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August 2015

Dr. James Sunser, President
Members of the Board of Trustees
Genesee County Community College
One College Road
Batavia, New York 14020

Report Number: S9-15-23

Dear Dr. Sunser and Members of the Board of Trustees:

The Office of the State Comptroller works to help community college officials manage their resources efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support community college operations. The Comptroller oversees the fiscal affairs of local governments statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations and Board of Trustees' governance. Audits also can identify strategies to reduce costs and to strengthen controls intended to safeguard assets.

In accordance with these goals, we conducted an audit of five community colleges throughout New York State. We included the Genesee County Community College (College) in this audit. The objective of our audit was to determine if the College was accurately reporting crime statistics and publishing relevant security and safety-related information in accordance with the Clery Act. The audit period was from January 1, 2013 through December 31, 2013. Following is a report of our audit of the College. This audit was conducted pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law.

This report of examination letter contains our findings and recommendations specific to the College. We discussed the findings and recommendations with College officials and considered their comments, which appear in Appendix A, in preparing this report. College officials agreed with our recommendations and indicated they have taken or plan to take correction action. At the completion of our audit of the five colleges, we prepared a global report that summarizes the significant issues we identified at all of the units audited.

Summary of Findings

The College has taken steps to report crime statistics and publish other relevant security and safety-related information. However, the College could do more to ensure the information is complete, accurately reported, and made available to enrolled students and employees.

We found the College's Annual Security Report (ASR) does not comply with the Clery Act. It has four missing or incomplete policy and procedure statements. In addition, the College's crime statistics were not always consistent with the College's records. The College did not include all reportable crimes, such as an assault or a burglary, even though the campus security office recorded the incidents in the College's crime log. The College's crime statistics also include a weapons possession crime and three drug-related arrests; however, the College has no records to support that these crimes occurred.

We also found the College's crime log does not include all alleged criminal incidents and criminal incidents that occur on campus. The College maintains a separate crime log for incidents that occur in the on-campus housing facility. However, all incidents should be recorded in the College's crime log.

Background and Methodology

The College is located in Genesee County and operates eight campuses: the main campus, an off-site nursing program, and six satellite campuses throughout the region. The College is a part of the State University of New York (SUNY) system, and is governed by a 10-member Board of Trustees (Board) which comprises nine appointed members and a student trustee. The Board is responsible for the general management and control of the College's financial and educational affairs. The President of the College is the College's chief executive officer and, along with other administrative staff, is responsible for the day-to-day management of the College. The College, in the 2014 fall season, had 6,927 enrolled students. The College has 422 beds in its on-campus apartments¹ that are available to enrolled students.

Campus security has long been an important issue for students and their families. To address this concern, in 1990, Congress enacted the Crime Awareness and Campus Security Act (Clery Act) requiring colleges to maintain and disclose crime statistics and security policies. The federal statute is named for Jeanne Clery, a 19-year-old Lehigh University freshman who was raped and murdered in her campus residence hall in 1986. As a result of the Clery Act, information about the safety and security of college communities, including both crime and fire data, is readily available to the public to help people make informed decisions when choosing a college for educational or employment purposes.

The Clery Act requires all public and private colleges participating in Federal Title IV student financial aid programs to prepare, publish and distribute an ASR disclosing information about

¹ On-campus housing is managed by College Village, which is an affiliated entity of the College. This group manages all auxiliary functions at the College and offers College students various living arrangements.

college safety policies, procedures and crime statistics.² The statistics include criminal homicide, sexual offenses, robbery, aggravated assault, burglary, arson, motor vehicle theft, liquor law and drug violations, illegal weapons possession and hate crimes. Colleges must disclose statistics for reported Clery Act crimes that occur on campus, on public property within or immediately adjacent to the campus, and in or on non-campus buildings or property that the college owns or controls.

Colleges must make the ASR available to current students and employees by October 1 of each year. Colleges must also inform current and prospective students and employees of the availability of the report and provide the ASR upon request. Additionally, colleges must maintain and make publicly available a daily crime log and must submit crime statistics to the United States Department of Education (DOE) annually. The DOE's Handbook for Campus Safety and Security Reporting (Handbook) assists colleges in complying with Clery Act requirements.

SUNY includes 30 community colleges that are located throughout the State.³ Each SUNY college is primarily responsible for its compliance with applicable safety and security laws, including the Clery Act. The College's Campus Security Director and his security team are responsible for responding to, addressing and reporting incidents that occur on campus, as well as incidents that involve enrolled students off campus.

We conducted our audit in accordance with generally accepted government auditing standards (GAGAS). Such standards require that we plan and conduct our audit to adequately assess College operations within our audit scope. Further, those standards require that we understand the College's management controls and those laws, rules and regulations that are relevant to College operations included in our scope. An audit includes examining, on a test basis, evidence supporting financial activities and applying such other auditing procedures we consider necessary in the circumstances. We believe that our audit provides a reasonable basis for the findings, conclusions and recommendations contained in this report. More information on such standards and the methodology used in performing this audit are included in Appendix B of this report.

