



Clery Act

Some California Colleges and Universities Are Not Accurately Reporting Campus Crime Statistics and Safety Policies as Federal Law Requires

May 2021

REPORT 2020-032





CALIFORNIA STATE AUDITOR

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May 27, 2021
2020-032

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

Dear Governor and Legislative Leaders:

As required by section 67382 of the Education Code, my office conducted an audit of the accuracy of crime statistics compiled and reported by a selection of postsecondary educational institutions. In general, our audit found that the six institutions we reviewed did not fully comply with the requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

Four institutions reported criminal offenses in their 2020 annual security reports, but they did not do so accurately. Further, we found omissions in two of these institutions' crime logs—public records that are intended to provide timely information about all criminal activity on campus. Because of these errors and omissions, current and prospective students, staff, and other stakeholders may have an inaccurate understanding of campus safety. Finally, we found that just one of the six institutions we reviewed had fully complied with the Clery Act and federal regulations that require institutions to have in place specific security policies and disclose these policies in their annual security reports.

If institutions do not disclose all required policies, students and other stakeholders may not have the information necessary to make informed decisions about their personal security, or they may not be aware of resources available to help ensure their safety.

Respectfully submitted,

A handwritten signature in black ink that reads "Elaine M. Howle". The signature is written in a cursive, flowing style.

ELAINE M. HOWLE, CPA
California State Auditor

Selected Abbreviations Used in This Report

Alliant	Alliant International University
Cañada	Cañada College
DOE	U.S. Department of Education
DOE handbook	The Handbook for Campus Safety and Security Reporting
San Joaquin	San Joaquin Delta College
Santa Clara	Santa Clara University
Sonoma	Sonoma State University
Title IV	Title IV of the Higher Education Act of 1965
Berkeley	University of California, Berkeley
Irvine	University of California, Irvine
VAWA	Violence Against Women Reauthorization Act of 2013

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Summary

Crime on college campuses is a major concern for both students and their families. To help inform them 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 to prepare, publish, and distribute annual security reports disclosing specified campus crime statistics and campus security policies. California state law requires the California State Auditor to report the results of an audit of not fewer than six of these institutions to the Legislature every three years. This audit focused on a selection of six institutions—some public and some private—from across the State. Four of the institutions reported Clery reportable crimes, and we reviewed the accuracy and completeness of their crime statistics. At all six institutions, we reviewed annual security reports to assess whether they included all required policies.

The Four Institutions That Reported Specified Crimes Had Errors in Their Reported Crime Statistics

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All four institutions we reviewed that reported criminal offenses—the University of California, Irvine (Irvine), San Joaquin Delta College (San Joaquin), Santa Clara University (Santa Clara), and Sonoma State University (Sonoma)—reported statistics that were inaccurate or incomplete to varying degrees. For example, Sonoma did not report a sexual assault because it did not follow up with the police to determine the specific location of the incident even though it was aware that the incident had occurred on university property. In addition, although all four institutions have written procedures for collecting and reporting crime statistics, these procedures alone were not sufficient to ensure compliance. Further, Santa Clara and Sonoma did not maintain accurate daily logs of all crimes reported to them, a critical tool for informing the public about recent crimes at each institution. The Clery Act requires institutions with campus police or security departments to maintain and make available to the public these daily crime logs.

Five of the Six Institutions Did Not Provide Complete Information About Important Campus Safety Policies to Current and Prospective Students and Employees

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Five of the six institutions we reviewed—Alliant International University (Alliant), Cañada College (Cañada), Irvine, San Joaquin, and Sonoma—failed to include certain policies in their annual security reports as required by the Clery Act and federal regulations. We identified 59 policies that federal law requires institutions to have

in place and, in most instances, that they must disclose in their annual security reports. Our review found that either these five institutions did not disclose certain policies or the policies they disclosed were inadequate. The U.S. Department of Education provides detailed information about required policy disclosures, and some of the institutions also relied on other sources of guidance, such as documents prepared by their systemwide offices or external reviews. However, the institutions failed to follow these sources of guidance, leading to the problems we found.

Summary of Recommendations

Irvine, San Joaquin, Santa Clara, and Sonoma

Irvine, San Joaquin, Santa Clara, and Sonoma should strengthen their written procedures that describe the processes they will follow for identifying and reporting Clery reportable crimes and ensure that their staff follow them. Sonoma's procedures should direct its Clery coordinator to obtain additional information about potentially reportable crimes when the initial information submitted by campus security authorities is inconclusive.

Santa Clara and Sonoma

Santa Clara and Sonoma should take corrective action to ensure that they include all crimes in their daily crime logs.

Alliant, Cañada, Irvine, San Joaquin, and Sonoma

Alliant, Cañada, Irvine, San Joaquin, and Sonoma should ensure that their staff identify and correct any missing or inadequate policies.

Agency Comments

Alliant, Cañada, Irvine, and San Joaquin all generally agreed with our recommendations and indicated that they would implement those recommendations. Sonoma indicated that it concurred with the recommendations in our report and listed steps it believes will address some of the issues we identified. Santa Clara did not agree with our conclusions that it did not follow Clery reporting requirements and did not agree with our recommendations.

Introduction

Background

Students and their families have a clear interest in the safety of college campuses. The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires all eligible institutions participating 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. These reports are to disclose specified campus crime statistics and campus security policies. Congress enacted these requirements in 1990, due in part to the reported increase in crime on college campuses. Among other incidents, the 1986 rape and murder of college student Jeanne Clery was a factor in prompting Congress to pass the disclosure requirements. In a statement to Congress in 1990, Jeanne Clery's parents testified that their daughter and her fellow students did not know about the recent rate of violent crimes on their campus. As part of a 1998 amendment to the 1990 law, Congress renamed the law in memory of Jeanne Clery.

Clery Act Requirements

The Clery Act requires institutions to publish an annual security report containing statistics related to specific crimes, including criminal homicides, sex offenses, robberies, and aggravated assaults. These offenses, referred to in this report as *Clery reportable crimes*, are listed in detail in Appendix A. The crimes are grouped into four categories: criminal offenses, offenses that violate the Violence Against Women Reauthorization Act of 2013 (VAWA), hate crimes, and arrests and referrals for disciplinary action, as the text box shows.¹ Each institution must distribute its annual security report by October 1 to all enrolled students and current employees, a requirement that the institution can fulfill 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 through either physical or electronic mail, provide a description of its contents, and establish a means of requesting a copy. Additionally, each institution is required to submit its campus crime statistics annually to the U.S. Department of Education (DOE).

Categories of Clery Reportable Crimes

Criminal offenses are incidents of murder, manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson.

VAWA offenses are incidents of domestic violence, dating violence, and stalking.

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 against individuals with certain characteristics.

Arrests and referrals for disciplinary action are violations that involve illegal drugs, liquor, and weapons laws that are not necessarily prosecuted as crimes.

Source: DOE handbook.

¹ VAWA, enacted in 1994, introduced a series of changes to federal law, including provisions for enhancing investigations and prosecutions of sex offenses.

Clery Reporting Locations

Institutions must report statistics related to crimes that occur:

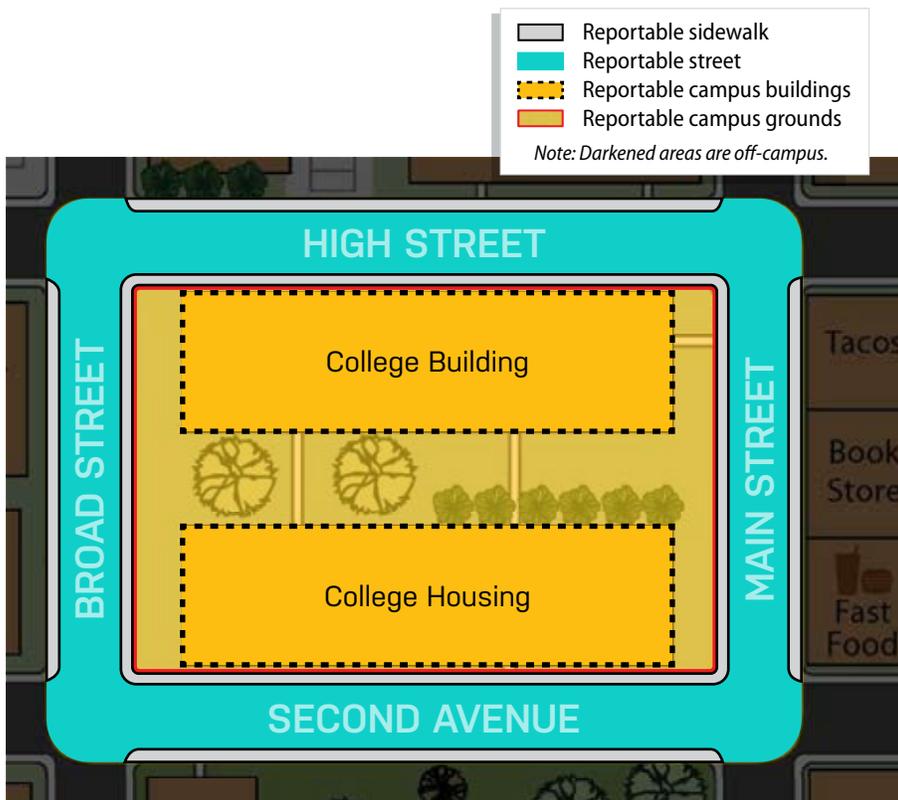
- On campus.
- In on-campus student housing facilities.
- In or on noncampus buildings or property, such as off-campus housing, that an institution owns or controls.
- On public property, such as a sidewalk, that is within a campus or immediately adjacent to and accessible from a campus.

Source: Federal law and the DOE handbook.

The Clery Act requires institutions to report statistics related to crimes that occurred within the specific locations categorized in the text box. Figure 1 illustrates some of these locations. The institutions must annually report these statistics for the most recent and two preceding calendar years for which data are available.

Figure 2 displays the process for institutions to use for compiling and reporting their crime statistics related to all Clery reportable crimes that have been reported to their campus security authorities. Campus security authorities can include campus police; individuals who are responsible for campus security, such as monitors at entrances to the institutions or at institution-sponsored events; officials who have significant responsibility for student and campus activities; and individuals

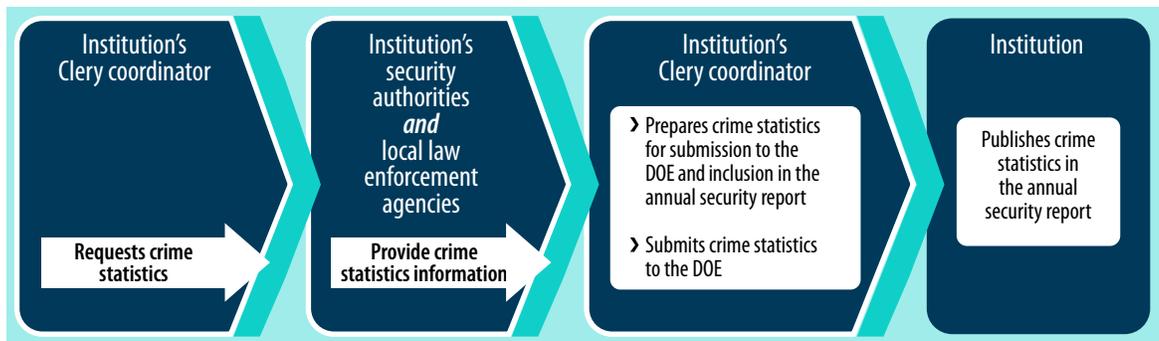
Figure 1
Example of Campus and Public Property Locations for Which Institutions Must Report Clery Act Crime Statistics



Source: Adapted from the DOE handbook.

or organizations that campus security policies have identified as responsible for receiving student and employee reports of criminal offenses, such as rapes or robberies. The Clery Act also requires institutions to make a reasonable, good-faith effort to obtain and disclose reportable crime statistics from local law enforcement agencies about crimes that occur at Clery reporting locations but that have not been directly reported to campus security authorities.

