California State Auditor

May 2018

Clery Act Requirements and Crime Reporting

Compliance Continues to Challenge California's Colleges and Universities

Report 2017-032

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May 10, 2018 2017-032

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 Section 67382 of the Education Code, the California State Auditor (State Auditor) presents this audit report concerning the accuracy of crime statistics compiled and reported by a selection of California postsecondary educational institutions (institutions). This report describes the results of our examination of these institutions' issuance of annual security reports and disclosures of campus security policies required under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

This report concludes that the six institutions we visited did not fully comply with the Clery Act requirements. Four institutions that reported criminal offenses in their recent annual security reports did not do so accurately. These errors were largely attributable to the institutions not maintaining written procedures that clearly outlined their review processes. The remaining two institutions reported no criminal offenses. However, one of these institutions failed to report two serious crimes due to miscommunication with local law enforcement. In addition, the Clery Act and federal regulations require institutions to have specific security policies in place and, in most instances, disclose these policies in their annual security reports; however, just one of the six institutions we reviewed fully complied with these requirements. If institutions do not make all required disclosures, students and other stakeholders may not have the information necessary to make informed decisions about their personal security.

Since the requirement for the State Auditor to audit compliance with the Clery Act was added by statute in 2002, we have conducted six audits of a selection of California's institutions. Because of the similarity of the issues we have identified, we recommended in our previous report—issued in 2015—that the entities that oversee California's public institutions (systemwide offices) issue guidance to improve their institutions' compliance with the Clery Act. As part of our current audit, we reviewed the systemwide offices' implementation of our previous report's recommendations and found that while the California Community Colleges Chancellor's Office has recently issued sufficient guidance, the California State University's Office of the Chancellor and the University of California's Office of the President need to improve certain aspects of their guidance. Without complete guidance at the state level, California's institutions will continue to report inaccurate crime statistics and fail to adequately disclose policies in their annual security reports—misinforming users of the reports and increasing the institutions' risk of incurring federal financial penalties.

Respectfully submitted,

Elaine M. Howle

ELAINE M. HOWLE, CPA
State Auditor

Selected Abbreviations Used in This Report

Clery Act	Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
CSU	California State University
MOU	Memorandum of understanding
OPE	Office of Postsecondary Education
Title IV	Title IV of the Higher Education Act of 1965
U.S. DOE	U.S. Department of Education
UC	University of California
UCOP	University of California Office of the President
VAWA	Violence Against Women Reauthorization Act of 2013

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Summary

According to the U.S. Department of Education, the issue of campus safety is a significant concern to many students and their families when choosing postsecondary educational institutions (institutions). To help inform students and their families about campus safety, the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires all institutions that participate in federal student aid programs under Title IV of the Higher Education Act of 1965 to publish annual security reports disclosing specified campus crime statistics and campus security policies. The Clery Act requires these institutions to report statistics related to certain crimes, which include criminal homicides, sex offenses, robberies, and aggravated assaults, as well as to disclose or have in place a number of policies that address in part how they will respond to and prevent crimes. The Education Code requires the California State Auditor to audit every three years at least six institutions that receive federal student aid to evaluate their compliance with the Clery Act. We selected six institutions and performed audit work related to the accuracy of the crime statistics they reported and the completeness of their disclosures of campus security policies. This report draws the following conclusions:

Four Institutions Did Not Accurately Report Their Crime Statistics

Azusa Pacific University (Azusa), Bakersfield College (Bakersfield), Humboldt State University (Humboldt State), and San José State University (San José State) reported criminal offenses in their 2016 Clery Act crime statistics, but none fully complied with the requirements of the Clery Act and federal regulations. Although the institutions stated that they reviewed the accuracy of their crime statistics and adhered to Clery Act guidance before reporting them, they still had a number of errors in their 2016 annual security reports. These errors included 11 Clery Act crimes that the institutions did not report (underreporting), 25 crimes that they incorrectly reported as Clery Act crimes (overreporting), and six Clery Act crimes that they categorized incorrectly (misreporting). With the exception of Azusa, these institutions did not maintain written procedures that clearly outlined their review processes. Specifically, Bakersfield, Humboldt State, and San José State lacked adequate procedures to count their Clery Act crimes and to review the accuracy of those crime statistics. Azusa, on the other hand, had detailed procedures in place, although we found that it misinterpreted some Clery Act guidance.

Audit Highlights . . .

Our audit of the crime statistics and campus security policies compiled and reported by six California institutions highlighted the following:

- » *None of the institutions we reviewed fully complied with the Clery Act and federal regulations.*
  - *Four institutions reported a significant number of inaccurate crime statistics.*
  - *Of the two institutions that reported no criminal offenses, one failed to report all Clery Act crimes.*
  - *Five institutions failed to fully disclose all of the information that the Clery Act and federal regulations require—a number of the missing disclosures were for policies related to the Violence Against Women Reauthorization Act of 2013.*
  - *The daily crime logs for five of the six institutions were incomplete or not updated.*
- » *Although the systemwide offices for the State's public institutions have undertaken efforts to increase institutions' compliance with the Clery Act, two systemwide offices need to develop more specific direction for their institutions.*

Of the Two Institutions That Reported No Criminal Offenses, One Failed to Report All Clery Act Crimes

Two of the six institutions we reviewed did not report any criminal offenses in 2015 but are located in cities with significant numbers of crimes. When we reviewed these institutions to determine whether they should have reported any crimes under the Clery Act, we found that West Los Angeles College (West LA) accurately reported that it had no criminal offenses in 2015. However, Berkeley City College failed to report two Clery Act crimes that year because of a miscommunication with the local police department. Its agreement with the police department was outdated and did not outline in detail the process for requesting crime statistics.

Five of the Six Institutions We Reviewed Failed to Develop or Disclose All Required Policies

We identified 58 disclosures covering a wide range of topics and specific security policies that the Clery Act and federal regulations require institutions to have in place and, in most instances, include in their annual security reports. When we reviewed the six institutions' 2017 annual security reports, we found that only Azusa fully disclosed all of the information that the Clery Act and federal regulations require. The five other institutions did not fully disclose all required information. For example, all five failed to disclose fully one or more policies regarding campus sex offense programs and procedures. We found that these institutions did not always follow guidance on the Clery Act and relied on incomplete templates to create their annual security reports. In addition, the institutions attributed their lack of compliance to insufficient Clery Act expertise, insufficient training, or oversight.

Five of the Six Institutions We Reviewed Did Not Have Complete or Updated Daily Crime Logs

The Clery Act requires institutions with campus police or security departments to maintain and make available to the public written daily logs of all crimes reported to them. However, our review of the six institutions' daily crime logs found that Azusa, San José State, and West LA did not include all crime reports to which they responded. In addition, Bakersfield, Berkeley City College, and San José State did not update their logs to include crime reports they obtained from local police departments, as the Clery Act requires. All five of these institutions lack detailed procedures for maintaining their daily crime logs, including review processes to ensure the completeness of their crime logs.

To Fully Implement Our 2015 Recommendations, Two Systemwide Offices Need to Improve Certain Aspects of Their Guidance

Our July 2015 report regarding institutions' compliance with the Clery Act concluded that without additional guidance, institutions might continue to report inaccurate crime statistics or fail to adequately disclose security policies in their annual security reports. Therefore, we recommended that the systemwide offices that oversee public institutions in the State issue guidance. In response, the California State University's Office of the Chancellor (CSU Chancellor's Office), the University of California Office of the President (UCOP), and the California Community Colleges Chancellor's Office (Community Colleges Chancellor's Office) issued such Clery Act guidance. Specifically, the CSU Chancellor's Office issued a 2017 executive order that provides strong guidance to its institutions; however, that guidance needs some improvement related to maintaining daily crime logs. Similarly, UCOP recently implemented a systemwide Clery Act policy, but the policy provides only limited guidance to ensure institutions include the required security disclosures. Finally, the Community Colleges Chancellor's Office also only recently implemented its policy, although it contains sufficient guidance to prevent the types of errors we previously identified.

Summary of Recommendations

Institutions

The four institutions that overreported or misreported their crime statistics should develop or strengthen procedures by August 2018 to review and adhere to applicable guidance related to the Clery Act when categorizing the Clery Act crimes they report. In addition, Bakersfield, Humboldt State, and San José State should create written procedures by August 2018 that clearly describe the Clery Act crime identification process they will follow to ensure that they do not underreport crime statistics in their annual security reports. Further, Berkeley City College should update its agreement with the Berkeley police department by August 2018 to ensure that it outlines the process for compiling crime statistics and defines the responsibilities of both parties.

To ensure that they develop and disclose all required policies as the Clery Act and federal regulations require, Bakersfield, Berkeley City College, Humboldt State, San José State, and West LA should review and adhere to applicable guidance related to the Clery Act. In addition, Azusa, Bakersfield, Berkeley City College, San José

State, and West LA should implement detailed procedures by December 2018 for maintaining their daily crime logs to ensure that they are complete and up to date.

Systemwide Offices

By August 2018, the CSU Chancellor's Office and UCOP should fully implement the recommendations we made in our July 2015 report. Specifically, the CSU Chancellor's Office should provide more guidance to its institutions regarding their maintenance of their daily crime logs, and UCOP should include in its policy more detail regarding annual security report disclosures.

Agency Comments

All but one of the six institutions agreed with our recommendations. Azusa disagreed with our specific recommendations pertaining to it, raised concerns with some of our conclusions, and asserted that it has already taken action in other areas. Additionally, the CSU Chancellor's Office, UCOP, and the three community college districts we reviewed agreed with our recommendations.

Introduction

Background

According to the U.S. Department of Education (U.S. DOE), choosing a postsecondary educational institution (institution) is a major decision for students and their families, and along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern. To help inform students and their families about campus safety, the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires all eligible institutions that participate in federal student aid programs under Title IV of the Higher Education Act of 1965 (Title IV) to prepare, publish, and distribute annual security reports disclosing specified campus crime statistics and campus security policies.[1] According to the U.S. DOE, it is committed to assisting schools in providing students nationwide with safe environments in which to learn and to keeping students, parents, and employees well informed about campus security. To this end, the U.S. DOE issued regulations to implement the Clery Act, and its Office of Postsecondary Education (OPE) published *The Handbook for Campus Safety and Security Reporting* (OPE handbook)—which it most recently updated in June 2016—to assist institutions with compliance.

Each institution must distribute its annual security report by October 1 to all enrolled students and current employees. An institution can fulfill this requirement in several ways, including by posting the report to its website and notifying students and employees of its availability. Each institution must also notify prospective students and employees of the report's availability, provide a description of its contents, and establish a means of requesting a copy that it will provide. Further, each institution is required to submit its campus crime statistics to the U.S. Secretary of Education.

Clery Act Requirements

The Clery Act requires institutions to report statistics related to certain crimes, as Appendix A shows. Reportable crimes under the Clery Act include criminal homicides, sex offenses, robberies, and

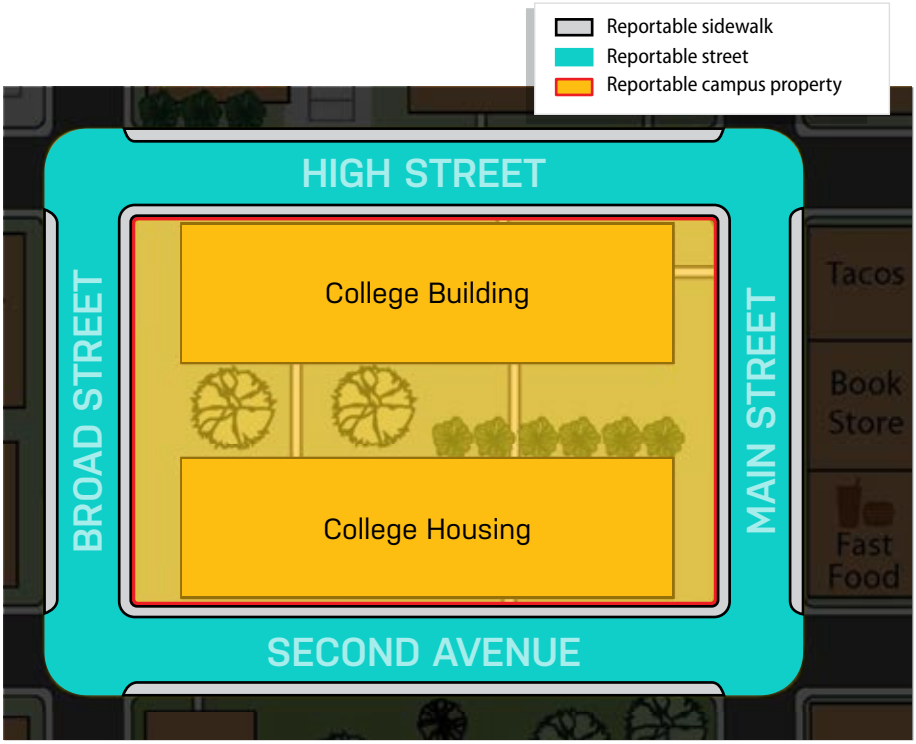
[1] Clery Act requirements apply to institutions that qualify as institutions of higher education, proprietary institutions of higher education, or postsecondary vocational institutions; that are not foreign institutions of education; and that meet other requirements outlined under federal regulations, such as offering fewer than 50 percent of their courses as correspondence courses and not having filed for bankruptcy relief. Title IV, as amended, provides funding to eligible students in the form of Pell grants and other federal student aid, including direct loans.

aggravated assaults. The Clery Act requires institutions to report their statistics related to crimes that occurred within the following specific location categories:

- On campus.
- On-campus student housing facilities.[2]
- In or on noncampus buildings or property, such as off-campus housing, that an institution owns or controls.
- On public property, such as a sidewalk, that is within a campus or immediately adjacent to and accessible from a campus, as we illustrate in Figure 1.

The institutions must annually report these statistics for the most recent and two preceding calendar years for which data are available.

Figure 1
Example of Locations for Which Institutions Must Report Clery Act Crime Statistics



Source: Adapted from the 2016 OPE handbook.

[2] The OPE handbook states that on-campus student housing includes housing for both officially and unofficially recognized student groups, including fraternities or sororities, if the institution owns or controls the housing or if the housing is located on property that the institution owns or controls.

Figure 2 on the following page displays the process for institutions to compile and report their crime statistics. Specifically, the Clery Act requires institutions to disclose statistics related to all Clery Act crimes reported to campus security authorities, who include campus police; individuals who are not campus security authorities but are responsible for campus security, such as monitors at entrances to the institutions or at events; officials who have significant responsibility for student and campus activities; and individuals or organizations that campus security policies identify as responsible for receiving student and employee reports of criminal offenses. The Clery Act also requires institutions to make a reasonable, good-faith effort to obtain and disclose crime statistics from local or state law enforcement agencies.

Additionally, the Clery Act requires institutions to include certain campus policies and procedures in their security reports. The text box gives examples of the types of policies institutions must include, which we refer to as *security policies*. Institutions must also include their procedures for students and others to report criminal actions or other emergencies that occur on campus.

Examples of Security Policies Institutions Must Report Under the Clery Act

- Policies related to the possession, use, and sale of alcohol and illegal drugs.
- Policies related to alcohol and drug abuse education.
- Policies for enforcing federal and state alcohol and drug laws.
- Policies related to dating and domestic violence, sexual assault, and stalking.
- Policies that include certain specified information, such as programs to inform students about campus security procedures and practices and prevention of crimes.

