	0		0	0		0	0		0	0		0
RELIGION	0	0		0	0		0	0		0	0		0	0		0	0		0
SEXUAL ORIENTATION	0	0		0	0		0	0		0	0		0	0		0	0		0
ETHNICITY	0	0		0	0		0	0		0	0		0	0		0	0		0
DISABILITY	0	0		0	0		0	0		0	0		0	0		0	0		0
MISCELLANEOUS CRIMES																			
LIQUOR LAW VIOLATION *	0	0		0	0		0	0		0	0		0	0		0	0		0
DRUG LAW VIOLATION*	0	0		0	0		0	0		0	0		0	0		0	0		0
ILLEGAL WEAPONS POSSESSION *	0	0		0	0		0	0		0	0		0	0		0	0		0
BOMB THEATS	0	0		0	0		0	0		0	0		0	0		0	0		0
VANDALISM	0	0		0	0		0	0		0	0		0	0		0	0		0
FORGERY	0	0		0	0		0	0		0	0		0	0		0	0		0
TRESPASS/CURFEW	0	0		0	0		0	0		0	0		0	0		0	0		0
INTOXICATION/UNDER INFLUENCE	0	0		0	0		0	0		0	0		0	0		0	0		0
SUSPICIOUS PERSON/VEHICLE	0	0		0	0		0	0		0	0		0	0		0	0		0
DISTURBANCE (415 P.C.)	0	0		0	0		0	0		0	0		0	0		0	0		0
OTHER OFFENSES	0	0		0	0		0	0		0	0		0	0		0	0		0
TOTAL NUMBER OF CRIMES REPORTED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CALLS FOR SERVICE	0	0		0	0		0	0		0	0		0	0		0	0		0
INJURED PERSON	0	0		0	0		0	0		0	0		0	0		0	0		0
TRAFFIC SUMMARY																			
INJURY	0	0		0	0		0	0		0	0		0	0		0	0		0
PROPERTY DAMAGE	0	0		0	0		0	0		0	0		0	0		0	0		0
AUTO/PEDESTRIAN	0	0		0	0		0	0		0	0		0	0		0	0		0
HIT AND RUN	0	0		0	0		0	0		0	0		0	0		0	0		0
TOTAL:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CITATIONS																			
PARKING VIOLATIONS	0	0		0	0		0	0		0	0		0	0		0	0		0
TRAFFIC VIOLATIONS	0	0		0	0		0	0		0	0		0	0		0	0		0

* Jeanne Clery Act Reportable Crime

Crime Prevention

The Ohlone Community College District and Campus Police Services, Safety and Security are committed to providing a safe and secure learning and working environment. The safety of each student and employee are of paramount concern. Information regarding the following topics is provided to assist students and employees in learning about these areas, learning about how to avoid and prevent these offenses, and what to do in the event you or someone you know has concerns or becomes a victim.

Personal Security

<http://www.state.gov/m/ds/rls/rpt/19773.htm>

Identity theft – General Guide

<http://www.ag.ca.gov/idtheft/index.htm>

Domestic Violence

<http://www.ndvh.org/>

Stalking

<http://www.ncvc.org/src/Main.aspx>

Sexual Assault/Rape

<http://www.womenshealth.gov/faq/sexual-assault.cfm>

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(Agency response provided as text only.)

University of California, Riverside
900 University Avenue
Riverside, CA 92521

January 11, 2010

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

Re: Clery Act Audit 2009-032

Dear Ms. Howle:

In response to your letter dated January 5, 2010, the University of California at Riverside's response to the draft audit report is as follows:

UC Riverside concurs with the recommendations. We will continue our process of requesting data from local law enforcement agencies, evaluating the data per the Clery Act requirements, using the crime conversion list provided by UC Office of the President as necessary, and reviewing the report for accuracy. To ensure full disclosure to our constituencies, our campus may include crime statistics for areas adjacent to our campus but outside those required by federal law. In the future, these statistics will be clearly distinguished on the report.

As requested, this response has been copied onto the enclosed CD.

If any additional information is required, please contact me at (951) 827-3848.

Sincerely,

(Signed by: Mike Lane)

Mike Lane
Chief of Police

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(Agency response provided as text only.)

Western Career College--Sacramento
8909 Folsom Blvd.
Sacramento, California 95826

January 7, 2010

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

Dear Ms. Howle,

Enclosed you will find for your review my response to Western Career College's recent state audit of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Western Career College is one of eight private post-secondary institutions with a student population of approximately 1000 students. The campus shares a parking lot with McDonalds and is located across the street from local light rail station.

