U.S. Department of Education
Office of Inspector General

University of Texas at San Antonio's Controls Over Reporting Clery Act Crime Statistics

November 24, 2020
ED-OIG/A09T0008

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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL

Audit Services

November 24, 2020

Dr. Taylor Eighmy
President
University of Texas at San Antonio
Main Building, Suite 4.122
One UTSA Circle
San Antonio, TX 78249

Dear President Eighmy:

Enclosed is our final audit report, "University of San Antonio's Controls Over Reporting Clery Act Crime Statistics," Control Number ED-OIG/A09T0008. This report incorporates the comments you provided in response to the draft report. If you have any additional comments or information that you believe may have a bearing on the resolution of this audit, you should send them directly to the following Department of Education official, who will consider them before taking final Departmental action on this audit:

Mark Brown
Chief Operating Officer
Federal Student Aid
U.S. Department of Education
830 First Street NE
Washington, D.C. 20202

The U.S. Department of Education's policy is to expedite audit resolution by timely acting on findings and recommendations. Therefore, if you have additional comments, we would appreciate receiving them within 30 days.

Sincerely,

/s/

Alyce Frazier
Regional Inspector General for Audit

Enclosure

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Results in Brief

What We Did

The objective of our audit was to determine whether the University of Texas at San Antonio (San Antonio) had controls to ensure that it reported complete and accurate campus crime statistics under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

We evaluated San Antonio's processes (policies, procedures, and activities) for collecting, analyzing, and reporting Clery Act crime statistics for the U.S. Department of Education's (Department) 2018 Campus Safety and Security Survey (Department crime survey), which presented crime statistics for calendar years 2015–2017. We refer to the campus crime statistics reported in the annual Department crime survey as the "Clery Act crime statistics" in this report. We used the Department's "Handbook for Campus Safety and Security Reporting," 2016 edition, (Clery Act Handbook) and standards of effective internal control[1] to identify and assess the design, implementation, and operating effectiveness of San Antonio's significant controls over the completeness and accuracy of the Clery Act crime statistics.

To assess completeness of the reported crime statistics, we identified groups of crime incidents in San Antonio's records and verified that the incidents had been reported in the Clery Act crime statistics. To assess accuracy, we reviewed the crime reports and other documentation supporting the 119 criminal incidents that San Antonio reported for its 2 campuses (main and downtown) to ensure the statistics were properly classified in accordance with applicable Clery Act reporting requirements.[2]

Our review focused on San Antonio's reporting of Clery Act crime statistics related to criminal offenses, hate crimes, and Violence Against Women Act (VAWA) crimes. We did not assess San Antonio's reporting of arrests and disciplinary referrals for violations of weapons, drug abuse, or liquor laws. We also did not assess San Antonio's controls over compliance with Clery Act requirements not directly related to the completeness and

[1] We use the term "standards of effective internal control" to refer to the standards included in the Committee of Sponsoring Organizations of the Treadway Commission's "Internal Control – Integrated Framework," May 2013.

[2] The "Records Selection and Testing Methodology" section of this report describes how we selected crime incidents for review and the scope of our testing.

accuracy of the crime statistics, including those for emergency response and evacuation, timely warnings, policy statements, missing student notifications, or fire safety.

What We Found

San Antonio did not have effective controls to ensure that it reported complete and accurate Clery Act crime statistics. San Antonio had processes for requesting crime statistics from local law enforcement agencies, identifying campus security authorities (CSA), processing and compiling the crime information, and reporting the annual Clery Act crime statistics by the reporting deadline. However, these processes were not effectively designed or consistently performed during the audit period and did not provide reasonable assurance that the reported Clery Act crime statistics would be complete and accurate. Additionally, we found that San Antonio did not follow all applicable Clery Act requirements and guidance, which, if followed, would help support the completeness and accuracy of the reported crime statistics. For example, San Antonio did not properly notify its CSAs of their roles and responsibilities, request crime reports from CSAs, or follow applicable requirements for identifying its Clery Act geography.[3]

San Antonio's reported Clery Act crime statistics for calendar years 2015–2017 were not complete and accurate. As a result, the statistics did not provide reliable information to current and prospective students, their families, and other members of the campus community for making decisions about personal safety and security. We identified 55 criminal incidents that San Antonio should have reported but did not. San Antonio reported 119 criminal incidents but should have reported at least 173 criminal incidents (119 incidents that San Antonio reported, less 1 incident it reported in error, plus 55 additional incidents that we identified). However, due to weaknesses in San Antonio's internal controls and recordkeeping, we could not identify the total number of Clery Act crimes that San Antonio should have reported during the audit period and concluded that the actual reportable number of crimes could be higher than the number we identified. San Antonio also misreported 4 incidents at its main campus.

San Antonio did not have effective internal controls over its processes related to the reporting of its Clery Act crime statistics. Specifically, San Antonio did not have effective processes to (1) identify critical information sources for Clery Act reporting; (2) collect, record, and track the information; (3) analyze, report, and document the crime statistics; or (4) provide management oversight and quality assurance over the Clery Act

[3] A school's Clery Act geography generally consists of the buildings or property that the school owns or controls and surrounding public property, for which it must collect reports of alleged crimes to be included in its Clery Act crime statistics.

crime reporting process during the audit period. After the audit period, San Antonio began improving its Clery Act crime reporting processes in part by identifying properties that it owned or leased, developing Clery Act geography maps, and enhancing its tracking and review of the Clery Act crime statistics.

Two primary factors caused weaknesses in San Antonio's internal controls over the completeness and accuracy of its Clery Act crime statistics. First, San Antonio did not obtain adequate feedback from officials possessing appropriate internal control, information management, or Federal education compliance experience in the design of its Clery Act reporting processes. As a result, San Antonio did not establish the reporting of complete and accurate Clery Act crime statistics as an objective, identify the risks that could prevent it from achieving that objective, or effectively manage personnel to help ensure complete and accurate Clery Act crime reporting. Second, frequent personnel changes, including key positions responsible for Clery Act crime reporting, resulted in officials not performing certain Clery Act reporting activities as required by San Antonio's campus safety and security reporting policy and inconsistent Clery Act reporting activities from one year to the next.

What We Recommend

We recommend that Federal Student Aid's (FSA) Chief Operating Officer require San Antonio to design and implement effective internal controls over the completeness and accuracy of its Clery Act crime statistics. San Antonio should also conduct a comprehensive review of its records for calendar years 2015–2017 to identity all reportable Clery Act crimes and amend its reported crime statistics to correct any errors in the reported statistics. We also recommend that FSA's Chief Operating Officer determine if FSA should take action against San Antonio for the Clery Act violations identified in this report.

San Antonio Comments

San Antonio stated that it was committed to addressing the finding and recommendations outlined in the draft report. San Antonio generally agreed with the finding and acknowledged that its Clery Act processes were not effectively designed or consistently performed during the audit period. San Antonio did not explicitly agree or disagree with our recommendations; however, San Antonio provided a summary of corrective actions that it planned to take in response to Recommendations 1.1 through 1.4. San Antonio did not respond to Recommendation 1.5, which recommended that FSA's Chief Operating Officer determine if FSA should take action against San Antonio for the Clery Act violations identified in this report. San Antonio also detailed other improvements to its Clery Act compliance program that it had initiated during the audit period and while our audit was underway.

San Antonio disagreed with our Clery Act reporting determinations on 25 of the 55 unreported criminal incidents that we identified in the draft report. San Antonio stated that, in its opinion, the 25 incidents did not meet the elements of the applicable crime reporting classifications or did not definitively occur on the Clery Act geography.

We summarized San Antonio's comments at the end of the finding and included the full text of San Antonio's comments at the end of this report. We redacted the names of San Antonio personnel from the school's comments to protect their privacy interests and excluded, due to the volume, the exhibits provided by San Antonio with its comments.