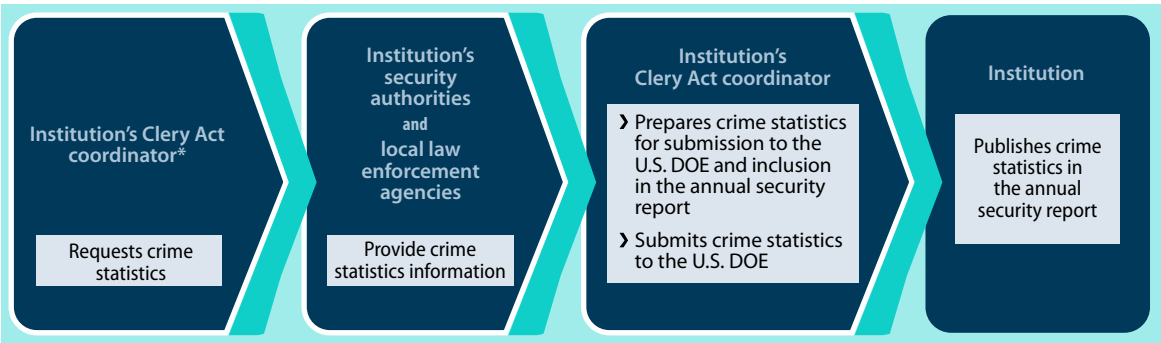
Source: Code of Federal Regulation, Title 34, Section 668.46.

The passage of the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the Clery Act to include additional crimes, conduct, and policies that campuses must report. Under these VAWA provisions, which took effect March 7, 2014, institutions' annual security reports must include policy statements regarding, among other topics, their programs to promote awareness of and prevent domestic violence, dating violence, sexual assault, and stalking, as well as the disciplinary procedures the institutions will follow if they receive reports of such conduct. In addition, VAWA requires institutions to report statistics for reported incidents of domestic violence, dating violence, sexual assault, and stalking. Further, it clarifies requirements for institutional disciplinary procedures, instructs campuses to provide specified education programs for students and new employees, and requires collaboration among the U.S. DOE, the U.S. Department of Justice Office of the Attorney General, and the U.S. Department of Health and Human Services to develop and disseminate best practices for preventing and responding to these incidents.

The U.S. DOE reviews institutions to determine whether they are complying with the requirements of the Clery Act; if it finds that institutions have substantially misrepresented the number, location, or nature of reportable crimes, the institutions may be

subject to financial penalties. According to federal regulations, the U.S. DOE may impose a fine of up to $55,907 for each violation if it determines that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes it should have reported under the Clery Act, as well as the policy disclosures it requires. According to its website, the U.S. DOE issued final determinations on campus crime program reviews of 25 institutions throughout the nation from 2015 through 2017, and it imposed fines on 17 of these institutions. Two of the institutions that received fines are located in California: Occidental College and the Master's University and Seminary. For example, in a September 2017 letter, the U.S. DOE informed Occidental College that it intended to fine the institution $83,000 for failing to comply with the requirements of the Clery Act. In addition to issuing fines, the U.S. DOE may limit or terminate an institution's participation in Title IV financial aid programs.

Figure 2
The Process for Institutions to Compile and Report Crime Statistics Under the Clery Act



Sources: Federal law and regulations and the 2016 OPE handbook.

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

New Requirements Resulting From the Affirmative Consent Law

In 2014 the California Legislature enacted legislation in part to reduce inconsistencies in how institutions apply sexual violence prevention and campus disciplinary standards. According to one legislative committee analysis, the author proposed Senate Bill 967 (SB 967) because sexual violence continued to be a significant problem on college campuses across the country and recent cases raised serious questions about the ability of colleges and universities to provide safe learning environments, particularly for female students. The analysis further stated that the author believed it was necessary to provide colleges and universities with clearer guidance on how to prevent

and respond to sexual assault cases and that the bill would strengthen protections for victims in California by requiring campuses to implement comprehensive prevention programs and victim-centered sexual assault policies and protocols. SB 967 (affirmative consent law) became effective on January 1, 2015.[3]

The affirmative consent law requires the governing board of each California community college district, the California State University (CSU) Board of Trustees, and the governing boards of independent postsecondary California institutions to adopt policies concerning sexual assault, domestic violence, dating violence, and stalking. These entities must adopt these policies to receive state funds for student financial assistance. Further, the affirmative consent law requires that the entities' policies include an affirmative consent standard as part of their disciplinary processes to guide institutions' determinations of whether both parties gave consent to sexual activity.[4] Although the affirmative consent law requires the University of California (UC) Board of Regents to adopt these same policies, a subsequent section of the law states these provisions shall not apply to UC except to the extent that the UC Board of Regents, by appropriate resolution, makes the provisions applicable.

In addition, the affirmative consent law requires that in order to receive state funds for student financial assistance, such as Cal Grants, the systemwide offices must—to the extent feasible—enter into collaborative partnerships or other types of agreements with existing on-campus and community-based organizations to which they can refer students for assistance or through which they can make services available to students addressing sexual violence, domestic violence, dating violence, and stalking. The systemwide offices should also use these agreements to implement comprehensive prevention and outreach programs.

Scope and Methodology

Section 67382 of the Education Code requires the California State Auditor (State Auditor) to report to the Legislature every three years the results of an audit of not fewer than six institutions that receive federal student aid. This law requires the State Auditor to determine the institutions' compliance with the requirements of the Clery Act by evaluating the accuracy of the crime statistics they report and the effectiveness of the procedures they use to identify,

[3] The affirmative consent law added section 67386 to the Education Code. This code was amended with nonsubstantive changes effective January 1, 2016.

[4] *Affirmative consent* is the affirmative, conscious, and voluntary agreement to engage in sexual activity.

gather, and disseminate these data. The State Auditor previously issued audit reports on this subject in December 2003, January 2007, January 2010, October 2012, and July 2015.

To obtain an understanding of the requirements of the Clery Act, we reviewed relevant federal laws and regulations as well as the OPE handbook. Using factors such as institution type, student enrollment, number of crimes reported, and geographic location, we selected six institutions and performed audit work related to the accuracy of their crime statistics and their disclosure of campus security policies. The six institutions we visited and their locations are as follows:

- Azusa Pacific University (Azusa) in Azusa
- Bakersfield College (Bakersfield) in Bakersfield
- Berkeley City College in Berkeley
- Humboldt State University (Humboldt State) in Arcata
- San José State University (San José State) in San José
- West Los Angeles College (West LA) in Culver City

When selecting these six institutions, we deliberately chose two—Berkeley City College and West LA—that had reported no criminal offenses so that we could ensure that they had accurately reported crime statistics as the Clery Act requires.[5] The most recent data available from these two institutions at the time we selected them for review were from 2015.

To evaluate the accuracy and completeness of the crime statistics from the other four institutions, we selected a portion of the most recent crimes they reported and examined each crime's incident report from the institution's security or police department. We also interviewed staff and reviewed relevant supporting documentation related to these crimes. To evaluate the accuracy and completeness of the statistics of the two institutions that reported no criminal offenses, we reviewed crime reports at each institution to identify any reportable crimes under the Clery Act and confirmed whether the institutions obtained crime

[5] These institutions reported no incidents that were classified as criminal offenses for Clery Act purposes in 2015. However, for Clery Act purposes, OPE categorizes and reports drug, liquor, and weapons arrests separately from criminal offenses. Similarly, OPE categorizes VAWA offenses of domestic violence, dating violence, and stalking separately from criminal offenses, so we did not include these offenses and arrests in our selection process of institutions to review that reported no criminal offenses.

information from local police departments. We also reviewed the institutions' crime logs, evaluated their crime reporting processes, and interviewed representatives of local police departments to gain an understanding of the crime situations on and around the institutions.

In addition, we interviewed campus security authorities and knowledgeable staff at the six institutions about their processes for meeting Clery Act requirements, and we reviewed relevant supporting documentation when available to identify the processes they used for collecting crime statistics. Federal regulations permit institutions to trust certain information they receive from outside agencies; specifically, regulations state that institutions "may rely on" information or crime statistics they receive from local and state law enforcement agencies. Therefore, institutions are not required to verify the accuracy of statistics from local law enforcement agencies. We thus focused on the accuracy of the statistics that the institutions generated themselves, and we did not audit the accuracy of the statistics they received from local law enforcement agencies.

To ascertain whether the six institutions adequately disclosed required security policies, we reviewed their most recent annual security reports and interviewed staff. In addition, to determine whether the six institutions adequately disclosed security policies that are not required to be in the annual security reports, we reviewed their websites and relevant documentation they provided to us. To determine whether the institutions adequately notified current and prospective students and employees of the availability of their annual security reports, we reviewed relevant supporting documentation.

As part of our 2015 audit, we conducted a survey and received responses from certain institutions that indicated they had not fully complied with the Clery Act's requirements.[6] For this current audit, we followed up with 17 institutions that had previously indicated that they did not post their annual security reports on their websites and/or failed to notify their communities of the availability of their annual security reports. We reviewed the 17 institutions' websites and other documentation to determine whether they had become fully compliant with these Clery Act requirements. We also followed up on the status of recommendations we made in our July 2015 report to each of the systemwide offices: the California Community Colleges Chancellor's Office (Community Colleges Chancellor's Office), the CSU Office of

[6] In our 2015 report, we surveyed 79 campuses that we identified as having student enrollments of 500 or more and that had reported no criminal offenses to OPE for 2013.

the Chancellor (CSU Chancellor's Office), and UC Office of the President (UCOP). Finally, we assessed the extent to which the CSU Chancellor's Office, UCOP, and the three districts of the community colleges we visited complied with the relevant provisions of the Education Code, including the affirmative consent law.

Audit Results

Four Institutions Did Not Accurately Report Their Crime Statistics

None of the four institutions we visited that reported criminal offenses—Azusa, Bakersfield, Humboldt State, and San José State—fully complied with the requirements of the Clery Act and federal regulations. All four institutions reported statistics that were inaccurate to varying degrees, and all but Azusa failed to report certain crimes. Table 1 shows the Clery Act crimes that these four institutions reported for 2016, the latest year included in their 2017 annual security reports.[7] To determine whether they reported Clery Act crimes accurately, we tested the information on 15 to 30 of the Clery Act crimes that each institution reported for 2016.[8] To determine whether the institutions failed to include Clery Act crimes in their annual security reports, we reviewed 30 additional crimes that occurred at each institution.

Table 1
Four Institutions' Enrollment and Their Reported Clery Act Crime Statistics for 2016

	INSTITUTION			
	AZUSA	BAKERSFIELD	HUMBOLDT STATE	SAN JOSÉ STATE
Enrollment	**10,020**	**22,466**	**8,503**	**32,154**
Clery Act Criminal Offenses				
Aggravated assault	1	–	2	12
Arson	–	2	1	5
Burglary	48	13	2	32
Motor vehicle theft	10	18	–	28
Murder and nonnegligent manslaughter	–	–	–	–
Manslaughter by negligence	–	–	–	–
Robbery	–	1	–	9
Rape*	3	1	6	6
Fondling*	2	–	1	22
Incest*	–	–	–	–
Statutory rape*	–	–	–	2
Subtotals	**64**	**35**	**12**	**116**

continued on next page . . .

7 For the number of Clery Act crimes these institutions reported for 2014 and 2015, see Appendix B.

8 We based the number of crimes we reviewed on the total Clery Act crimes that each institution reported. We selected 15 percent of Clery Act crimes that each institution reported, but not less than 15 crimes or more than 30 crimes.

	INSTITUTION			
	AZUSA	BAKERSFIELD	HUMBOLDT STATE	SAN JOSÉ STATE
Clery Act VAWA Offenses				
Domestic violence	1	3	–	15
Dating violence	1	2	1	10
Stalking	6	3	1	8
Subtotals	**8**	**8**	**2**	**33**
Clery Act Hate Crimes				
Hate crimes	–	2	2	4
Clery Act Arrests				
Drug abuse arrests	7	–	–	159
Liquor law arrests	–	–	–	63
Weapons law arrests	–	1	6	22
Subtotals	**7**	**1**	**6**	**244**
Clery Act Disciplinary Actions				
Drug abuse disciplinary actions†	28	–	174	44
Liquor law disciplinary actions	122	2	100	229
Weapons law disciplinary actions	10	–	9	–
Subtotals	**160**	**2**	**283**	**273**
Clery Act Unfounded Crimes				
Unfounded crimes	2	1	2	–
Totals	**241**	**49**	**307**	**670**

Sources: The 2016 crime statistics each institution reported in its 2017 annual security report and the Community Colleges Chancellor's Office's fall 2016 student count, the CSU's fall 2016 enrollment, and Azusa's October 2016 enrollment.

Note: The crime statistics shown do not reflect any adjustments for the errors we found in our testing of 2016 crime statistics.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security reports: rape, fondling, incest, and statutory rape. Before July 2015, institutions reported these four sex offenses under two categories: forcible and nonforcible sex offenses.

† Institutions must report statistics for violations of drug laws that result in students being referred for disciplinary action. For example, if a student is found with an illegal drug substance on campus and is referred for discipline instead of being arrested, the institution would include this as a drug abuse disciplinary action.

Our review found that the four institutions reported a significant number of inaccurate crime statistics. As Table 2 shows, we found a total of 42 reporting errors, including 11 Clery Act crimes that the institutions did not report (underreporting), 25 crimes that they incorrectly reported as Clery Act crimes (overreporting), and six crimes that they categorized incorrectly (misreporting). When institutions inaccurately report crime statistics, interested parties—such as current and prospective employees and students—may draw incorrect conclusions about safety on campus.

As Table 2 shows, Bakersfield, Humboldt State, and San José State did not report all of the crimes the Clery Act requires. For example, Humboldt State did not report when a suspect intentionally committed arson, San José State did not report when an individual was in possession of a stolen vehicle, and Bakersfield failed to report a robbery. The institutions acknowledged their errors in underreporting these specific incidents. For instance, Bakersfield's Clery Act coordinator informed us that he did not report the robbery because he forgot to request statistics from Bakersfield's local law enforcement agency. According to the Clery Act coordinator, Bakersfield does not have an established procedure or written agreement with the local law enforcement agency to collect statistics. He acknowledged that a detailed memorandum of understanding (MOU) with the local law enforcement agency would help clarify responsibilities between the two entities, and he also created a calendar notification as a reminder to request the necessary information in future years.

Table 2
Errors in the Clery Act Crime Statistics Four Institutions Reported for 2016

	INSTITUTION				
	AZUSA	BAKERSFIELD	HUMBOLDT STATE	SAN JOSÉ STATE	TOTAL
Total Clery Act crimes reported for 2016	241	49	307	670	**1,267**
Total number of crimes we tested*	60	47	45	60	**212**
Total reporting errors we identified	7	14	7	14	**42**
Underreporting: Clery Act crimes not included in annual security report					**11**
Clery Act crime was not reported	–	3	2	4	**9**
Criminal act was not included in all of the required crime categories	–	1	1	–	**2**
Overreporting: Crimes erroneously reported as Clery Act crimes					**25**
Criminal act was not a Clery Act crime	2	8	3	3	**16**
Crime did not occur in a Clery Act location†	5	1	1	2	**9**
Misreporting: Clery Act crimes reported incorrectly					**6**
Crime reported as the wrong type of Clery Act crime	–	–	–	3	**3**
Location reported as the wrong type of Clery Act location†	–	1	–	2	**3**

Source: California State Auditor's analysis of the Clery Act crime statistics the four institutions reported for 2016.

* To determine whether the institutions reported Clery Act crimes accurately, we tested the information on 15 to 30 of the Clery Act crimes each institution reported for 2016. To determine whether the institutions failed to report crimes that they should have reported, we reviewed 30 additional crimes at each institution.

† The Clery Act requires institutions to disclose where Clery Act crimes occurred using four location categories: on-campus, on-campus student housing facilities, on public property within or immediately adjacent to the campus, and in or on noncampus buildings or property that the institution owns or controls.

Crime Categories for Reporting Clery Act Crime Statistics

1. Criminal offenses are incidents of murder, manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson.
2. Hate crimes are any Clery Act criminal offenses or any incidents of larceny-theft; simple assault; intimidation; or destruction, damage, or vandalism of property that are motivated by bias.
3. VAWA offenses are incidents of domestic violence, dating violence, and stalking.
4. Arrests and referrals for disciplinary action are violations that involve drugs, liquor, and weapons laws.

Source: OPE handbook, 2016 edition.

