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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

September 17, 2010

Dr. Matthew Goldstein
Chancellor
City University of New York
535 East 80th Street
New York, NY 10075

Re: Report 2010-F-36

Dear Chancellor Goldstein:

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 City University of New York to implement the recommendations contained in our audit report, *Compliance with the Clery Act* (Report 2009-S-4).

Background, Scope and Objective

In 1990, Congress enacted the Crime Awareness and Campus Security Act, commonly referred to as the Clery Act. The Clery 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 (FBI) Uniform Crime Reporting (UCR) Handbook. These statistics include the following categories: criminal homicide, sexual offenses, robbery, aggravated assault, burglary, arson, motor vehicle theft, liquor law and drug law violations, and illegal weapons possession.

The Clery Act mandates that colleges disclose statistics for crimes reported by a college or local police that were 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 1st 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 United States Department of Education (Department) annually. The Department provides The Handbook for Campus Crime Reporting (Clery Handbook) to assist campuses in complying with Clery Act requirements.

The City University of New York (CUNY), the largest urban public university in the United States, comprises 20 institutions for Clery reporting purposes: 11 senior colleges, three graduate level schools and six community colleges. CUNY also has a central administrative office located in New York City (University Administration). CUNY serves approximately 260,000 degree-credit students and 273,000 adult-continuing and professional education students. Our audit focused on compliance with the Clery Act by the 11 senior colleges and 3 graduate level schools. We did not include the community colleges within the scope of our audit.

CUNY's University Administration Security and Public Safety Office (University Public Safety) is responsible for coordinating all public safety efforts throughout the CUNY system. This includes the overall establishment, selection, training and maintenance of the security and public safety staff that comprises the University Public Safety Service. University Public Safety is also responsible for assisting campus public safety departments in implementing Clery Act reporting procedures.

Our initial audit report examined whether the CUNY's 14 senior colleges and graduate level schools were accurately reporting crime statistics and other relevant security and safety-related information required by the Clery Act, and whether CUNY's University Administration provided the colleges with sufficient Clery related guidance and training. Our initial report was issued on November 19, 2009, and covered the period January 1, 2006 through June 24, 2009. The objective of our follow-up was to assess the extent of implementation as of August 1, 2010, of the eight recommendations included in our initial report.

Summary Conclusions and Status of Audit Recommendations

CUNY officials have made significant progress in implementing the recommendations made in our prior report. Of the eight prior audit recommendations, seven recommendations have been implemented and one recommendation has been partially implemented.

Follow-up Observations

Recommendation 1

Adopt practices to ensure colleges are complying with Clery Act requirements each year. At a minimum, University Administration should annually receive the ASR from each college and ensure it is properly prepared and the crime statistics reported agree with those the college reported to the Department.

Status - Implemented

Agency Action - We found that CUNY's University Administration has adopted practices to ensure that their colleges are complying with Clery Act requirements. These practices include, among other requirements, that all colleges provide their ASR to the University Administration for review before it is published on the Department's website. The University Administration has reviewed the 2009 ASR's for several of the colleges and is in the process of reviewing the ASR's for all remaining colleges. Once the review is

complete and ASR's are properly prepared, University Administration officials stated that they intend to review the Department's website to ensure that the crime statistics reported on the website agree with the statistics on the ASR.

Recommendation 2

Provide specific guidance and assistance to colleges on preparing ASRs. Consider developing a standardized approach for colleges to follow.

Status - Implemented

Agency Action - Our review found that CUNY's University Administration has provided specific guidance to colleges through several training courses and other written materials. In addition, the University Administration has developed a standardized ASR template that each college is required to follow. College presidents are also required to certify that the ASRs are accurate and complete before the ASR results are published.

Recommendation 3

Require colleges noted in this report that have inaccurate information in their current ASRs or reported inaccurate information to the Department to correct such information.

Status - Partially Implemented

Agency Action - CUNY's University Administration advised us that they have reviewed each school's 2006, 2007 and 2008 ASR for compliance with the Clery Act. CUNY's University Administration advised us that they are unable to modify the 2006 crime statistics on the Department's website due to the age of the information. Officials stated that their Public Safety Departments have been provided with written guidance, and instructions on how to correct ASRs and make all necessary corrections of statistical data reported on the Department's website. We reviewed the 2007 and 2008 crime statistics on the Department's website for the six colleges that were identified as having discrepancies in the original audit report. We found that Baruch College and the New York City College of Technology had made the corrections on the ASR and on the Department's websites for 2007 and 2008. However, discrepancies continue to exist between the crime statistics on the ASR and those reported on the Department's website for four other colleges. University Administration officials stated that the discrepancies occurred because of data entry errors, as well as the practice of combining similar types of crimes. Officials acknowledged that the 2007 and 2008 crime statistics were not updated by Hunter College officials.

Recommendation 4

Instruct college public safety departments to accurately prepare incident reports and crime logs, particularly when documenting the elements of a crime, in an appropriate, clear and comprehensive manner.

Status - Implemented

Agency Action - Our review found that CUNY's University Administration has adopted and distributed, to all Public Safety Departments, a reference guide for collecting, classifying, and counting Clery Act crime data. The reference guide is designed to help public safety officers document the elements of specific crimes in an appropriate, clear and comprehensive manner. In addition, extensive training was provided to campus Public Safety staff on these matters. We reviewed a sample of incident reports from John Jay College and noted that the sampled reports adequately documented the elements of a crime.

Recommendation 5

Provide specific guidance and assistance to colleges on maintaining daily crime logs and incident reports. Consider developing a standardized approach for colleges to follow.

Status - Implemented

Agency Action - University Administration officials have provided guidance and assistance to colleges on maintaining daily crime logs and incident reports. Officials have also developed standardized procedures for the colleges, as well as a crime log template that will go into effect in January 2011.

Recommendation 6

Provide specific guidance and assistance to colleges on defining Public and Non-campus Property. Consider developing a standardized approach for campuses to follow.

Status - Implemented

Agency Action - During our follow-up review, we found that CUNY's University Administration provided training to all Public Safety Directors on defining Public and Non-campus Property. We also found that University Administration has developed a standardized approach that campuses are to follow.

Recommendation 7

Provide comprehensive training to officials at all colleges on a regular basis to ensure officials understand and comply with Clery Act requirements, as well as any guidance and standardized approach set by University Administration.

Status - Implemented

Agency Action - Since the release of the original Clery Act audit report, CUNY has provided comprehensive training to the Public Safety staff at all the colleges. The training was provided by CUNY staff as well as by former employees of the Department. The training covered such topics as proper ASR preparation; ASR reporting timelines; reporting

requirements for institutional fire safety policies and fire statistics; NYS law and FBI UCR conversion; burglary classification; collecting, classifying, and counting crime statistics; and defining public and non-public property.

Recommendation 8

Require the University Auditor to perform follow-up audits to determine the implementation of recommendations detailed in the 1999 audit reports. Based on risk factors and available resources, the University Auditor should follow-up with noncompliant colleges to ensure the ASRs are made Clery Act compliant.

Status - Implemented

Agency Action - Our review found that CUNY's University Auditor has scheduled follow-up audits on college compliance with the Clery Act as part of the CUNY 2010-2011 audit plan. In addition, audit staff are now required, as part of their review, to ensure that ASRs are in compliance with Clery Act requirements.

Major contributors to this report were Stephen Lynch, Danielle Rancy, and Anthony Calabrese.

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

Very truly yours,

Kenrick Sifontes
Audit Manager

cc: Mr. Gordon Taylor, CUNY Internal Audit and Management Services
Mr. Thomas Lukacs, DoB