OIG Response

The corrective actions that San Antonio described, if properly implemented, are responsive to Recommendations 1.1 through 1.4 in this report. Our report describes San Antonio's processes that were in place during the audit period. As a result, some of the corrective actions that San Antonio described in its response were not included in our report because they were implemented after the audit period.

We reviewed the information that San Antonio provided related to its disagreement with 25 of the 55 unreported criminal incidents that we identified in the draft report. We did not agree with San Antonio's comments on the 25 incidents and did not remove any of the incidents from our audit report. During the audit, we completed detailed verification procedures for each of the unreported criminal incidents that we included in the draft report. We provided a preliminary listing of unreported criminal incidents to San Antonio officials for review and comment, analyzed the additional information San Antonio provided for each incident, and explained the basis of our determinations to San Antonio officials. Based on these verification procedures and our review of San Antonio's records, we validated that the 25 incidents met all necessary criteria to be reported under the Clery Act. The additional information San Antonio provided in response to our draft report was not sufficient to change our determinations. We did not make any changes to the audit report in response to San Antonio's comments.

Introduction

Background

San Antonio is a public university in the University System of Texas that offers over 150 undergraduate and graduate degree programs. San Antonio has 2 campus locations offering student instruction (main campus and downtown campus), which collectively enrolled more than 32,500 students in the fall of 2019. During the Federal award year from July 1, 2017, through June 30, 2018, San Antonio students received over $194 million in financial aid under programs authorized by Title IV of the Higher Education Act of 1965, as amended (Title IV). Title IV programs provide financial aid, typically in the form of grants or loans, to eligible students attending eligible schools.

The Clery Act

Campus safety and security is a major consideration for students and their families when deciding which school to attend. Congress enacted the Crime Awareness and Campus Security Act of 1990, which amended the Higher Education Act of 1965 and established new requirements for schools related to campus safety. In 1998, the Crime Awareness and Campus Security Act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) in memory of a student who was raped and murdered in her dorm room in 1986. The Clery Act requires schools that participate in Title IV programs to publish and distribute to current and prospective students and employees an annual security report that describes the school's policies and procedures for campus safety and discloses the school's annual campus crime statistics.[4] The Clery Act also requires schools to report their Clery Act crime statistics to the Department annually and requires the Department to make those statistics available to the public. The Department's Office of Postsecondary Education publishes the Clery Act crime statistics on its campus safety and security website, which includes a tool that allows prospective students to compare crime data across schools.

The Department oversees Clery Act administration and helps ensure that schools understand and comply with the Clery Act requirements, in part, by providing technical assistance, training, and guidance to those schools. The Department's Federal Student Aid's (FSA) office conducts program reviews of schools to evaluate their compliance with the Clery Act, and if necessary, administers enforcement procedures under 34 Code of Federal Regulations (C.F.R.) Part 668 Subpart G that the Secretary established for taking action against schools that violate the Clery Act. These enforcement actions may include

[4] Distance education-only schools where students are never present on a physical campus are exempt from the Clery Act crime reporting requirements.

imposing fines or limiting, suspending, or terminating a school's participation in Title IV programs.

Clery Act Crime Statistics

The Department's regulations for the Clery Act describe how schools should collect and report their crime statistics, including the types of crimes that are reportable, the campus locations covered by the reporting requirements, and the sources of crime information (34 C.F.R. Section 668.46). The Department publishes its interpretations and guidance related to the Clery Act in the Clery Act Handbook, which was produced to assist schools in understanding the Clery Act requirements and is intended for use by the Department and outside reviewers responsible for evaluating a school's compliance with the Clery Act.[5]

Under the Clery Act, schools are required to report crime statistics using crime classifications from the Federal Bureau of Investigation's Uniform Crime Reporting program. There are four categories of reportable Clery Act crimes: (1) criminal offenses, (2) hate crimes, (3) Violence Against Women Act (VAWA) crimes, and (4) arrests and disciplinary referrals for violations of weapons, drug abuse, or liquor laws. Our audit focused on incidents in the first three categories (referred to in this report as "criminal incidents") and did not include a review of arrests or disciplinary referrals for violations of weapons, drug abuse, and liquor laws. Table 1 summarizes the reportable Clery Act crime classifications in each of the three categories that we reviewed.

Table 1. Reportable Clery Act Crime Categories and Classifications

Crime Category	Reportable Clery Act Crime Classifications
Criminal Offenses	There are 11 crime classifications for criminal offenses: murder and nonnegligent manslaughter, negligent manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, and arson.

[5] On October 9, 2020, the Department announced the rescission and replacement of the Clery Act Handbook effective December 31, 2020. The announcement included the issuance of the Department's new Clery-related Appendix of the FSA Handbook to replace the Clery Act Handbook. The Department stated that it will not retroactively apply this new Clery Act guidance.

Crime Category	Reportable Clery Act Crime Classifications
Hate Crimes	Hate crimes are criminal offenses that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against the victim's race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability. Reportable hate crime classifications include all but one of the criminal offenses listed above (negligent manslaughter) as well as larceny-theft, simple assault, intimidation, and destruction of property/vandalism.
VAWA Crimes	VAWA crime classifications include dating violence, domestic violence, and stalking. Sexual assault (which includes rape, fondling, incest, and statutory rape) is also a VAWA crime but is reported with the "criminal offenses" crime category above.

Schools are required to report only those crimes that occurred within the school's "Clery Act geography." A school's Clery Act geography can include up to four categories: (1) on-campus buildings and property, (2) on-campus student housing (reported as a subset of total on-campus crimes), (3) public property that is within or immediately adjacent to and accessible from campus, and (4) non-campus buildings and property that the school owns or controls. Crimes that occur outside of these geographic boundaries are not reportable under the Clery Act even if the school's students or staff are involved. Each school is responsible for identifying and updating its Clery Act geography.

Schools must obtain crime information from various sources to identify and compile the reportable Clery Act crime statistics. Schools obtain crime information from campus authorities known as CSAs, who include campus police department personnel and other authorities who have significant responsibilities for student and campus activities, and from local law enforcement agencies. CSAs play a vital role in the Clery Act crime reporting process by collecting information about Clery Act crimes from members of the campus community and reporting that information to the school officials[6] designated to receive the crime reports and compile, process, and report the Clery Act crime statistics. The Clery Act Handbook provides guidance to assist schools with identifying which people are CSAs and establishing a CSA reporting process. Schools are required to annually request crime statistics from the local law enforcement agencies that have jurisdiction over their Clery Act geography.

[6] In this report, we refer to these officials, who work within the San Antonio Department of Public Safety, as the "Clery compliance officials."

Under the Clery Act, a crime is considered to have been "reported" to the school when it is brought to the attention of a CSA or local law enforcement official. Schools must include all Clery Act crimes that are alleged to have occurred within their Clery Act geography in their annual crime statistics regardless of whether a police report was filed or whether any disciplinary proceedings occurred. A reported crime can be excluded from the annual Clery Act crime statistics only in limited circumstances when it is determined to be "unfounded." An unfounded crime is an alleged crime that has been fully investigated by a sworn law enforcement officer who made a formal determination that the crime report was false or baseless. The Clery Act Handbook establishes a high threshold for unfounded crimes; the officer must find evidence that the reported crime did not occur, not merely an absence of evidence that it did occur. Schools must report the number of unfounded crimes in their Clery Act crime statistics. San Antonio's reported Clery Act crime statistics for 2015–2017 are shown in Appendix B.