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



Source: Federal law and the DOE 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 coordinator*.

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.

When Congress reauthorized VAWA in 2013, it amended the Clery Act to include additional crimes, conduct, and policies that campuses must report. Under the VAWA amendments to the Clery Act, institutions' annual security reports must include policy statements regarding 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 a report of such conduct, among other topics. In addition, the VAWA amendments to the Clery Act require institutions to report statistics

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 victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
- Policies related to preventing dating violence, 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: Federal law.

for reported crimes of domestic violence, dating violence, sexual assault, and stalking. Further, they clarify requirements for institutional disciplinary procedures and instruct campuses to provide specified educational programs.

Government Oversight

Both the state and federal governments conduct oversight activities that evaluate institutions' compliance with the Clery Act. State law requires the California State Auditor (State Auditor) to determine institutions' compliance with the requirements of the Clery Act by evaluating the accuracy of the crime statistics they report and the effectiveness of the procedures they use to identify, gather, and disseminate these data. State law also requires the State Auditor to report to the Legislature the results of such an audit every three years of not fewer than six institutions that receive federal student aid. The State Auditor previously issued audit reports on this subject in December 2003, January 2007, January 2010, October 2012, July 2015, and May 2018. These reports have generally found that the institutions reviewed were not fully complying with Clery Act requirements. For instance, the 2018 report identified that four institutions did not accurately report criminal offenses in their annual security reports.

DOE has published guidance to assist institutions in meeting Clery Act requirements. That guidance is contained in a document published in 2016 called *The Handbook for Campus Safety and Security Reporting* (DOE handbook), which provides detailed information for institutions. In October 2020, DOE published a new guidance document that contains significantly less detailed information than the DOE handbook. However, DOE still allows institutions to rely on the 2016 handbook.

DOE also conducts reviews to evaluate institutions' compliance with Clery Act requirements. These reviews can be initiated in a variety of ways, including through complaints it receives from students, employees, or the public. Based on the findings from its reviews, DOE can issue fines of up to \$59,000 for each violation. According to its website, DOE published at least three Clery Act compliance reviews over a two-year period in 2018 and 2019. For example, in 2019 DOE published its Clery Act review of the University of California, Berkeley (Berkeley), which identified multiple violations. Notably, DOE found that Berkeley failed to report hate crimes in two annual security reports and failed to disclose security policies in multiple annual security reports. In 2020 Berkeley agreed to pay \$2.35 million in total fines as a result of the Clery Act violations that DOE identified.

State Law Requirements

In addition to federal requirements, state law requires institutions in California to adopt additional policies related to sexual assault, which we refer to as the *affirmative consent law*. According to a legislative committee analysis, the affirmative consent law was proposed because sexual violence continues to be a significant problem on college campuses, raising serious questions about the ability of colleges and universities to provide safe learning environments, particularly for female students. Effective in January 2015, the affirmative consent law requires that the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions adopt policies that include an affirmative consent standard in determining whether consent to sexual activity was given by both parties. The law defines affirmative consent as the affirmative, conscious, and voluntary agreement to engage in sexual activity.

The affirmative consent law further requires institutions to adopt detailed and victim-centered policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving students. Institutions must adopt these policies in order to receive state funds for student financial assistance. Moreover, to receive such state funds, institutions are also required, to the extent feasible, to enter into agreements or partnerships with existing on-campus and community-based organizations or otherwise make available to students a variety of assistance services such as counseling, mental health, and victim advocacy.

Institutions Reviewed as a Part of This Audit

This audit focused on six public and private institutions from across the State: Alliant International University (Alliant), Cañada College (Cañada), University of California, Irvine (Irvine), San Joaquin Delta College (San Joaquin), Santa Clara University (Santa Clara), and Sonoma State University (Sonoma). As Table 1 shows, four of these institutions reported crimes under the Clery Act for 2019, the latest year included in their 2020 annual security reports.² The other two institutions—Alliant and Cañada—did not report any crimes in their annual security reports.³ We describe the work we performed for this audit in our scope and methodology in Appendix D.

² Appendix B includes the number of Clery reportable crimes these institutions reported for 2017 and 2018.

³ An outside agency reported one crime to Alliant for its San Diego campus in 2019. In its report, the agency informed Alliant that it was an unfounded crime, which meant that a law enforcement agency determined that it was a false or baseless report before the report was submitted to Alliant. We confirmed that Alliant identified this crime as unfounded in its annual security report.

Table 1
Four Institutions' Enrollment and Their 2019 Reported Clery Act Crime Statistics

	IRVINE	SAN JOAQUIN	SANTA CLARA	SONOMA
Enrollment	36,908	18,870	8,669	8,649
Criminal Offenses				
Aggravated assault	1	0	1	2
Arson	0	3	0	0
Burglary	15	1	3	27
Motor vehicle theft	4	1	2	0
Murder and nonnegligent manslaughter	0	0	0	0
Manslaughter by negligence	0	0	0	0
Robbery	0	1	1	0
Rape	16	0	8	16
Fondling	14	1	0	3
Incest	0	0	0	0
Statutory rape	1	0	0	1
Subtotals	51	7	15	50
VAWA Offenses				
Domestic violence	1	0	1	3
Dating violence	8	0	1	13
Stalking	27	0	2	0
Subtotals	36	0	4	16
Hate Crimes				
Hate crimes	1	3	0	1
Subtotals	1	3	0	1
Arrests				
Drug abuse arrests	6	0	6	1
Liquor law arrests	1	1	2	2
Weapons law arrests	1	1	1	1
Subtotals	8	2	9	4
Disciplinary Actions				
Drug abuse	48	0	92	6
Liquor law	317	0	320	4
Weapons law	2	0	2	4
Subtotals	367	0	414	14
Grand Totals	467	14	442	86

Source: The 2019 crime statistics each institution reported in its 2020 annual security report.

The Four Institutions That Reported Specified Crimes Had Errors in Their Reported Crime Statistics

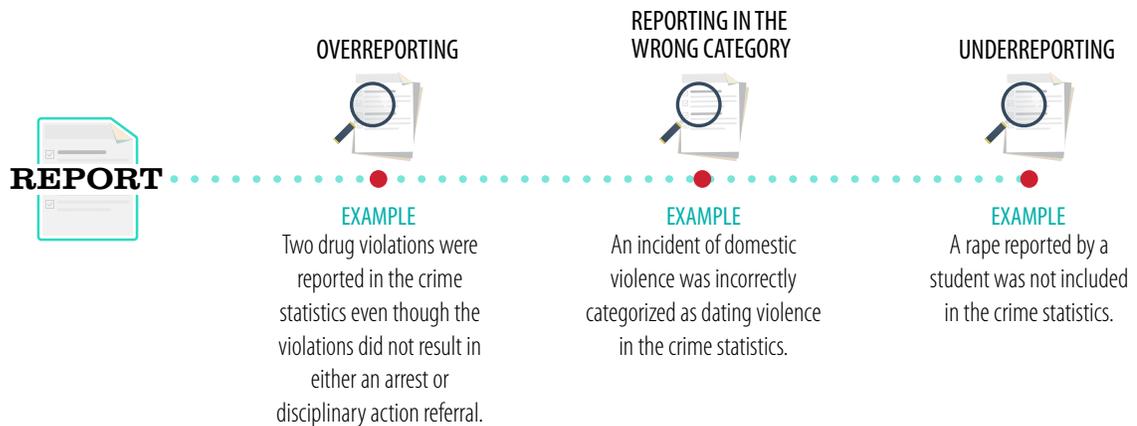
Key Points

- None of the four institutions we reviewed that reported criminal offenses—Irvine, San Joaquin, Santa Clara, and Sonoma—fully complied with the crime reporting requirements of the Clery Act and federal regulations. All four institutions reported statistics that were inaccurate or incomplete to varying degrees. Although all four institutions had written procedures for collecting and reporting crime statistics, these procedures alone were not sufficient to ensure compliance.
- Even though the Clery Act requires institutions with campus police or security departments to maintain and make available to the public daily logs of all crimes reported to them, Santa Clara and Sonoma did not include all relevant crime reports in their daily logs.

Errors in the Crime Reports of the Four Institutions May Lead to an Inaccurate Understanding of Campus Safety

To determine whether the four institutions that reported criminal offenses accurately reported Clery reportable crimes, we reviewed a selection of either 15 or 30 of the crimes that each institution reported for 2019 and assessed whether they were accurately reported in terms of the type of crime and the location in which the crime occurred.⁴ Further, at each institution we also reviewed a separate selection of 30 crimes to assess whether the institutions had properly included them in or excluded them from their annual security reports. Generally, our review revealed three different types of errors, as Figure 3 illustrates.

Figure 3
Types of Reporting Errors We Found

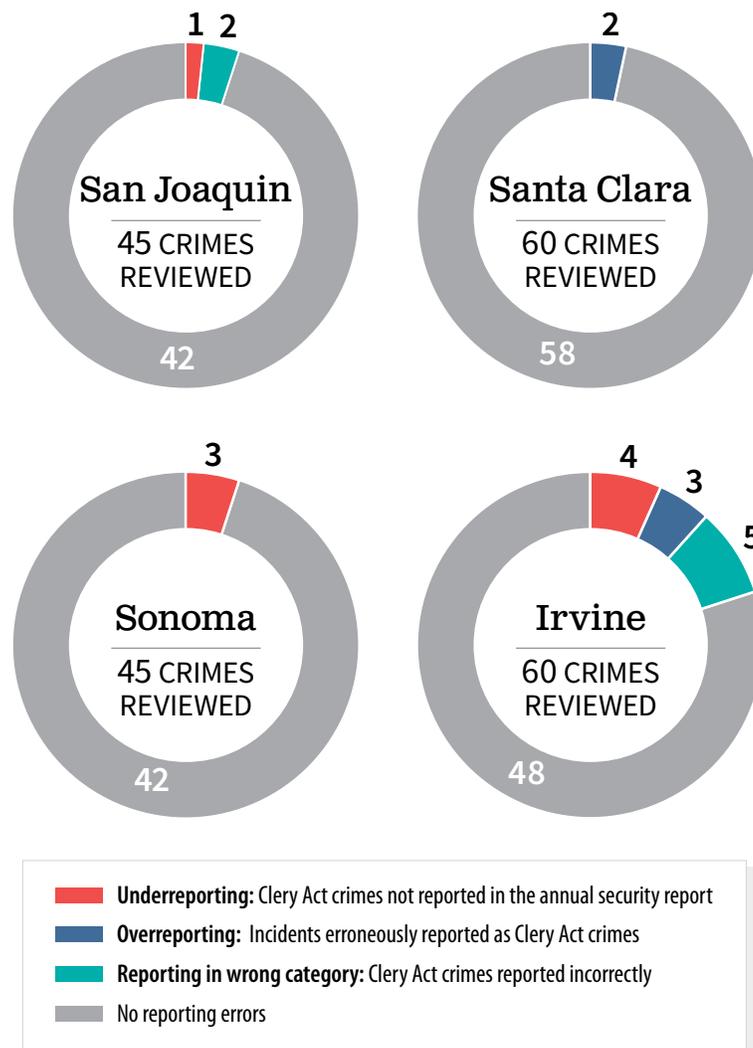


Source: Federal law and review of institution crime reports.

⁴ We based the number of crimes we reviewed on the total number of reported crimes at each institution.

All four institutions reported statistics that were inaccurate or incomplete to varying degrees. As Figure 4 indicates, of these institutions, Irvine had the highest rate of inaccurate crime statistics and Santa Clara had the lowest error rate. However, it is important for each institution to correctly and completely report all its Clery reportable crime statistics to give students, institution employees, and the public an accurate picture of the crime situation on the respective campuses.

Figure 4
Number and Types of Crimes With Reporting Errors Among the Crimes We Reviewed for 2019



Source: Analysis of the four institutions' crime statistics and crime reports.