In 2008, Western Career College published annual security reports specifically related to the Clery Act for crimes reported in 2007. The Clery Act requires institutions to disclose 19 required policies. The following documentation will address the 12 deficiencies that were discovered whereas Western Career College only partially or failed to disclose all policies at that time.

Since September of 2008, Western Career College was purchased by DeVry Inc., and follows all compliance requirements for Clery Act reporting through the DeVry regulatory Compliance Department.

If you wish to discuss the response please feel free to contact me at (916) 361-5105.

Sincerely,

(Signed by: Sue A. Smith)

Sue A. Smith, Executive Director
Western Career College

* California State Auditor's comment appears on page 75.

Summary

The California State Auditor prepared a document titled: *California's Postsecondary Educational Institutions: More Complete Processes Are Needed to Comply With Federal Clery Act Disclosure Requirements*. In this document, Western Career College was cited for non-compliance or partial compliance regarding Clery Act policies and practice.

The following statements will respond to the findings whereas Western Career College is named.

- Four of the six institutions that were visited failed to fully disclose all security policies required by federal regulations:
- **Response:** See: "Summary of Findings"
- All six institutions reported inaccurate statistics in varying degrees by either underreporting or over reporting crime amounts.
- Western Career College misidentified or excluded information for certain crimes resulting in underreporting: Although Western Career College created incident reports when offenses occurred on campus, the institution did not include information from all of these reports. Five incident reports were obtained but it could not tell whether the one Clery crime among its incident reports – a vehicle theft – was one of two vehicle thefts the local law enforcement agency identified. Further, Western Career College did not include in its crime statistics two Clery Act crimes that the local law enforcement agency identified: arson and a vehicle theft.
- **Response:** When Western Career College received its reporting information from the local sheriff's department WCC believed it was in good faith. Since the local law enforcement agency did not match the campus incident reports, Western Career College reported what the local law enforcement agency reported thus ending up over-reported their campus crime. In August of 2009 when Western Career College was obtaining information for 2008 crime statistics from the local sheriff, the local sheriff's department informed Western Career College that the information was not reported correctly by the sheriff's dept. in the 2007 statistics due to a staffing error and the specific parameters used to create that report being over inflated. Thus the original information was incorrect. The local sheriff's department actually wrote a letter explaining their error. Regarding the vehicle theft – on the incident report it was noted that the student may have had her car repossessed instead of stolen – thus only one vehicle theft was reported. Regarding the arson– Western Career College had no incident of arson.
- To help ensure that the College complies with the Clery Act's disclosure requirements, Western Career College should: Reconcile with the local sheriff to make sure all incidents match.

**Summary of Findings
RE: Policies:**

Cleary Act Policy	WCC Compliance	Response
Policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus		
Policies on making timely warning reports to campus community.	NO	Although a documented written <i>policy</i> was not found, previous to 2009 Western Career College provided information via "Sacramento Crime Awareness and Campus Security" pamphlet to the campus community which stated the college maintains a safe environment. The pamphlet addressed what to do if a crime is witnessed or if anyone is a victim, it also stated who to contact. As of 2009 the document includes all necessary information to make sure timely warnings are properly disclosed.
Policies for preparing annual disclosure of crime statistics.	NO	Although a documented written <i>policy</i> was not found, prior to 2009, it was well known of the protocol of how to properly prepare the campus annual disclosure. The annual disclosure is the College's responsibility. The Director of Student finance for the College personally instructed each Executive Director as to how to properly prepare the annual disclosure of crime statistics and reviewed protocol before the October 1 deadline. This was completed prior to October 1 of every year so the proper information could be disclosed to the campus community in a timely manner.
A list of the title of each person or organization to whom student 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	PARTIAL	Although Western Career College provided the title of the person responsible for receiving criminal offenses, the actual name of the person was not listed on the document titled: "Sacramento Crime Awareness and Campus Security". Western Career College also did not state the witness can report a crime on a confidential basis. As of 2009, the document includes the actual name of the person responsible to receive reports and the reporting is clearly defined.
A statement of policies concerning security of and access to campus facilities including campus residences, and security considerations used in maintenance of campus facilities	PARTIAL	Western Career College provided the campus community with security access including hours of operation. This information was provided via an informational pamphlet titled: "Sacramento Crime Awareness and Campus Security". This informational document is provided to the entire campus community. This disclosure did not specifically state security considerations used in maintenance of the campus facilities. As of 2009, the document states all necessary security considerations.
Policies concerning campus law enforcement		