Internal Controls

To be eligible to participate in Title IV programs, schools must demonstrate that they have the administrative capability to meet the statutory requirements of Title IV and the Department's implementing regulations (34 C.F.R. Section 668.16(a)). To be considered administratively capable, schools must employ an adequate number of qualified persons and administer Title IV programs with adequate checks and balances in a system of internal controls (34 C.F.R. Section 668.16(b)(2) and (c)(1)). These requirements apply to a school's administration of its Clery Act compliance program. Schools must also sign a Program Participation Agreement with the Department as a condition of their participation in Title IV programs. In the agreement, schools affirm that they will comply with all applicable regulations and requirements, including the campus crime reporting requirements of the Clery Act. Schools should have effective internal controls over their Clery Act crime reporting processes to provide reasonable assurance that the schools will comply with these reporting requirements.

Internal controls are processes effected by an entity's oversight body, management, and other personnel to provide reasonable assurance that the entity will achieve its objectives related to operations, reporting, and compliance. The Clery Act Handbook describes Clery Act requirements and provides recommendations for processes that schools could implement to strengthen their internal controls. However, the Clery Act Handbook does not address all internal controls that may be applicable or appropriate to Clery Act crime reporting. Schools have broad discretion in designing internal controls that respond to their unique operations and circumstances.

In 2011, San Antonio adopted the internal control standards from the Committee of Sponsoring Organizations of the Treadway Commission's "Internal Control – Integrated Framework" (Integrated Framework). The Integrated Framework includes five

components of internal control: control environment, risk assessment, control activities, information and communication, and monitoring. We refer to the standards of the Integrated Framework as the "standards of effective internal control" in this report. We used the standards of effective internal control as a framework for evaluating the design, implementation, and operating effectiveness of San Antonio's internal controls that were significant to the audit objective.

Finding. San Antonio Did Not Have Effective Controls to Ensure that it Reported Complete and Accurate Clery Act Crime Statistics

San Antonio's Clery Act crime statistics for calendar years 2015–2017 were not complete or accurate. We identified records of criminal incidents that San Antonio should have reported but did not and errors in the classification of some crimes that San Antonio did report. As a result, San Antonio's Clery Act crime statistics did not provide reliable information to current and prospective students, their families, and other members of the campus community for making decisions about personal safety and security at San Antonio.

San Antonio did not have effective controls to ensure that it reported complete and accurate Clery Act crime statistics. San Antonio had processes for activities related to crime reporting under the Clery Act, including identifying its Clery Act geography, requesting crime statistics from local law enforcement agencies, identifying CSAs and collecting crime reports from CSAs, processing and compiling crime information, and reporting annual Clery Act crime statistics by the reporting deadline. However, these processes did not provide reasonable assurance that the reported crime statistics would be complete and accurate. Specifically, San Antonio did not have effective processes to (1) identify critical information sources for Clery Act reporting; (2) collect, record, and track the information; (3) analyze, report, and document the crime statistics; or (4) provide management oversight and quality assurance over the Clery Act crime reporting process. Additionally, San Antonio did not follow all applicable Clery Act requirements and guidance which, if followed, would help support the completeness and accuracy of the reported crime statistics. After the audit period, San Antonio began improving its Clery Act crime reporting processes in part by identifying properties that it owned or leased, developing Clery Act geography maps, and enhancing its tracking and review of the Clery Act crime statistics.

San Antonio's weaknesses in internal controls over the completeness and accuracy of its Clery Act crime statistics occurred because of two primary factors. First, San Antonio did not solicit or receive adequate feedback from officials possessing appropriate internal control, information management, or Federal education compliance experience in the design of its Clery Act reporting processes. As a result, the school did not establish the reporting of complete and accurate Clery Act crime statistics as an objective, identify the risks that could prevent it from achieving that objective, or effectively manage personnel to help ensure complete and accurate Clery Act crime reporting. Second, frequent personnel changes, including key positions responsible for Clery Act crime reporting, resulted in officials not performing certain Clery Act reporting activities as

required by San Antonio's campus safety and security reporting policy and inconsistent Clery Act reporting activities from one year to the next.

Reported Statistics Were Not Complete and Accurate

San Antonio did not include all reportable crimes in its Clery Act crime statistics as required by 34 C.F.R. Section 668.46(c)(1) and (2). We reviewed crime incident records and other documentation supporting the crime statistics that San Antonio reported for calendar years 2015–2017 and found errors in the completeness and accuracy of the reported crime statistics. Based on our review, we concluded that San Antonio's reported Clery Act crime statistics for calendar years 2015–2017 were not complete and accurate and thus did not provide reliable information to students and other members of the campus community for decision-making.

Completeness of Reported Crime Statistics

To evaluate the completeness of San Antonio's reported Clery Act crime statistics, we tested selected incident records from San Antonio's Public Safety, Title IX of the Education Amendments of 1972 (Title IX),[7] Student Conduct, and Student Housing record systems to identify criminal incidents that were reportable under the Clery Act for calendar years 2015–2017. We identified 55 criminal incidents that San Antonio should have reported but did not. San Antonio reported 119 criminal incidents at its campuses during the audit period. However, San Antonio should have reported at least 173 criminal incidents (119 incidents that San Antonio reported, less 1 incident it reported in error, plus 55 additional incidents that we identified). As a result, San Antonio underreported the number of criminal incidents in its Clery Act crime statistics by at least 31 percent. Of the 55 unreported crimes that we identified, 47 were VAWA crimes. San Antonio officials estimated that 70 percent of the reporting errors occurred because San Antonio's internal communication between departments needed to be improved and 30 percent occurred because officials in the Public Safety department misunderstood the Clery Act reporting principles. Table 2 below summarizes the 55 unreported criminal incidents that we identified, including the number of crimes that San Antonio reported and should have reported in each of the 8 crime classifications where unreported crimes were identified.

[7] Title IX is a Federal law that protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Clery Act crimes such as rape, dating violence, and stalking are reported to a school's Title IX office. The Equal Opportunity Services & Title IX Office is responsible for administering San Antonio's Title IX program. We refer to this office as the "Title IX department" in this report.

Table 2. Reportable Incidents by Crime Classification from 2015–2017

Clery Act Crime Classification	Number of Unreported Incidents	Number of Reported Incidents	Total Number of Reportable Incidents	Unreported Incidents as a Percentage of Classification Total
Rape[a]	2	16	17[c]	12 percent
Fondling[a]	7	10	17	41 percent
Dating Violence[a]	12	20	32	38 percent
Domestic Violence[a]	1	9	10	10 percent
Stalking[a]	25	9	34	74 percent
Aggravated Assault	2	2	4	50 percent
Burglary	3	20	23	13 percent
Motor Vehicle Theft	3	26	29	10 percent
All Other Crimes[b]	0	7	7	0 percent
Total	55	119	173[c]	-

[a] The unreported incidents in these crime classifications were VAWA crimes.

[b] Includes the total of crimes reported in all other crime classifications: robbery (5), arson (1), and statutory rape (1). We did not identify reporting errors for these other crime classifications.

[c] San Antonio reported one rape incident in error that did not occur within the school's Clery Act geography. Because this incident should not have been reported, we excluded it from the total number of reportable incidents for rape and for all crime classifications.

Due to weaknesses in San Antonio's internal controls over its reporting of Clery Act crime statistics, we concluded that the actual number of reportable Clery Act crimes at San Antonio could be higher than the number we identified. We identified 18 incident records that contained information indicating that a reportable Clery Act crime may have occurred. However, the records were missing key information needed to establish whether the incident was reportable, such as the specific location where the crime occurred or key details about the nature of the crime. The total number of unreported crimes presented in Table 2 includes only the incidents that contained enough information for us to establish all elements of a reportable Clery Act crime. San Antonio also lacked effective controls to ensure that Clery Act incidents were properly recorded in the school's record systems and could be reliably identified for reporting purposes. As

a result, we could not identify the total number of Clery Act crimes that San Antonio should have reported during the audit period.