Note: We tested either 45 or 60 crimes at each institution based on the number of reported crimes. The figure depicts the number of individual crimes we reviewed that had reporting errors. However, the total number of errors we found were higher than shown in the figure because at each campus we found at least one reported crime with more than one type of reporting error.

The most serious type of error we identified was underreporting of crimes. When an institution fails to report crimes occurring on or near its campus, interested parties—such as current and prospective employees and students—may be unaware of serious incidents that could affect their health and safety. For example, Sonoma did not report a sexual assault that occurred in a campus dorm. In fall 2019, an officer from Sonoma’s campus police department responded to a report of a suspicious injury to a student. In speaking with the officer, the student confirmed that they had been sexually assaulted in their dorm room, but they chose not to provide the officer with additional details or the identity of the suspect.⁵ However, this incident met the requirement for reporting because Sonoma knew the type of crime that was reported, the date it was reported, and that it was reported to have occurred on property owned or controlled by the university.

Sonoma’s failure to report this crime was caused by its insufficient review of the crime report and associated documents. Sonoma’s Clery coordinator indicated that she did not report this incident because she was not provided with the location where it occurred. Specifically, when explaining her assessment of whether to report the incident for Clery Act purposes, she referenced the campus security form submitted by the campus police department and Sonoma’s daily crime log. Neither source mentions the dorm room as the location of the assault, and both state that the location of the incident was “unknown.” However, the campus security form also indicates that the crime occurred on property owned, controlled, or leased by the university. Therefore, although the Clery coordinator did not know the exact location of the crime, which she would need in order to make a Clery report, she received a report of a sexual assault occurring on university property—a Clery reporting location.

The Clery coordinator explained that if information is missing, she follows up with the police, but that in this case the information on the campus security form seemed complete. However, the campus security form clearly indicated that the crime occurred on Sonoma’s campus property. If the Clery coordinator did not believe she had enough information to report the crime based on the security form, we expected her to have contacted the campus police department for more information. If she had done so, she would have learned that the incident occurred in a dorm room on the Sonoma campus and she would have therefore determined that this crime should be included in Sonoma’s 2019 crime statistics.

⁵ When referring to crime victims in our report, we use the pronouns *they/their/them* to help protect the identity of the victims.

This incident is especially troubling because the determination that this was not a Clery reportable crime meant that Sonoma did not consider issuing a timely warning to its campus community. Federal law requires institutions to establish a policy for issuing alerts to the campus community about certain crimes in a manner that is timely and that will help prevent similar crimes. Sonoma's policy indicates that the chief of its campus police, in consultation with the Clery coordinator, is responsible for issuing timely warnings through one or more of the following methods: electronic mail, Sonoma's website, public display video monitors, or hard-copy notices posted on campus doors. Sonoma's policy for issuing timely warnings also states that Sonoma will determine whether an incident requires a timely warning based on three factors: whether it is a Clery reportable crime, whether it occurred in a Clery reporting location, and whether it poses a serious or ongoing threat to the community. However, Sonoma did not consider issuing a timely warning based on its policy in this instance because its Clery coordinator did not deem the sexual assault to be a Clery reportable crime.

We also found instances in which institutions reported crimes in the wrong category, depriving interested parties of accurate information about the nature of those crimes. For example, in January 2019 an individual reported to the Irvine campus police department that they had been raped by their partner. In a follow-up call, the individual stated to the campus police officer that they no longer wanted to move forward with the case and confirmed in writing that the incident was a misunderstanding and the actions done to them by their partner were not forced. However, Irvine reported this incident as a rape and it also reported it as an unfounded crime, meaning that law enforcement determined the report was false.

Institutions reported crimes in the wrong category, depriving interested parties of accurate information about the nature of those crimes.

However, Irvine should not have reported the crime as unfounded. For Clery Act reporting purposes, a crime is deemed unfounded only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. The DOE handbook states that the withdrawal of an original statement alone is not sufficient evidence to prove the crime did not occur. Specifically, law enforcement can conclude that a crime report is false only if evidence from a complete and thorough investigation establishes that

the crime that was reported was not, in fact, completed or attempted in any manner. Additionally, because the student reported that the assailant was their partner, Irvine should have reported the crime as dating violence because it meets the definition of that crime as contained within the DOE handbook. When we followed up with Irvine's Clery coordinator, she agreed that the crime should not have been reported as unfounded and should also have been reported as dating violence. Because of the reporting errors with this incident, Irvine's 2019 Clery crime statistics gave an inaccurate description of the types of crimes that were occurring on its campus.

Finally, we found that institutions overreported some crimes, potentially leading interested parties to conclude that campuses were more dangerous than they actually were. For example, in April 2019, Santa Clara campus safety officers responding to a report of drug use found a BB gun in a dorm room and confiscated it. Santa Clara reported this incident as a disciplinary action referral for possession of a weapon in violation of campus policies. However, our analysis of state law determined that the possession of a BB gun on a university campus does not violate state law and therefore should not have been reported in the campus's Clery crime statistics. To justify reporting this incident, Santa Clara's Clery coordinator told us that the DOE handbook indicates that weapons violations also apply to weapons used in a deadly manner and cited state law that describes the willful discharge of a BB gun in a grossly negligent manner, which can result in serious injury or death, as a crime. However, this incident did not involve the discharge of the BB gun. Further, the DOE handbook specifically advises that institutions should not report violations of their policies if there was no violation of the law. Therefore, Santa Clara incorrectly amplified the seriousness of this incident and provided an inaccurate portrayal of campus safety in its 2019 crime statistics by reporting the possession of a BB gun as a weapons violation.

Institutions overreported some crimes, potentially leading interested parties to conclude that the campuses were more dangerous.

In addition to the types of errors we describe above, we found that Irvine and Santa Clara did not include in their annual security reports all of the Clery reportable crimes they identified. Irvine's Clery coordinator described to us the process she uses to track all of her campus's police and incident reports and to determine

which incidents are Clery reportable. However, when we compared her records of reportable incidents with the crimes listed in Irvine's annual security report, we found that the annual security report did not include one domestic violence incident and 64 disciplinary referrals for liquor law violations. Similarly, at Santa Clara, when we compared the Clery coordinator's records of reportable crimes with those reported in Santa Clara's annual security report, we found that Santa Clara did not report 237 disciplinary referrals for liquor law violations and 35 referrals for drug law violations. Both coordinators acknowledged the mistakes and explained that human and software errors were the cause.

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, they all had errors in their reported crime statistics. When we asked these institutions about their processes for ensuring that they are reporting accurate crime statistics, they generally described a similar process: each institution's Clery coordinator collects reports from multiple sources and determines whether reported crimes should be included in the Clery crime statistics. All four of the institutions—Irvine, San Joaquin, Santa Clara, and Sonoma—also had written procedures for collecting and reporting crime statistics. However, errors can still occur when these procedures do not include sufficient guidance for staff or processes to ensure that staff adhere to that guidance. Until institutions take steps to strengthen their procedures and ensure that staff follow them, they—and the public—will not have assurance that their staff are collecting and reporting crime statistics accurately.

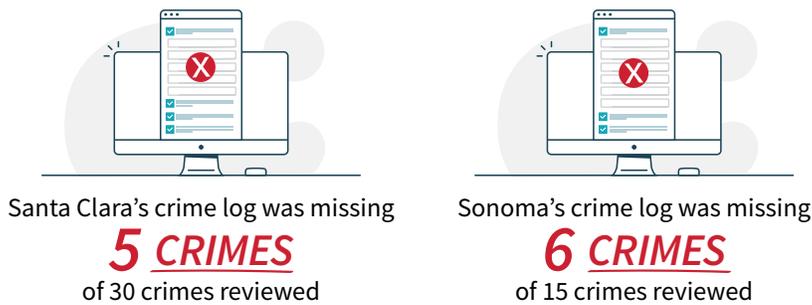
Failure to Maintain Complete, Up-to-Date Daily Crime Logs at Two Institutions May Be Contributing to an Incorrect Understanding of Campus Safety

The Clery Act requires institutions with campus police or security departments to maintain daily logs of all crimes reported to them, including both Clery reportable crimes and crimes that are not reportable under the Clery Act, such as petty theft. According to the DOE handbook, the purpose of an institution's crime log is to provide crime information on a more timely basis than the annual security report. Institutions must enter all reported crimes in their crime logs within two business days of the reports being made to campus police or security departments, unless disclosure of such information is prohibited by law or would jeopardize the confidentiality of the victims. According to federal law, the institutions must make these daily crime logs available to the public for the most recent 60-day period.

Despite the role these logs play in providing a transparent view of campus safety, we found problems with the completeness of the daily crime logs at two of the institutions we reviewed. All four institutions that reported Clery crimes in 2019 maintained daily crime logs. However, Santa Clara's log was missing five crimes and Sonoma's log was missing six crimes. As part of our review of a selection of the Clery reportable crimes that each institution included in its annual security report, we determined whether the institution had also recorded those crimes in its daily crime log. Figure 5 shows the number of crimes missing from each log.

Figure 5
Number of Crimes Missing From 2019 Crime Logs Among the Crimes We Reviewed

We identified several crimes that were missing from Santa Clara's and Sonoma's crime logs, including a sexual assault at each campus.



Source: 2019 crime reports and daily crime logs from Santa Clara and Sonoma.

Note: The crimes we reviewed for inclusion in the crime log were the same crimes we reviewed to determine whether they were accurately reported in the Clery crime statistics. This totaled 30 crimes at Santa Clara and 15 crimes at Sonoma.

The most serious omissions from the crime logs were reported instances of sexual assault. For example, a Santa Clara student reported a rape to staff at the Santa Clara Title IX office. Santa Clara appropriately included this incident in its 2019 Clery crime statistics but did not include it in its daily crime log. The DOE handbook allows institutions to temporarily withhold certain crimes from their logs, but only if there is clear and convincing evidence that the release of information would jeopardize an ongoing investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. The DOE handbook also states that institutions should document their reasons for temporarily withholding incidents from the daily crime log. When we asked Santa Clara's Clery coordinator to provide us with this documentation, he did not provide it. Instead, he stated that he believed including the crime in the daily crime log would

have caused the victim further anguish. However, he did not explain how the desire to avoid doing so, however legitimate, was consistent with the DOE guidance or actually prevented Santa Clara from including the crime in its log and thereby alerting students and employees in a timely fashion.

In fact, Santa Clara never included this incident in its crime log. The DOE handbook directs institutions to disclose an incident in the daily crime log once the adverse effect is no longer present. Santa Clara stated that it took 78 days for its Title IX office to reach a final determination on this incident, at which point the institution would ostensibly have concluded its investigation. Santa Clara argued that as a result of the time it took to do so, any timeliness from including the incident in the daily crime log would be lost. Even if it was appropriate for Santa Clara to temporarily withhold the crime from its log, the DOE handbook does not allow for institutions to reach their own conclusions about whether too much time has passed for crime information to be useful. For these reasons, Santa Clara should have included the incident in its daily crime log.

Similarly, in 2019 an individual reported a rape along with fondling and dating violence to Sonoma's Office for the Prevention of Harassment and Discrimination. However, we could only find a rape listed on Sonoma's daily crime log around the time of this report. When we asked Sonoma's campus police department to confirm that this entry in the crime log was the same report we reviewed, it responded that it believed the entry was the same case. However, although the campus police department confirmed that the rape was reported in the log, it could not provide a reason as to why the other crimes were not reported and acknowledged that they probably should have been included. Sonoma's police chief, who joined the department in December 2020, could not explain the process his department used in 2019 to maintain the crime log to ensure that it included all reportable crimes, and he noted that many employees who worked for the department at that time are no longer there. He indicated that he intends to develop policies and procedures for his department to maintain the crime log.