Audit Results

Annual Security Report Errors

Incomplete Annual Security Report – The Clery Act requires the College to disclose its policy and procedure statements and reporting requirements in the ASR. The report should be written in language that will be understood by the public and accurately reflect the College's current procedures and practices. The Handbook states the failure to have a required policy or to disclose all of the required policy statements means the College does not comply with the law.

The Clery Act requires 62 disclosures in the ASR, which we categorized into 14 policy and procedure statements and five reporting requirements.

² For Clery Act-reporting purposes, crime statistics can include certain violations of law that are not routinely considered "crimes" for traditional law enforcement purposes, such as violations for possession of marijuana.

³ <http://www.suny.edu/hr/cc/>

We examined the College's most recent ASR to determine whether the required statements had been included and the reporting requirements had been met.⁴ We found a total of four missing or incomplete policy and procedure statements.⁵ For example, the College's ASR does not include a statement about the disclosure of disciplinary proceeding results. As a result, the College has not met the Clery Act's minimum campus safety and security policy requirements and, therefore, has not complied with the law. Appendix A details the required policy and procedure statements and reporting requirements and whether the College complied with them.

Inaccurate Reporting – Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial and geographic considerations, the issue of campus safety is a vital concern. To help individuals make informed decisions, the Clery Act requires certain colleges to annually report complete and accurate Clery crime statistics. For certain crimes, the DOE requires colleges to report violations of the law, not violations of school policy.

To determine if the College accurately reported its crime statistics, we compared the College's 2013 ASR to its crime log, incident reports and local law enforcement crime statistics. We found several differences between the 2013 ASR and the College's crime records. For example, College officials said their crime statistics include all violations of their alcohol policy. However, we found the College's crime log includes 30 alcohol violations; only 22 were included in its crime statistics. The Clery Act only requires alcohol violations that are a violation of the law to be reported. If the violation pertains only to school policy, it should not be included in the crime statistics. We could not determine how many alcohol violations the College should have reported because the crime log does not identify the violator's age or date of birth.

We also found the following discrepancies in the College's 2013 ASR:

- The College reported six student housing drug-related arrests; however, the College's records indicate it had three drug-related arrests.
- The College reported it had one drug-related disciplinary action; however, the College's records indicate it had taken nine drug-related disciplinary actions.
- The College did not report an aggravated assault or a burglary that we found in the College's crime records.
- The College also reported a weapons possession crime; however, we found no evidence in the College's crime records to support this crime.

For the ASR to help individuals make informed decisions, the crime statistics must be complete and accurate. Failure to report complete and accurate statistics can result in a civil fine of \$27,500 per violation for a substantial misrepresentation of the number, location or nature of a crime.

Crime Log Deficiencies

⁴ Our audit did not include assessments of the programmatic effectiveness of the security policies and procedures submitted.

⁵ Two missing, two incomplete

All colleges that have a campus police or security department, regardless of whether it is public or private, must create, maintain and make a daily crime log (log) available to the public. The purpose of the log is to record criminal incidents and alleged criminal incidents. The log is designed to disclose crime information on a timelier basis than the annual statistical disclosures. A crime should be entered into the log as soon as it is reported to the campus police or security department.

While the College maintained a log, the log does not contain alleged criminal incidents and criminal incidents that occurred at the on-campus student housing complex. College officials said they maintain a separate electronic log detailing crime incidents that occur at the on-campus student housing complex. Officials said they would generate an on-campus student housing complex log if requested. For Clery Act reporting, College officials should have entered incidents reported at the College's housing complex into the College's on-campus crime log.

The Clery Act requires colleges and universities to disclose their security policies, keep a public crime log, publish an annual crime report and provide timely warning to students and campus employees. When an educational institution provides inaccurate or incomplete information, current and prospective students and employees may not have the information they need to make informed enrollment or employment decisions to ensure their safety.

Recommendations

College officials should:

1. Include all required policy and procedure statements and reporting requirements in the College's ASR to comply with the annual security reporting requirements.
2. Include Clery Act reportable crimes in the College's ASR.
3. Include all alleged criminal incidents and criminal incidents in the College's log, including incidents occurring in on-campus housing.

Good management practices dictate that the Board has the responsibility to initiate corrective action. As such, the Board should prepare a corrective action plan (CAP) that addresses the recommendations in this report and forward the plan to our office. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The Board should make the CAP available for public review in the College's administrative offices.

We thank the officials and staff of the Genesee County Community College for the courtesies and cooperation extended to our auditors during this audit.