Policies encouraging accurate and prompt reporting of all crimes to campus police and appropriate police agencies.	NO	Although Western Career College informed the campus community of who and when to contact appropriate police agencies regarding campus crime in the document titled: "Sacramento Crime Awareness and Campus Security". Western Career College did not have a written <i>policy</i> outlining phone numbers and after hour emergency information.
A description of programs to inform students and employees about campus security procedures and practices.	NO	Although Western Career College provided the campus community of various ways to protect themselves and the campus by listing various safety tips in the document "Sacramento Crime Awareness and Campus Security", Western Career College did not list various programs or websites for students and employees to find further information. As of 2009, Western Career College Provides local programs and addresses which includes both phone numbers and addresses to the entire campus community.
A description of programs to inform students and employees about prevention of crime. Policies concerning campus sexual assault programs	PARTIAL	Although Western Career College provided the campus community of various ways to protect themselves and the campus by listing various safety tips in the document titled: "Sacramento Crime Awareness and Campus Security", Western Career College did not list various programs or websites for students and employees to find further information. As of 2009, Western Career College Provides local programs and resources with both phone numbers and addresses to the entire campus community.
A description of educational programs to promote the awareness of rape and other sex offenses.	NO	Western Career College is a health career college with a 99% female population – the College holds numerous in-service and educational seminars throughout the year. Although Western Career College provided information regarding security and safety of the campus in the college orientation as well as instructions as to what to do if one is a victim of a sexual assault. The campus did not provide a description of the educational programs but only informed the campus community of these programs/seminars via fliers at the time the program was to be offered.
Information on a student's option to notify appropriate law enforcement authorities and statement that institutional personnel will assist the student in notifying these authorities.	NO	Although Western Career College informed the campus community where to report a sexual assault incident and who will assist a victim by providing information on available counseling, the document titled: "Sacramento Crime and Awareness and Campus Security" did not specify that a person would assist the victim in notifying the proper authorities.
A notification to students of existing on- and off- campus counseling, mental health or other student services for victims of sex offenses.	NO	Western Career College houses emergency and contact phone numbers in a central location (Library). Although Western Career College disclosed to the campus community that the campus will assist a victim of sexual assault by providing information that counseling is available, the actual counseling services including phone numbers and websites was not listed in the document titled: Sacramento Crime and Awareness and Campus Security"

<p>A notification to students that an institution will change a victim's academic and living situation after an alleged sex offense and options for those changes.</p>	<p>NO</p>	<p>Western Career College provides information to students regarding safety and arrangements to accommodate individuals with medical limitations, information regarding alleged sex offenses was not part of the document titled: "Sacramento Crime and Awareness and Campus Security". As of 2009, Western Career College provides all necessary notifications.</p>
<p>A statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained.</p>	<p>NO</p>	<p>Western Career College distributes information to all students, faculty and staff to keep them informed of school policies and procedures for maintaining campus security. The document titled: "Sacramento Crime and Awareness and Campus Security" did not specify the exact information where one may search for registered sex offenders. As of 2009 the Campus Crimes Prevention Act informs the community of where to check registered sex offenders in Sacramento.</p>

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Comment

CALIFORNIA STATE AUDITOR'S COMMENT ON THE RESPONSE FROM WESTERN CAREER COLLEGE-SACRAMENTO

To provide clarity and perspective, we are commenting on the response from Western Career College-Sacramento (Western Career-Sacramento). The number below corresponds to the number we have placed in the margin of Western Career-Sacramento's response.

Western Career-Sacramento did not provide this information during the audit. During our audit, the executive director for Western Career-Sacramento told us that she did not know why the vehicle theft and arson reported to the institution by the local law enforcement agency were not included in the crime statistics reported to the federal government.

①

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(Agency response provided as text only.)

Western University of Health Sciences
309 East Second Street, College Plaza
Pomona, CA 91766-1854

January 11, 2010

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

Re: Comments on Draft Report Dated January, 2010
California's Postsecondary Educational Institutions:
*More Complete Processes Are Needed to Comply with Clery Act Crime
Disclosure Requirements*

Dear Ms. Howle:

Thank you for giving me with the opportunity to comment on your draft report that was provided to me last Tuesday. WesternU University of Health Sciences (WesternU) is committed to providing its students with a safe learning environment and to keeping students, parents and employees well informed about campus security.