In addition, Santa Clara did not include all the crime reports from local law enforcement agencies in its crime log that the Clery Act requires. Because some crimes that occur at a Clery reportable location are investigated by a local law enforcement agency, such as a police department, the academic institution may not be aware of these crimes unless the agency reports them to the institution. Santa Clara indicated that it receives crime statistics from the Santa Clara Police Department monthly. However, we identified three crimes that local law enforcement agencies reported to Santa Clara that were not included in its daily crime log. These

omissions occurred because Santa Clara believed that they were reported too late to be included in its crime log. Santa Clara stated that it believes that retroactively creating a report and then updating the daily crime log would not capture the timely intent of the daily crime log's publication. Therefore, Santa Clara's general practice is to update its log to include crime information from law enforcement agencies only when it receives information about the crime within roughly two business days of the date the crime occurred. However, according to the DOE handbook, crimes that are initially reported to a local law enforcement agency must be included in the institution's daily crime log after being reported to the campus security office. Further, the DOE handbook states that the date the institution records in its daily crime log for crime reports received from local law enforcement agencies should be the date the institution receives the crime reports. As such, Santa Clara should have included these crimes in its daily crime log each month after receiving the information from its local law enforcement agency. If Santa Clara believes that receiving crime statistics from its local law enforcement agency monthly is not timely enough, it should request that these statistics arrive more frequently and include them in its log as required. The incomplete crime logs raise concerns about the thoroughness of the information that Santa Clara makes available to members of the public seeking information on reported crimes.

Finally, during our review of Santa Clara we became aware that the version of the crime log published on its website omitted some crimes and displayed inaccurate information for others. In January 2021, we downloaded Santa Clara's 2019 crime log from its website. During our review, we identified 52 differences between the daily crime log on its webpage and a 2019 crime log its Clery coordinator generated for us upon request. These differences resulted from crimes that Santa Clara incorrectly excluded from the website version of the log as well as items that Santa Clara included that were not actually crimes. Santa Clara's Clery coordinator was not aware of this problem before we pointed it out, but he later indicated that some of these differences were caused by the institution's reporting system either not identifying some crimes correctly or failing to display crimes it did identify correctly in the daily crime log report. The Clery coordinator explained that if someone from the campus or a member of the public were to request a copy of the daily crime log, he would generate a new report from the reporting system instead of just directing them to the Santa Clara webpage. However, he acknowledged that there has only been one such request in the last three years. Given that it is so rare for the Clery coordinator to receive these requests, the webpage may well be the public's main source of daily crime log information. Because the crime log on its website did not contain all relevant crimes, Santa Clara's website implied that the campus is safer than the actual log used to generate the website data indicates.

Recommendations

Irvine, San Joaquin, Santa Clara, and Sonoma

To ensure that they accurately report crime statistics in their annual security reports, Irvine, San Joaquin, Santa Clara, and Sonoma should, by November 2021, strengthen their written procedures to clearly describe the processes they will follow for identifying and reporting Clery reportable crimes and ensure that their staff follow them. Sonoma's procedures should direct its Clery coordinator to obtain additional information about potentially reportable crimes when the initial information submitted by campus security authorities is inconclusive.

Santa Clara

To ensure that its crime log is accurate, by July 2021 Santa Clara should do the following:

- Require its Clery coordinator to include 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.
- Require its Clery coordinator to periodically review the version of the crime log posted on its website to ensure that it aligns with Santa Clara's official crime log.

Sonoma

To ensure that its crime log includes all reported crimes, Sonoma should, by July 2021, develop and implement procedures for maintaining its crime log.

Five of the Six Institutions Did Not Provide Complete Information About Important Campus Safety Policies to Current and Prospective Students and Employees

Key Points

- Five of the six institutions we reviewed—Alliant, Cañada, Irvine, San Joaquin, and Sonoma—failed to include all policies that the Clery Act and federal regulations require in their annual security reports. Specifically, either the institutions did not disclose certain policies or their policy disclosures were inadequate.
- Federal guidance is available for the institutions to rely on to ensure that they include all required security policies in their annual security reports. Additionally, some of the institutions we reviewed also rely on other sources of guidance, such as documents prepared by their systemwide offices or external reviews. However, the errors we found indicate that the institutions are not adequately following these sources of guidance.

Five Institutions Did Not Disclose Important Information About Their Policies Related to Sex Offenses, Disciplinary Actions, or Emergency Response Procedures

Five of the six institutions we reviewed did not fully provide descriptions of the security policies and processes that the Clery Act and federal regulations require in their annual security reports.⁶ We identified 59 policies that federal law and regulations require institutions to have in place and, in most instances, to disclose in their annual security reports. These policies and processes fall into nine categories, as the text box shows. Appendix C lists all 59 disclosure requirements we reviewed and it identifies whether the institutions fulfilled them. Overall, we found that five of the six institutions had either missing or inadequate policies. The total number of missing or inadequate policies for each institution were as follows:

- Alliant had no missing policies and five inadequate policies.
- Cañada had 14 missing policies and five inadequate policies.

Categories of Policies and Processes Institutions Must Develop or Disclose

- Annual reports and access to campus policies
- The daily crime log and crime reporting
- Campus law enforcement and crime prevention
- Illegal drugs and alcohol
- Campus sex offense programs and procedures
- Sexual violence prevention and education programs
- Processes the institution will use to take disciplinary action in cases of an alleged sex offense
- Campus emergency response and evacuation procedures
- Processes the institution will use when there is a report of a missing student

Source: Federal law.

⁶ We reviewed the 2020 annual security reports for Irvine and Santa Clara, and the 2019 annual security reports for Alliant, Cañada, San Joaquin, and Sonoma because these were the most recent reports available during the time of our review of security policies.

- Irvine had no missing policies and four inadequate policies.
- San Joaquin had two missing policies and 10 inadequate policies.
- Sonoma had four missing policies and five inadequate policies.

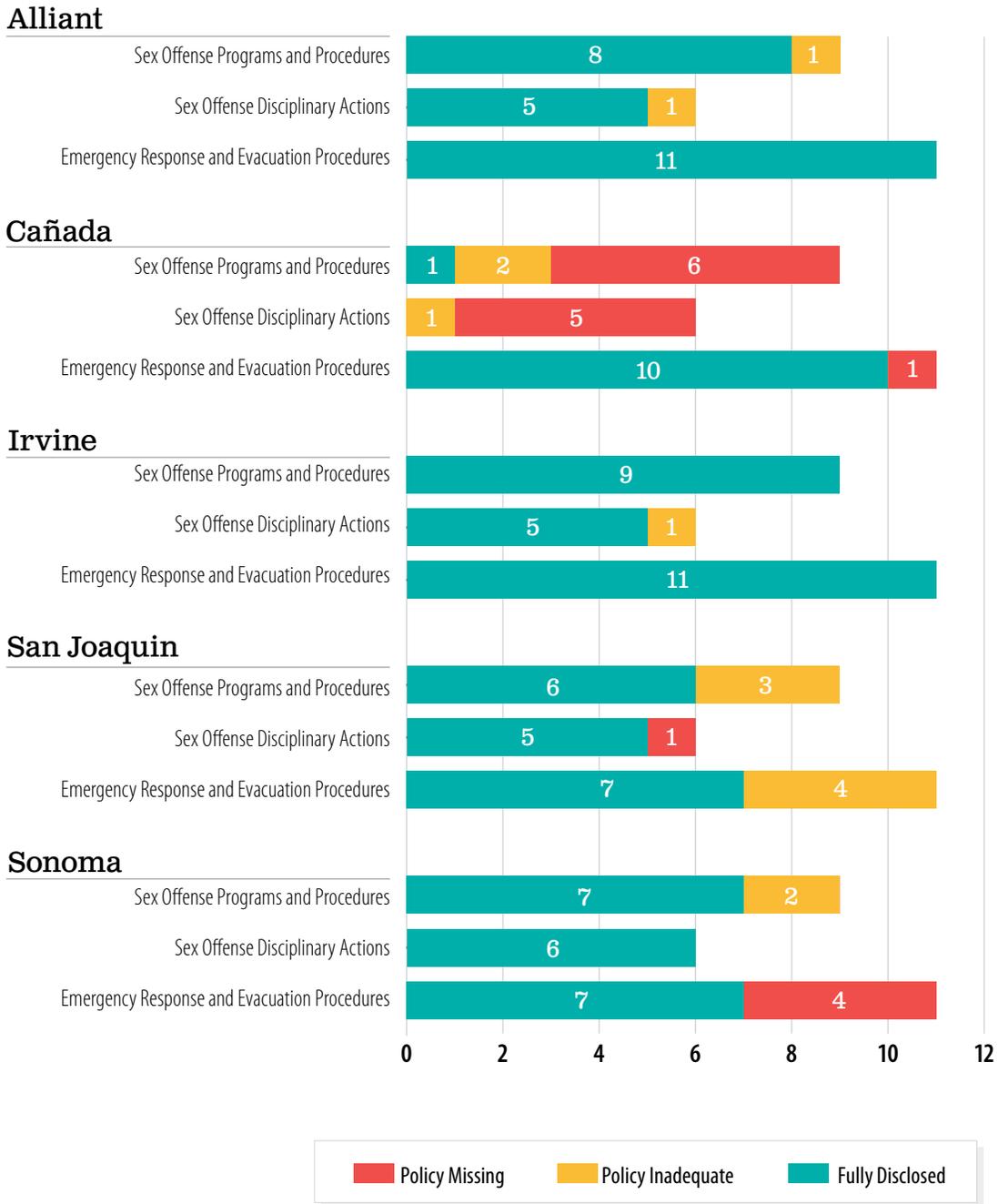
Our review determined that Santa Clara had no missing or inadequate policies.

In the remainder of this section, we focus on key policies regarding campus sex offense programs and procedures, disclosure of processes for taking disciplinary action in cases of alleged sex offenses, and policies regarding campus emergency response and evacuation procedures. These are the three areas where we found the greatest number of missing or inadequate policies. Each of the five institutions with missing or inadequate policies failed to disclose information related to one or more of these specific areas. Figure 6 summarizes each institution's compliance.

Federal law requires institutions to provide policies regarding their campus sex offense programs and procedures. For example, institutions are required to disclose a statement of policy regarding their programs to promote awareness of and to prevent domestic violence, dating violence, sexual assault, and stalking. However, Alliant, Cañada, San Joaquin, and Sonoma each failed to include at least some of this program information in their annual security reports. Without this information, current and prospective students and employees may not receive critical information about available programs that describe the actions they can take to reduce their risk of sexual assault or to safely intervene if they witness a potential assault.

Additionally, we found that four institutions were missing or had at least one inadequate disclosure concerning their processes for taking disciplinary action in cases of an alleged sex offense. Only Santa Clara and Sonoma had complete and adequate policies in this area. We identified six elements that federal law requires institutions to disclose regarding their processes for disciplinary action. For example, institutions must describe how they determine which type of proceedings to use and the standards of evidence for those proceedings. Alliant and Cañada each failed to adequately disclose which type of disciplinary proceeding they will use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking. For example, Alliant's annual security report indicates that it may either use a method of informal resolution or conduct a formal investigation, but it lacks a comprehensive description of the circumstances under which it will use each process. In contrast, Santa Clara's security report lists four criteria the institution uses to determine that informal resolution is appropriate. Most significantly, Cañada did not adequately disclose any of the six required policy elements.

Figure 6
Number of Missing or Incomplete Clery Act Disclosures in Key Policy Areas by Institution



Source: Analysis of the most recent annual security reports for Alliant, Cañada, Irvine, San Joaquin, and Sonoma.

Note: Santa Clara did not have any missing or incomplete disclosures.

