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August 2015

Dr. Cliff Wood
Members of the Board of Trustees
Rockland Community College
145 College Road
Suffern, New York 10901

Report Number: S9-15-26

Dear Dr. Wood 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 Rockland 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 seven missing or incomplete policy and procedure statements¹ and one incomplete reporting requirement. In addition, the College could not fully support the crime statistics it reported in its ASR and reported to the United States Department of Education (DOE). The College's crime statistics include a drug arrest, an alcohol arrest, and an alcohol-related disciplinary case but the College has no records or evidence these events occurred or were investigated. The College's crime log included three missing crime log entries or gaps, and eight crime log entry numbers were used twice.

The College distributed its ASR by posting it on the Internet. However, we found that the ASR the College uploaded was inconsistent with the crime statistics the College reported to DOE. College officials attributed the missing crime statistic information to a recent update to their website. College officials indicated this was an oversight on their behalf.

Background and Methodology

The College is located in Rockland County and operates two campuses: the main campus located in the Village of Suffern and an extension center in the Town of Haverstraw. The College is a part of the State University of New York (SUNY) system, and is governed by a nine-member Board of Trustees (Board) which comprises eight 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 7,522 enrolled students. The College does not offer student housing.

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 college safety policies, procedures and crime statistics.² The statistics include criminal homicide,

¹ Two were missing and five were incomplete.

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.

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 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 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.

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 seven missing or

³ <http://www.suny.edu/hr/cc/>

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

incomplete policy and procedure statements⁵ and one incomplete reporting requirement. For example, the College's disclosure of its Campus Law Enforcement/Authority Policy does not meet the minimum reporting standards. 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.

ASR Distribution – All colleges must distribute their ASR to all currently enrolled students⁶ and all employees by October 1 each year. Colleges also must provide the report to any prospective student or prospective employee upon request. A college can distribute the ASR through two methods:

- Giving a copy of the ASR directly to each individual or by direct mailing the report to each individual through: the United States Postal Service, campus mail, email or a combination of these methods.
- Posting the ASR on an Internet or intranet website that is reasonably accessible to enrolled students and current employees.

The College distributed its ASR by posting it on the Internet. However, we found that the ASR the College uploaded was inconsistent with the crime statistics the College reported to DOE. When we compared the crime statistics the College made available to the campus's student body and employees to DOE records, we found the ASR did not include three drug arrests, one liquor arrest, one drug disciplinary action and one liquor disciplinary action.

College officials attributed the missing crime statistic information to an oversight. Officials said they did not identify the missing data when the information was posted to the website. Similarly, the link in the ASR to the DOE crime statistics was non-operational. During the audit, College officials updated the ASR on the College's website to include all of the required crime statistics and corrected the DOE link.

Crime Log Deficiencies – 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. To maintain accountability, crime log entries and incident reports should be sequentially numbered. This would also allow log entries to be traced to the corresponding incident reports.

⁵ Two were missing and five were incomplete.

⁶ Includes those attending less than full-time and those not enrolled in Title IV programs or courses.

The College's campus security office maintained a daily log and made it available to the public. We found campus security manually assigns a log entry number to each reported crime when they record it in the log. We reviewed the log entries to determine if the College properly recorded and classified reported crimes. We found three gaps in the log entry numbers and eight log entry numbers that were used twice.

College officials said the gaps in log entries and the use of duplicate log entry numbers likely is an oversight because the security office manually assigns each log entry number and the corresponding crime entry. Officials also noted that input errors may have occurred when the College upgraded the computer used to maintain the log.

In addition to the crime log, the College maintains incident reports that document specific crime details, actions the College took and the results of the crime investigation. The incident reports do not include the crime log entry number, so it is difficult to match each crime log entry with an incident report and vice versa. Because of the log gaps, the use of duplicate numbers, and lack of a reliable way to match crime log entries with the corresponding incident reports, we have no assurance all reported crimes were properly recorded and provided to us for review. College officials said they are working to improve controls in this area and are in the process of purchasing software that will establish greater accountability and control of the College's log and incident reports.⁷

Unsupported Clery Violations – Every college must collect, classify and count crime reports and crime statistics. The Clery Act requires colleges to disclose three general categories of crime statistics: criminal offenses, hate crimes and arrests, and referrals for disciplinary action.

We compared the College's ASR to the crime statistics local police agencies provided and crimes included in the College's crime log to determine if the College properly reported Clery Act crimes.⁸ We found the College included an additional drug arrest, an additional liquor arrest and an additional liquor disciplinary action. College officials could not provide any documentation to support the arrests and disciplinary action and could not explain why the crimes were reported in the College's ASR. Because of the weak controls over the College's crime log and College officials' inability to provide details on these incidents, we could not determine if the crimes were committed and not properly recorded in the College's crime log or if the crimes did not occur and data entry errors were made.

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:

⁷ College records indicate officials were in the process of upgrading the reporting system prior to our audit.

⁸ Per the Clery Act Handbook, crimes must be classified in accordance with the Federal Bureau of Investigation's definitions for Uniform Crime Reporting.

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. Ensure the ASR made available to the College's student body and employees is complete.
3. Establish log controls that can prevent log entry gaps and duplicate numbers, and devise a system to track log entries to the corresponding incident report(s).
4. Include only Clery Act reportable crimes in the College's ASR.