Accuracy of Reported Crime Statistics

To evaluate the accuracy of San Antonio's reported Clery Act crime statistics, we reviewed the supporting documentation for each of the 119 criminal incidents and 6 unfounded incidents that San Antonio reported at its campuses between 2015–2017. As shown in Table 3, we determined that San Antonio misreported 4 incidents: 2 incidents were incorrectly reported as both a criminal incident and an unfounded incident, 1 incident was reported in the incorrect crime classification, and 1 incident should not have been reported at all.

Table 3. Clery Act Crimes Not Reported Accurately

How Incident Was Reported	How Incident Should Have Been Reported
Unfounded Rape and Rape	Rape (not unfounded)[a]
Unfounded Rape and Rape	Rape (not unfounded)[a]
Fondling	Rape
Rape	Not Reportable (not within Clery Geography)

[a] San Antonio reported these two incidents as both rape and unfounded rape. They should only have been reported as rape, so the two counts of unfounded rape were accuracy discrepancies because they were not reported in the correct crime classification.

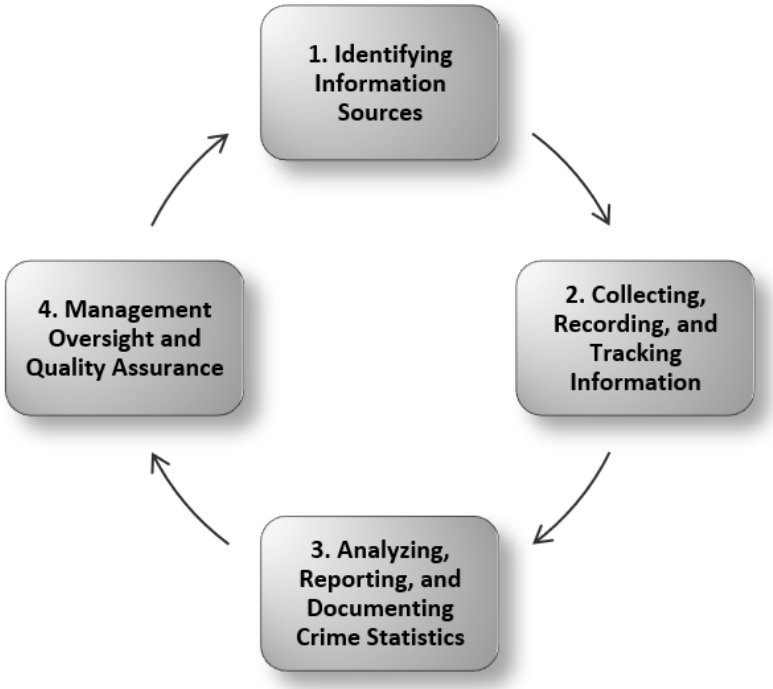
Crime Statistics Did Not Provide Reliable Information for Decision-Making

San Antonio's reported Clery Act crime statistics did not provide complete and accurate campus crime information to current and prospective students, their families, and other members of the campus community for decision-making. San Antonio underreported the number of criminal incidents in its crime statistics. Users of the Clery Act crime statistics may have relied on San Antonio's statistics when comparing schools and making decisions related to personal safety and security, including where to go to school. To ensure the public can make valid comparisons and informed decisions based on reliable crime statistics, it is important that all schools design and implement consistent reporting processes in accordance with standards of effective internal control and Clery Act requirements.

Weaknesses in Internal Control Over Reporting of Clery Act Crime Statistics

We determined that San Antonio had not designed and implemented internal controls necessary to provide reasonable assurance that its reported crime statistics would be complete and accurate. Further, we found that San Antonio's processes for reporting Clery Act crime statistics did not follow all applicable requirements and guidance in the Department's Clery Act Handbook which, if followed, would help support the completeness and accuracy of the reported crime statistics. Based on guidance from the Clery Act Handbook and the standards of effective internal control, we identified four significant control areas for the Clery Act crime reporting process and determined that San Antonio had internal control weaknesses in all four areas. Specifically, we determined that San Antonio did not have effective processes to (1) identify critical information sources for the Clery Act crime statistics; (2) collect, record, and track the information; (3) analyze, report, and document the crime statistics; or (4) provide management oversight and quality assurance over the Clery Act crime reporting process. See Figure 1.

Figure 1. Significant Control Areas for the Clery Act Crime Reporting Process



1. Identifying Information Sources

San Antonio did not design and implement effective controls to ensure that it identified all relevant information sources to use when preparing its annual Clery Act crime statistics. San Antonio did not properly identify its CSAs, who have the vital role of receiving reports of alleged crimes that must be included in the school's Clery Act crime statistics. San Antonio also did not have effective processes to communicate CSA roles and responsibilities or to identify other important information sources needed for complete and accurate Clery Act crime statistics.

Identifying CSAs

San Antonio did not have effective processes for identifying its CSAs during our audit period, including evaluating personnel responsibilities and updating the school's CSA listing for new employee onboarding and personnel changes. The Clery Act Handbook states that schools should identify CSAs "at the beginning of the calendar year." However, the Clery compliance officials[8] we interviewed did not provide evidence that the school had updated the CSA listing in 2015 or 2016. The former official responsible for administering the process through August 2016 did not maintain records of when the CSA listing was last updated, and the 2015 and 2016 CSA listings identified the same 319 people as having CSA responsibilities. San Antonio updated its CSA listing in October 2017, just 2 months before the 2017 calendar year reporting period closed.[9] The 2017 CSA listing identified 845 people as CSAs, an increase of 526 people from the 2015 and 2016 CSA listings. However, the late timing of San Antonio's update to its 2017 CSA listing prevented Clery compliance officials from notifying CSAs of their responsibilities for recording information and reporting criminal incidents to Clery compliance officials for most of calendar year 2017.

To determine whether San Antonio properly identified CSAs in the 2015, 2016, and 2017 listings, we judgmentally selected the Public Safety and Athletics departments for review based on their relevance to the Clery reporting process. We determined that San Antonio generally identified CSAs properly for the Athletics department in its 2017 listing (based on our assessment of positions that appeared to have CSA

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[8] During our site visits in September and November 2019, San Antonio's Clery compliance officials consisted of the chief of Public Safety, executive director for strategic initiatives, and Clery coordinator positions.

[9] In March 2017, San Antonio's Chief of Public Safety started the process to update the school's CSA listing by sending to all managers a memorandum that provided the definition of a CSA, described the roles and responsibilities of CSAs, and requested that recipients identify personnel within their departments who meet the CSA definition.

responsibilities). However, it did not properly identify CSAs for the Public Safety and Athletics departments in its 2015 and 2016 CSA listings or for Public Safety in its 2017 CSA listing. San Antonio's campus safety and security reporting policy states that all Public Safety employees are considered CSAs, and San Antonio had about 100 Public Safety employees. However, San Antonio's CSA listings did not identify any Public Safety employees as CSAs in 2015, 2016, or 2017. Additionally, San Antonio's CSA listings identified only 50 Athletics employees as CSAs in 2015 and 2016, even though in 2017 the school identified 95 CSAs in Athletics. San Antonio added 526 people to its 2017 CSA listing, but still did not include many of the people who should have been classified as CSAs based on their responsibilities for student and campus activities. At the time of our site visit in September 2019, Clery compliance officials stated that they planned to work with officials from the school's Human Resources department to evaluate personnel responsibilities to identify CSAs as part of the employee onboarding process.