Moreover, Bakersfield and Humboldt State each underreported one crime that they should have included in multiple Clery Act crime categories. According to the OPE handbook, institutions should count crimes more than once under certain circumstances to help to fully inform stakeholders of all types of criminal activity affecting safety. As the text box shows, Clery Act crimes fall within four categories of offenses: criminal offenses, hate crimes, VAWA offenses, and arrests and referrals for disciplinary action. When a crime can be included in more than one of these categories, the OPE handbook directs institutions to count them in each applicable category. For example, Bakersfield accurately reported as a criminal offense a rape committed by a victim's former boyfriend; however, it failed to also report the incident as a VAWA offense. According to Bakersfield's Clery Act coordinator, he did not understand that he was required to count criminal and VAWA offenses separately. Similarly, although Humboldt State accurately reported a robbery involving an imitation assault rifle—which is illegal on university grounds—as an on-campus weapons arrest, it did not also report the incident as a robbery. Humboldt State's Clery Act coordinator acknowledged her oversight in omitting this statistic. By not reporting crimes accurately within all of the appropriate Clery Act categories, the institutions understated the types of crimes that occurred on their campuses.

In addition, as Table 2 shows, some of the errors we noted involved overreporting crimes. For example, Humboldt State erroneously reported a petty theft as an *unfounded crime*, which the OPE handbook defines as a crime that was false or baseless. According to the OPE handbook, an institution should only report an unfounded crime when it meets all of the following conditions: the crime was reportable under the Clery Act, it occurred in a Clery Act location, it was thoroughly investigated by sworn or commissioned law enforcement personnel, and the investigation found the report of the crime to be false or baseless. Because petty theft does not meet the definition of a Clery Act-reportable crime, Humboldt State should not have reported this incident, which the Clery Act coordinator at Humboldt State subsequently acknowledged as an oversight.

Additionally, all four institutions overreported crimes by reporting crimes that did not occur within Clery Act locations, which we define in the Introduction. For example, Azusa should not have reported five crimes that occurred during a conference held at another private institution. According to the OPE handbook, institutions should only include crimes in their noncampus

statistics when the institutions own or control the locations where the crimes reportedly occurred. Because Azusa did not lease or own the location of the conference, it should not have reported these crimes. Azusa's Clery Act coordinator explained that he believed Azusa had rented or controlled the location of the conference. However, that was not the case, and the private institution that owned the location demonstrated to us that it included these crimes in its own crime statistics.

Finally, Table 2 shows that Bakersfield and San José State misreported some crimes by inaccurately reporting the locations where they occurred or by reporting them in the incorrect Clery Act crime categories. For example, because a crime occurred in a campus parking area that San José State owns, the institution should have reported the crime as occurring in an on-campus location; however, it misreported that the crime occurred on public property. Although San José State's Clery Act coordinator acknowledged our interpretation of the reporting requirement, he explained that a U.S. DOE analyst informed him that San José State should report all crimes that occur in its parking structures as occurring on public property. However, the OPE handbook directs institutions to report crimes as occurring in on-campus Clery Act locations if they occur in locations the institutions own and control that are reasonably adjacent to their main campuses.

The fact that all four institutions had errors in their reporting of crimes suggests they need to improve their processes for reviewing crime statistics.

Although the four institutions informed us that they take steps to review the accuracy of their crime statistics and to adhere to Clery Act guidance, the fact that they all had errors in their reporting of crimes suggests the need for them to improve their processes. For example, the Clery Act coordinator at Humboldt State explained that she reads every crime report that the university police department creates, determines if the incidents are Clery Act crimes, records the case numbers of the Clery Act crimes in a monthly generated list, then totals the Clery Act crime statistics at the end of the year. However, Humboldt State—like San José State and Bakersfield—still failed to report a number of crimes. In contrast to the other institutions, Azusa did not underreport any Clery Act crimes, likely as a result of its thorough review process, although it did overreport some crimes as previously noted. Specifically, when Azusa creates its crime reports, it attaches a cover page to each that identifies whether the crime is reportable under the Clery Act and, if it is, describes the type of crime and why it is reportable. Subsequently, three different security personnel review the cover page, with the lieutenant who is responsible for the institution's Clery Act reporting conducting the final review. The lieutenant records in a tracking spreadsheet the crimes that are reportable under the Clery Act and uses it to generate Azusa's annual security report. We identified Azusa's process as a best practice to help ensure institutions do not underreport their Clery Act crimes.

Institutions could increase their compliance with the Clery Act by establishing and following written procedures to ensure that they thoroughly review the accuracy of the crime statistics they include in their annual security reports. The four institutions informed us that they perform some review of their crime statistics; however, at the time of our audit, only one—Azusa—had written procedures that described in detail its review process. After we notified the other institutions of this shortcoming, they stated they would develop written procedures and explained some actions they had already taken or planned to take to improve the accuracy of their Clery Act reporting. San José State's Clery Act coordinator informed us that he now reviews crime reports after their creation to identify whether the crimes are reportable under the Clery Act; he also meets monthly with certain campus personnel to verify he is not missing any Clery Act crimes. He stated that in previous years, he had reviewed all of the crime reports at one time to determine whether the crimes were reportable, which was overwhelming given his full-time duties as a captain on the university's police force. Further, San José State's vice president of finance and administrative services explained that the institution intends to hire a full-time Clery Act director as soon as possible. Similarly, Humboldt State officials informed us that the institution had appointed a Clery Act director and created a Clery Act compliance team that now meets on a monthly basis to review Clery Act crime statistics for accuracy. Finally, the director of Bakersfield's department of public safety informed us that the institution plans to notify its community of the reporting errors we identified in its crime statistics. Additionally, the fact that Azusa overreported some crimes leads us to conclude that its procedures for categorizing crimes could be stronger. Without written procedures that clearly describe their review processes, institutions are less likely to review their crime statistics adequately and consistently each year.

Without written procedures that clearly describe their review processes, institutions are less likely to review their crime statistics adequately and consistently each year.

Of the Two Institutions That Reported No Criminal Offenses, One Failed to Report All Clery Act Crimes

Although two of the institutions we reviewed reported that no criminal offenses occurred in 2015 on their campuses, we determined that one of these institutions did so incorrectly. In our 2012 and 2015 audit reports regarding institutions' compliance with the Clery Act, we surveyed a selection of institutions that had participated in certain federal financial aid programs and had reported no criminal offenses. The 2015 survey asked whether the institutions adhered to various Clery Act requirements, such as requesting information about crimes from off-campus entities and making their students and employees aware of their security policies and annual crime statistics. For our current audit, we identified 250 institutions in California that reported no 2015 criminal offenses, and we performed an in-depth analysis of two of these institutions to determine whether they had met Clery Act requirements. We

selected Berkeley City College and West LA, in part because both institutions have enrollments of more than 5,000 students and are located in cities with significant numbers of reported crimes. Consequently, we expected that these institutions would have experienced some amount of criminal activity that would be reportable under the Clery Act. Although West LA accurately reported no criminal offenses, we found that Berkeley City College failed to report two Clery Act crimes: an incident of rape and an incident of stalking, both of which occurred on or around the Berkeley City College campus.

Berkeley City College's 2017 annual security report did not include the two crimes because Peralta Community College District (Peralta), of which Berkeley City College is a member, did not adequately obtain Clery Act crime statistics from the Berkeley Police Department (Berkeley Police). According to Peralta's vice chancellor of general services, Peralta is responsible for creating a consolidated annual security report for the district, which includes collecting crime statistics from local law enforcement agencies for its colleges. Because Berkeley City College operates under a contract that Peralta has with a private security company that is not a law enforcement agency, the Berkeley Police responds to crimes on its campus. Although the Berkeley Police responded to the two incidents in question and processed the crime reports, Peralta did not include these crimes in Berkeley City College's statistics. According to the Berkeley Police crime analyst responsible for compiling Clery Act crimes, the last time she received a request pertaining to Berkeley City College for Clery Act-related crime statistics was in 2013. We determined that Peralta requested the crime statistics from the wrong operational area of the Berkeley Police, faxing its request to the department's records division rather than to the crime analyst. As a result, Peralta did not include the two crimes in Berkeley City College's annual security report.

The Clery Act requires that all applicable institutions issue timely warnings for certain Clery Act crimes that they consider to represent serious or continuous threats to students and employees.

Additionally, the Clery Act requires that all applicable institutions issue timely warnings for certain Clery Act crimes that they consider to represent serious or continuous threats to students and employees, an example of which could be a rape on or near the institution's property. However, because it was not aware of the rape incident that it did not report, Berkeley City College was not able to issue a timely warning to its students and employees. If Peralta had requested the Clery Act crimes from the crime analyst, it would not have underreported the rape and stalking incidents for 2015, and it could have ensured students and employees received timely alerts of these crimes.

Peralta did not have a clear understanding of where to direct its request for crime statistics because its MOU with the Berkeley Police is significantly out of date and lacks specific procedures

for sharing crime statistics. The Education Code requires each community college governing board to adopt rules requiring its respective institutions to create and make available to the public written agreements with local law enforcement agencies regarding operational responsibilities. Although Peralta entered into the written agreement on behalf of Berkeley City College, its most recent MOU with the Berkeley Police became effective in July 1999—nearly 20 years ago. The MOU contains outdated points of contact and addresses, and it outlines the process for requesting crime statistics at a very high level only. According to Berkeley City College's director of business and administrative services, the institution did not update the MOU because it did not identify a need to do so. However, an updated MOU between Peralta and the Berkeley Police would clarify and detail the process for requesting Clery Act crime statistics from the Berkeley Police, thereby enabling the district to avoid underreporting errors in the future. Peralta's vice chancellor of general services informed us that he would ideally like to update the MOU annually, or at least every three years.

In contrast, we found that West LA accurately reported no criminal offenses for 2015. Unlike Berkeley City College's use of a private security company, West LA has a Los Angeles County Sheriff's Department (LA Sheriff's Department) substation on its campus that is responsible for the campus's general law enforcement and security services. The LA Sheriff's Department is also responsible for compiling and reporting West LA's Clery Act crime statistics, a task that one of its crime analysts performs. We examined West LA's crime reports and its communications with the nearby Culver City Police Department—the only local law enforcement agency that is close to West LA's campus—and did not identify any errors in its 2015 statistics. The accuracy of this information may be due to the experience of the deputy sheriffs on campus, who have received Clery Act training that the private security guards at Berkeley City College do not receive. The involvement of the LA Sheriff's Department in responding to potential crimes and in compiling and reporting crime statistics has likely minimized the probability of errors, thus allowing current and prospective students and employees an accurate understanding of campus safety.

We identified 58 policies that federal law and regulations require institutions to have in place and, in most instances, disclose in their annual security reports.

Five of the Six Institutions We Reviewed Failed to Develop or Disclose All Required Policies

When we reviewed the 2017 annual security reports for the six institutions we visited, we found that only Azusa had fully disclosed all of the information that the Clery Act and federal regulations require. We identified 58 policies that federal law and regulations require institutions to have in place and, in most instances, disclose in their annual security reports. For example,

institutions are required to develop and include statements of policy in their annual security reports addressing their procedures for disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking. As Table 3 shows, Azusa was not missing any disclosures and did not have any incomplete disclosures, whereas Berkeley City College had 13 disclosures that were missing or incomplete. Appendix C lists all of the disclosure requirements and identifies whether the institutions we visited fulfilled them.

Table 3
Missing or Incomplete Clery Act Disclosures by Institution

INSTITUTION	QUANTITY	PERCENTAGE*
Azusa	–	0%
Bakersfield	6	10
Berkeley City College	13	22
Humboldt State	5	9
San José State	7	12
West LA	3	5

Sources: California State Auditor's analysis of the institutions' policies and 2017 annual security reports.

* We identified 58 policies that federal laws and regulations require institutions to have in place and, in most instances, disclose in their annual security reports.

A number of the institutions' missing disclosures related to VAWA policies. Specifically, we identified that VAWA added 12 policy statements, effective March 2014, that institutions must include in their annual security reports. These policies fall into three areas: campus law enforcement and crime prevention, campus sex offense programs and procedures, and processes used in cases involving alleged sex offenses. In our 2015 report, we found that five of the six institutions we reviewed failed to disclose fully at least one of these 12 VAWA policies. We concluded that these omissions might have occurred in part because VAWA had only recently required institutions to disclose these policies and institutions might not yet understand fully the disclosure requirements. However, our current review of six different institutions also found that most failed to disclose fully the required VAWA policies. As Table 4 on page 23 shows, only Azusa included all the required VAWA policy statements in its annual security report, while the other five institutions each failed to disclose fully two or more of the 12 VAWA policies. Representatives from the five institutions shared that they did not intentionally omit these VAWA-specific disclosures in their annual security reports. However, given that the institutions created these 2017 annual security reports three years after VAWA's enactment, we believe that they had adequate advance notice to ensure they included all necessary VAWA disclosures.

Categories of Policies and Processes Institutions Must Develop and Disclose

- Requirements concerning annual reports and access to campus.
- Policies concerning daily crime logs and crime reporting.
- Policies concerning campus law enforcement and crime prevention.
- Policies concerning illegal drugs and alcohol.
- Policies regarding campus sex offense programs and procedures.
- Policies regarding sexual violence prevention and education.
- Policies regarding processes for cases of alleged sex offenses.
- Policies regarding campus emergency response and evacuation procedures.
- Processes for when students are reported missing.

Sources: California State Auditor's analysis of the Code of Federal Regulations, Title 34, Section 668.46, and United States Code, Title 20, Section 1092(f).

Further, none of the institutions—with the exception of Azusa—fully provided descriptions of a number of other security policies and processes that the Clery Act and federal regulations require. These policies and processes fall into nine categories, as the text box shows. None of the five institutions fully disclosed all policies regarding campus sex offense programs and procedures. For example, Berkeley City College, San José State, and West LA failed to fully disclose descriptions of educational programs that promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. Further, Bakersfield, Berkeley City College, and San José State did not disclose certain policies regarding campus emergency response and evacuation procedures: each omitted a statement about documenting emergency tests, such as campus evacuations, by including descriptions of the exercises, their dates and times, and whether they were announced.

Two of the institutions that did not have or publish certain Clery Act policies—Humboldt State and San José State—are universities in the CSU system and use an annual security report template that the CSU's Chancellor's Office developed; however, we found this template to be incomplete. For instance, the template does not include information on avoiding potential attacks and recognizing warning signs of abusive behavior. Consequently, when providing descriptions of its programs in its 2017 annual security report, San José State failed to disclose information on risk reduction and on safe and positive options for bystander intervention. In addition, the template does not include a policy statement on processes to test the institutions' emergency and evacuation procedures. That policy statement must disclose that tests may be announced or unannounced and that the institution will publicize its emergency response and evacuation procedures at least once per calendar year. The CSU's assistant vice chancellor of strategic initiatives and support services stated that the CSU Chancellor's Office is revising its template to ensure it is current by working with its legal department, an internal Clery Act expert, and the Clery Center—a national nonprofit organization that is dedicated to helping institutions meet the standards of the Clery Act. The CSU Chancellor's Office expects to complete the template revisions after its review in consultation with its legal counsel. Regardless of the completeness of the template, institutions in the CSU system are responsible for disclosing the required policy statements in their annual security reports.

Similarly, three of the institutions that did not provide all required policy disclosures are community colleges that rely on their districts' assistance in creating their annual security reports. Although the Clery Act requires institutions to have these policies in place, California's community college districts are overseen by boards of trustees, which establish policies for all of the institutions in their districts. Two of the districts for the institutions we reviewed have created their own templates for the annual security reports and provided them to their institutions for development of their annual security reports. For example, West LA uses a template that the Los Angeles Community College District developed. West LA's vice president of administrative services told us that the district's template is a useful resource even though it is not comprehensive. She noted that West LA, along with other campuses in the district, has advocated for additional resources from the district for Clery Act compliance because the institution does not have a designated Clery Act coordinator, and she explained that the district is currently working on providing additional resources to its campuses, including West LA. Similarly, Bakersfield also uses a template that its district, Kern Community College District, created in 2015. Kern Community College District's risk manager explained that the template has been a productive use of district and campus resources, given the limited resources at the campuses to create their own reports. Nevertheless, these templates did not prevent the institutions from omitting policies required by the Clery Act from their annual security reports.