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 Rockland 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	M
6	Monitoring and Recording Criminal Activity at Off Campus Locations	
7	Alcohol Policy	I
8	Drug Policy	I
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	I
13	Registered Sex Offender	
14	Missing Student ^a	
Count	Reporting Requirement	Missing (M) or Incomplete (I)
1	Crime Statistics Reporting	I
2	Crime Location Reporting	
3	Hate Crime Reporting	
4	Disciplinary Referral Reporting	
5	Annual Security Reporting	

^a The College does not have on-campus housing so this policy and procedure statement is not applicable.

APPENDIX B

RESPONSE FROM COLLEGE OFFICIALS

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

Office of the President

June 10, 2015

Ms. Ann C. Singer
Chief Examiner
State Office Building
Suite 1702
44 Hawley St.
Binghamton, NY 12901-4417

Dear Ms. Singer,

In accordance with Section 170 of the Executive Law, we are providing our audit response and corrective action plan (“CAP”) to the draft report “Report Number: S9-15-26” (“Draft Report”). The Clery Act is a reporting statute that requires colleges and universities, including Rockland Community College, to provide the Federal Department of Education (“DOE”) with statistics about the number of specific crimes that occur on and around their campuses. It also requires colleges and universities to distribute an annual security report (“ASR”), which in addition to statistics, contains safety policies and procedures.

The Clery Act and guidance documents issued by the DOE set out technical requirements that colleges and universities must follow in reporting Clery statistics and preparing their ASRs. The Draft Report describes certain limited instances where the College inadvertently did not follow the technical requirements of the Clery Act and related regulations promulgated by the DOE.

The College generally agrees with the findings and recommendations in the Draft Report. However, we are concerned that the Draft Report’s summary does not accurately portray the College’s overall compliance with the Clery Act. The Draft Report states that the audit team reviewed 62 disclosures and found five incomplete and two missing policy and procedure statements, and one reporting requirement. Therefore, it would be fair to conclude that the College’s ASR complied with the vast majority of the required disclosures.

However, the College is committed to complying fully with the Clery Act. In the limited cases where we did not comply with the Clery Act, we have already taken steps to address the issues raised in the Draft Report. Our comments and the actions taken or planned for each of the recommendations follow.

Recommendation 1: Include all required policy and procedure statements and reporting requirements in the College’s ASR to comply with the annual security reporting requirements.

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Response: Partially implemented. The Director of Public Safety has begun preparation of the College's 2014 ASR and anticipates its completion by August 1, 2015. All of the missing or incomplete policy and procedure statements, and reporting requirements will be corrected in the 2014 ASR. One policy and procedure statement, Disclosure of Disciplinary Proceeding Results, requires a sentence to be added to an existing policy, which requires Board of Trustees approval. That approval is anticipated at the June 25, 2015 meeting of the Board of Trustees.

Recommendation 2: Ensure the ASR made available to the College's student body and employees is complete.

Response: Partially implemented. The College will continue to use multiple methods to communicate any crimes on and around our campus. The College makes the ASR available to students, employees and the community electronically on the College's website and in hard copy in the Public Safety Department's offices. The College includes links from our Admissions (prospective students and parents of prospective students) page, Human Resources "Career Opportunities" (prospective employees) page, Public Safety (all students, employees and community) page, and Consumer Information (all students, parents, employees and community) page to the current ASR. The College also includes information in our student handbook and catalog about how students and parents can find crime statistics and related information. As indicated above in the response to Recommendation 1 and below in the response to Recommendation 4, the College has a plan in place to address the deficiencies in the 2013 ASR in the 2014 ASR, which will be accessible through the methods listed in this response to Recommendation 2.

Recommendation 3: Establish log controls that can prevent log entry gaps and duplicate numbers, and devise a system to the corresponding incident report(s).

Response: Implemented. In a limited number of cases in the past the Public Safety Department manually assigned a number to crime log incidents that did not coincide with the incident report number. The Director of Public Safety initiated (prior to the audit) the purchase of upgraded incident reporting software, which includes a Clery module that coordinates the matching of crime log numbers with those on incident reports. Use of this software began on or about May 15, 2015.

Recommendation 4: Include only Cleary Act reportable crimes in the College's ASR.

Response: Implemented. The Draft Report identified an occasion where the crime statistics in the ASR and crime log differed from the crime statistics local police agencies provided. This inconsistency resulted when an incident report originally identifying an individual as possibly

Office of the President

intoxicated or under the influence of other drugs was later determined by the County Sheriff's Office to be a mental health evaluation call. The Director of Public Safety has begun monthly meetings with the County Sherriff during which the outcomes of incidents that occurred on and around campus in the prior months will be discussed. The possibility of misclassifications of this type in the future will be reduced by this new initiative.

Board of Trustees approval of the above-described CAP is anticipated at the June 25, 2015 meeting.

The College has taken the audit and related findings very seriously. However, it is important to note that the Clery Act is a reporting statute. Care must be taken not to confuse reporting with actual safety. We are very proud that our campus offers a very safe learning and working environment for our students and employees. Nonetheless, we welcome this opportunity to improve the information we provide to our students, employees and community.

If you have any questions or would like any additional information, please contact our Director of Public Safety, Bill Murphy, at 845-574-4362.

Sincerely,

Cliff L. Wood
President

Martin Wortendyke
Chair, Board of Trustees

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.