Communicating CSA Roles and Responsibilities

We found that San Antonio did not have an effective process for notifying its personnel that they were CSAs or training them on their responsibilities as CSAs. In 2015 and 2016, San Antonio communicated the CSA roles and responsibilities by distributing emails that served to (1) notify personnel that they were CSAs, (2) provide the Clery Act crime reporting form, and (3) request that they complete and submit the form for any applicable crime reports they had received during the previous calendar year. San Antonio's campus safety and security reporting policy states, "Annually, a designee of the [San Antonio] Department of Public Safety will contact each CSA via email that requires the CSA to receive and respond. This is an essential step in the process in preparation of reporting accurate crime statistics." However, we found that these emails were not sent annually, not sent at the beginning of the calendar years, and not sent to all people identified on the CSA listings. For example, Clery compliance officials did not provide evidence that they had sent an email to any CSA for the 2017 reporting year. The email for the 2015 reporting year was sent to only 15 CSAs in June 2016 and the emails for the 2016 reporting year were sent to only 83 CSAs (all CSAs within the Athletics department) in August 2017.

Due to the retroactive timing of the notification process, some CSAs would not have known they were CSAs during the year in which they had CSA reporting responsibilities and would not have known to record details of incidents that were needed for Clery Act reporting purposes. Further, since San Antonio did not use other processes to notify CSAs of their responsibilities, CSAs would not have known that crime reporting was a part of their official duties as school employees unless they had been previously notified that they were CSAs.

Also, not all San Antonio CSAs completed the CSA training that the school implemented in 2017. The training could have helped ensure that CSAs had a sufficient understanding of the Clery Act and their respective CSA roles to effectively carry out their reporting responsibilities. San Antonio's CSAs were not trained on their roles and responsibilities for most of our audit period. San Antonio established and implemented online CSA training in April 2017 and classroom CSA training in June 2017. The Clery compliance officials said they did not know whether other training was available to CSAs before that time. Based on San Antonio's training completion records, 486 people completed CSA training in 2017: 178 people completed online training, 287 people completed classroom training, and 21 people completed both online and classroom trainings. Of the 486 people who completed the CSA training in 2017, only 277 were identified on San Antonio's 2017 CSA listing of 845 people. Therefore, only about one-third of the 845 people identified on San Antonio's 2017 CSA listing completed the CSA training.

Identifying Other Sources of Information

Under an effectively controlled process, CSAs should consistently report crime information for inclusion in the school's Clery Act crime statistics in accordance with the school's established CSA reporting processes. Schools should also identify information sources that they can use to verify that CSAs properly report crime incidents in accordance with school policy and to help ensure that the crime statistics are complete and accurate. However, San Antonio did not have processes to identify and periodically review all relevant sources of information from campus departments that the school could have used to validate the completeness and accuracy of the crime statistics. San Antonio's Clery compliance officials did not provide evidence that they reviewed the case summary listings in the school's Title IX, Student Conduct, and Student Housing departments' records systems by searching for key terms, such as sexual misconduct or stalking, to identify criminal incidents that were potentially reportable under the Clery Act for further analysis.[10] The combination of an effective CSA reporting process and periodic review of information in other relevant record systems could help ensure that

[10] San Antonio officials provided copies of 2015 and 2016 Student Conduct incident summary listings with the records supporting the reported crime statistics. Officials did not provide evidence of any review or follow up with Student Conduct officials to reconcile or further analyze incidents that were potentially reportable under the Clery Act.

all criminal incidents reported to CSAs were properly included in the Clery Act crime statistics.[11]

San Antonio also did not implement effective controls to ensure it identified other information that could affect the completeness and accuracy of the Clery Act crime statistics and communicated that information to the Clery compliance officials in a timely manner. For example, San Antonio could not effectively analyze the locations of criminal incidents before August 2018 because it had not prepared and maintained a current list of the properties that it owned, leased, or otherwise controlled to identify the school's applicable Clery Act geography. The Clery Act Handbook specifies that schools should prepare a list of properties and identify the corresponding Clery Act geographic categories. Preparing and maintaining a current list of properties helps schools ensure that they properly report crimes by location in relation to the school's Clery Act geography as required by 34 C.F.R. Section 668.46(c)(5). San Antonio officials instead relied on their general knowledge of the campus boundaries and maps available on the internet to determine the geographic locations of incidents for calendar year 2017.[12] Because San Antonio did not properly identify or record its Clery Act geography for each reporting year of the audit period, we could not assess the accuracy of the campus boundaries the school used when determining whether reported criminal incidents should have been included in its Clery Act crime statistics. According to Clery compliance officials, the school identified its reportable Clery Act geography and created maps using property records starting in February 2019. The Clery compliance officials also said that the school established a process to periodically update the maps when the school's geography changed.

San Antonio did not properly request crime statistics from all local law enforcement agencies during the audit period. Specifically, San Antonio did not request crime statistics from 4 of the 9 local law enforcement agencies with jurisdiction over its Clery Act geography for the 3 reporting years of the audit period. When San Antonio did request crime statistics from local law enforcement agencies, it did not include in its requests all the appropriate crime classifications and applicable Clery Act geography

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[11] San Antonio officials stated that the school implemented case management software in the fall of 2019 and planned to establish review procedures using the software's Clery Act tracking features to automate and improve their review of Title IX and Student Conduct records for Clery Act reporting purposes in the future.

[12] Due to turnover of key personnel, San Antonio officials did not know what steps the former Clery coordinator took to determine the geographic locations for the crime statistics reported for calendar years 2015 or 2016.

locations. The Clery Act Handbook states that schools should contact local law enforcement agencies early in the year so that the agencies have adequate advance notice and can provide the statistics in a timely manner. However, San Antonio sent requests to local law enforcement agencies for the 2017 reporting year in August 2018 and sent requests for the 2016 reporting year in June and July 2017. As a result, agencies had as little as 1 week to review the request, compile the required information, and respond to San Antonio with the requested information. For the 2015 reporting year, San Antonio officials sent requests to local law enforcement agencies in January 2016, shortly after the reporting year ended. Contacting local law enforcement agencies early in the year supported timelier information on reported criminal incidents and provided agencies with about 6 months to respond. We also found that the Clery compliance officials did not request crime statistics from the applicable local law enforcement agencies for the dates when San Antonio held commencements at the San Antonio Alamodome stadium. A school should make these requests to local law enforcement and disclose any applicable Clery Act crime statistics for reported criminal incidents that occurred within the school's Clery Act geography when it has control over the property.

2. Collecting, Recording, and Tracking Information

San Antonio did not design and implement effective processes to collect, record, and track reported allegations of crimes that should have been included in its Clery Act crime statistics. San Antonio generally did not use its designated crime reporting process of having CSAs submit crime report forms to the Clery compliance officials. Instead, the Clery compliance officials manually reviewed incident records contained in the Public Safety records system to identify reportable crimes and relied on an informal process of information-sharing during weekly meetings to obtain information about crimes that had been reported to CSAs in other departments, such as Title IX, Student Conduct, and Student Housing. Additionally, San Antonio did not have effective controls over the recording of criminal incidents in its electronic and paper records systems to ensure that crime incidents reported to CSAs would be properly tracked and communicated to Clery compliance officials for inclusion in the Clery Act crime statistics.

Collecting Crime Reports from CSAs

San Antonio did not design and implement an effective or timely process to collect crime information from CSAs for inclusion in the Clery Act crime statistics. Under San Antonio's designated CSA reporting process, Clery compliance officials were responsible for sending an annual email to CSAs to request that they submit a completed CSA reporting form for each crime that was reported to them during the

prior year.[13] San Antonio required CSAs to report most crimes to the Clery compliance officials annually, and requested that CSAs immediately report crimes when they may constitute an ongoing threat to student safety. Collecting crime reports only at the end of the year is not an effective or timely practice because CSAs may not remember Clery Act incidents that were reported to them during the year or recall the pertinent details of the incidents many months after the fact.

