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OFFICE OF THE STATE COMPTROLLER

February 10, 2010

Dr. Nancy L. Zimpher  
Chancellor  
State University of New York  
State University Plaza  
Albany, New York 12246

Re: Report 2009-F-46

Dear Chancellor Zimpher:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution; and Article II, Section 8 of the State Finance Law, we have followed up on the actions taken by officials of the State University of New York (SUNY) to implement the recommendations contained in our audit report, *Compliance with the Clery Act (2007-S-121)*.

**Background, Scope and Objective**

SUNY is the largest public university system in the United States. SUNY consists of 64 autonomous campuses (29 State-operated colleges, 30 community colleges and 5 statutory colleges affiliated with private universities) located throughout the State and a central administrative office located in Albany (System Administration). During the fall 2006 semester, SUNY's 29 State-operated colleges provided higher education to more than 200,000 students.

The Clery Act (Act) requires all public and private colleges participating in federal Title IV student financial aid programs to prepare, publish and distribute an annual security report (ASR) disclosing information about campus safety policies and procedures and campus crime statistics for the three most recent calendar years, based on definitions from the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Handbook. The Act also mandates that colleges disclose statistics for crimes reported to college or local police committed in certain geographic locations associated with the college. Colleges are required to make available to current students and employees a copy of the ASR by October 1<sup>st</sup> of each year and to inform prospective students and employees of the availability of the report and provide them with a copy upon request. Additionally, colleges are required to maintain and make publicly available a daily crime log and to submit crime statistics to the federal Department of Education (DoE) annually. The DoE provides the Handbook for Campus Crime Reporting (Clery Handbook) to assist campuses in complying with Clery Act requirements.

System Administration provides general oversight of SUNY operations, and the individual SUNY colleges are primarily responsible for complying with applicable laws, including the Act. System Administration's Office of University Police (University Police) is responsible for coordinating police operations throughout the SUNY system, and setting training, hiring and operational standards. Additionally, SUNY System Administration's Office of the University Auditor (University Auditor) is responsible for assessing university-wide procedural and policy matters, and the various functions, programs, and control systems of the 29 State-operated SUNY colleges. The University Auditor conducts audits of college operations and had audited Act-related matters at certain SUNY campuses.

Our initial audit report, which was issued on October 22, 2008, examined the accuracy and completeness of crime statistics reported in the ASRs and to the DoE by SUNY's 29 State-operated colleges. In addition, we verified if the State-operated colleges established and published the safety and security policies and procedures as required by the Act. Our report identified various data and compliance-related issues at many SUNY campuses. We concluded that System Administration needed to provide additional guidance to the campuses to help ensure they complied fully with the Act. The objective of our follow-up was to assess the extent of implementation, as of December 30, 2009, of the five recommendations included in our initial report.

### **Summary Conclusions and Status of Audit Recommendations**

SUNY officials made significant progress in addressing the matters identified in our initial report. Each of the prior report's five recommendations has been implemented.

### **Follow-up Observations**

#### **Recommendation 1**

*Adopt practices to help ensure colleges are complying with Clery requirements each year. Periodically confirm the accuracy and completeness of campus ASR's and DOE data.*

Status - Implemented

Agency Action - System Administration adopted several practices to help ensure colleges comply with Clery Act requirements. Specifically, System Administration required campus Presidents to review and certify the accuracy of their ASRs. System Administration also established an Internet ListServ to provide legal guidance to the campuses. For 2005-07 reporting periods, SUNY's University Police formally directed each campus to verify that information reported to the DoE agreed with the corresponding ASR data. In addition, campuses will be required to submit their ASRs to the University Police for a triennial review beginning in December 2009. Furthermore, at the time of our follow-up review, the University Auditor had commenced Clery Act compliance audits, including tests of data accuracy and completeness, at six colleges.

### **Recommendation 2**

*Reiterate the need for SUNY college police departments to prepare incident reports to document the elements of a crime, in an appropriate, clear and comprehensive manner.*

Status - Implemented

Agency Action - In 2009, System Administration distributed a memo to all SUNY campus Police Chiefs and Public Safety Departments reiterating the need to prepare incident reports that document the elements of a crime, in an appropriate, clear and comprehensive manner.

### **Recommendation 3**

*Provide guidance and assistance to SUNY colleges on (a) preparing ASRs, (b) defining Public Property and (c) maintaining daily crime logs.*

Status - Implemented

Agency Action - System Administration officials provided colleges with guidance and assistance on preparing ASRs, defining Public Property and maintaining daily crime logs. The guidance and assistance was provided during multiple training sessions, meetings and electronic (ListServ) communications between System Administration and SUNY college officials.

### **Recommendation 4**

*Periodically provide comprehensive training to officials at all SUNY colleges to ensure officials understand and comply with Clery Act requirements as well as any related guidance established by System Administration. Encourage each campus within the SUNY system to send representatives to the training.*

Status - Implemented

Agency Action - System Administration officials provided comprehensive training sessions to campus officials on the requirements of the Clery Act and the Uniform Crime Reporting Program in April 2008 and May 2009, respectively. All campuses were encouraged to send appropriate officials to the sessions. Among a range of topics, the training sessions addressed Clery Act crime classifications (per the Uniform Crime Reporting Program), the identification of Clery-required campus geographic locations and boundaries, and the preparation of the ASRs.

**Recommendation 5**

*After formal guidance and training have been provided to campus security personnel, the University should follow-up with the campuses to address the matters detailed in this report and to help ensure that the campuses are in compliance with the Act.*

Status - Implemented

Agency Action - Upon issuance of the original report, the University Auditor formally followed-up with SUNY campuses regarding the matters detailed in the report. Specifically, the University Auditor requested the campuses to address deficiencies in their security and safety policy statements and inconsistencies in statistical information included on their ASRs and reported to the DoE. Also, as previously noted, the University Auditor initiated audits of six campuses' compliance with Clery Act requirements.

Major contributors to this report were William Clynes and Danielle Rancy.

Very truly yours,

Brian E. Mason  
Audit Manager

cc: Mr. Thomas Lukacs, DOB  
Mr. Michael Abbott, SUNY