Table 4
Compliance With VAWA Policy Disclosure Requirements by Institution

		INSTITUTIONS AND NUMBER OF REQUIRED POLICIES THEY INCLUDED IN THEIR 2017 ANNUAL SECURITY REPORTS					
TYPE OF REQUIRED VAWA POLICIES	TOTAL REQUIRED POLICIES	AZUSA	BAKERSFIELD	BERKELEY CITY COLLEGE	HUMBOLDT STATE	SAN JOSÉ STATE	WEST LA
Policies concerning campus law enforcement and crime prevention	1	1	1	1	1	1	1
Policies regarding campus sex offense programs and procedures	6	6	5	5	4	3	4
Policies regarding processes for cases of alleged sex offenses	5	5	3	2	4	5	5
Total fully disclosed		**12**	**9**	**8**	**9**	**9**	**10**
Total not fully disclosed		**–**	**3**	**4**	**3**	**3**	**2**

Sources: California State Auditor's analysis of the six institutions' 2017 annual security reports and revisions to United States Code, Title 20, Section 1092(f) as a result of VAWA (Public Law 113-4).

Note: We identified that VAWA added 12 policy statements, effective March 2014, that institutions must include in their annual security reports.

In contrast, Berkeley City College does not produce its annual security report; rather, as we describe previously, Peralta creates an annual security report that includes Berkeley City College along with the district's other three institutions. When we informed Peralta's vice chancellor of general services that the district did not include all of the policies required in its 2017 annual security report, he explained that there is a lack of sufficient training to ensure district staff have a comprehensive understanding of the requirements for the reports. He also noted that in 2012 Peralta replaced its former general counsel, who was responsible for ensuring that all policies were included in the reports, with contracted counsel who does not perform this service. The vice chancellor of general services stated that he is planning to have staff at Berkeley City College and Peralta's other institutions attend Clery Act training in 2018. To ensure similar omissions do not occur in the future, Berkeley City College should review the policies pertaining to it that are contained in the annual security reports that Peralta prepares.

The missing and incomplete policy disclosures among the five institutions' annual security reports impede students and other stakeholders from being able to compare campus safety at different institutions.

The five institutions informed us that they would address the missing and incomplete policy disclosures in future annual security reports and implement those policies not currently in place. For example, Berkeley City College's president plans to collaborate with Peralta's vice chancellor of general services to address the missing policies. Further, Humboldt State's chief of police expressed that Humboldt State is dedicated to ensuring full compliance with Clery Act requirements and that it will update its current annual security report to address the issues we identified. The missing and incomplete policy disclosures among the five institutions' annual security reports impede students and other stakeholders from being able to compare campus safety at different institutions. For example, VAWA policies help ensure that victims of sexual violence have access to adequate treatment and information regarding support services, but institutions' failure to disclose VAWA policies may result in victims being unaware that the services are available. Moreover, institutions that fail to make these disclosures risk incurring federal financial penalties, as we describe in the Introduction.

Of the six institutions, only Azusa fully complied with the Clery Act in 2017 by ensuring that it included all of its policies and procedures in its annual security report, fully disclosed all VAWA policies in its report, and had in place the needed policy disclosures outside of the annual security report. Azusa's compliance likely can be attributed to the fact that it has taken ownership for creating its own annual security report, which includes fully understanding the Clery Act's requirements, rather than relying on another entity to prepare the report or provide it with a template to use for preparing the report. Further, Azusa's Clery Act coordinator informed us that

as part of his annual preparation of the report, he follows guidance from the OPE handbook to ensure that the university is aware of all applicable Clery Act policies, procedures, and disclosures. The OPE handbook provides a comprehensive checklist of the policies that institutions must include in their annual security reports.

Five of the Six Institutions We Reviewed Did Not Have Complete or Updated Daily Crime Logs

The Clery Act requires institutions with campus police or campus security departments to maintain written daily crime logs of all crimes reported to them, including both Clery Act crimes and crimes that are not reportable under the Clery Act, such as petty theft. The institutions must enter all crimes in the logs within two business days of the reports being made to the campus police or security departments, unless disclosure of such information is prohibited by law or would jeopardize the confidentiality of the victims. According to the OPE handbook, the institutions must make these daily crime logs available on campus for public inspection in either hard-copy or electronic format for the most recent 60-day period. However, we found problems with the daily crime logs of five of the six institutions we reviewed.

Berkeley City College did not maintain a crime log until June 2017 because it did not have a policy for doing so. Its director of business and administrative services could not explain the absence of the crime log and indicated that in the past, the institution collected incident reports in a binder. Berkeley City College does not use a records management system, and it does not have a policy related to the required daily crime log. The institution's agreement with its security company does not make any references to a crime log or an obligation of the security company to maintain one. According to the institution's current security supervisor, who began working at the campus in June 2017, he took the initiative to create the daily crime log based on his previous experience in law enforcement and his familiarity with the Clery Act's requirements. However, the campus community at Berkeley City College did not have access to a daily crime log until that time. When institutions do not maintain daily crime logs, members of their communities cannot obtain up-to-date information about crimes that could affect them unless the institution distributes a notification.

When institutions do not maintain daily crime logs, members of their communities cannot obtain up-to-date information about crimes that could affect them unless the institution distributes a notification.

Although Azusa, San José State, and West LA maintained crime logs, each of their logs was missing at least one crime. As part of our review of a selection of the crimes that each institution included in its annual security report, we determined whether the institution had recorded those crimes in its daily crime log. The daily crime logs at Bakersfield and Humboldt State included all of the incidents

we reviewed. In contrast, West LA erroneously excluded one of the 15 crimes we reviewed—a reported domestic violence case from January 2016—from its log. An LA Sheriff's Department sergeant could not explain why the log did not include that case. Similarly, Azusa's daily crime log did not include two of the 30 crimes we reviewed.[9] Azusa's communications supervisor for the department of campus safety stated that an issue with an old record-keeping program caused the omission of one incident, which involved stalking. Azusa's Clery Act coordinator noted that he did not consider the second incident, which involved trespassing, to be a crime; in other words, he did not believe that there was enough evidence to support the inclusion of this incident in the daily crime log. However, given that the crime report states that Azusa discovered clothing and cannabis residue at the scene of the reported crime, we believe sufficient evidence exists that someone entered and occupied the building in question without the consent of the institution. San José State also inadvertently failed to include one of the 30 crimes we reviewed—a reported battery case from November 2016—due to human error.

Azusa, San José State, and West LA do not use their automated record-keeping systems to maintain their crime logs, which may have contributed to each missing at least one entry from its log. At Bakersfield and Humboldt State, the institutions' law enforcement or public safety departments use records management systems to track all crime reports, and these systems automatically populate their crime logs. In contrast, Azusa, San José State, and West LA use manual processes. Further, although Azusa and West LA have procedures for updating their daily crime logs, these procedures do not require secondary reviews to ensure that staff have appropriately updated the logs. San José State has procedures that require a secondary review; however, according to the Clery Act coordinator, it experienced a human error during a manual update of the log. Until these institutions either implement automated connections between their records management systems and crime logs or require secondary reviews of crime log entries, they risk not complying with the Clery Act.

Three institutions did not update their crime logs to include crime reports from their local police departments as the Clery Act requires.

Finally, three institutions—Bakersfield, Berkeley City College, and San José State—did not update their crime logs to include crime reports from their local police departments as the Clery Act requires. The Clery Act requires that institutions log reported crimes regardless of how much time has passed since the crimes occurred, and it also requires institutions to make a reasonable, good-faith effort to obtain crime statistics from local police

[9] As we previously discuss, we reviewed between 15 and 30 crimes at each institution, with the exact number dependent on the total number of crimes the institution reported in 2016.

departments at least once a year, when compiling their crime statistics. Therefore, institutions must update their crime logs with crimes they learn about from local police departments. Azusa, Humboldt State, and West LA included in their crime logs crimes reported by their local law enforcement agencies, or the agencies did not report any additional crimes. However, Bakersfield, Berkeley City College, and San José State lacked procedures directing their staff to include such crimes in their daily crime logs. As a result, although San José State and Peralta—on behalf of Berkeley City College—requested crime reports from local law enforcement agencies to include in their Clery Act crime statistics, neither institution entered those crimes in their crime logs. Specifically, for the most recent year we reviewed, Berkeley City College did not include two crimes in its crime log, and San José State did not include 332 crimes in its crime log. Further, although Bakersfield's Clery Act coordinator indicated that he had updated the institution's crime log with information from the local law enforcement agency in the past, he forgot to do so in 2016 and missed one crime. The incomplete crime logs for Bakersfield, Berkeley City College, and San José State raise concerns about the thoroughness of information that these institutions provide when students and employees request information on reported crimes.

To Fully Implement Our 2015 Recommendations, Two Systemwide Offices Need to Improve Certain Aspects of Their Guidance

In our July 2015 report, we concluded that without additional guidance at the systemwide level, institutions might continue to report inaccurate crime statistics or fail to adequately disclose security policies in their annual security reports. We explained that because of the similarities in the issues we identified in our 2015 report and in our four previous reports, we believed that California institutions' compliance with the Clery Act could improve with additional guidance from their systemwide offices. As a result, we recommended that each systemwide office for the State's public institutions develop and issue written policies and procedures to provide additional guidance and oversight to its institutions on how to comply with the Clery Act. During our current audit, we found that although the systemwide offices have undertaken efforts to increase institutions' compliance with the Clery Act, the CSU Chancellor's Office and UCOP need to take additional steps to fully implement the recommendations from our previous report.

Although the systemwide offices have undertaken efforts to increase institutions' compliance with the Clery Act, the CSU Chancellor's Office and UCOP need to take additional steps to fully implement the recommendations from our previous report.

The CSU Chancellor's Office recently developed and implemented written policies and procedures directing institutions to undertake specific activities to help ensure their compliance with the Clery Act. Specifically, in March 2017, the CSU Chancellor's Office issued an executive order that provides direction to the campuses on

how to implement the Clery Act and specifies certain activities they are required to undertake to comply with the Clery Act. For example, the order required each campus president to designate a Clery director who is responsible for directing, collaborating, and coordinating Clery Act reporting and compliance for the campus. Further, each campus must form a cross-departmental, Clery Act-compliance team that is led by the Clery director or designee and includes the police chief, athletic director, housing director, and other specific individuals. This team will assist the Clery director in collecting information and required crime statistics, as well as in developing, writing, reviewing, and ensuring the accuracy of the annual security report and including all of the required campus policies. In addition, the CSU Chancellor's Office has contracted with the Clery Center—a national nonprofit organization that is dedicated to helping institutions meet the standards of the Clery Act—as a resource for its institutions.

Although the CSU Chancellor's Office requires institutions to maintain daily crime logs, it does not specify that the crime logs must contain all reported crimes within the institutions' jurisdictions.

Although the 2017 executive order includes robust guidance in most areas, the CSU Chancellor's Office needs to improve the direction it provides to institutions regarding their daily crime logs. In particular, although the executive order directs institutions to maintain daily crime logs, it does not specify that the crime logs must contain all reported crimes within the institutions' jurisdictions regardless of whether they are reportable under the Clery Act, including those crimes obtained from local law enforcement agencies. This direction is important because—as we discuss previously—San José State did not include in its crime log those crimes that the local law enforcement agency reported to it that occurred within its jurisdiction. According to the assistant vice chancellor of strategic initiatives and support services, the CSU Chancellor's Office will provide and update procedural guidance regarding institutions' maintenance of daily crime logs.

Like the CSU Chancellor's Office, UCOP implemented a systemwide Clery Act policy to address campus safety and security reporting; however, it delayed its implementation of that policy until recently. In our 2015 report, we found that UCOP provided assistance and training to its campuses regarding the Clery Act and that it was in the process of developing a systemwide policy that would specifically address Clery Act requirements and reporting. At that time, UCOP told us that it expected to finalize the policy in early 2016. However, it subsequently reported that it planned to finalize the policy by January 2017, and it did not actually implement the policy until December 2017—more than two years after we recommended that it finalize and implement it. According to UCOP's systemwide deputy audit officer (deputy audit officer), UCOP delayed implementation because of changes to the

Clery Act, miscommunications during the vetting process, and the need for additional time for certain stakeholders to review the policy before recommending it for approval.

In addition, although the policy requires periodic reviews to ensure the campuses' compliance, it includes only limited direction to help UC campuses avoid the types of errors we identified in our previous reports. The UCOP policy specifies that the systemwide office and campus auditors will conduct periodic audits to confirm compliance with the new policy and any related local procedures, and the deputy audit officer explained that UC will perform these audits based on an annual risk assessment. However, unlike the guidance developed by the other systemwide offices, the UCOP policy does not contain specific references to laws and regulations detailing required disclosures under the Clery Act. Instead, the UCOP policy simply states that each campus's Clery Act coordinator is responsible for gathering all data and policies necessary for the campus's annual security report. This lack of specific guidance is problematic because in our previous reports, we found that not all UC campuses we reviewed had fully disclosed the required security policies and statements in their annual security reports. When we spoke with the deputy audit officer about the lack of specificity in UCOP's policy, he noted that it would be reasonable for UCOP to update its policy to include more specific direction on how campuses should comply with the Clery Act.

Similar to UCOP, the Community Colleges Chancellor's Office only recently implemented guidance regarding Clery Act compliance and reporting. Its delay is particularly concerning given that there are 119 community colleges and that in our 2015 report we concluded that the Community Colleges Chancellor's Office did not provide its institutions with formalized policies, procedures, or recommended internal controls to increase their compliance. The Community Colleges Chancellor's Office acknowledged at that time that it could have done more to provide guidance but stated that it did not have the resources to give the requirements of the Clery Act the attention they deserved. The Community Colleges Chancellor's Office took over 2.5 years to implement its policy, which it published in February 2018, after we began inquiring about the status of the policy as part of our current audit work. Because federal regulations require institutions to distribute their annual security reports to all enrolled students and current employees by October 1 of each year, these 119 institutions lacked access to guidance for the annual security reports they published in 2015, 2016, and 2017, despite our July 2015 recommendation. The Community Colleges Chancellor's Office general counsel informed us that the individual previously assigned to finalize the policy was not able to complete the task for unknown reasons.

The Community Colleges Chancellor's Office only recently implemented guidance regarding Clery Act compliance and reporting, which it published in February 2018, after we began inquiring about the status of the policy.

Unlike UCOP's policy, the Community Colleges Chancellor's Office's policy contains sufficient guidance. Specifically, it includes some helpful references to relevant laws, regulations, and the OPE handbook to assist its institutions in seeking additional information regarding the Clery Act's requirements. Without this specific guidance, the community colleges were at a greater risk of reporting inaccurate crime statistics and providing incomplete information to current and prospective students and employees regarding safety on campus.

Recommendations

Institutions

To ensure that they do not underreport crime statistics in their annual security reports, Bakersfield, Humboldt State, and San José State should create and begin following written procedures by August 2018 that clearly describe the Clery Act crime identification processes they will follow. These processes should include maintaining contemporaneous lists of Clery Act crimes that occur.

To ensure that they do not overreport or misreport their crime statistics, Bakersfield, Humboldt State, and San José State should develop and begin following procedures by August 2018 to review and adhere to applicable guidance related to the Clery Act, including the OPE handbook, when categorizing the Clery Act crimes they report.

To ensure that it does not overreport its crime statistics, Azusa should strengthen its procedures by August 2018 to review and adhere to applicable guidance related to the Clery Act, including the OPE handbook, when categorizing the Clery Act crimes it reports.

To ensure Bakersfield requests and reports Clery Act crimes from local law enforcement, the institution should by August 2018 create and begin following a procedure, in conjunction with a written agreement with local law enforcement, to obtain crime statistics for the annual security report.