San Antonio also had a control weakness related to its CSA reporting form that may have resulted in some CSA crime reports being lost and not delivered to Clery compliance officials. The CSA crime reporting form was available on the Public Safety website for CSAs to use. The form on the website appeared to be a web-based fillable form and had a "Submit Form" button.[14] However, the "Submit Form" button was not operational and forms submitted by CSAs would not be delivered to Clery compliance officials unless they were first downloaded to the reporter's device (for example, a computer, phone, or tablet) and then submitted by email as an attachment. The web-based form would not notify users that their report had not been properly submitted after they selected the "Submit Form" button and the form did not instruct CSAs to submit the report by email. Clery compliance officials told us that they had been aware of the problem with the form on the website since at least January 2017. During our audit site visit in September 2019, the officials told us that they had corrected the problem and the "Submit Form" button had been removed from the web-based form. However, there was a risk that CSAs may have believed that they had reported crimes to the Clery compliance officials during the audit period, but the reports were never delivered and no other record of the crime report would exist.

Additionally, we found that San Antonio did not require all CSAs to use the designated reporting process of submitting CSA reporting forms to the Clery compliance officials. Based on San Antonio's records, Clery compliance officials received a CSA reporting form for only 3 of the 119 criminal incidents that San Antonio reported in its Clery Act crime statistics during the audit period. Instead of using the CSA reporting form, Clery compliance officials collected information about criminal incidents for inclusion in the Clery Act crime statistics in two other ways: (1) by manually reviewing the campus police

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[13] The email to CSAs stated that CSAs were not required to submit a reporting form for an incident if it had already been reported to the campus police.

[14] The CSA reporting form was also attached to San Antonio's annual CSA notification emails, but the control weakness related to the "Submit Form" button would not have affected the PDF version of the form attached to the emails because it was not in the web-based fillable format. CSAs could choose to submit their reports using either version of the form.

department's electronic crime incident records and (2) through information-sharing that occurred during weekly student conduct meetings with personnel from multiple campus departments.

Clery compliance officials and personnel from Public Safety, Title IX, Student Conduct, Student Housing, and other departments generally attended the weekly student conduct meetings. The primary purpose of the meetings was to increase cross-campus communication to ensure that San Antonio appropriately responded to all student conduct-related incidents. The meetings also served as an informal reporting channel for some CSAs in key roles. For example, the Deputy Title IX Coordinator stated that the department submitted a maximum of three CSA reporting forms each year. Officials from the Title IX and Student Conduct departments said the weekly student conduct meeting was their primary means of communicating criminal incidents to Clery compliance officials for Clery Act reporting purposes. Despite the importance of the meeting to the completeness and accuracy of the Clery Act crime statistics, San Antonio did not have controls to help ensure that relevant crime information would be effectively collected and recorded during the meeting. For example, according to the Public Safety official responsible for administering the weekly student conduct meetings, Title IX officials did not consistently attend the weekly meetings over the years. Additionally, Clery compliance officials did not provide evidence that they had a well-controlled process for collecting the crime reports that they received at the weekly meetings to ensure that relevant crime incidents would be included in the Clery Act crime statistics.[15] We identified 31 incidents in the Title IX department's records that were reportable under the Clery Act that San Antonio had not included in its Clery Act crime statistics for our audit period.

Recording and Tracking Crime Incidents

San Antonio used both electronic and paper records systems to maintain information about Clery-related crime incidents during the audit period, but did not have effective processes for recording and tracking crime incidents in the records so that they could be readily and reliably identified for reporting purposes. The campus police department's electronic records system had built-in tools and analytical reports that could have enabled San Antonio to categorize and track Clery Act-related incidents for reporting

[15] Clery compliance officials told us that they had improved the controls beginning in May of 2017 when they began tracking whether each incident discussed during the meeting was Clery-reportable and identified the campus department that was responsible for submitting a CSA report form for applicable incidents. However, we concluded that this process was not effectively implemented during the audit period because there were several reportable Clery Act incidents that occurred from May 2017 to the end of the audit period for which San Antonio did not receive a CSA report form.

purposes. However, San Antonio did not use these tools and reports during the audit period and could not identify the complete population of Clery Act incidents contained in the system without manually reviewing 100 percent of the records.

San Antonio's Title IX and Student Conduct departments frequently received reports of incidents that must be included in the Clery Act crime statistics. However, they did not have adequate processes for recording and tracking the incidents in their paper records systems. The consistent use of the CSA reporting form could have helped provide some assurance that the school recorded all the pertinent details about an incident needed to determine whether it was reportable under the Clery Act. Instead of using the CSA reporting form to record and report incident details, the Title IX and Student Conduct departments recorded whatever details about each incident were needed for purposes of processing the associated Title IX or Student Conduct case. However, the Title IX and Student Conduct case handling checklists did not require that personnel document the nature of the crime using all applicable Clery Act crime classifications or the specific location where the incident occurred, which are needed to establish whether the incident is reportable for Clery Act purposes. We identified 18 incidents that were documented in San Antonio's Title IX and Student Conduct records and appeared potentially reportable under the Clery Act, but key information needed to determine whether the incidents were reportable was not recorded in the incident records.[16] For example, San Antonio's records for these incidents did not include the specific location where the crime occurred or key details about the nature of the crime.

San Antonio had limited tracking processes to help reconcile the total number of reportable crimes from certain departments with the total that it planned to report in the Clery Act crime statistics, but these processes were not adequately developed or implemented. For example, the Student Conduct department provided a summary listing of cases that it processed during the year to the Clery compliance officials. However, the Clery compliance officials did not provide evidence that they had reviewed or followed up on the listing to help ensure that the crime statistics were complete. Additionally, the Title IX department annually shared selected information from its case tracking sheet with the Clery compliance officials to help ensure that the incidents were captured in the crime statistics. However, the Clery compliance officials did not have visibility of all cases on the Title IX tracking sheet to identify and follow up on potentially reportable criminal incidents because the Title IX personnel determined which information to share with the Clery compliance officials. As a result, this tracking and reconciliation process missed numerous reportable crimes (as noted above, at least

[16] Crime victims are not always willing to disclose information that schools need to determine whether incidents should be included in the Clery Act crime statistics.

31 Clery Act crimes were recorded in the Title IX records but were not included in the Clery Act crime statistics). For example, San Antonio's Clery Act crime statistics did not include a 2017 incident that was described on the Title IX case tracking sheet as an on-campus sexual assault and met the Clery Act definition of rape based on the Title IX records.

3. Analyzing, Reporting, and Documenting Crime Statistics

San Antonio did not have effective controls over its processes for analyzing crime information to identify and compile the annual Clery Act crime statistics. The Clery compliance officials' processes relied on manual review, were prone to error, and increased the risks of omissions. San Antonio also did not retain appropriate documentation of its analysis or a summary index of the criminal incidents included in its Clery Act crime statistics. San Antonio's current Clery compliance officials stated that they were not familiar with the former officials' processes to analyze crime information to compile the annual Clery Act crime statistics because documentation of the prior processes was not available.

Analyzing Information and Compiling Reportable Crime Statistics

Because San Antonio did not have effective processes for recording and tracking Clery Act crimes in its record systems, the Clery compliance officials did not run reports or queries to identify relevant incidents and instead relied on manual processes for identifying, analyzing, and compiling the crime statistics. These manual processes were labor-intensive, led to errors, and increased the risks of significant omissions. The Clery compliance officials told us that they manually reviewed all cases in the Public Safety records system to identify reportable Clery Act crimes. However, our testing of selected incident records identified at least 10 incidents recorded in the Public Safety records system that San Antonio should have reported but did not.

In 2017, San Antonio did not identify reportable Clery Act crime statistics from all sources throughout the year and instead compiled the reportable statistics for the year during the weeks leading up to the annual reporting deadline in October 2018.
San Antonio should identify Clery Act crime statistics from all applicable sources throughout the year as specified by the Clery Act Handbook. This practice supports the completeness and accuracy of the crime statistics by enabling timely and thorough reviews of crime information from all sources and provides opportunities for communication with relevant parties for clarification of key details of reported incidents.

