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OFFICE OF THE STATE COMPTROLLER

September 2, 2016

Nancy L. Zimpher, Ph.D.
Chancellor
State University of New York
State University Plaza
Albany, NY 12246

Re: Compliance With the Clery Act
Report 2016-F-4

Dear Dr. Zimpher:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have followed up on the actions taken by officials of the State University of New York (SUNY) to implement the recommendations contained in our audit report, *Compliance With the Clery Act* (Report 2013-S-70).

Background, Scope, and Objectives

Security on college campuses has long been an important issue for students and their families. To address this concern, Congress enacted the Clery Act in 1990, which requires colleges and universities to disclose crime statistics and security policies to help the public make informed decisions when choosing a college for educational or employment purposes.

The Clery Act requires all public and private colleges participating in federal Title IV student financial aid programs to publish an Annual Security Report (ASR) disclosing information about college safety policies and procedures and crime statistics for the three most recent calendar years. Additionally, colleges are required to submit crime statistics to the U.S. Department of Education (DoE) annually.

SUNY, the largest public university system in the United States, consists of 29 State-operated colleges, 30 community colleges, and five statutory colleges (affiliated with private universities) located throughout the State, and a central administrative office (System Administration) located in Albany.

We issued our initial audit report on August 22, 2014. The objectives of the audit were to determine whether: SUNY's 29 State-operated colleges accurately reported crime statistics and published other relevant security and safety-related information required by the Clery Act;

and System Administration provided the colleges with sufficient Clery Act-related guidance and training. The audit covered the period January 1, 2012 through December 31, 2012.

Our initial audit concluded System Administration and the 29 State-operated colleges had improved their compliance with the Clery Act requirements over the years; however, the audit also identified problems at certain SUNY colleges, which could affect the public's ability to accurately assess the safety and security of those colleges and make valid comparisons among colleges. In particular, we determined three of four State-operated colleges we visited published inaccurate crime statistics on their ASRs. We also found 19 of the 29 colleges published ASRs with missing and/or incomplete policy and procedure statements. In addition, 13 of the colleges improperly reported crime statistics to the DoE. We recommended that SUNY take certain steps to enhance compliance with the Clery Act and investigate and correct the errors and discrepancies in the ASR and DoE statistics that were identified in the initial audit.

The objective of our follow-up was to assess the extent of implementation, as of July 31, 2016, of the two recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

SUNY officials made considerable progress implementing the recommendations we made in the initial audit. Of the initial report's two audit recommendations, both were partially implemented.

Follow-Up Observations

Recommendation 1

Take steps to enhance compliance with the Clery Act, including but not limited to:

- *Provide a checklist to assist SUNY colleges in preparing ASRs, including all required policy and procedure statements and reporting requirements.*
- *Periodically compare statistics between the ASR and the DoE website as priorities and resources allow, and follow up with colleges to correct discrepancies.*
- *Have the University Auditor perform more audits of SUNY college compliance with the Clery Act as priorities and resources allow.*
- *Revise SUNY Campus Security Policy and Campus Crime Statistics Reporting procedures to define the extent of the required ASR review.*

Status - Partially Implemented

Agency Action - In our initial audit, we found multiple deficiencies in the colleges' preparation of the ASR, including inaccurate reporting of crime statistics and incomplete reporting of college safety and security policy and procedure statements. We also found discrepancies between the numbers of crimes reported on the ASRs and to the DoE. Since the initial audit, SUNY officials have taken several steps to implement the audit recommendation; however, certain other steps are still needed.

System Administration's Office of the University Auditor (University Auditor) is responsible for assessing university-wide procedural and policy matters, and the various functions, programs, and control systems of the 29 State-operated colleges. In response to the initial audit, the University Auditor compiled and distributed an updated checklist to assist the SUNY colleges in preparing their ASRs. The checklist includes all policy and procedure statements and reporting requirements in accordance with the Clery Act.

The University Auditor conducts audits of SUNY college operations and, in the past, has audited certain colleges' compliance with the Clery Act. The University Auditor last audited compliance with the Clery Act in 2008. To develop its annual audit plan, the University Auditor performs a risk assessment to identify audit priorities. Risks are scored and ranked based on a number of factors. According to the University Auditor, while Clery Act compliance has been evaluated as part of the annual risk assessment, other priorities and limited resources have precluded that office from performing more audits of colleges' compliance with the Act.

System Administration's Office of University Police (University Police) is responsible for comparing crime data reported by the colleges on their ASRs with the crime data shown on the DoE website. However, SUNY officials stated that resource limitations and the prioritization of other policing issues, such as the system-wide introduction of anti-biased enforcement programs and the accreditation of University Police departments, have limited University Police's ability to perform these comparisons. Since our original audit, University Police completed comparisons for eight of the 29 SUNY colleges, and anticipates completing two more by July 2016. Going forward, University Police anticipates completing ten comparisons per year.

The SUNY Campus Security Policy and Campus Crime Statistics Reporting procedures require each State-operated college to submit a digital copy of their published ASR to University Police, and University Police must review them at least every 3 years. University Police reviews the ASRs for general topical content and trends, but does not verify the accuracy of the crime statistics reported. University Police also does limited verifications of ASR statistics against those submitted to DoE. Our initial audit recommended that SUNY revise the procedures to define the extent of the required ASR review.

In their 90-day response to our initial audit, SUNY officials stated they believed the procedures, as written, were adequate and provided flexibility to allow University Police the ability to make the most effective use of its time, while conducting high-level, holistic reviews of Clery Act compliance. Our follow-up review found that SUNY's position has remained unchanged regarding our audit recommendation. Yet, as detailed later in this report (see Recommendation 2, Agency Action), we determined some colleges had not corrected the errors we identified in our initial audit. In particular, errors in ASR crime statistics and discrepancies between ASR crime statistics and those reported on the DoE webpage had not been resolved. As such, we encourage SUNY officials to fully implement our recommendation to better define the extent of the required ASR review.

Recommendation 2

Investigate and correct any errors and discrepancies in the ASR and DoE statistics identified in this report to ensure compliance with the Clery Act.

Status - Partially Implemented

Agency Action - Our initial audit found that three of the four colleges we visited published inaccurate crime statistics on their ASRs. We also found 13 colleges improperly reported crime statistics to DoE. In our follow-up review, we determined System Administration has worked with the colleges to investigate and correct these errors. For instance, one of the three colleges we originally visited corrected all of the crime statistic errors on their 2012 ASR that we identified. However, the other two colleges only corrected some of the crime statistic errors we identified. We also found that nine of the 13 colleges corrected discrepancies between the crime statistics reported on their ASR and those reported on the DoE webpage. However, four colleges did not. Thus, further work is needed to correct the remaining discrepancies.

Major contributors to this report were Dan Towle, Laurie Burns, and Karen Ellis.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. We thank the management and staff of SUNY for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

David Fleming
Audit Manager

cc: Michael Abbott, SUNY
Paul Berger, SUNY
Eileen McLoughlin, SUNY