WesternU is further committed to full compliance with the security disclosure requirements of the Clery Act (the Act). In making the required disclosures, WesternU must often exercise its judgment as to how the Act applies to WesternU as an institution, which has many unique characteristics that differ from the majority of educational institutions governed by the Act. For example, WesternU offers graduate education in many of the health professions. Consequently, it provides no student housing on campus and (historically) all of its students are over the age of 21. ①

WesternU's specific comments with regard to your draft report follow.

1. WesternU did not distribute the information from its website or notify students and employees of its availability using proper methods (page 5). ②

The draft report states that WesternU stated it provided the annual security report only to incoming new students and new employees. This statement does not accurately reflect that it is WesternU's current practice to notify all students and employees of the availability of the report by email with a link to the report on the website, which is an allowed method of notification under the Act. Also, although the report later acknowledges (at p. 21) that WesternU provided students and staff notice by email of the availability of the report in late October, 2009, it does not reflect that notification was also sent by email in August, 2009. ③

* California State Auditor's comments begin on page 79.

2. WesternU over-reported or risked over-reporting crimes because it obtained crime statistics from local law enforcement agencies for areas that are not required under the Act (p. 5).

②

Under the regulations governing the Act, WesternU is required to make a reasonable, good faith effort to obtain crime statistics from local law enforcement agencies, and is entitled to rely upon the statistics provided. It is not responsible for the failure of the agency to supply the required statistics.

④

WesternU makes a reasonable, good faith effort to obtain these statistics from its local law enforcement agency, the Pomona Police Department. However, the Police Department is only able to provide information for the local beat (area 5) as a whole, without differentiating the specific property where the crime occurred.

WesternU has included the information provided by the Pomona police in reporting crimes in its annual report, as it is entitled under the regulations. Although WesternU believes that it has properly relied on this information in its crime reporting, WesternU will re-evaluate whether it is appropriate to amend its reporting in subsequent reports to omit this information and to include a statement that the local law enforcement agency is unable to provide crime data for the public property adjoining the campus appropriate to the Clery Act.

3. Security Policies

As reflected in your draft report, WesternU's annual report provides significant information concerning WesternU's security policies. WesternU appreciates your recommendations concerning additional policies and information that should be included in the annual report. WesternU is in the process of updating this information and is committed to making all appropriate additions and changes prior to distribution of the 2010 report.

I wish to express my personal appreciation for your time and assistance in helping WesternU to more fully implement the objectives of the Clery Act.

Sincerely,

(Signed by: Philip Pumerantz)

Philip Pumerantz
President

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM WESTERN UNIVERSITY OF HEALTH SCIENCES

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

We acknowledge Western Health's statement that it is committed to fully complying with the disclosure requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). However, we believe Western Health's "unique characteristics" will have limited impact on changing the applicability of nearly all the 19 policies the Clery Act requires. For instance, simply because Western Health states that it has not historically had students under 21 years old does not mean that a policy regarding the enforcement of underage drinking laws would not be applicable. In California, laws related to underage drinking can also apply to those over age 21. These laws include one stating that any person who provides or causes to be provided any alcoholic beverages to someone under 21 is guilty of a misdemeanor.

①

While preparing our draft report for publication, page numbers shifted. Therefore, the page numbers that Western Health cites in its response do not correspond to the page numbers in our final report.

②

Western Health appears to not understand the context in which we made our statement. As we mention on page 9, we obtained and reviewed relevant supporting documentation related to the 2008 *annual security reports* for the six postsecondary educational institutions (institutions) we visited to determine whether they adequately notified students and employees. These were the latest security reports available when we began our site visits in August 2009. We stated on page 17 that Western Health told us that it provided the annual security report to incoming new students and new employees only. During our visit in August 2009 and in subsequent conversations, Western Health provided no evidence that it properly notified existing students and staff of the availability of its 2008 annual security report. We therefore concluded that it did not inform current students and employees of the report's availability. Finally, on page 18, we mention that Western Health notified students and staff via e-mail that its 2009 annual security report was available on its Web site and provided a link to it.