Retaining Supporting Documentation for Reported Crime Statistics

San Antonio did not have effective processes for retaining documentation of its analysis and a summary index of the criminal incidents included in its Clery Act crime statistics

for reporting years 2015–2017. For 2015 and 2016, the former Clery compliance officials retained CSA crime reporting forms, printed case reports from the Public Safety records system, monthly tally sheets, and annotated incident logs to support the reported crime statistics. However, the tally sheets and incident logs did not identify which underlying case reports corresponded to the reported crime statistics in each classification as necessary to perform quality assurance activities, such as reconciliations. For 2017, the Clery compliance officials retained only CSA reporting forms and printed case reports from the Public Safety records system to support the reported crime statistics. Although San Antonio annotated some of the underlying crime records to identify how the incidents had been reported, the annotations were inconsistent and many records did not contain any annotations. The lack of an overall summary index in conjunction with missing and inconsistent annotations on underlying records increased the risk of errors when the school aggregated the annual statistics for reporting in the Department crime survey and the school's annual security report. To provide adequate support, records for the Clery Act crime statistics should identify the school's determination of how each incident was reported, including the year in which the crime was reported, crime classification, campus location, and applicable Clery Act geography category.

4. Management Oversight and Quality Assurance

San Antonio did not have effective internal controls for management oversight and quality assurance over its Clery Act crime reporting process. San Antonio's written policies and procedures for campus safety and security reporting did not cover all significant aspects of reporting Clery Act crime statistics or cover the related activities in a sufficient level of detail. Additionally, San Antonio did not have management oversight or quality assurance processes to detect errors in the crime statistics or a monitoring process to periodically assess the effectiveness of its internal controls over Clery Act crime reporting.

Written Policies and Procedures

Written policies and procedures are part of effective internal controls. Policies and procedures facilitate management oversight and support quality assurance by documenting the internal control responsibilities of the people who carry out the processes. San Antonio's campus safety and security reporting policies and procedures covered the general requirements and responsibilities of the Public Safety department for reporting Clery Act crime statistics, including required activities related to the CSA crime reporting process, definitions of campus geography classifications, and reporting crime statistics by the annual deadline. However, the policies and procedures did not cover all significant aspects of the Clery Act crime reporting process or cover related activities in a sufficient level of detail. The policies and procedures did not describe the specific activities needed to establish effective internal controls over the reporting of the Clery Act crime statistics, including quality assurance, recordkeeping, management

reviews, periodic updates, and reconciliations of crime reports. For example, the procedures stated that the Public Safety department was responsible for compiling and reporting the Clery Act crime statistics but did not provide detailed guidance on how to carry out those responsibilities. In addition, the policies and procedures did not cover identifying and updating the school's Clery Act geography.

Review Processes for the Crime Statistics

San Antonio did not have effective management oversight or quality assurance processes to review the completeness and accuracy of the reported Clery Act crime statistics or to verify that the statistics had been prepared in accordance with applicable requirements. San Antonio officials told us that they had implemented a review process for the Clery Act crime statistics after the audit period. However, during the audit period, one person prepared the crime statistics and no supervisor or other party reviewed them to identify classification errors, omissions of reportable crimes, or other quality issues.

Schools can design their management oversight and quality assurance review processes based on organizational needs, resources, and objectives. Review processes relevant to the Clery Act crime statistics could include periodically performing any of the following activities on a test basis to assess the completeness and accuracy of the crime statistics:

1. verifying that the school has correctly identified its Clery Act geography,
2. verifying that the school requested crime statistics from local law enforcement agencies with jurisdiction over the school's entire Clery Act geography and identified any reportable crimes in the statistics it received,
3. confirming that the CSA listing is complete and current and that CSAs are notified and trained,
4. reviewing supporting crime records to confirm accurate reporting of the specific crime incidents included in the crime statistics,
5. verifying the completeness of the crime statistics by identifying reportable crimes in the school's underlying records and confirming that they are included in the crime statistics, and
6. screening for data entry errors in the crime statistics that the school reports in the annual Department crime survey and the annual security report before finalizing the reported data.

Monitoring

San Antonio did not have an effective monitoring process for its Clery Act crime reporting function. Monitoring enables management to determine whether a system of internal control has been appropriately designed and implemented to meet the organization's objectives. Monitoring can include ongoing or separate evaluations of the

function and may be performed by management or by other internal and external reviewers, such as the entity's internal audit division or outside reviewers. Detailed monitoring procedures can include many of the examples of review processes listed in the section above, but the emphasis of monitoring is on assessing the effectiveness of the system of internal controls as a whole and identifying areas for improvement.

Preventable Errors in the Crime Statistics

We identified systemic errors that may have been detected or prevented if San Antonio had designed and implemented effective review or monitoring processes. For example, San Antonio did not report many of the unreported crimes that we identified because the principles and definitions applicable to Clery Act crime reporting differed from those used by law enforcement in key respects and the Clery compliance officials applied the law enforcement principles instead of Clery Act principles when determining whether and how to report certain incidents. For example, under the Clery Act, schools are required to report all alleged criminal incidents reported by CSAs, regardless of whether the incidents were investigated or evidence was presented to substantiate that the crime occurred.[17] In contrast, for law enforcement purposes, criminal cases require a higher standard of evidence to substantiate that a crime occurred.

Reasons for the Internal Control Weaknesses

Two primary factors caused weaknesses in San Antonio's internal controls over the completeness and accuracy of its Clery Act crime statistics. First, San Antonio did not solicit or receive adequate feedback from officials possessing appropriate internal control, information management, or Federal education compliance experience in the design of its Clery Act reporting processes. As a result, San Antonio did not establish the reporting of complete and accurate Clery Act crime statistics as an objective, identify the risks that could prevent it from achieving that objective, or effectively manage personnel to help ensure complete and accurate Clery Act crime reporting. Second, frequent personnel changes, including key positions responsible for Clery Act crime reporting, resulted in officials not performing certain Clery Act reporting activities as required by San Antonio's campus safety and security reporting policy and inconsistent Clery Act reporting activities from one year to the next.

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[17] Under the Clery Act, every crime reported to a CSA must be included in the crime statistics unless the incident is determined to be unfounded.

1. Inadequate Personnel Coordination During the Design of San Antonio's Clery Act Reporting Processes

San Antonio did not obtain adequate feedback from officials possessing appropriate skillsets to help design effective Clery Act reporting processes for the school. San Antonio had a decentralized internal control structure where the Public Safety department was responsible for designing and implementing internal controls over the school's Clery Act reporting processes. While the Public Safety department had some assistance in designing the school's Clery Act reporting processes from officials in the school's Institutional Compliance and Risk Services and the University of Texas System Compliance offices, we determined that personnel with additional skillsets were needed to assist with designing and implementing effective internal controls.

The Clery Act reporting processes that San Antonio had from January 2015 to August 2016 helped ensure that it submitted its Clery Act crime statistics to the Department by the annual reporting deadline, but they did not address all applicable Clery Act requirements or align with standards of effective internal control. The former assistant chief of police was responsible for administering all of the school's Clery Act reporting processes in addition to performing numerous other law enforcement and management duties. Assigning responsibility for performing the various Clery Act compliance functions to one person was not a reasonable allocation of personnel resources, especially when that person had other law enforcement and management responsibilities.