Finally, we found that three institutions—Cañada, San Joaquin, and Sonoma—had missing or inadequate policies regarding their emergency response and evacuation procedures. The Clery Act and federal regulations require institutions to disclose 11 policies for how they will notify students, employees, and the public that an emergency exists and how they will respond to an emergency. For example, Sonoma failed to include a statement regarding its procedures to test its emergency response and evacuation system annually, as federal law requires. In addition, San Joaquin's policy in this area was inadequate. Federal law defines *tests* as regularly scheduled drills, exercises, and appropriate follow-through activities designed to assess and evaluate emergency plans and capabilities. However, San Joaquin's policy indicates that instead of conducting annual tests as defined in law, it tests its emergency notification system throughout the year by sending warning notifications to students and employees. Although San Joaquin's policy is to send these warnings and emergency notifications through identical distribution methods, such as email, text message, and social media, the sending of a warning on its own is not the same as a test because it lacks drills, exercises, and follow-through activities to ensure that the system is functioning as intended.

Although federal guidance is available for the institutions to rely on to ensure that they are including all required security policies, five of the six institutions we reviewed still failed to adhere to the requirements in law. Only Santa Clara adhered to all requirements. As we discuss in the Introduction, the DOE handbook provides detailed information for institutions. Additionally, some of the institutions also rely on other sources of guidance, such as documents prepared by their systemwide offices or external reviews. However, the errors we found indicate that the five institutions are not adequately following these various sources of guidance. Therefore, the institutions must take steps to ensure that their Clery staff follow the available guidance to ensure compliance.

Recommendation

To ensure that all security policies are included in their annual security reports, Alliant, Cañada, Irvine, San Joaquin, and Sonoma should, by November 2021, establish procedures requiring their staff to review all security policies for compliance with the Clery Act requirements, identify missing or inadequate policies, correct them, and ensure that they are disclosed to the public in compliance with federal law.

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 2. 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 2
Other Areas We Reviewed as Part of This Audit

Compliance With State Law Related to the Clery Act

Within state law, we identified 41 state-mandated policies that community college districts and the California State University Office of the Chancellor are required to develop. Further, the University of California Office of the President and the governing boards of private postsecondary institutions are also required to develop some of these policies. Certain of these policies address issue areas similar to those addressed by the federally required policies that we present in Appendix C; however, state law requires these entities, rather than the institutions, to establish the policies. The required policies include creating an affirmative consent standard as required by the affirmative consent law, creating an interview protocol for obtaining information from sex offense victims when investigating alleged crimes, and requiring campus law enforcement agencies to have written agreements with local law enforcement agencies to clarify responsibilities for investigating certain crimes. During our review, we interviewed staff at each institution we selected to determine if they had the applicable policies from their oversight entity.

One institution, Cañada, did not have in place the required policies regarding their campus affirmative consent standard and complaint evaluation policy for cases involving an alleged sex offense. For example, Cañada was missing a required policy stating that the accused may not use an affirmative consent excuse under circumstances in which the accused reasonably should have known that the complainant was unable to consent, such as unconsciousness. State law requires institutions to adopt four policies in this area, including an affirmative consent standard.

Additionally, three institutions—Alliant, Cañada, and San Joaquin—did not adopt all required policies regarding their campus's victim-centered policies and protocols in cases involving an alleged sex offense. For example, Alliant's relevant policies and procedures did not discuss how the campus will identify and locate witnesses as required. State law requires institutions to adopt policies that include 13 components in this area, such as a statement of how an institution will protect individuals' privacy and confidentiality.

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In addition to the policy issues we identified, three institutions—Alliant, Cañada, and San Joaquin—lack sufficient written agreements with local law enforcement agencies. State law requires institutions to enter into written agreements with these agencies to designate operational responsibility when investigating certain crimes such as robberies or hate crimes that occur at Clery reporting locations. Cañada does not have agreements covering all of its campus property. Further, Alliant’s campus in San Diego does not have any written agreement with its local police department. According to Alliant’s vice president of student affairs, the former director of security engaged in discussions for an agreement with the local police department in 2016, but a written agreement was not finalized. She also stated that Alliant will initiate the process and enter a written agreement with its local police department. Although San Joaquin asserted that it has a formal agreement in place with its local law enforcement agency, it was only able to provide us with an unsigned and undated template. Therefore, we could not determine if the agreement had been approved or was in effect.

Recommendations

To ensure that they are fully compliant with state law, Alliant, Cañada, and San Joaquin should, by November 2021, develop all required policies related to campus safety.

To ensure adequate public safety coverage for their campuses, Alliant, Cañada, and San Joaquin should ensure that they have the required written agreements in place with local law enforcement for all applicable areas of their campuses.

Follow-Up With Institutions We Surveyed in Our 2015 and 2018 Audits

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 most, but not all, institutions surveyed indicated that they posted their annual security reports to their websites. Further, some of those institutions did not indicate that they make their students and employees aware of their annual security reports through email. We recommended that the Legislature require the California Department of Justice to provide guidance to California’s public and private institutions and systemwide offices regarding compliance with the requirements of the Clery Act and VAWA. In our May 2018 report, *Clery Act Requirements and Crime Reporting: Compliance Continues to Challenge California’s Colleges and Universities*, Report 2017-032, we followed up with these institutions and found that three still failed to meet these requirements. One institution did not post its annual security report to its website. The two other institutions did not notify their students and employees of their annual security reports through email, and both of these institutions’ reports were missing some or all required security policies.

For this report, we followed up with these three institutions by reviewing their websites and other documentation to determine whether they were currently in compliance with the Clery Act. We found that as of February 2021, two colleges, Palo Verde College (Palo Verde) and Lassen Community College (Lassen), were still failing to meet some Clery Act requirements.

Palo Verde did not post its 2020 annual security report to its website but instead maintained its 2017 report online until we brought this issue to its attention in February 2021. Further, although Palo Verde indicated that its 2020 annual security report was completed in November 2020, the college confirmed that it did not notify students and staff through email of the availability of the report. Lastly, we found that Palo Verde’s 2020 report continues to lack some required security policies, such as policies for emergency response and evacuation. When we brought these issues to Palo Verde’s attention, it agreed to review and update its annual reporting processes to ensure they meet the requirements in federal law.

Lassen did not post an annual security report to its website but instead posted its 2019 Department of Education Campus Safety and Security Survey, which does not contain all of the information required in the annual security report. Specifically, the survey lacks a description of any of the required security policies. The manager of custodial services and security at Lassen explained that she followed the process a previous staff member at the college used and that she was unaware of the campus security policies that are required in the annual security report. Once we brought this issue to its attention in February 2021, Lassen completed its 2020 annual security report, posted it to its website, and notified students and staff through email of its availability within one week. However, its 2020 annual security report continues to lack some of the required policy disclosures, such as several policies for emergency response and evacuation. After we discussed our findings with the institution, Lassen also agreed to take steps to ensure its reports meet federal requirements in the future.

Review of Some Zero-Reporting Institutions' Policies and Procedures

To determine whether institutions had adequate processes in place for collecting and reporting crime statistics in accordance with Clery Act requirements, we contacted a random selection of 20 institutions that reported zero Clery reportable criminal offenses to DOE for 2018. All 20 institutions confirmed to us that they reported zero crimes in 2018. We then requested that they send us all their policies and procedures for collecting and reporting crime statistics in accordance with Clery Act requirements.

Of the 20 institutions we reviewed, 10 provided us with a copy of their policies and procedures for collecting and reporting crime statistics under the Clery Act. The remaining 10 institutions did not provide written policies and procedures. Instead, these 10 institutions generally pointed us to broad descriptions of the reporting process, such as summarized statements in their annual security reports or other guidance that they use, such as that from DOE. Although we did not perform additional work with these campuses to verify the accuracy of the crime statistics in their annual reports, without documented processes for staff to follow to gather and report crime statistics, campuses have less assurance that they are compiling and reporting accurate and complete data.

During our work with two of the 20 institutions we discuss above, we identified that they did not have complete annual security reports. These two institutions published crime statistics but did not include policy declarations that are required by law, such as policy statements describing the programs designed to inform students and employees about the prevention of crimes and the procedures for students and others to report criminal actions. One institution, whose most recent three annual security reports were missing the policy declarations, explained that it believed that its reports had met all of the requirements. It noted that annual trainings about Clery Act requirements might be helpful for compliance. After we notified both institutions about these issues, they indicated that they have begun to update their annual security reports to address them.

May 2021

We conducted this performance audit in accordance with generally accepted government auditing standards and under the authority vested in the California State Auditor by Government Code sections 8543 et seq. 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 the audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,

A handwritten signature in black ink that reads "Elaine M. Howle". The signature is written in a cursive, flowing style.

ELAINE M. HOWLE, CPA
California State Auditor

May 27, 2021

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 programs under Title IV of the Higher Education Act of 1965 (Title IV) to report statistics for the categories of criminal offenses and violations shown in Table A.

Table A
Crimes and Violations Reportable Under the Clery Act

CRIME/VIOLATION	APPLICABLE DEFINITION
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 or 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/her age or because of his/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 though 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 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.

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CRIME/VIOLATION	APPLICABLE DEFINITION
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.
Domestic violence	Includes 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 individual who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
Stalking	Engaging in 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.
Hate Crimes	
Hate crimes	Crimes reported to local police agencies or to a campus security authority that are any of the crimes described above, 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.
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 used in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance; arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
Liquor law violation	The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
Weapon law violation	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.
Unfounded Crimes	
Unfounded crimes	An institution may withhold, or subsequently remove, a reported crime 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.

Source: Federal law.

Appendix B

CRIME STATISTICS IN THE 2020 ANNUAL SECURITY REPORTS OF SIX INSTITUTIONS

The Clery Act and federal regulations require all institutions that participate in federal student aid programs under Title IV to report statistics for the categories of criminal offenses and violations described in Appendix A. Tables B.1 through B.6 summarize the criminal offenses, VAWA offenses, hate crimes, arrests, disciplinary actions, and unfounded crimes that the six institutions we reviewed reported for 2017, 2018, and 2019.

Table B.1
Alliant International University's Crime Statistics Under the Clery Act

ALLIANT INTERNATIONAL UNIVERSITY, SAN DIEGO CA	ENROLLMENT NUMBER REPORTED		
	2017	2018	2019
Enrollment	3,780	3,780	3,536
Criminal Offenses			
Aggravated assault	1	0	0
Arson	0	0	0
Burglary	1	0	0
Motor vehicle theft	0	0	0
Murder and nonnegligent manslaughter	0	0	0
Manslaughter by negligence	0	0	0
Robbery	0	0	0
Rape*	0	0	0
Fondling*	0	0	0
Incest*	0	0	0
Statutory rape*	0	0	0
Subtotals	2	0	0
VAWA Offenses			
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0
Subtotals	0	0	0
Hate Crimes			
Hate crimes	0	0	0
Arrests			
Drug abuse arrests	0	0	0
Liquor law arrests	0	0	0
Weapons law arrests	0	0	0
Subtotals	0	0	0
Disciplinary Actions			
Drug abuse disciplinary actions	0	0	0
Liquor law disciplinary actions	0	0	0
Weapons law disciplinary actions	0	0	0
Subtotals	0	0	0
Unfounded Crimes			
Unfounded crimes	0	0	1
Totals	2	0	1

Source: Crime statistics in Alliant International University's 2020 annual security report and fall 2017 through 2019 student enrollment information.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security report: rape, fondling, incest, and statutory rape.

Table B.2
Cañada College's Crime Statistics Under the Clery Act

CAÑADA COLLEGE	ENROLLMENT NUMBER REPORTED		
	2017	2018	2019
Enrollment	5,825	5,607	5,390
Criminal Offenses			
Aggravated assault	0	0	0
Arson	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Murder and nonnegligent manslaughter	0	0	0
Manslaughter by negligence	0	0	0
Robbery	0	0	0
Rape*	0	0	0
Fondling*	0	0	0
Incest*	0	0	0
Statutory rape*	0	0	0
Subtotals	0	0	0
VAWA Offenses			
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0
Subtotals	0	0	0
Hate Crimes			
Hate crimes	0	0	0
Arrests			
Drug abuse arrests	0	0	0
Liquor law arrests	0	0	0
Weapons law arrests	0	0	0
Subtotals	0	0	0
Disciplinary Actions			
Drug abuse disciplinary actions	0	0	0
Liquor law disciplinary actions	0	0	0
Weapons law disciplinary actions	0	0	0
Subtotals	0	0	0
Unfounded Crimes			
Unfounded crimes	0	0	0
Totals	0	0	0

Source: Crime statistics in Cañada College's 2020 annual security report and fall 2017 through 2019 student enrollment information.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security report: rape, fondling, incest, and statutory rape.