To ensure that it accurately reports Clery Act crime statistics, Berkeley City College, by working with its district, should by August 2018 enter into an updated MOU with the Berkeley Police that outlines the process for compiling crime statistics and defines the responsibilities of both parties.

To ensure that their respective districts provide them with policies and processes that the Clery Act and federal regulations require, Bakersfield, Berkeley City College, and West LA should each develop and begin following a policy by August 2018 requiring that they periodically review their districts' annual security reports or templates, as well as district policies. To the extent that they identify any inaccurate information or missing policies, these institutions should work with their districts to make updates as necessary.

Bakersfield, Berkeley City College, Humboldt State, San José State, and West LA should develop and implement procedures by August 2018 that they will regularly review and adhere to applicable guidance related to the Clery Act to ensure that they develop or disclose all required policies.

To ensure the completeness of its daily crime log, Berkeley City College should develop and implement a policy by August 2018 that describes its process for maintaining the log and ensuring that it is adequately maintained by its security guards.

To ensure that they include all criminal incidents in their daily crime logs, Azusa, San José State, and West LA should by December 2018 create and follow appropriate procedures, such as requiring supervisor review of entries or programming their records management systems to create the daily crime logs automatically.

Bakersfield, Berkeley City College, and San José State should create and follow procedures by August 2018 to ensure that they include all crimes in their daily crime logs as they become aware of those crimes, such as when they receive crime reports from local law enforcement agencies.

Systemwide Offices

To ensure that its campuses include all necessary policy disclosures in their annual security reports, the CSU Chancellor's Office should revise its systemwide annual security report template by August 2018 so that it directs its campuses to specifically include each of the policies that the Clery Act and federal regulations require.

To help ensure its institutions maintain complete and accurate information about crimes that occur on their properties, the CSU Chancellor's Office should issue a policy by August 2018 to specify the information its institutions should include in their daily crime logs.

To help prevent errors during the next Clery Act reporting cycle, UCOP should revise its Clery Act policy by August 2018 to include details on where institutions can find the specific disclosure requirements for their annual security reports.

Other Areas We Reviewed

As part of the audit work required by Section 67382 of the Education Code, we reviewed the subject areas in Table 5. In the table, we indicate the results of our review and any associated recommendations we made that we do not present in other sections of this audit report.

Table 5
Other Areas Reviewed as Part of This Audit

Notification of the Annual Security Reports' Availability
Regulations specify that each institution must distribute its annual security report by October 1 to all enrolled students and current employees. An institution can fulfill this requirement in a few ways, including by both posting the report to its website and emailing a notification to students and employees regarding its availability. To determine whether the six institutions we reviewed adequately notified current students and employees of the availability of their annual security reports, we reviewed relevant supporting documentation and their websites. Although we found that four of the six institutions adequately notified their campus communities of the availability of their annual security reports, two did not. • Humboldt State acknowledged that it did not send an email notification directly to students regarding the availability of its 2017 annual security report. Humboldt State's Clery Act coordinator explained that when the university police department asked the marketing and communications department to send the notification that the 2017 annual security report was available to the campus community, the notification was sent only to current employees due to a miscommunication. The Clery Act coordinator confirmed that Humboldt State will properly notify students of the annual security report's availability in 2018. • Peralta claims that it notified students, on behalf of Berkeley City College, by email of the availability of the 2017 annual security report, but it could not substantiate its claim with sufficient documentation. Peralta's Department of General Services requested the district's Department of Public Information Communications and Media (Communications and Media) to notify students of the availability of the 2017 annual security report. However, the executive director of Communications and Media stated that he could not find any documentation demonstrating that it provided the notification to students. ***Recommendations*** *Humboldt State should properly notify students of the availability of its annual security report.* *Berkeley City College should retain documentation of Peralta's notification to its students demonstrating that Peralta appropriately notified the campus's community about the availability of its annual security report.*

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Discrepancies Between the Clery Act Crime Statistics in Institutions' Annual Security Reports and in Their Submissions to the U.S. DOE

We compared the 2016 Clery Act crime statistics each institution included in its annual security report to the statistics it submitted to the U.S. DOE and found inconsistencies in the numbers for two of the six institutions. Specifically, the Clery Act crime statistics Bakersfield and Humboldt State published in their annual security reports did not match the statistics they submitted to the U.S. DOE. When institutions fail to report Clery Act crimes consistently, they risk misinforming key stakeholders, such as students and employees.

- We found that Humboldt State published in its annual security report statistics in 19 crime categories that did not match what it submitted to the U.S. DOE. For example, Humboldt State included six 2016 on-campus rapes in its annual security report, but it included only four 2016 on-campus rapes in data submitted to the U.S. DOE. When we spoke with the Clery Act coordinator, she indicated that the differences were the results of human error. She explained that she and Humboldt State's chief of police both made edits to the numbers in the annual security report and that the numbers might have changed during the preparation process. Humboldt State agreed it will update the numbers it submitted to the U.S. DOE as soon as possible.
- Similarly, Bakersfield published statistics in nine crime categories that did not match what it submitted to the U.S. DOE. For example, Bakersfield included one 2016 noncampus domestic violence incident in its annual security report, but it submitted zero 2016 noncampus, domestic violence incidents to the U.S. DOE. The Clery Act coordinator at Bakersfield stated that the inconsistencies were due to a lack of oversight and clear direction on how to accurately submit Clery Act statistics on the U.S. DOE website. Bakersfield informed us that it will send a supplemental report with the correct numbers by June 2018 to the campus community and submit corrected numbers to the U.S. DOE as soon as possible.

Recommendations

To ensure they properly inform students and employees, Bakersfield and Humboldt State should notify their students and employees and update the U.S. DOE about the corrected Clery Act statistics as soon as possible.

To ensure that their annual security reports' crime statistics and the statistics they submit to the U.S. DOE align, Bakersfield and Humboldt State should reconcile these statistics before publishing their reports or submitting the data to the U.S. DOE.

Compliance With State Law Related to the Clery Act

Within the Education Code, we identified 27 state-mandated policies, some of which the affirmative consent law established, that community college districts and the CSU Chancellor's Office are required to develop. These policies address similar issue areas as those addressed by the 58 Clery Act policies we present in Appendix C; however, state law requires these entities, rather than the institutions, to establish the policies. Some of the policies include creating an affirmative consent standard, requiring campus law enforcement agencies to have written agreements with local law enforcement agencies, and ensuring that Clery Act crime reports are disclosed to the appropriate law enforcement agencies. If the districts do not establish policies and protocols, their institutions may not have the guidance necessary to ensure students and staff have critical resources and information about campus safety. Our review found that the entities' policies varied in their level of compliance with state law.

- The districts of the three community colleges we visited—Kern Community College District, Los Angeles Community College District, and Peralta—failed to establish numerous required policies. For example, none of the districts adopted complete, victim-centered policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking. In order to meet the Education Code requirements, the districts agreed that they need to develop the missing policies.
- The CSU Chancellor's Office was not fully compliant with one subsection of the Education Code that involves procedures for handling requests from the public for information about sexual assault incidents. Unless the CSU Chancellor's Office clearly states within its policy how it will handle such requests, students may be unsure their information will be handled appropriately.

We also evaluated whether UCOP's policies complied with the state mandates even though it is statutorily exempted from adhering to the mandates. Although UC would need to adhere to the mandates if its Board of Regents passed a resolution to implement them, UCOP's senior counsel of education affairs stated that the Board of Regents has not passed such a resolution. We found that UCOP has not established policies that specifically address all provisions of two sections of the Education Code.

- UCOP does not have a policy that explicitly addresses how its campuses will respond to stranger and nonstranger sexual assaults. According to UCOP's systemwide deputy audit officer, UCOP believes that its systemwide Clery Act policy sufficiently addresses both stranger and nonstranger sexual assaults because it considers both types of incidents to be reportable crimes under its policy. He also stated that UCOP's systemwide sexual harassment and sexual violence policy addresses all forms of sexual assault. Nevertheless, those policies do not describe how its campuses should respond to sexual assaults specifically involving nonstrangers and whether the campuses should handle them differently from sexual assaults involving strangers. Regardless of UCOP's official stance, its policies are not aligned with state law, as they do not describe how it will respond to sexual assaults of both types.

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- UCOP also does not require its campuses to include offender characteristics, when known, in written records of noncriminal acts of hate violence or to collect, compile, and publish their reported occurrences of hate violence. According to UCOP's senior counsel of education affairs, UC takes campus safety very seriously and complies with the spirit of what the Legislature hoped to accomplish—improving student and employee safety on campuses. She also stated that the campuses currently have practices in place designed to identify and address hate violence and that to the extent that hate incidents involve Clery Act crimes, the campuses collect and report the data in their annual Clery Act crime statistics. She further explained that UC makes available online an intolerance form that anyone in the system can use to report incidents that do not rise to the level of crimes. Although its campuses have methods of collecting information on hate violence, UC does not make available to the public a report compiling all occurrences of noncriminal acts of hate violence. We also determined that the UC's intolerance form did not have a designated field for reporters to include offender characteristics.
- Although the UC is statutorily exempted from adhering to the state mandates in question, its campuses would be better positioned to promote safety among their students and employees if these requirements were in place. According to UCOP's senior counsel of education affairs, UCOP is amenable to adjusting its current approaches to address these provisions, even in the absence of a formal resolution by the Board of Regents. Because other higher education institutions must adhere to these requirements, it would seem reasonable for UCOP to hold itself to the same standards and to provide detailed, victim-centered policies and protocols. The systemwide deputy audit officer informed us, as a result of a resolution agreement with the U.S. DOE's Office of Civil Rights, UCOP will be revising its sexual harassment and sexual violence policy in February 2019, at which time it will be able to adjust its policy regarding stranger and nonstranger sexual assaults.

Recommendations

To ensure that their campuses provide the necessary resources and information to students about campus safety, the three community college districts should by December 2018, develop all required policies related to campus safety in compliance with the Education Code.

To ensure it is fully compliant with the Education Code, the CSU Chancellor's Office should create and implement a procedure by December 2018 regarding the handling of requests for information regarding sexual assault incidents.

To ensure that it provides accurate and comprehensive information to its students and employees, UCOP should by December 2018 revise its intolerance form to allow for reporters to include offender characteristics and provide to the public complete information regarding the occurrences of noncriminal acts of hate violence. Additionally, UCOP should by February 2019 more clearly address both stranger and nonstranger sexual assault within its policies.

Follow-Up With Institutions We Surveyed in Our 2015 Audit

In our July 2015 report, *California's Postsecondary Educational Institutions: More Guidance Is Needed to Increase Compliance With Federal Crime Reporting Requirements*, Report 2015-032, we conducted a survey in which a number of institutions indicated that they failed to post their annual security reports to their websites and did not make their students and employees aware of their annual security reports through email. As part of our current audit, we followed up with 17 of these institutions by reviewing their websites and other documentation to determine whether they were currently in compliance with the Clery Act.

- Although we found most institutions were in compliance, three were not. Palo Verde College and Lassen Community College posted their annual security reports online but did not notify students and staff through email of the availability of their annual security reports. Further, Downey Adult School did not post its annual security report on its website until late March 2018, after we brought this issue to its attention.
- Additionally, we noted that Palo Verde College lacked some of the required policy disclosures in its 2017 annual security report, and Lassen Community College did not have any of the required policy disclosures in its 2017 annual security report.
- The interim vice president of administrative services at Palo Verde College indicated that she was unaware that the institution was not in full compliance with the Clery Act. She stated that she would ensure that the institution was in full compliance during the next reporting cycle.
- The vice president of administrative services at Lassen Community College District stated that the institution had not fully complied with the Clery Act's requirements in the past but would address this at the next governing board meeting. In fact, as of March 2018, the board had unanimously approved the steps necessary to bring Lassen Community College into compliance with the requirements.
- The assistant principal for Downey Adult School explained that the institution believed that the previous director of financial aid had ensured compliance with the requirements of the Clery Act, and it was therefore unaware of the noncompliance.

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

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Date: May 10, 2018

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Appendix A

CRIMES AND VIOLATIONS THAT INSTITUTIONS MUST REPORT UNDER FEDERAL CRIME DISCLOSURE REQUIREMENTS

The Clery Act and federal regulations require all institutions that participate in federal student aid under Title IV to report statistics for the categories of criminal offenses and violations shown in Table A.[10]

Table A
Crimes and Violations Reportable Under the Clery Act

CRIME/VIOLATION	APPLICABLE DEFINITION
Clery Act Criminal Offenses	
Aggravated assault	An 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, aircraft, or personal property of another.
Burglary	The 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.
Fondling	The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.
Incest	Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
Motor vehicle theft	The theft or attempted theft of a motor vehicle. This includes all cases in which automobiles are taken by persons not having lawful access, even if the vehicles are later abandoned, including joyriding.
Murder and nonnegligent manslaughter	The willful (nonnegligent) killing of one human being by another.
Manslaughter by negligence	The killing of another person through gross negligence.
Rape	The penetration, no matter how slight, of the vagina or anus with any body part or object, or the oral penetration by a sex organ of another person, without the consent of the victim.
Robbery	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.
Statutory Rape	Sexual intercourse with a person who is under the statutory age of consent.
Clery Act VAWA Offenses	
Dating Violence	Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, or the frequency of interaction between the persons involved in the relationship.

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

CRIME/VIOLATION	APPLICABLE DEFINITION
Domestic Violence	Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
Stalking	A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.
Clery Act Hate Crimes	
Hate crime	A crime reported to a local police agency or campus security authority that is a Clery Act criminal or VAWA offense, other than violations of liquor, drug, or weapons laws, as well as larceny-theft, simple assault, and intimidation; destruction, damage, or vandalism of property; and any other crimes involving bodily injury that manifest evidence that the victim was intentionally selected because of the perpetrator's actual or perceived bias against the victim's race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability.
Clery Act Arrests and Disciplinary Actions	
Drug abuse violation	The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance; and arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
Liquor law violation	The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
Weapons law violation	The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
Clery Act Unfounded Crimes	
Unfounded crime	A reported crime that an institution withholds or removes from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore *unfounded*. Only sworn or commissioned law enforcement personnel may *unfound* a crime report for purposes of reporting under this section.

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

Appendix B

CRIME STATISTICS IN THE 2017 ANNUAL SECURITY REPORTS OF SIX INSTITUTIONS

The Clery Act and federal regulations require all institutions that participate in federal student aid under Title IV to report statistics for the categories of criminal offenses and violations described in Appendix A. Tables B.1 through B.6 on the following pages summarize the criminal offenses, VAWA offenses, hate crimes, arrests, disciplinary actions, and unfounded crimes that the six institutions we visited reported for 2014, 2015, and 2016.

Table B.1
Azusa's Reported Crime Statistics Under the Clery Act

	NUMBER REPORTED		
	2014	2015	2016
Enrollment	9,972	9,975	10,020
Clery Act Criminal Offenses			
Aggravated assault	4	2	1
Arson	–	–	–
Burglary	18	40	48
Motor vehicle theft	7	4	10
Murder and nonnegligent manslaughter	–	–	–
Manslaughter by negligence	–	–	–
Robbery	2	3	–
Rape*	4	7	3
Fondling*	5	6	2
Incest*	–	–	–
Statutory rape*	–	–	–
Subtotals	**40**	**62**	**64**
Clery Act VAWA Offenses			
Domestic violence	3	2	1
Dating violence	–	5	1
Stalking	2	4	6
Subtotals	**5**	**11**	**8**
Clery Act Hate Crimes			
Hate crimes	–	–	–
Clery Act Arrests			
Drug abuse arrests	10	1	7
Liquor law arrests	–	–	–
Weapons law arrests	–	1	–
Subtotals	**10**	**2**	**7**
Clery Act Disciplinary Actions			
Drug abuse disciplinary actions	11	20	28
Liquor law disciplinary actions	59	158	122
Weapons law disciplinary actions	2	10	10
Subtotals	**72**	**188**	**160**
Clery Act Unfounded Crimes			
Unfounded crimes	2	–	2
Totals	**129**	**263**	**241**

Sources: Crime statistics in Azusa's 2017 annual security report and school years 2014–15 through 2016–17 student enrollment information.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security reports: rape, fondling, incest, and statutory rape. Before July 2015, institutions reported these four sex offenses under two categories: forcible and nonforcible sex offenses.