③

- ④ Western Health's statements in this and the next two paragraphs may lead readers of its response to incorrectly conclude that its inclusion of the crime statistics provided by the local law enforcement agency were appropriate under federal guidance. Federal regulations related to the Clery Act do state that institutions may rely on information provided by local or state police agencies. However, these regulations do not require institutions to report crime statistics for geographic areas beyond that required by the act. We state on page 22 of our report that Western Health told us that a local law enforcement agency provided statistics for an entire "zone" or patrol area around the institution encompassing an area roughly 10 by 12 city blocks. Western Health included these statistics in its 2008 annual report. *The Handbook for Campus Crime Reporting*, issued by the U.S. Department of Education's Office of Postsecondary Education to assist institutions in meeting the requirements of the Clery Act, provides more specific guidance on the steps institutions should take when considering crime information provided to them by local law enforcement agencies. For instance, as we state on page 21, when local police cannot provide a breakdown of statistics specific to reportable Clery Act geographic areas, the handbook suggests that institutions should omit the local police statistics from its report and provide a statement explaining that local police could not provide a breakdown appropriate for Clery Act reporting.

(Agency response provided as text only.)

Chancellor's Office, California Community Colleges
Steve Bruckman
Executive Vice Chancellor/ General Counsel, System Office
January 2010

Dear Elaine Howle,*

First, we would like to thank you for considering our recommendations before publishing your report, "California's Postsecondary Educational Institutions: More Complete Processes Are Needed to Comply with Federal Clery Act Disclosure Requirements."

Within you should find an index of changes made to the printed copy of the report as well as the CD with this cover letter and the index of changes in digital format for your uploading ease. Additionally, we are returning the draft copy to you.

If you wish to contact us for clarification or have a question, please contact Gary Alexander, the Chancellor's Office Assistant, at (916) 445 2949.

Sincerely,

(Signed by: Steve Bruckman)

STEVE BRUCKMAN
Executive Vice Chancellor and General Counsel

* California State Auditor's comments appear on page 83.

Chancellor's Office, California Community Colleges
Steve Bruckman
Executive Vice Chancellor/ General Counsel, System Office
January 2010

Index of changes to "California's Postsecondary Educational Institutions: More Complete Processes Are Needed to Comply with Federal Clery Act Disclosure Requirements."

- ① Page 7:
- ② Second sentence should read "The Chancellor is the chief executive officer appointed by the Board of Governors of the California Community Colleges."
- ③ Fifth sentence should read "The Chancellor's Office informed us that although it currently does not provide any guidance on the Clery Act, providing limited guidance to its community colleges in the future is reasonable."
- ① Page 8:
- ④ First two sentences of the last paragraph should read "To improve compliance among California's community colleges, the Chancellor's Office should provide information to the institutions regarding the Clery Act. This information should suggest reviewing and adhering to currently available Clery Act guidance such as OPE's handbook and tutorial and the UCR handbook."
- ① Page 35:
- ③ Fourth sentence should read "The Chancellors Office informed us that although it currently does not provide any guidance on the Clery Act, providing limited guidance to its community colleges in the future would be reasonable."
- ① Page 36:
- ④ First two sentences of the last paragraph should read "To improve compliance among California's community colleges, the Chancellor's Office should provide information to the institutions regarding the Clery Act. This information should suggest reviewing and adhering to currently available Clery Act guidance such as OPE's handbook and tutorial and the UCR handbook."

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE CALIFORNIA COMMUNITY COLLEGES CHANCELLOR'S OFFICE

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

While preparing our draft report for publication, page numbers shifted. Therefore, the page numbers that the Chancellor's Office cites in its response do not correspond to the page numbers in our final report.

①

Before receiving the response from the Chancellor's Office, we already had made this minor text change as part of our internal editing process.

②

Based on the comment from the Chancellor's Office, we made minor changes to the text on pages 4 and 29.

③

We opted not to make the text changes suggested by the Chancellor's Office. As we point out on page 29 of our report, the California Education Code requires the Board of Governors of the California Community Colleges (board)—of which the Chancellor is the chief executive officer—to provide general supervision over community college districts and to advise and assist the governing boards of community college districts on the implementation and interpretation of state and federal laws affecting community colleges. We believe that providing "direction" falls within the responsibilities described in the code.

④

cc: Members of the Legislature
Office of the Lieutenant Governor
Milton Marks Commission on California State
Government Organization and Economy
Department of Finance
Attorney General
State Controller
State Treasurer
Legislative Analyst
Senate Office of Research
California Research Bureau
Capitol Press