Sincerely,

Gabriel F. Deyo
Deputy Comptroller

APPENDIX A

CLERY POLICY AND PROCEDURE STATEMENTS AND REPORTING REQUIREMENTS

Figure 1: Missing or Incomplete Information		
Count	Policy and Procedure Statement	Missing (M) or Incomplete (I)
1	Crime Reporting Policy	
2	Campus Facility Security Policy	
3	Campus Law Enforcement/Authority Policy	I
4	Program to Inform of Security Procedures and Practices for Students and Employees	
5	Program on Crime Prevention	
6	Monitoring and Recording Criminal Activity at Off Campus Locations	M
7	Alcohol Policy	
8	Drug Policy	
9	Drug or Alcohol Abuse Programs	I
10	Disclosure of Disciplinary Proceeding Results	M
11	Emergency Response and Evacuation Procedures	
12	Sexual Assault Prevention Programs and Procedures	
13	Registered Sex Offender	
14	Missing Student	
Count	Reporting Requirement	Missing (M) or Incomplete (I)
1	Crime Statistics Reporting	
2	Crime Location Reporting	
3	Hate Crime Reporting	
4	Disciplinary Referral Reporting	
5	Annual Security Reporting	

APPENDIX B

RESPONSE FROM COLLEGE OFFICIALS

The College officials' response to this audit can be found on the following pages.

June 26, 2015

Mr. Gabriel F. Deyo
Deputy Comptroller
Office of the State Comptroller
Division of Local Government and School Accountability
110 State St
Albany, NY 12236

Dear Mr. Deyo,

This letter is in response to the draft report of findings and recommendations of the audit report of Genesee Community College's compliance with the Clery Act including accurate reporting of crime statistics and publishing relevant security and safety-related information.

The purpose of the Clery report is to give prospective students and families a tool to use to objectively compare the safety at a given college. As noted in your report, the College has taken steps to report crime statistics and publish other relevant security and safety-related information. The College recognizes that although in the past it has made a good faith effort to comply with these requirements, there is room for improvement. We can assure you that the recommendations that you suggest either have been or will be fully implemented.

Specific comments to findings and recommendations are listed below:

A. Incomplete Annual Security Report

The audit report concluded that "Genesee Community College does not comply with the Clery Act" due to the fact that 4 of the 62 policy statements required to be included in the Annual Security Report (ASR) were missing or incomplete.

Recommendation and Corrective Action Plan

Include all required policy and procedure statements and reporting requirement in the College's ASR to comply with annual security reporting requirements.

Going forward, the College will utilize both the Handbook of Campus Crime reporting issued by the DOE in 2011 and the Clery Compliance Checklist developed by SUNY to ensure that all policy and procedure statements required by Clery are contained in the College's ASR.

B. Inaccurate Reporting

The Clery Act requires annual report complete and accurate crime statistics. The audit cited several differences between the 2013 ASR and the College's crime records. These included a number of alcohol violations that due to current reporting practices, a determination could not be made if they were subject to be reported.

Recommendation and Corrective Action Plan

Include Clery Reportable crime in the College's ASR

Since 2013 Genesee Community College has taken the time, effort and training to improve the accuracy of its crime reporting. In 2013 the College hired a Director of Campus Safety that has a law enforcement background with the goal of improving report documentation and having a better understanding of crime classification. Also in 2014 a new Director of Safety was hired for College Village, the College's on-campus resident's halls. The two departments meet frequently to discuss reports and earlier this year agreed to share the same incident reporting software system. This new software should greatly improve the College's ability to track and report Clery reportable crimes.

C. Crime Log Deficiencies

The College currently maintains two separate crime logs, one for incidents that occur on campus, and one for incidents that occur at the on-campus student housing. The audit report cited that the College should have entered incidents reported at College Village into the College on-campus crime log.

Recommendation and Corrective Action Plan

Include all alleged criminal incidents in the College's log, including incidents occurring in on-campus housing.

With the implementation of the new incident reporting software for the College and College Village housing, all incidents will now be reported on one crime log.

Thank you for your hard work on this audit and recommendations that you have made to improve our compliance with the Clery Act. At Genesee Community College, we are committed to maintaining a welcoming and safe environment for our entire college community and will take the appropriate measures to do so.

Sincerely,

Dr. James M. Sunser
President

APPENDIX C

AUDIT METHODOLOGY AND STANDARDS

The objective of our audit was to determine if the College was accurately reporting crime statistics and publishing relevant security and safety-related information from January 1, 2013 through December 31, 2013. To complete the audit objective, we:

- Reviewed the Handbook distributed by DOE to assist colleges in complying with Clery Act requirements.
- Interviewed appropriate College officials.
- Reviewed internal reports, crime statistics documentation provided by local law enforcement agencies and crime logs, and reports generated by the local police agencies.
- Reviewed campus policies and procedures.
- Assessed the completeness and accuracy of the College's ASR by comparing the crime statistics listed in the College's 2013 ASR with those listed on DOE's Office of Postsecondary Education website.

We conducted this performance audit in accordance with GAGAS. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.