Table B.2
Bakersfield's Reported Crime Statistics Under the Clery Act

	NUMBER REPORTED		
	2014	2015	2016
Enrollment	18,321	19,929	22,466
Clery Act Criminal Offenses			
Aggravated assault	2	1	–
Arson	–	2	2
Burglary	1	6	13
Motor vehicle theft	9	4	18
Murder and nonnegligent manslaughter	–	–	–
Manslaughter by negligence	–	–	–
Robbery	2	2	1
Rape*	–	–	1
Fondling*	–	–	–
Incest*	–	–	–
Statutory rape*	–	–	–
Subtotals	**14**	**15**	**35**
Clery Act VAWA Offenses			
Domestic violence	1	2	3
Dating violence	5	1	2
Stalking	1	2	3
Subtotals	**7**	**5**	**8**
Clery Act Hate Crimes			
Hate crimes	–	–	2
Clery Act Arrests			
Drug abuse arrests	3	3	–
Liquor law arrests	4	–	–
Weapons law arrests	4	1	1
Subtotals	**11**	**4**	**1**
Clery Act Disciplinary Actions			
Drug abuse disciplinary actions	2	2	–
Liquor law disciplinary actions	3	–	2
Weapons law disciplinary actions	1	2	–
Subtotals	**6**	**4**	**2**
Clery Act Unfounded Crimes			
Unfounded crimes	–	2	1
Totals	**38**	**30**	**49**

Sources: Crime statistics in Bakersfield's 2017 annual security report and Community Colleges Chancellor's Office 2014 through 2016 fall student counts.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security reports: rape, fondling, incest, and statutory rape. Before July 2015, institutions reported these four sex offenses under two categories: forcible and nonforcible sex offenses.

Table B.3
Berkeley City College's Reported Crime Statistics Under the Clery Act

	NUMBER REPORTED		
	2014	2015	2016
Enrollment	6,311	7,010	6,723
Clery Act Criminal Offenses			
Aggravated assault	1	–	–
Arson	–	–	–
Burglary	–	–	–
Motor vehicle theft	1	–	–
Murder and nonnegligent manslaughter	–	–	–
Manslaughter by negligence	–	–	–
Robbery	–	–	–
Rape*	–	–	–
Fondling*	–	–	–
Incest*	–	–	–
Statutory rape*	–	–	–
Subtotals	**2**	–	–
Clery Act VAWA Offenses			
Domestic violence	–	–	–
Dating violence	–	–	–
Stalking	–	–	–
Subtotals	–	–	–
Clery Act Hate Crimes			
Hate crimes	–	–	–
Clery Act Arrests			
Drug abuse arrests	–	–	–
Liquor law arrests	–	–	–
Weapons law arrests	–	–	–
Subtotals	–	–	–
Clery Act Disciplinary Actions			
Drug abuse disciplinary actions	–	–	–
Liquor law disciplinary actions	–	–	–
Weapons law disciplinary actions	–	–	–
Subtotals	–	–	–
Clery Act Unfounded Crimes			
Unfounded crimes	†	†	†
Totals	**2**	–	–

Sources: Crime statistics reported for Berkeley City College in Peralta's 2017 annual security report and Community Colleges Chancellor's Office 2014 through 2016 fall student counts.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security reports: rape, fondling, incest, and statutory rape. Before July 2015, institutions reported these four sex offenses under two categories: forcible and nonforcible sex offenses.

† Peralta did not provide unfounded crime statistics for Berkeley City College for 2014, 2015, or 2016 in its 2017 annual security report. Beginning in 2015, institutions have been required to include the total number of crime reports that were unfounded during each of the three most recent calendar years.

Table B.4
Humboldt State's Reported Crime Statistics Under the Clery Act

	NUMBER REPORTED		
	2014	2015	2016
Enrollment	8,485	8,790	8,503
Clery Act Criminal Offenses			
Aggravated assault	1	7	2
Arson	3	4	1
Burglary	5	9	2
Motor vehicle theft	2	2	–
Murder and nonnegligent manslaughter	–	–	–
Manslaughter by negligence	–	–	–
Robbery	1	–	–
Rape*	3	5	6
Fondling*	–	3	1
Incest*	–	–	–
Statutory rape*	–	–	–
Subtotals	**15**	**30**	**12**
Clery Act VAWA Offenses			
Domestic violence	–	1	–
Dating violence	–	–	1
Stalking	–	4	1
Subtotals	**–**	**5**	**2**
Clery Act Hate Crimes			
Hate crimes	1	3	2
Clery Act Arrests			
Drug abuse arrests	4	2	–
Liquor law arrests	3	–	–
Weapons law arrests	1	2	6
Subtotals	**8**	**4**	**6**
Clery Act Disciplinary Actions			
Drug abuse disciplinary actions	238	122	174
Liquor law disciplinary actions	19	76	100
Weapons law disciplinary actions	1	2	9
Subtotals	**258**	**200**	**283**
Clery Act Unfounded Crimes			
Unfounded crimes	†	4	2
Totals	**282**	**246**	**307**

Sources: Crime statistics reported in Humboldt State's 2017 annual security report and CSU's reported 2014 through 2016 fall total student enrollment.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security reports: rape, fondling, incest, and statutory rape. Before July 2015, institutions reported these four sex offenses under two categories: forcible and nonforcible sex offenses.

† Humboldt State did not provide unfounded crime statistics for 2014 in its 2017 annual security report. Beginning in 2015, institutions have been required to include the total number of crime reports that were unfounded during each of the three most recent calendar years.

Table B.5
San José State's Reported Crime Statistics Under the Clery Act

	NUMBER REPORTED		
	2014	2015	2016
Enrollment	32,713	32,773	32,154
Clery Act Criminal Offenses			
Aggravated assault	13	12	12
Arson	2	2	5
Burglary	41	29	32
Motor vehicle theft	17	20	28
Murder and nonnegligent manslaughter	–	–	–
Manslaughter by negligence	–	–	–
Robbery	8	7	9
Rape*	6	2	6
Fondling*	15	13	22
Incest*	–	–	–
Statutory rape*	1	–	2
Subtotals	**103**	**85**	**116**
Clery Act VAWA Offenses			
Domestic violence	17	5	15
Dating violence	2	5	10
Stalking	1	2	8
Subtotals	**20**	**12**	**33**
Clery Act Hate Crimes			
Hate crimes	–	1	4
Clery Act Arrests			
Drug abuse arrests	155	198	159
Liquor law arrests	53	91	63
Weapons law arrests	27	34	22
Subtotals	**235**	**323**	**244**
Clery Act Disciplinary Actions			
Drug abuse disciplinary actions	112	196	44
Liquor law disciplinary actions	287	694	229
Weapons law disciplinary actions	7	3	–
Subtotals	**406**	**893**	**273**
Clery Act Unfounded Crimes			
Unfounded crimes	2	3	–
Totals	**766**	**1,317**	**670**

Sources: Crime statistics reported in San José State's 2017 annual security report and CSU's reported 2014 through 2016 fall total student enrollment.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security reports: rape, fondling, incest, and statutory rape. Before July 2015, institutions reported these four sex offenses under two categories: forcible and nonforcible sex offenses.

Table B.6
West LA's Reported Crime Statistics Under the Clery Act

	NUMBER REPORTED		
	2014	2015	2016
Enrollment	9,988	10,217	11,172
Clery Act Criminal Offenses			
Aggravated assault	–	–	1
Arson	–	–	–
Burglary	–	–	3
Motor vehicle theft	–	–	–
Murder and nonnegligent manslaughter	–	–	–
Manslaughter by negligence	–	–	–
Robbery	–	–	–
Rape*	–	–	–
Fondling*	1	–	1
Incest*	–	–	–
Statutory rape*	–	–	–
Subtotals	**1**	**–**	**5**
Clery Act VAWA Offenses			
Domestic violence	–	1	1
Dating violence	–	–	–
Stalking	–	1	–
Subtotals	**–**	**2**	**1**
Clery Act Hate Crimes			
Hate crimes	–	–	–
Clery Act Arrests			
Drug abuse arrests	–	–	–
Liquor law arrests	–	–	–
Weapons law arrests	–	–	–
Subtotals	**–**	**–**	**–**
Clery Act Disciplinary Actions			
Drug abuse disciplinary actions	–	1	1
Liquor law disciplinary actions	–	–	1
Weapons law disciplinary actions	–	–	1
Subtotals	**–**	**1**	**3**
Clery Act Unfounded Crimes			
Unfounded crimes	†	†	†
Totals	**1**	**3**	**9**

Sources: Crime statistics reported in West LA's 2017 annual security report and Community Colleges Chancellor's Office 2014 through 2016 fall student counts.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security reports: rape, fondling, incest, and statutory rape. Before July 2015, institutions reported these four sex offenses under two categories: forcible and nonforcible sex offenses.

† West LA did not provide unfounded crime statistics for 2014, 2015, and 2016 in its 2017 annual security report. Beginning in 2015, institutions have been required to include the total number of crime reports that were unfounded during each of the three most recent calendar years.

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Appendix C

SIX INSTITUTIONS' COMPLIANCE WITH FEDERAL LAW AND REGULATIONS REGARDING THE DISCLOSURE OF SECURITY POLICIES

The Clery Act and federal regulations require all institutions that participate in federal student aid under Title IV to prepare annual security reports that disclose certain campus security policies. These policies include procedures for students and others to report criminal actions. VAWA amended the Clery Act to require institutions to include in their annual security reports certain policies, procedures, and programs pertaining to domestic violence, dating violence, sexual assault, and stalking, as well as the procedures the institutions will follow if such conduct occurs. Federal law and regulations currently describe 58 specific policies that each institution must have in place and, in most instances, disclose in its annual security report. Table C indicates whether the six institutions we visited fully disclosed each of the required policies in their most recent annual security reports.

Table C
Six Institutions' Compliance With Federal Law and Regulations Regarding the Disclosure of Security Policies

DESCRIPTION KEY	
	Policies other than VAWA that are required to be in an institution's annual security report.
	VAWA policies required to be in an institution's annual security report.
	Other required policies.

	DESCRIPTION OF POLICIES AND PROCEDURES	AZUSA	BAKERSFIELD	BERKELEY CITY COLLEGE	HUMBOLDT STATE	SAN JOSÉ STATE	WEST LA
	Requirements Concerning Annual Reports and Access to Campus						
1	Submitted Clery Act crime statistics to the U.S. DOE annually.						
2	Prepared, published, and distributed an annual security report.						
3	Disclosed within its annual security report its most recent three years' Clery Act crime statistics.						
4	Established policies for preparing the annual disclosure of its crime statistics.						
5	Collected and included in its annual security report hate crime and VAWA crime statistics.						
6	Separated its crime statistics into the following categories: on-campus, on-campus housing facility, public property, and noncampus.						
7	Included within its annual security report a list of each person or organization to whom students and employees should report criminal offenses.						
8	Included within its annual security report a statement of its current policies concerning the security of, maintenance of, and access to campus facilities.						

continued on next page . . .

	DESCRIPTION OF POLICIES AND PROCEDURES	AZUSA	BAKERSFIELD	BERKELEY CITY COLLEGE	HUMBOLDT STATE	SAN JOSÉ STATE	WEST LA
9	Included a description of procedures that encourage pastoral counselors and professional counselors to, if appropriate, inform the persons they are counseling of any procedures to report crimes for inclusion in the institution's annual security report.						
Policies Concerning Daily Crime Logs and Crime Reporting							
10	Maintained a daily log recording all crimes reported to its police or security department.						
11	Included within its annual security report a statement of policy concerning the monitoring and recording of criminal activity at off-campus student organizations that the institution recognizes and that are engaged in by students attending the institution.						
12	Made its crime log for the most recent 60-day period open to public inspection during normal business hours and made any portion of the log older than 60 days available within two business days of a request for public inspection.						
13	Updated its crime log no later than two business days after it received new information.						
14	Included within its annual security report a statement of current campus policies regarding procedures for individuals to report criminal actions or other emergencies, as well as a statement concerning the institution's response to such reports.						
15	Developed policies to encourage students to report any campus crimes involving sexual violence to the appropriate campus authorities.	*					
16	Included within its annual security report policies for making timely warning reports to members of the campus community.						
17	Included within its annual security report policies or procedures for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.						
Policies Concerning Campus Law Enforcement and Crime Prevention							
18	Included within its annual security report a statement of its current policies concerning campus law enforcement, including the law enforcement authority of campus security personnel and the working relationship of campus security personnel with state and local law enforcement agencies, including whether the institution has agreements, such as a written MOU, with such agencies for the investigation of alleged criminal offenses.						
19	Included within its annual security report policies that encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies when the victims of such crimes elect or are unable to make such reports.						
20	Included within its annual security report a description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.						
21	Included within its annual security report a description of programs designed to inform students and employees about the prevention of crime.						
Policies Concerning Illegal Drugs and Alcohol							
22	Included within its annual security report a statement of policy regarding the possession, use, and sale of alcoholic beverages and its enforcement of state underage drinking laws.						

	DESCRIPTION OF POLICIES AND PROCEDURES	AZUSA	BAKERSFIELD	BERKELEY CITY COLLEGE	HUMBOLDT STATE	SAN JOSÉ STATE	WEST LA
23	Included within its annual security report a statement of policy regarding the possession, use, and sale of illegal drugs and its enforcement of federal and state drug laws.						
24	Included within its annual security report a description of programs for drug or alcohol abuse education.						
Policies Regarding Campus Sex Offense Programs and Procedures							
25	Included within its annual security report a description of its educational programs that promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, as well as information on risk reduction and bystander intervention.						
26	Included within its annual security report a statement of its programs to prevent domestic violence, dating violence, sexual assault and stalking, and the procedures it will follow once an incident has been reported.						
27	Included within its annual security report information about the importance of preserving evidence and options regarding notifying law enforcement and campus authorities.						
28	Included within its annual security report a statement of its policy to provide a written explanation of rights, options, and services when a student or employee reports he or she has been a victim of domestic violence, dating violence, sexual assault, or stalking, and whether the offense occurred on or off campus.						
29	Included within its annual security report a statement of its policy that it will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance and other services available for victims both within the institution and in the community.						
30	Included within its annual security report a statement of its policy that it will provide written notification and assistance to a victim regarding options for reasonable accommodations regardless of whether the victim chooses to report the crime to campus police or law enforcement.						
31	Included within its annual security report a statement of policy that it generally must maintain as confidential any accommodations or protective measures provided to a victim.						
32	Included within its annual security report a description of procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, and the rights of victims in addition to the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders.						
33	Included within its annual security report a statement advising the campus community where they may obtain law enforcement agency information provided by the State concerning registered sex offenders.						
Policies Regarding Sexual Violence Prevention and Education							
34	Included within its annual security report descriptions of its education programs that promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, including ongoing prevention and awareness campaigns for students and faculty.						

continued on next page . . .