Table B.3
University of California, Irvine's Crime Statistics Under the Clery Act

UNIVERSITY OF CALIFORNIA, IRVINE	ENROLLMENT NUMBER REPORTED		
	2017	2018	2019
Enrollment	35,242	36,032	36,908
Criminal Offenses			
Aggravated assault	0	0	1
Arson	0	0	0
Burglary	25	46	15
Motor vehicle theft	5	7	4
Murder and nonnegligent manslaughter	0	0	0
Manslaughter by negligence	0	0	0
Robbery	0	0	0
Rape*	14	18	16
Fondling*	2	14	14
Incest*	0	0	0
Statutory rape*	0	1	1
Subtotals	46	86	51
VAWA Offenses			
Domestic violence	7	4	1
Dating violence	9	9	8
Stalking	14	18	27
Subtotals	30	31	36
Hate Crimes			
Hate crimes	0	3	1
Arrests			
Drug abuse arrests	17	25	6
Liquor law arrests	6	1	1
Weapons law arrests	2	8	1
Subtotals	25	34	8
Disciplinary Actions			
Drug abuse disciplinary actions	21	55	48
Liquor law disciplinary actions	278	264	317
Weapons law disciplinary actions	2	2	2
Subtotals	301	321	367
Unfounded Crimes			
Unfounded crimes	0	3	4
Totals	402	478	467

Source: Crime statistics in University of California, Irvine's 2020 annual security report and fall 2017 through 2019 student enrollment information.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security report: rape, fondling, incest, and statutory rape.

Table B.4
San Joaquin Delta College's Crime Statistics Under the Clery Act

SAN JOAQUIN DELTA COLLEGE	ENROLLMENT NUMBER REPORTED		
	2017	2018	2019
Enrollment	17,282	17,420	18,870
Criminal Offenses			
Aggravated assault	3	3	0
Arson	1	0	3
Burglary	3	0	1
Motor vehicle theft	3	1	1
Murder and nonnegligent manslaughter	0	0	0
Manslaughter by negligence	0	0	0
Robbery*	1	2	0
Rape†	0	1	0
Fondling†	2	2	1
Incest*	0	0	0
Statutory rape†	0	0	0
Subtotals	13	9	6
VAWA Offenses			
Domestic violence	3	2	1
Dating violence	0	0	0
Stalking	1	1	0
Subtotals	4	3	1
Hate Crimes			
Hate crimes	0	2	3
Arrests			
Drug abuse arrests	4	2	0
Liquor law arrests	3	1	1
Weapons law arrests	3	4	1
Subtotals	10	7	2
Disciplinary Actions			
Drug abuse disciplinary actions	4	0	0
Liquor law disciplinary actions	3	0	0
Weapons law disciplinary actions	2	0	0
Subtotals	9	0	0
Unfounded Crimes			
Unfounded crimes	0	0	1
Totals	36	21	13

Source: Crime statistics in San Joaquin Delta College's 2020 annual security report and Community Colleges Chancellor's Office 2017 through 2019 fall student counts.

* The institution reported one robbery in 2019 but also identified that it was unfounded and reported it as an unfounded crime as well. We report this crime only in the unfounded category.

† Institutions are required to disclose statistics on four types of sex offenses in their annual security reports: rape, fondling, incest, and statutory rape.

Table B.5
Santa Clara University's Crime Statistics Under the Clery Act

SANTA CLARA UNIVERSITY	ENROLLMENT NUMBER REPORTED		
	2017	2018	2019
Enrollment	8,629	8,642	8,669
Criminal Offenses			
Aggravated assault	0	1	1
Arson	0	2	0
Burglary	4	2	3
Motor vehicle theft	1	2	2
Murder and nonnegligent manslaughter	0	0	0
Manslaughter by negligence	0	0	0
Robbery	0	1	1
Rape*	2	3	8
Fondling*	1	1	0
Incest*	0	0	0
Statutory rape*	0	0	0
Subtotals	8	12	15
VAWA Offenses			
Domestic violence	0	1	1
Dating violence	2	3	1
Stalking	2	4	2
Subtotals	4	8	4
Hate Crimes			
Hate crimes	0	0	0
Arrests			
Drug abuse arrests	1	3	6
Liquor law arrests	1	0	2
Weapons law arrests	0	2	1
Subtotals	2	5	9
Disciplinary Actions			
Drug abuse disciplinary actions	78	105	92
Liquor law disciplinary actions	361	387	320
Weapons law disciplinary actions	3	2	2
Subtotals	442	494	414
Unfounded Crimes			
Unfounded crimes	0	0	0
Totals	456	519	442

Source: Crime statistics in Santa Clara University's 2020 annual security report and fall 2017 through 2019 student enrollment information.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security report: rape, fondling, incest, and statutory rape.

Table B.6
Sonoma State's Crime Statistics Under the Clery Act

SONOMA STATE	ENROLLMENT NUMBER REPORTED		
	2017	2018	2019
Enrollment	9,223	9,201	8,649
Criminal Offenses			
Aggravated assault	1	2	2
Arson	0	0	0
Burglary	14	9	27
Motor vehicle theft	18	0	0
Murder and nonnegligent manslaughter	0	1	0
Manslaughter by negligence	0	0	0
Robbery	0	0	0
Rape*	10	13	16
Fondling*	0	4	3
Incest*	0	0	0
Statutory rape*	2	0	1
Subtotals	45	29	50
VAWA Offenses			
Domestic violence	2	6	3
Dating violence	1	2	13
Stalking	1	5	0
Subtotals	4	13	16
Hate Crimes			
Hate crimes	1	2	1
Arrests			
Drug abuse arrests	4	6	1
Liquor law arrests	7	9	2
Weapons law arrests	0	3	1
Subtotals	11	18	4
Disciplinary Actions			
Drug abuse disciplinary actions	5	6	6
Liquor law disciplinary actions	12	17	4
Weapons law disciplinary actions	3	1	4
Subtotals	20	24	14
Unfounded Crimes			
Unfounded crimes	1	0	1
Totals	82	86	86

Source: Crime statistics in Sonoma State's 2020 annual security report and fall 2017 through 2019 student enrollment information.

* Institutions are required to disclose statistics on four types of sex offenses in their annual security report: rape, fondling, incest, and statutory rape.

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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 programs 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. We identified 59 policies that federal law and regulations require institutions to have in place and, in most instances, to disclose in their annual security reports. Table C indicates whether the six institutions we reviewed adequately disclosed each of the required policies in their most recent annual security reports.

As shown in the summary below Table C, we found the largest number of violations in the following three categories: campus sex offense programs and procedures, processes the institution will use to take disciplinary action in cases of an alleged sex offense, and campus emergency response and evacuation procedures. We discuss the institutions' violations in these three areas starting on page 20 of our report.

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

SUMMARY	NUMBER OF REQUIREMENTS	TOTAL VIOLATIONS	NUMBER OF THE SIX INSTITUTIONS COMMITTING VIOLATIONS	NUMBER OF DIFFERENT REQUIREMENTS VIOLATED
Requirements concerning annual reports and access to campus	9	5	3	3
Policies concerning the daily crime log and crime reporting	7	0	0	0
Policies concerning campus law enforcement and crime prevention	4	4	2	2
Policies concerning illegal drugs and alcohol	3	2	2	1
Policies concerning campus sex offense programs and procedures	9	14	4	8
Sexual violence prevention and education	1	4	4	1
Processes the institution will use to take disciplinary action in cases of an alleged sex offense	6	9	4	6
Policies concerning campus emergency response and evacuation procedures	11	9	3	5
Processes the institution will use when there is a report of a missing student	9	2	2	1
Totals	59	49	*	27

* Five of the six institutions had violations.

continued on next page...

DESCRIPTION OF POLICIES AND PROCEDURES		ALLIANT	CAÑADA	IRVINE	SAN JOAQUIN	SANTA CLARA	SONOMA
Requirements Concerning Annual Reports and Access to Campus							
1	Submitted Clery crime statistics to the DOE annually.	✓	✓	✓	✓	✓	✓
2	Prepared, published, and distributed an annual security report.	✓	✓	✓	✓	✓	✓
3	Disclosed within its annual security report its most recent three years of Clery 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: campus, noncampus, public property, and campus-residential.	✓	✓	✓	✓	✓	✓
7	Included within its annual security report a list of the titles 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.	✓	✓	✓	✓	✓	✓
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 its annual security report.	✓	✓	✓	✓	✓	✓
Policies Concerning the Daily Crime Log 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 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 and made it available for inspection 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	Included within its annual security report policies for making timely warning reports to members of the campus community.	✓	✓	✓	✓	✓	✓
16	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							
17	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, including whether they have the authority to make arrests, and the working relationship of campus security personnel with state and local law enforcement agencies, including whether the institution has agreements, such as written memoranda of understanding, with such agencies for the investigation of alleged criminal offenses.	✓	✓	✓	✓	✓	✓

DESCRIPTION OF POLICIES AND PROCEDURES	ALLIANT	CAÑADA	IRVINE	SAN JOAQUIN	SANTA CLARA	SONOMA
18 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 victim of such crime elects to or is unable to make such a report.	✓	✓	✓	✓	✓	✓
19 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.	◆	◆	✓	✓	✓	✓
20 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						
21 Included within its annual security report a statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws.	✓	✓	✓	✓	✓	✓
22 Included within its annual security report a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws.	✓	✓	✓	✓	✓	✓
23 Included within its annual security report a description of programs for drug or alcohol abuse education.	✓	X	✓	X	✓	✓
Policies Concerning Campus Sex Offense Programs and Procedures						
24 Included in 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 primary prevention and awareness programs for all incoming students and new employees, which shall include the following: a. A statement that the institution prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. b. The definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction. c. The definition of consent, in reference to sexual activity, in the applicable jurisdiction. d. Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual. e. Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks as well as risk reduction and bystander intervention.	◆	X	✓	◆	✓	◆
25 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.	✓	X	✓	◆	✓	◆
26 Included within its annual security report information about the importance of preserving evidence and options regarding notifying law enforcement and campus authorities.	✓	X	✓	✓	✓	✓
27 Included within its annual security report a statement of policy that it will provide a written explanation of his or her rights, options, and services when a student or employee reports that he or she has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus.	✓	◆	✓	✓	✓	✓

DESCRIPTION OF POLICIES AND PROCEDURES	ALLIANT	CAÑADA	IRVINE	SAN JOAQUIN	SANTA CLARA	SONOMA
28 Included within its annual security report a statement of 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 institutions and in the community.	✓	✓	✓	✓	✓	✓
29 Included within its annual security report a statement of policy that written notification and assistance will be provided to victims about options for reasonable accommodations regardless of whether the victim chooses to report the crime to campus police or law enforcement.	✓	◆	✓	◆	✓	✓
30 Included within its annual security report a statement of policy that it generally must maintain as confidential any accommodations or protective measures provided to the victim.	✓	X	✓	✓	✓	✓
31 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, and similar lawful orders.	✓	X	✓	✓	✓	✓
32 Included in its annual security report a statement advising the campus community where law enforcement agency information provided by the State concerning registered sex offenders may be obtained.	✓	X	✓	✓	✓	✓
Sexual Violence Prevention and Education						
33 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.	◆	X	✓	◆	✓	◆
Processes the Institution Will Use to Take Disciplinary Action in Cases of an Alleged Sex Offense						
34 Included within its annual security report a statement that describes each type of disciplinary proceeding used by the institution, including steps, timelines, and determination process; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use.	◆	X	✓	✓	✓	✓
35 Included within its annual security report a statement that the accuser and accused are entitled to the same opportunities to have an advisor of their choice present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.	✓	X	✓	✓	✓	✓
36 Included within its annual security report a statement of policies 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.	✓	X	✓	✓	✓	✓
37 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.	✓	◆	✓	✓	✓	✓
38 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.	✓	X	◆	X	✓	✓