	DESCRIPTION OF POLICIES AND PROCEDURES	AZUSA	BAKERSFIELD	BERKELEY CITY COLLEGE	HUMBOLDT STATE	SAN JOSÉ STATE	WEST LA
	Policies Regarding Processes for Cases of Alleged Sex Offenses						
35	Included within its annual security report a statement that describes each type of disciplinary proceeding the institution uses, including steps, timelines, and determination processes; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use.						
36	Included within its annual security report a statement that the accuser and accused are entitled to the same opportunities to have advisors of their choice present during institutional disciplinary proceedings, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.						
37	Included within its annual security report a statement of policy that includes that both the accuser and accused will be simultaneously informed in writing of the results and appeal process of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking.						
38	Included within its annual security report a policy of possible sanctions or protective measures that it may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.						
39	Included within its annual security report a statement of its procedures for institutional disciplinary actions consisting of a prompt, fair, and impartial investigation and resolution conducted by trained officials who receive annual training related to domestic violence, dating violence, sexual assault, and stalking.						
40	Included within its annual security report a statement of policy on how it will protect the confidentiality of victims despite publicly available recordkeeping.						
	Policies Regarding Campus Emergency Response and Evacuation Procedures						
41	Included within its annual security report a statement of the policies it will use to immediately notify the campus community of a significant emergency involving an immediate threat to the students or employees on campus.						
42	Included within its annual security report a description of its process to confirm that a significant emergency or dangerous situation involving an immediate threat to students or employees is occurring on the campus.						
43	Included within its annual security report a description of its process to determine the appropriate segment or segments of the campus community to receive a notification.						
44	Included within its annual security report a description of its process to determine the content of a notification.						
45	Included within its annual security report a description of its process to initiate the notification system.						
46	Included within its annual security report a list of the titles of the persons or organizations responsible for carrying out its emergency notification plan.						
47	Included within its annual security report a statement that the institution will initiate the notification system in the event of an emergency, unless issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.						

	DESCRIPTION OF POLICIES AND PROCEDURES	AZUSA	BAKERSFIELD	BERKELEY CITY COLLEGE	HUMBOLDT STATE	SAN JOSÉ STATE	WEST LA
48	Included within its annual security report its procedures for disseminating emergency information to the larger community.						
49	Included within its annual security report a statement publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year.						
50	Included within its annual security report a statement advising that required tests of response and evacuation procedures may be announced or unannounced.						
51	Included within its annual security report a statement documenting, for each test, a description of the exercise, its date, its time, and whether it was announced or unannounced.						
Processes for When Students Are Reported Missing							
52	Included within its annual security report a statement indicating the list of titles of the persons or organizations to which individuals should report that a student who resides in on-campus student housing has been missing for 24 hours.		†	†			†
53	Included within its annual security report a statement requiring that any missing student report must be referred immediately to its police or campus security department, or, if it does not have a police or campus security department, to the local law enforcement agency that has jurisdiction in the area.		†	†			†
54	Included within its annual security report a statement containing the option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing.		†	†			†
55	Included within its annual security report a statement advising students that their missing person emergency contact information will be registered confidentially and disclosed only as necessary.		†	†			†
56	Included within its annual security report a statement that if a student is under 18 years of age and not emancipated, the institution must notify the student's custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.		†	†			†
57	Included within its annual security report a statement advising students that it will notify a law enforcement agency within 24 hours of the determination that the student is missing.		†	†			†
58	Included within its annual security report the procedures it will follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours.		†	†			†

	AZUSA	BAKERSFIELD	BERKELEY CITY COLLEGE	HUMBOLDT STATE	SAN JOSÉ STATE	WEST LA
Fully disclosed	57	45	38	53	51	48
Not disclosed	–	5	11	5	4	1
Partially disclosed‡	–	1	2	–	3	2
Not applicable	1	7	7	–	–	7
Totals	**58**	**58**	**58**	**58**	**58**	**58**

Sources: United States Code, Title 20, Section 1092(f); Code of Federal Regulations, Title 34, Section 668.46; and information obtained from the institutions.

* The institution is not required to disclose this security policy because it is a private institution.

† The institution is not required to disclose this security policy because it does not have student housing.

‡ A policy was partially disclosed when a requirement included multiple components and the policy did not address all of them.

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Office of the President

901 East Alosta Avenue
PO Box 7000
Azusa, California 91702-7000
626-812-3075
www.apu.edu

April 20, 2018

Elaine Howle*
State Auditor
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Elaine Howle:

On behalf of the Azusa Pacific University and the Department of Campus Safety, we would like to thank the office of the California State Auditor for their professionalism during the recent audit of our 2016 Clery Act statistics and our Annual Security and Fire Safety Report. We appreciate the time and effort dedicated by the California State Auditor. Your team was extremely thorough and kept us advised of the status of the audit as it progressed.

Additionally, we are grateful for the opportunity to review and comment on your report, California Postsecondary Education Institutions, relative to Azusa Pacific University, a redacted, embargoed copy of which we received on April 16, 2018.[1]

I. Findings of, and Statements Indicating, Compliance

We fully support and agree with the following findings and statements in the report that establish APU's compliance with the Clery Act, VAWA, and their implementing regulations:

- APU did not underreport or misreport any Clery Act crimes (p.13 and Table 2) ①
- APU has a "thorough review process" for identifying and reporting Clery Act crimes (p.13)
- APU's "process is a best practice to help ensure institutions report all of their Clery Act crimes" (p.13)
- Azusa's written procedures describe in detail its review process (p.13)
- APU "fully disclosed all of the information that the Clery Act and federal regulations require" (p.13)
- APU "was not missing any disclosures and did not have an incomplete disclosures" (p.14 and Table 3)

[1] Our Clery Act Coordinator (Lieutenant Gary Kossky) received a copy of the Redacted Agency Draft and as directed by your instructions letter, he faxed the "receipt for reports" to Christina Edwards at 916-323-0913 on the morning of April 17, 2018.

* California State Auditor's comments appear on page 59.

- APU "included all the required VAWA policy statements in its annual security report" (p.14 and Table 4)
- APU "fully provided descriptions of a variety of other security policies and processes that the Clery Act and federal regulations require" (p.15)
- APU "fully complied with the Clery Act by ensuring that it included all of its policies and procedures in its annual security report, fully disclosed all VAWA policies in its report, and had in place the needed policy disclosures outside of the annual security report." (p.15)
- APU "has taken ownership for creating its own annual security report, which includes fully understanding the Clery Act's requirements." (p.15)

II. Recommendations

The State Auditor made two recommendations to APU (p.17). The first recommendation deals with reporting crime statistics. That recommendation begins:
2 "To ensure that it does not overreport or misreport its crime statistics ...". We do not agree with the inclusion of the word "misreport" in this sentence and ask that it be deleted from the recommendation. As the State Auditor has found, APU did *not* misreport any crime statistics (p.13 and Table 2). We also respectfully disagree with the State Auditor's recommendation that APU "should develop and begin following a procedure by August 2018 to review and adhere to applicable guidance related to the Clery Act, including the OPE handbook, when categorizing the Clery Act crimes it reports." We believe this recommendation does not follow from, and even contradicts, the State Auditor's findings, which concluded that (1) APU did not underreport or misreport any crime statistics (p.13 and Table 2), (2) APU has a "thorough review process" for identifying and reporting Clery Act crimes (p.13), and (3) APU's "process is
2 a best practice to help ensure institutions report all of their Clery Act crimes" (p.13). In other words, APU *has already developed* and *is already following* procedures to review and adhere to applicable guidance related to the Clery Act, including the OPE handbook, when categorizing the Clery Act crimes it reports. We respectfully submit that the recommendation be revised to state that APU *should continue* to do these things and revised to remove any deadline.

APU commits to reviewing the State Auditor's findings that APU overreported a small number of crime statistics and making necessary adjustments in its understanding of a Clery Act crime to improve this aspect of its compliance efforts.

The second recommendation states that APU "should by December 2018 create and follow appropriate procedures, such as requiring supervisor review of entries or programming its records management system to create the daily crime logs
3 automatically." APU respectfully disagrees with this recommendation to the extent it suggests that APU has not already created and does not already follow "appropriate procedures" for creating and maintaining its daily crime log. APU has already addressed the issue in the old-record keeping system that caused it to omit two incidents in 2016. The new record keeping system is an "appropriate procedure" for

avoiding such omissions presently and in the future. Automated systems of the kind you recommend may be helpful, but they are not required to ensure compliance as we have demonstrated. We also already engage in supervisor review when there is a question as to whether a crime should be included on the log. The Clery Act does not mandate that our procedures "require" supervisory review of the decision of whether or not to add a crime to the log.

APU commits to reviewing its crime log policy to see if further measures can be added to the determination of whether an event should be included on the crime log or not.

III. Specific Findings of Non-Compliance

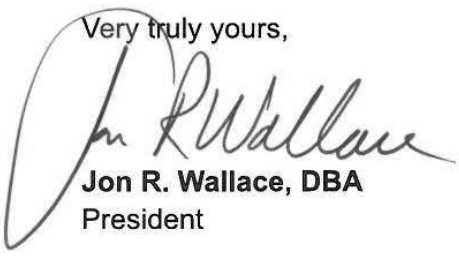
APU respectfully submits the following statement of our understanding of the matters addressed in your findings of non-compliance. The Audit Results begin with the conclusion that APU "reported statistics that were inaccurate to varying degrees." APU respectfully disagrees with that statement. As we explained during the audit process, APU did not report any criminal acts that were not Clery Act crimes and we disagree with the conclusion that we reported two such statistics. APU did inadvertently report five crimes that occurred on another institution's Clery Act location that occurred when some APU students were staying at that institution. But such reporting, done in good faith, does not constitute inaccuracies "to varying degrees." 4

* * * *

APU is committed to providing a safe and welcoming learning environment and we are committed to Clery Act compliance and the safety for our entire community of students, employees and guests. The opportunity to respond to this audit is sincerely appreciated and allows for a meaningful dialogue between the state and APU, so that a clear and concise representation of our Clery Act compliance actions are available for review by us and the community we serve.

If there is any additional information and assistance we can provide, please do not hesitate to ask.

Very truly yours,



Jon R. Wallace, DBA
President

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM AZUSA PACIFIC UNIVERSITY

To provide clarity and perspective, we are commenting on Azusa's response to our audit. The numbers below correspond to the numbers we have placed in the margin of Azusa's response.

We provided Azusa a shorter version of the draft audit report during the review period containing only those sections pertaining to it. Therefore, the page numbers Azusa cites in its response do not correspond to the page numbers in our final report. (1)

The recommendation that Azusa refers to in the draft report was originally part of the recommendation on page 30 that pertains to the overreporting or misreporting of crime statistics by three other institutions. Although Azusa indicates that it has already developed and is following procedures to review and adhere to applicable guidance when categorizing the Clery Act crimes it reports, we still found seven instances of overreporting, as summarized in Table 2 on page 15. To clarify our report, we modified our text on page 17 to state that Azusa did not underreport any Clery Act crimes, likely as a result of its thorough review process, although it did overreport some crimes. We also developed a separate recommendation on page 30 directing Azusa to strengthen its procedures for reviewing and adhering to applicable guidance related to the Clery Act when categorizing the Clery Act crimes it reports. (2)

Although Azusa asserts that it has already taken action to maintain accurate information in its daily crime log, it did not inform us of these steps before submitting its response to our draft audit report. We stand by our recommendation and look forward to Azusa providing evidence in its 60-day response to demonstrate how its new system is able to prevent the omissions we identified. Further, as we note on page 26, Azusa does not require as part of its crime log procedures a secondary review to ensure that staff appropriately update its crime log. Without such a review or the use of an automated system, Azusa is at risk of continuing to omit crimes from its log. (3)

We stand by our conclusion that Azusa reported statistics that were inaccurate to varying degrees. As we discuss on pages 16 and 17, Azusa incorrectly reported five crimes that occurred at a Clery Act location of another private institution. Further, as shown in Table 2 on page 15, Azusa reported two other crimes that we determined were not Clery Act crimes. These crimes did not meet the reporting criteria in the OPE handbook. Although Azusa disagreed with our conclusion pertaining to these two crimes, it could not provide any evidence to justify that either incident met the definition of a Clery Act crime. (4)

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BAKERSFIELD
COLLEGE

Friday, April 20, 2018

California State Auditor
Attn: Sean McCobb, State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Re: State Audit on Clery Act Requirements and Crime Reporting at Bakersfield College

Dear Ms. Howle,

Please see attached responses from both Bakersfield College and the Kern Community College District.

Sincerely,

Donald Chrusciel, Ph.D.
Vice President of Finance and Administrative Services

Kern Community College District
1801 Panorama Drive ▪ Bakersfield, CA 93305 ▪ Online www.bakersfieldcollege.edu ▪ Fax 661.395.4373 ▪ Phone **661.395.4011**

BAKERSFIELD COLLEGE

Wednesday, April 18, 2018

California State Auditor
Attn: Sean McCobb, State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Howle,

Thank you for your letter dated April 16, 2018 and for the opportunity to respond to the draft audit report, "Clery Act Requirements and Crime Reporting: Compliance Continues to Challenge California's Colleges and Universities".

On behalf of Bakersfield College, we would like to thank the Office of the California State Auditor for their professionalism during the recent audit of the Clery Act Requirements and Crime Reporting at Bakersfield College. The State Auditor's team were extremely thorough and kept us advised of the status of the audit and responded to our inquiries as it progressed.

Bakersfield College's mission is to provide opportunities for students from diverse economic, cultural, and educational backgrounds to attain Associate and Baccalaureate degrees and certificates, workplace skills, and preparation for transfer. Our rigorous and supportive learning environment fosters students' abilities to think critically, communicate effectively, and demonstrate competencies and skills in order to engage productively in their communities and the world. Bakersfield College always strives to provide a safe learning environment for all our students and staff.

Upon receiving the redacted audit draft report (Report #2017-032) Bakersfield College reviewed the document and each recommendation noted in the audit report. This letter is our response. The College will form a Safety Review Team to work alongside the College's Clery Act Coordinator. The Safety Review Team will be led by the Director of Public Safety, who serves as the College's Clery Act Coordinator. Other team members shall include the College's Deputy Title IX Coordinator and Student Conduct Officer. The College has already initiated review of these audit recommendations and has begun implementing recommended changes. Below you will find our responses to each recommendation.

Kern Community College District
1801 Panorama Drive ▪ Bakersfield, CA 93305 ▪ Online www.bakersfieldcollege.edu ▪ Fax 661.395.4373 ▪ Phone 661.395.4011

Recommendation #1
"To ensure that it does not underreport crime statistics in its annual security reports, [Bakersfield] should create and begin following written procedures by August 2018 that clearly describe the Clery Act crime identification process it will follow. These processes should include maintaining contemporaneous lists of Clery Act crimes that occur."

College Response
The College shall develop written procedures to accurately report crime statistics and clearly describe the Clery Act crime identification process. These procedures will ensure maintenance of contemporaneous lists of Clery Act crimes that occur.

Recommendation #2
"To ensure that it does not over report or misreport its crime statistics, [Bakersfield] should develop and begin following a procedure by August 2018 to review and adhere to applicable guidance related to the Clery Act, including the OPE handbook, when categorizing the Clery Act crimes it reports."

College Response
The College shall develop and begin following a procedure to review and adhere to the requirements of the Clery Act and the OPE Handbook when categorizing the Clery reports. This procedure shall be developed and implemented by August 2018, and reviewed and updated on an ongoing basis.

Recommendation #3
"To ensure Bakersfield requests and reports Clery Act crimes from local law enforcement, the institution should by August 2018 create and begin following a procedure, in conjunction with a written agreement with local law enforcement, to obtain crime statistics for the annual security report."

College Response
The College shall develop a written agreement with local law enforcement to obtain local crime statistics for the Annual Security Report. Template letters addressed to local law enforcement have already been developed and submitted to our community partners.

Recommendation #4
"To ensure that its district provides it with policies and processes that the Clery Act and federal regulations require, [Bakersfield] should develop and begin following a policy by August 2018 requiring that it periodically review its district's annual security report template, as well as district policies. To the extent that it identifies any inaccurate information or missing policies, it should work with its district to make updates as necessary."

College Response
The College shall develop and begin following procedures requiring complete and accurate information being included in the Annual Security Report (Clery Report). The College will take responsibility to include accurate and relevant policies in the Annual Security Report.

Recommendation #5
"[Bakersfield] should develop and implement procedures by August 2018 that it will regularly review and adhere to applicable guidance related to the Clery Act to ensure that it develops or discloses all required policies."

College Response
Same as response to recommendation #4.

Recommendation #6
"[Bakersfield] should create and follow procedures by August 2018 to ensure that it includes all crimes in its daily crime log as it becomes aware of those crimes, such as when it receives crime reports from local law enforcement agencies."