DESCRIPTION OF POLICIES AND PROCEDURES	ALLIANT	CAÑADA	IRVINE	SAN JOAQUIN	SANTA CLARA	SONOMA
39 Included within its annual security report a statement of policy on how it will protect the confidentiality of victims, including publicly available recordkeeping without including personally identifying information.	✓	X	✓	✓	✓	✓
Policies Concerning Campus Emergency Response and Evacuation Procedures						
40 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.	✓	✓	✓	✓	✓	✓
41 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 the students or employees is occurring on the campus.	✓	✓	✓	✓	✓	✓
42 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.	✓	✓	✓	◆	✓	✓
43 Included within its annual security report a description of its process to determine the content of the emergency notification.	✓	✓	✓	✓	✓	✓
44 Included within its annual security report a description of its process to initiate the emergency notification system.	✓	✓	✓	✓	✓	✓
45 Included within its annual security report a list of the titles of the persons or organizations responsible for carrying out its emergency notification plan.	✓	✓	✓	✓	✓	✓
46 Included within its annual security report a statement that the institution will initiate the emergency notification system, unless issuing a notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.	✓	✓	✓	✓	✓	✓
47 Included within its annual security report its procedures for disseminating emergency information to the larger community.	✓	X	✓	✓	✓	X
48 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.	✓	✓	✓	◆	✓	X
49 Included within its annual security report a statement advising that required tests of response and evacuation procedures may be announced or unannounced.	✓	✓	✓	◆	✓	X
50 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.	✓	✓	✓	◆	✓	X
Processes the Institution Will Use When There is a Report of a Missing Student						
51 Included in 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.	●	●	✓	●	✓	✓
52 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 there is no police or campus security, to the local law enforcement agency that has jurisdiction in the area.	●	●	✓	●	✓	✓
53 Included within its annual security report a statement containing an 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.	●	●	✓	●	✓	✓

DESCRIPTION OF POLICIES AND PROCEDURES	ALLIANT	CAÑADA	IRVINE	SAN JOAQUIN	SANTA CLARA	SONOMA
54 Included within its annual security report a statement advising students that their missing person emergency contact information will be registered confidentially, accessible only to authorized individuals, and disclosed only as necessary.	●	●	✓	●	✓	✓
55 Included within its annual security report a statement advising students that if they are under 18 years of age and not emancipated, the institution must notify a 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.	●	●	✓	●	✓	✓
56 Included within its annual security report a statement advising students that it will notify the law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.	●	●	◆	●	✓	◆
57 Included within its annual security report the procedures it must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours.	●	●	✓	●	✓	✓
58 Included within its annual security report the procedures it will follow if the student is under 18 years of age and is not emancipated, to notify the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing.	●	●	✓	●	✓	✓
59 Included within its annual security report a statement advising that regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, it will inform the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.	●	●	✓	●	✓	✓

Source: Federal law and information obtained from the institutions.

✓ = Fully Disclosed

✗ = Not Disclosed

◆ = Partially or Inadequately Disclosed*

● = Not Applicable. The institution is not required to disclose this security policy because it does not have student housing.

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

Appendix D

SCOPE AND METHODOLOGY

Section 67382 of the Education Code requires the State Auditor to report the results of an audit of not fewer than six institutions that receive federal student aid to the Legislature every three years. This law requires the State Auditor to determine the institutions' compliance with the requirements of the Clery Act by evaluating the accuracy of the crime statistics they report and the effectiveness of the procedures they use to identify, gather, and disseminate these data. The State Auditor previously issued audit reports on this subject in December 2003, January 2007, January 2010, October 2012, July 2015, and May 2018.

When selecting the six institutions we reviewed, we deliberately chose two—Alliant and Cañada—that had reported no Clery reportable crimes in 2018, the most recent year of reporting that was available at the time of our selection. To gain some assurance that these two institutions were familiar with federal requirements for collecting and reporting crime statistics, we interviewed staff at these institutions to understand their processes for collecting and reporting crime statistics and we reviewed relevant supporting documentation. We also interviewed local police departments near each institution to obtain their perspective about criminal activity on and surrounding each campus.

To evaluate the accuracy and completeness of the crime statistics from the other four institutions, we interviewed staff and reviewed relevant supporting documentation about their processes for meeting Clery Act requirements. We selected a number of crimes they included in their most recent reports, interviewed staff about their reporting decisions, and examined each crime's incident report from the institution's campus security or police department. We also reviewed the institutions' crime logs, evaluated their crime reporting processes, and interviewed representatives of local police departments to gain an understanding of their working relationships with the institutions.

To determine whether the six institutions adequately disclosed security policies as required in federal and state law, we reviewed their most recent annual security reports and interviewed staff. We also reviewed the institutions' websites and other documentation they provided to us.

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. In our 2017 audit, we followed up with 17 institutions that had previously

indicated that they did not post their annual security reports on their websites or that they had failed to notify their communities of the availability of their annual security reports; we found that three were still not compliant. For this audit, we followed up with these three institutions to determine whether they had posted their annual security reports or notified their communities about the availability of these reports.

Finally, to gain assurance that institutions were not reporting zero crimes because of a lack of policies and procedures for collecting and reporting crimes statistics, we contacted 20 institutions that reported zero Clery reportable crimes in 2018. We confirmed with staff at each institution that they reported zero crimes. We then requested they provide us with their policies and procedures for collecting and reporting crime statistics for Clery Act purposes to determine if they provided their staff with documented guidance.

Assessment of Data Reliability

In performing this audit, we relied on electronic files from campus safety offices at Irvine, San Joaquin, Santa Clara, and Sonoma that the institutions use to track and report on campus crimes. The U.S. Government Accountability Office, whose standards we are statutorily required to follow, requires us to assess the sufficiency and appropriateness of the computer-processed information we use to support our findings, conclusions, and recommendations. We assessed the institutions' data by comparing them to corroborating documentation from actual incident reports created by the campus and local law enforcement. We determined the data to be sufficiently reliable for the purpose of determining the accuracy of each institution's Clery reportable crime statistics.

May 2021



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May 12, 2021
Elaine M. Howle, CPA
State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Elaine M. Howle,

Thank you for your letter dated May 6, 2021 and for the opportunity to review and respond to the draft audit report, "Clery Act: Some California Colleges Are Not Accurately Reporting Campus Crime Statistics and Safety Polices as Required Under Federal Law".

Upon receiving the redacted audit draft report Alliant International University reviewed the document and each recommendation noted in the audit report. This letter is our response. The University did not find any factual errors in the draft report and has already initiated review of the audit recommendations to begin implementing recommended changes. Below you will find our responses to each recommendation.

Recommendation #1

To ensure that all security policies are included in their annual security reports Alliant should, by November 2021, establish procedures requiring its staff to review all security polices for compliance with the Clery Act requirements, identify missing or inadequate polices, correct them, and ensure they are disclosed to the public in compliance with federal law.

University Response

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. The University is correcting the 5 inadequate polices identified in the draft audit report and will disclose them to the public in compliance with federal law.

Recommendation #2

To ensure that is fully compliant with state law, Alliant should, by November 2021 develop all required polices related to campus safety. To ensure adequate public safety coverage for its campuses, Alliant should ensure they have the required written agreements in place with local law enforcement for all applicable areas of their campuses.

University Response

May 2021



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We concur. As noted in the draft audit report, Alliant is initiating the development of a Memorandum of Understanding with the following local law enforcement agencies: San Diego Police Department, Irvine Police Department, Alhambra Police Department, Fresno Police Department, Emeryville Police Department, Sacramento Police Department.

If we have overlooked any findings, please advise.

We appreciate your team's professionalism during the audit process, and we look forward to implementing the report's recommendations. Thank you again for the opportunity to review and comment on this report. If you have any questions, please contact me at 858-635-4033 or at andy.vaughn@alliant.edu.

Sincerely,

Andy Vaughn
President
Alliant International University

May 2021



OFFICE OF THE PRESIDENT

May 12, 2021

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

Dear Ms. Howle:

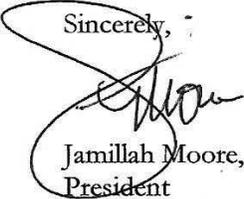
On behalf of Cañada College and the San Mateo Community College District, thank you for your letter of May 6, 2021 and the opportunity to review and respond to your report, "Clery Act: Some California Colleges and Universities Are Not Accurately Reporting Campus Crime Statistics and Safety Policies as Required Under Federal Law." We also want to thank your team members as they were very professional and kept us advised of the status of the audit and responded to our inquiries as it progressed.

The San Mateo Community College District (SMCCD) is deeply committed to providing a safe environment on all of its campuses for our students. Adhering to the Clery Act is one of the tools which we use to achieve this goal.

We have reviewed the recommendations included in the "Redacted Agency Draft" which included 11 undisclosed and five partially disclosed security policies and procedures located in Appendix c (p. 28) of the report. Cañada College/San Mateo Community College (SMCCD) are in agreement with the recommendations made by the CA State Auditor Team. Cañada College will work with SMCCD to develop and implement the recommended policies and procedures by November 2021. Additionally, Cañada College and SMCCD will develop an updated MOU with Redwood City Police.

Thank you again for the opportunity to review and comment on this report. If you have any questions, please contact me at 650-306-3239.

Sincerely,



Jamillah Moore, Ed.D.
President

cc: Mike Claire, Chancellor
Brian Tupper, Public Safety Captain

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SAN JOAQUIN **DELTA COLLEGE**

May 13, 2021

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

Thank you for your letter dated May 12, 2021 and for the opportunity to respond to the draft report of the Clery audit. At San Joaquin Delta College, we take great pride in providing the safest educational experience possible for our students, staff, faculty, and visitors. Below, you will find our responses to recommendations made.

Recommendations

- 1. To ensure that it accurately reports crime statistics in its annual security reports, San Joaquin should, by November 2021, strengthen its written procedures to clearly describe the processes they will follow for identifying and reporting Clery reportable crimes and ensure staff follows them.**

The District agrees there were unintentional inaccuracies in the ASR regarding Clery reportable crimes. These inaccuracies were caused by a lack of consistency during the Clery review process. The inaccuracies identified will be corrected in the next Clery report to the DoE.

To prevent these occurrences from happening in the future, we will adopt a standardized Clery checklist that will be applied to each case, to make uniform determinations.

- 2. To ensure that all security policies are included in its annual security reports, San Joaquin should, by November 2021, establish procedures requiring staff to review all security policies for compliance with the Clery Act requirements, identify missing or inadequate policies, correct them, and ensure that they are disclosed to the public in compliance with federal law.**

Although our ASR is thorough and touches on the majority of required content, the District agrees with the findings that several of our administrative policies, which are used as source material for the ASR do not contain all the language required by federal law.

Prior to the findings of this audit, the District was already in the process of reviewing and updating several security policies. We anticipate that our policies will be in full compliance by the end of November 2021. Furthermore, we will convene the Clery Compliance Team at least once per year to assess the District's compliance regarding policy development.



SAN JOAQUIN DELTA COLLEGE

- 3. To ensure that it is fully compliant with state law, San Joaquin should, by November 2021 develop all required policies related to campus safety.**

The District agrees with these recommendations and will correct the issue as outlined in our response to recommendation #3.

- 4. To ensure adequate public safety coverage for its campus, San Joaquin should ensure it has the required written agreements in place with local law enforcement for all applicable areas of its campus.**

The District provided a signed MOU from 2013, as well as an unsigned MOU. Although both agencies have an excellent working relationship and honors the MOU, we agree that it is old and does not reflect the signatures of the current chief of police or District president/superintendent and must be corrected. Additionally, it will be reviewed and renewed on a more regular basis.

Based upon the information gathered through this audit, we have already reached out to our partner agencies to begin the MOU renewal process.

San Joaquin Delta College's mission is to provide opportunities for students from diverse economic, cultural, and educational backgrounds to attain an associate's degree, technical certificates, workplace skills and preparation for transfer to a four-year university. A rigorous, safe, and supportive learning environment fosters a student's ability to think critically, communicate effectively, and demonstrate competency and skills in order to engage productively in their communities and throughout the world.

We believe San Joaquin Delta College has built a strong foundation for student safety and success surrounding Clery Act requirements. This audit has provided us meaningful feedback that will assist us in making that foundation even stronger. On behalf of San Joaquin Delta Community College District, we would like to thank the Office of the California State Auditor for their professionalism, thoroughness, and accessibility throughout the audit process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Omid Pourzanjani', with a long horizontal flourish extending to the right.

Dr. Omid Pourzanjani
Superintendent/President



Office of the General Counsel
500 El Camino Real
Santa Clara, CA 95053

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

Dear Ms. Howle:

Santa Clara University (“SCU”) would like to thank the Auditor of the State of California for the professionalism exhibited during the audit of SCU’s 2019 Clery Crime statistics and the Annual Security and Fire Safety Report.

We appreciate the opportunity to review and respond to the confidential Clery Act Report 2020-032 (“Audit Report”) after receiving a heavily redacted version on May 6, 2021, with a redacted update of certain pages received on May 11, 2021.

SCU takes its compliance requirements very seriously and our staff has worked hard to have all policies and procedures properly in place to meet the standards as outlined by state and federal law in our effort to cultivate a healthy and safe campus environment for staff, faculty, students, and visitors. We (take pride in the fact that the State Auditor concluded) that SCU had no missing or inadequate policies in the Annual Security and Fire Safety Report.

SCU’s Response to the State Auditor’s Recommendations

1. The State Auditor recommends that SCU “strengthen its written procedures to clearly describe the processes it will follow for identifying and reporting Clery reportable crimes and ensure that its staff follows them.” SCU seeks to clarify that the Clery reportable crimes were all properly included in the daily crime log. The discrepancy lies between SCU’s records of reportable crimes and the crimes included in the Annual Campus Security and Fire Safety Report. This discrepancy resulted from a latent software issue. SCU has notified the State Auditor that SCU has identified and corrected the software issue. In its Audit Report, the State Auditor did not identify any deficiencies in SCU’s written procedures or processes or any instances in which SCU’s staff failed to follow such written procedures or processes. SCU disagrees with the State Auditor’s recommendation that SCU should strengthen its written procedures in light of this reporting error. ①
2. The State Auditor recommends that SCU “[r]equire the Clery Coordinator to include all crimes in the daily crime log as it becomes aware of those crimes, such as when it receives those crime ②

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

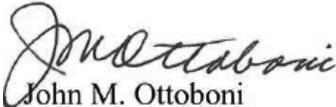
- ③ reports from local law enforcement agencies.” Without a clear understanding of the State Auditor’s reference to “it”, SCU interprets this recommendation to mean that SCU should require the Clery Coordinator to include all crimes in the daily crime log as SCU’s Campus Safety Services department becomes aware of those crimes. SCU’s interpretation is based upon the
- ④ State Auditor’s explanation of the Clery requirements on page 20 of the Audit Report wherein the State Auditor directs, “Institutions must enter all reported crimes in their crime logs within two business days of the reports being made to the *campus police or security departments*” (emphasis added). SCU disagrees with the State Auditor’s conclusion that SCU is not in compliance with the requirement to include in SCU’s daily crime log reports of crimes received from local law enforcement. SCU will continue to require the Clery Coordinator to include in its daily crime log
- ⑤ reports of crimes received from local law enforcement as required by 34 CFR 668.46(f). (Clery Act Appendix for FSA Handbook, page 9.)

SCU’s Response to the General Findings

- ⑥ In Figure 5 of the Audit Report, the State Auditor concludes that, “[w]e identified several crimes that Santa Clara’s [redacted] crime logs were missing, including a sexual assault at each campus.” SCU believes the clause “including a sexual assault at each campus” is a drafting error on the part of the State Auditor. SCU maintains two campuses, one in Santa Clara and the other in Berkeley. SCU has received no reports of sexual assaults at the Berkeley campus and has received no information from the State Auditor regarding a sexual assault at the Berkeley campus missing from the daily crime log. SCU requests that this drafting error be corrected in the final Audit Report.

SCU appreciates the opportunity to respond to the State Auditor. SCU is committed to the health and safety of the campus community and Clery Act compliance is a large part of aiding that commitment.

Sincerely,



John M. Ottoboni

Chief Operating Officer and Senior Legal Counsel

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE SANTA CLARA UNIVERSITY

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

Santa Clara incorrectly states that it properly included all Clery reportable crimes in its crime log. To the contrary, as we indicate on page 15, Santa Clara failed to include five of the 30 Clery reportable crimes we reviewed in its crime log.

①

Santa Clara mischaracterizes our findings about its crime reporting procedures. Santa Clara attributes its reporting error, which led it to exclude 237 liquor law violations and 35 drug law violations—or nearly 40 percent of the crimes it identified as reportable under the Clery Act—to a software problem. However, when we brought this issue to its attention, Santa Clara also noted human error as a cause, which we describe on page 14. A thorough review process would and should have addressed this human error and prevented Santa Clara from reporting inaccurate crime statistics. Further, as we illustrate in Figure 4 and describe on page 13, Santa Clara reported some incidents it should not have, indicating that responsible staff are not sufficiently familiar with federal reporting requirements. Therefore, we stand by our recommendation on page 18 that Santa Clara should strengthen its written procedures and require its staff to follow them.

②

Santa Clara's belief that it complied with the Clery Act requirements concerning crime logs contradicts the facts of our review. Specifically, as we describe on pages 15 and 16, Santa Clara explained it omitted a crime from its log because it believed including the crime would have caused the victim further anguish. However, Santa Clara could not explain how the desire to avoid doing so was consistent with DOE guidance or prevented Santa Clara from including the crime in its log. In addition, as we explain on pages 16 and 17, Santa Clara also incorrectly omitted crimes from its log because it believed the crimes were reported too late to be included.

③

Santa Clara's response uses a page number reference from a draft copy of our report. Since we provided Santa Clara the draft copy, the page numbers have shifted.

④

We disagree with Santa Clara's assertion that it requires its Clery coordinator to include in its daily crime log reports of crimes received from local law enforcement. As we describe on page 16, Santa Clara

⑤

failed to include three reported crimes from local law enforcement agencies in its daily crime log. Given these errors, we stand by our recommendation on page 18 that Santa Clara include all crimes in its daily crime log as Santa Clara becomes aware of those crimes, such as when it receives those crime reports from local law enforcement agencies.

- ⑥ Santa Clara mistakes our redactions as a drafting error. The sexual assault Santa Clara refers to in its response is the incident we discuss above in point number three. In order to maintain the confidentiality of the multiple institutions included in this audit as required by state law, we provided Santa Clara a copy of the draft audit report that only included information about Santa Clara. We explained our need to redact the draft audit report to Santa Clara before sending it the redacted report for its review.

May 2021



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CHIEF FINANCIAL OFFICER
ADMINISTRATION & FINANCE

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May 12, 2021

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

Dear Ms. Howle:

This letter is in response to your draft audit report 2020-032 - Clery Act. We have received and reviewed the draft report, and we appreciate the opportunity to respond to the report and the recommendations made. We concur with the recommendations included in the report.

While we concur with the recommendations in regards to our 2019 Annual Security Report, we would also like to acknowledge the following initiatives that were implemented since the publishing of that report that are directly relevant to the findings of this report. Some of these improvements were, in fact, implemented prior to the initiation of this audit, which covered only the 2019 Annual Security Report.

- The Clery Compliance Office cross trained another employee from Risk Management to allow for all Clery crime statistics to be double verified on a monthly basis. ①
- California State University made improvements to the mandated language and provided additional guidance within the systemwide template that address all of the policy statement deficiencies included in this report. These changes were implemented with the 2020 Annual Security Report and further improvements have been made for 2021. ②

Sonoma State University (SSU) fully recognizes the critical importance of providing a safe environment for our students, and adhering to the Clery Act is one of the tools we use to achieve that goal. SSU has worked to report accurate Clery Act crime statistics and ensure that all required disclosures are included in our annual security reports to help demonstrate our commitment to student safety.

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

Best regards,

Joyce Lopes

Cc. Dr. Judy K. Sakaki

THE CALIFORNIA STATE UNIVERSITY

Bakersfield • Channel Islands • Chico Dominguez Hills • East Bay • Fresno • Fullerton Humboldt • Long Beach • Los Angeles Maritime Academy • Monterey Ba
Northridge • Pomona • Sacramento • San Bernardino • San Diego • San Francisco • San José • San Luis Obispo • San Marcos • Sonoma • Stanislaus

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

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM SONOMA STATE UNIVERSITY

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

The practice Sonoma asserts to have now in place does not affect our conclusion or recommendation about its crime reporting procedures. Sonoma asserts having implemented this practice after publishing its 2019 crime statistics in its annual security report. However, Sonoma confirmed to us that it did not have this practice in place during the development of its most recent crime statistics reporting, which we reviewed. As part of implementing our recommendation on page 18, Sonoma should demonstrate that it has fully implemented this practice in order to ensure accuracy in the crime statistics it reports. In doing so, Sonoma should ensure that any improved procedures also address the specific issues we found during our review, such as its failure to follow up with the campus police department to collect necessary crime information.

Although Sonoma asserts that its 2020 report addresses all the deficiencies we identified in its 2019 report, Sonoma did not provide evidence to support this claim during our audit. In fact, in a limited review of its 2020 report, we found identical language—and therefore the same deficiencies—that we identified in the 2019 report. Therefore, we stand by our recommendation on page 22 and look forward to Sonoma's demonstrating that it has implemented that recommendation to ensure it provides all required information to its campus community each and every year.

①

②

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(949) 824-5111
chancellor@uci.edu

May 12, 2021

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

Dear Ms. Howle:

University of California, Irvine (UCI) welcomes the opportunity to respond to the draft audit report. We appreciate the time and effort dedicated by the California State Auditor's Office and its staff in conducting this important audit.

UCI fully recognizes the critical importance of campus safety information and making accurate disclosures to students and stakeholders so they can make informed decisions. UCI concurs with the two recommendations noted in the draft audit report. Below you will find a more detailed response to both recommendations.

Recommendation 1:

To ensure that it accurately reports crime statistics in its annual security reports, Irvine should, by November 2021, strengthen its written procedures to clearly describe the process it will follow for identifying and reporting Clery reportable crimes and ensure that its staff follow them.

UCI Response:

UCI will create, by November 2021, clear written procedures to its existing Clery Act Compliance Procedures setting forth the process on how to identify and report Clery reportable crimes and will ensure UCI's staff follows them.



Elaine M. Howle, CPA
May 12, 2021
Page Two

Recommendation 2:

To ensure that all security policies are included in its annual security report, Irvine should, by November 2021, establish procedures requiring its staff to review all security policies for compliance with the Clery Act requirements, identify missing or inadequate policies, correct them, and ensure that they are disclosed to the public in compliance with federal law.

UCI Response:

UCI will, by November 2021, establish additional procedures to require its staff to review all security policies for compliance with the Clery Act requirements, identify missing or inadequate policies, correct those policies so identified, and ensure they are disclosed to the public in compliance with federal law.

Thank you and your staff for your thorough and professional efforts in conducting this audit. We note that some errors have been made and UCI's staff will work diligently to implement your recommendations. Our desire is to have clear and transparent reporting in full compliance with the Clery Act.

Sincerely,



Howard Gillman
Chancellor