College Response
The College will develop procedures to ensure that it includes all crimes in its daily crime log as it becomes aware of those crimes including specific information about the date it receives from local law enforcement agencies.

Recommendation #7
"To ensure it properly informs students and employees, [Bakersfield] should notify its students and employees and update the U.S. DOE of the corrected Clery Act statistics as soon as possible."

College Response
The College shall update the U.S. DOE Clery statistics as soon as possible and notify its students and employees immediately.

Recommendation #8
"To ensure that its annual security reports' crime statistics and the statistics it submits to the U.S. DOE align, [Bakersfield] should reconcile these statistics before publishing its reports or submitting the data to the U.S. DOE."

College Response
The College shall develop processes to reconcile the Annual Security Report crime statistics and the statistics it submits to the U.S. DOE before publishing its reports or submitting the data to the U.S. DOE.

We hope our College responses have addressed the recommendations outlined in the audit report. For additional questions or clarifications, please feel free to call us at (661) 395-4034.

Sincerely,

Donald Chrusciel, Ph.D.
Vice President of Finance and Administration

Zav Dadabhoy, Ph.D.
Vice President of Student Affairs

KCCD
KERN COMMUNITY COLLEGE DISTRICT

OFFICE OF THE CHANCELLOR
2100 CHESTER AVENUE
BAKERSFIELD, CA 93301-4099
(661) 336-5104

April 16, 2018

Ms. Elaine M. Howle
California State Auditor
621 Capitol Mall, Suite 120
Sacramento, California 95814

Dear Ms. Howle,

Thank you for your letter dated April 16 and for the opportunity to respond to the audit report, "Clery Act Requirements and Crime Reporting: Compliance Continues to Challenge California's Colleges and Universities." The auditors' recommendation is as follows:

To ensure that its campuses provide the necessary resources and information to students about campus safety, the [Kern Community College District] should, by December 2018, develop all required policies related to campus safety in compliance with the California Education Code.

We agree with this recommendation and will work with our Board of Trustees to ensure district policy is updated and implemented within the established timeframe.

Please send our thanks to your staff for their courteous and professional demeanor in completing this audit.

Sincerely,

Thomas J. Burke
Chancellor

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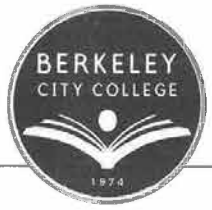
2050 Center Street, Berkeley, California 94704



510-981-2800 FAX 510-841-7333 www.berkeleycitycollege.edu

April 20, 2018

Elaine M. Howle, CPA
State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Elaine M. Howle,

On behalf of Berkeley City College and the Peralta Community College District, thank you for your letter of April 16, 2018 and the opportunity to review and respond to your report, "Clery Act Requirements and Crime Reporting: Compliance Continues to Challenge California's Colleges and Universities." We also want to thank your team members as they were very professional and provided consistent updates on the progress of the audit.

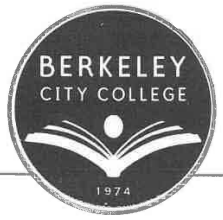
The recommendations included in the "Redacted Agency Draft" are listed below and they encompass 11 undisclosed and two partially disclosed security policies and procedures located in Appendix C (p. 24) of the report:*

- To ensure that it accurately reports Clery Act crime statistics, Berkeley City College, by working with its district, should by August 2018 enter into an updated MOU with Berkeley Police that outlines the process for compiling crime statistics and defines responsibilities of both parties.
- To ensure that its respective district provide it with policies and processes that the Cleary Act and federal regulations require, [Berkeley City College] should develop and begin following a policy by August 2018 requiring that it periodically review its district's annual security report, as well as district policies. To the extent that it identifies any inaccurate information or missing policies, [Berkeley City College] should work with its district to make updates as necessary.
- Berkeley City College should develop and implement procedures by August 2018 that it will regularly review and adhere to applicable guidance related to Clery Act to ensure that it develops or discloses all required policies.
- To ensure completeness of its daily crime log, Berkeley City College should develop and implement a policy by August 2018 that describes its process for maintaining the log and ensuring that it is adequately maintained by its security guards.
- Berkeley City College should create and follow procedures by August 2018 to ensure that it includes all crimes in its daily crime logs as it becomes aware of those crimes, such as it when it receives crime reports from local law enforcement agencies.

Peralta Community College District, 333 East 8th Street, Oakland, CA 94606 510-466-7200 www.peralta.edu

* The page number cited refers to page 49 in this final published audit report.

2050 Center Street, Berkeley, California 94704



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- Berkeley City College should retain documentation of Peralta's notification to its students demonstrating that Peralta appropriately notified the campus's community about the availability of its annual report.

Berkeley City College (BCC)/Peralta Community College (PCCD) are in agreement with the recommendations made by the CA State Auditor Team. BCC will work with PCCD to develop and implement the recommended policies and procedures by August 2018. Additionally, BCC and PCCD will develop an updated MOU with Berkeley Police to include accurate Clery Act crime statistics reporting.

Thank you again for the opportunity to review and comment on this report. If you have any questions, please contact me at (510) 981-2850.

Sincerely,

Rowena M. Tomaneng, EdD
President
Berkeley City College
2050 Center Street
Berkeley, CA 94704

Office Phone: 510-981-2850
Email: rtomaneng@peralta.edu

Cc: Dr. Jowel C. Laguerre, Chancellor
Dr. Sadiq Ikharo, Vice Chancellor, Department of General Services

HUMBOLDT STATE UNIVERSITY

Office of the President

April 20, 2018

Ms. Elaine M. Howle
California State Auditor
621 Capital Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Howle:

This letter is in response to your draft audit report titled "Clery Act Requirements and Crime Reporting: Compliance Continues to Challenge California's Colleges and Universities." We received and reviewed the draft report, and we appreciate the opportunity to respond to it and its recommendations. We concur with the recommendations listed.

Humboldt State University (HSU) is deeply committed to providing a safe environment for our students, and adhering to the Clery Act is one of the tools we use to achieve that goal. We have numerous methods for communicating with students about the information, services, and processes available to them. Specifically, we distribute publications, post information on our website, and make presentations during new student orientation, all of which help demonstrate our commitment to student safety.

Most programs must continuously evolve in order to be successful. For example, HSU follows California State University (CSU) systemwide policy, including Executive Order 1107 "Implementation of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" (the "Clery Act"), which was issued in March 2017. In addition, to help build consistency, HSU and all other CSU campuses use a standard template/format guide from the CSU Chancellor's Office for preparation of the annual security reports required under the Clery Act.

CSU campuses have worked to comply with the Clery Act since its inception. Historically, most of the reporting requirements were the responsibility of the University Police Department (UPD). In 2014, HSU established a Clery Act Coordinator, who is located at the UPD. In addition, within the last year, HSU has established a Clery Director and Clery Compliance Team. The team consists of members from several functional areas, which helps ensure that all areas of campus have input in the Clery Act process and can provide support to the Clery Act Coordinator. The director, coordinator,

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THE CALIFORNIA STATE UNIVERSITY · Bakersfield · Channel Islands · Chico · Dominguez Hills · East Bay · Fresno · Fullerton · Humboldt · Long Beach · Los Angeles · Maritime Academy
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Ms. Elaine M. Howle, California State Auditor
Page 2

and team continually strive to improve HSU's compliance with Clery Act requirements and provide a safe campus environment for our students.

Thank you again for the opportunity to respond to this audit.

With best wishes,

Lisa A. Rossbacher, Ph.D.
President

SJSU SAN JOSÉ STATE UNIVERSITY

Office of the Vice President
Administration and Finance

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April 19, 2018

Ms. Elaine M. Howle, CPA
State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Re: Campus response to the Clery Act Requirements and Crime Reporting audit at San Jose State University

Enclosed is our campus response to the Clery Act draft audit report.
San Jose State University is committed to addressing the issues identified in this audit report.

Please let me know if I can provide you with additional information.

Charlie Faas
Vice President Administration and Finance

Enclosure

Cc: Mary Papazian, President

The California State University:
Chancellor's Office
Bakersfield, Channel Islands, Chico, Dominguez Hills, East Bay, Fresno, Fullerton, Humboldt, Long Beach, Los Angeles, Maritime Academy, Monterey Bay, Northridge, Pomona, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, San Luis Obispo, San Marcos, Sonoma, Stanislaus

San Jose State University - Campus responses to the Clery Act audit report

Recommendation 1
To ensure that it does not underreport crime statistics in its annual security reports [San Jose State] should create and begin following written procedures by August 2018 that clearly describe the Clery Act crime identification process it will follow. These processes should include maintaining contemporaneous lists of Clery Act crimes that occur.

We concur. Written procedures will be created and implemented for the purpose of Clery Act crime identification, including the maintenance of contemporaneous lists of Clery Act crimes that occur.

Recommendation 2
To ensure that it does not overreport or misreport its crime statistics, [San Jose State] should develop and begin following a procedure by August 2018 to review and adhere to applicable guidance related to the Clery Act, including the OPE handbook, when categorizing the Clery Act crimes it reports.

We concur. Written procedures will be created and implemented for on-going review of Clery Act guidance and the OPE handbook for the purpose of accurately categorizing Clery Act crimes.

Recommendation 3
[San Jose State] should develop and implement procedures by August 2018 that it will regularly review and adhere to applicable guidance related to the Clery Act to ensure that it develops or discloses all required policies.

We concur. Written procedures will be created and implemented for on-going review of and adherence to Clery Act guidance for the purpose of developing and disclosing all policies as required.

Recommendation 4
To ensure that it includes all criminal incidents in its daily crime logs, [San Jose State] should by December 2018, create and follow appropriate procedures, such as requiring supervisor review of entries or programming its records management systems to create the daily crime logs automatically.

We concur. Written procedures will be created and implemented to require supervisory review of crime log entries. In addition, the manual reports that were found to contain transcription errors during the audit will be redefined as internal management safety reports instead of being considered as crime logs, thus the existing automated database and automated reports without manual reformatting will serve as official crime logs.

Recommendation 5
[San Jose State] should create and follow procedures by August 2018 to ensure that it includes all crimes in its daily crime logs as it becomes aware of those crimes, such as when it receives crime reports from local law enforcement agencies.

We concur. Written procedures will be created and implemented to ensure the inclusion in the daily crime logs all reported crimes that we receive from local law enforcement agencies .

An Accredited California Community College
OFFICE OF THE PRESIDENT

April 20, 2018

Ms. Elaine M. Howle, CPA
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Howle,

We are in receipt of and reviewed your report, "Clery Act Requirements and Crime Reporting: Compliance Continues to Challenges California's Colleges and Universities", under Education Code 67382.

We generally agree with your findings and conclusions, and will work to correct any identified deficiencies. Thank you for your assistance.

Sincerely,

James M. Limbaugh, Ph.D.
President

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LOS ANGELES COMMUNITY COLLEGE DISTRICT
CITY / EAST / HARBOR / MISSION / PIERCE / SOUTHWEST / TRADE-TECHNICAL / VALLEY / WEST

OFFICE OF THE CHANCELLOR

April 19, 2018

Ms. Elaine M. Howle, CPA
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Howle:

Thank you for your April 16, 2018 letter and for the opportunity to respond to the report, "Clery Act Requirements and Crime Reporting: Compliance Continues to Challenge California's Colleges and Universities." The Los Angeles Community College District understands the importance of maintaining a safe environment on its campuses, and has already initiated a workgroup to develop revisions to its existing policies relating to sexual assault, domestic violence, dating violence and stalking.

Recommendation: To ensure that its campuses provide the necessary resources and information to students about campus safety, the Los Angeles Community College District should, by December 2018, develop all required policies related to campus safety in compliance with the California Education Code.

Response: Agree. The Los Angeles Community College District will be working to revise or add policies in compliance with the Education Code.

We appreciate the professionalism of the California State Auditor's Office throughout its review.

Sincerely,

Francisco C. Rodriguez, Ph.D.
Chancellor

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THE CALIFORNIA STATE UNIVERSITY

OFFICE OF THE CHANCELLOR

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SAN JOSÉ
SAN LUIS OBISPO
SAN MARCOS
SONOMA
STANISLAUS

April 20, 2018

Ms. Elaine M. Howle
State Auditor
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, California 95814

Dear Ms. Howle:

The California State University (CSU) welcomes the opportunity to respond to the draft audit report *Clery Act Requirements and Crime Reporting: Compliance Continues to Challenge California's Colleges and Universities*.

The CSU understands and appreciates the importance of campus safety and providing accurate information to students and other stakeholders so they can make informed decisions. Toward that end, the CSU has continued its efforts to improve its compliance with the requirements of the Clery Act and federal regulations. For example, as noted in your report, in 2017 we issued an executive order that provides direction to the campuses on how to implement the Clery Act. Your staff concluded that policy was robust in most areas, and we will implement your recommendations for improvements. In addition, we have continued to host Clery Act workshops for Clery directors, most recently on March 27-29, 2018.

Recommendation 1: To ensure that its campuses include all necessary policy disclosures in their annual security reports, the CSU Chancellor's Office should revise its systemwide annual security report template by August 2018 so that it directs its campuses to specifically include each of the policies that the Clery Act and federal regulations require.

Response: *We concur. The Chancellor's Office will revise its systemwide annual security report template/format guide so that it directs the campuses to specifically include each of the policies that the Clery Act and federal regulations require.*

Recommendation 2: To help ensure its institutions maintain complete and accurate information about crimes that occur on their properties, the CSU Chancellor's Office should issue a policy by August 2018 to specify the information its institutions should include in their daily crime logs.

Response: *We concur. The Chancellor's Office will issue an update to existing policy to specify the information the campuses should include in their daily crime logs.*

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Ms. Elaine M. Howle
April 20, 2018
Page Two

Recommendation 3: To ensure it is fully compliant with the California Education Code, the CSU Chancellor's Office should create and implement a procedure by December 2018 regarding the handling of requests for information regarding sexual assault incidents.

Response: *We concur. The Chancellor's Office will create and implement a procedure regarding the handling of requests for information regarding sexual assault incidents.*

Please do not hesitate to contact me if you have questions.

Sincerely,

Timothy P. White
Chancellor

TPW/cs

UNIVERSITY OF CALIFORNIA

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SANTA BARBARA • SANTA CRUZ

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April 20, 2018

Ms. Elaine M. Howle
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, California 95814

State Auditor Howle:

Thank you for the opportunity to review and respond to the audit report, "Clery Act Requirements and Crime Reporting: Compliance Continues to Challenge California's Colleges and Universities." Below are the University's responses to the recommendations in the report directed to the University of California Office of the President.

1. **To help prevent errors during the next Clery Act reporting cycle, UCOP should revise its Clery Act policy by August 2018 to include details on where institutions can find the specific disclosure requirements for their annual security reports.**

   We agree with this recommendation and will update our Clery Act Policy to include this detail by August 2018.

2. **To ensure that it provides accurate and comprehensive information to its students and employees, UCOP should by December 2018 revise its intolerance form to allow reporters to include offender characteristics and provide to the public complete information regarding occurrences of noncriminal acts of hate violence. Additionally, UCOP should by February 2019 more clearly address both stranger and nonstranger sexual assault within its policies.**

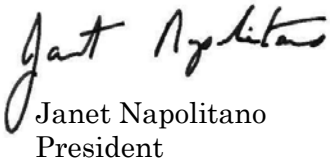
   We agree with this recommendation. UCOP will:
   - Revise the systemwide Intolerance Form to include a field for reporters to include offender characteristics by December 2018.
   - Publicly post annual systemwide summaries of reported noncriminal acts of hate violence / acts of intolerance by December 2018.

State Auditor Howle
April 20, 2018
Page 2

- Amend its Sexual Violence Sexual Harassment Policy to clarify that its policy applies to both stranger and nonstranger sexual assaults by February 2019.

We appreciate your team's professionalism and cooperation during the audit process, and we look forward to implementing the report's recommendations.

Yours very truly,



Janet Napolitano
President