In August 2016, San Antonio appointed a new chief of Public Safety who quickly identified the Clery Act requirements as a high-risk compliance area and worked with the school's Institutional Compliance and Risk Services officials to designate Clery Act compliance as "high-risk" for the school's annual risk assessment process. While participating in San Antonio's risk assessment process, the Public Safety department identified weaknesses in the school's Clery Act reporting processes in several areas, including the identification of Clery Act geography and CSAs. In response, San Antonio started to design improved Clery Act reporting processes[18] with input from officials from the school's Institutional Compliance and Risk Services office and the University of Texas System Compliance Office. The role of the Institutional Compliance and Risk Services office was to assist the Public Safety department in identifying relevant risks and developing a risk management plan to ensure the school accomplished its general compliance objectives. The University of Texas System Compliance Office's role was to help San Antonio develop its Clery Act policies and procedures and provide feedback on

[18] San Antonio's improved Clery Act reporting processes were not fully implemented by the end of the audit period in October 2018.

the school's risk management plan. University of Texas System schools, such as San Antonio, are responsible for establishing their own risk management activities and effective internal control over their operations. The University of Texas System Compliance Office did not require those schools to establish specific policies and procedures over Federal compliance requirements.

While the risk assessment process helped identify some weaknesses in the school's Clery Act reporting processes, San Antonio did not establish an objective to report complete and accurate Clery Act crime statistics and thus did not identify the risks that could prevent it from accomplishing that objective. Clearly establishing the reporting of complete and accurate Clery Act crime statistics as an objective could help San Antonio to more effectively identify risks and design controls to mitigate those risks by emphasizing the importance of that compliance requirement.

Personnel from San Antonio's Information Management and Technology, Title IX, and Financial Aid departments could have contributed their specialized experience to more effectively identify and collect crime reports from all relevant information sources. Additionally, San Antonio could have obtained technical assistance from its Internal Audit Department to better ensure that those designing its Clery Act reporting processes had a sufficient understanding of the standards of effective internal control. Personnel with these skillsets could have helped the Public Safety department establish appropriate objectives, identify and mitigate risks that could prevent the school from achieving its objectives, and allocate the school's compliance resources more effectively.

At the time of our onsite fieldwork in September and November 2019, San Antonio's Clery compliance officials told us that the school had taken action to improve its Clery Act reporting processes, including identifying additional CSAs, initiating a training program for CSAs, identifying the school's owned and leased property listings, developing Clery Act geography maps, implementing new processes for tracking Clery-related criminal incidents in the police record system, updating the Title IX and Student Conduct records systems, and cross-training a backup for the Clery compliance coordinator. However, many of these actions occurred during calendar year 2019, which was after the audit period.

2. Frequent Personnel Changes During the Implementation of San Antonio's Clery Act Reporting Processes

Frequent personnel changes in key positions, including the Clery compliance officials and Title IX coordinator position, resulted in officials not performing certain Clery Act reporting activities as required by San Antonio's campus safety and security reporting policy and inconsistent Clery Act reporting activities from one year to the next. These

personnel changes created significant challenges for the Clery Act and Title IX compliance officials during the second half of the audit period.

San Antonio's Public Safety department made personnel changes when its chief of Public Safety and Clery coordinator positions were filled in August 2016, and an executive director for strategic initiatives position was added in January 2017.[19] The Clery coordinator performed the school's Clery Act reporting activities from August 2016 to August 2018, when she left the school. The executive director for strategic initiatives took over the former Clery coordinator's responsibilities in August 2018 and compiled the annual crime statistics for the 2017 reporting year on short notice to meet the October 2018 reporting deadline.[20] Due to the personnel changes, some of the Clery coordinator's responsibilities were not performed as required by San Antonio's campus safety and security reporting policy, including notifying CSAs of their responsibilities for the 2017 reporting year.

San Antonio's Clery compliance officials also lacked continuity with respect to having knowledge of prior year operations, Clery Act reporting processes, and records. San Antonio's current Clery compliance officials stated that they were not familiar with the Clery Act reporting processes that the school used before August 2016 because the records and procedures were not well documented. As shown in Table 4, a different San Antonio official was primarily responsible for administering the school's Clery Act reporting processes in each reporting year covered by the audit period.

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[19] The executive director for strategic initiatives stated that about 20 percent of her time has been devoted to managing the Clery Act compliance function, conducting management reviews of annual crime statistics, and supervising the Clery coordinator position. The Clery coordinator position is primarily responsible for day-to-day Clery Act compliance duties, such as compiling and reviewing criminal incident records.

[20] In October and November 2018, San Antonio filled the vacant Clery coordinator position and a police records specialist position to serve as a backup for the Clery coordinator. The Clery coordinator spends about 60 percent of her time on Clery Act compliance and is responsible for administering the Campus Public Safety records and external reporting program.

Table 4. Positions Primarily Responsible for Clery Act Reporting, 2015–2017 Reporting Years

Clery Act Reporting Year[a]	2015	2016	2017
Position Primarily Responsible for Clery Act Reporting	Former Assistant Chief of Public Safety	Former Clery Coordinator	Executive Director for Strategic Initiatives

[a] San Antonio's Clery Act crime statistics for 2015, 2016, and 2017 were due to the Department by October 2016, October 2017, and October 2018, respectively.

San Antonio's Title IX department also experienced frequent personnel changes in key positions that limited their ability to assist the Public Safety department in performing its responsibilities as part of the school's Clery Act reporting processes. CSAs in the Title IX department play important roles in identifying and reporting VAWA crimes that they receive (in their handling of Title IX cases) for inclusion in the school's Clery Act crime statistics. Three different people acted in the role of Title IX coordinator during the audit period, and they were inconsistent in how they performed their Clery Act reporting responsibilities and communicated the CSA responsibilities to other Title IX personnel. As a result, the Title IX department underreported the crime reports that they received using the CSA reporting processes specified in the school's campus safety and security reporting policy.

From January 2015 to May 2017, San Antonio's former Title IX coordinator was responsible for all Title IX-related CSA crime reporting to Clery compliance officials. From May 2017 to December 2017, San Antonio had an interim Title IX coordinator who was responsible for reporting crimes to Clery compliance officials. When the interim Title IX coordinator left the school in December 2017, the school's deputy Title IX coordinator (who had various Clery Act roles and responsibilities) took over the Title IX-related CSA crime reporting responsibilities and carried out those responsibilities until December 2018, when San Antonio hired a new Title IX director and Title IX coordinator. See Table 5.

Table 5. Positions Primarily Responsible for Title IX-Related CSA Crime Reporting, 2015–2018

Time Period	January 2015 through May 2017	May 2017 through December 2017	December 2017 through December 2018
Position Primarily Responsible for Title IX-Related CSA Crime Reporting	Former Title IX Coordinator	Interim Title IX Coordinator	Deputy Title IX Coordinator

Recommendations

We recommend that FSA's Chief Operating Officer require San Antonio to—

1.1 Allocate sufficient personnel with appropriate internal control, information management, and Federal education compliance knowledge to timely design and implement the internal controls described in Recommendation 1.2.

1.2 Define objectives specific to reporting complete and accurate Clery Act crime statistics in accordance with the requirements of the Clery Act and the standards of effective internal control, identify risks to meeting those objectives, and design and implement internal controls to mitigate those risks and address the control weaknesses included in this finding.

1.3 Establish written policies and procedures covering all significant aspects of the internal controls described in Recommendation 1.2 and at a sufficient level of detail to ensure the performance of related activities, including the continuity of operations, personnel, and records specific to reporting complete and accurate Clery Act crime statistics.

1.4 Review school records for calendar years 2015–2017 to identify all incidents of reportable Clery Act crimes that should be included in San Antonio's Clery Act crime statistics. Amend the reported crime statistics to correct any errors in the reported Clery Act crime statistics. Corrections should include, but are not limited to, the specific reporting errors identified in this report.

We also recommend that FSA's Chief Operating Officer—

1.5 Determine if FSA should take action against San Antonio, including fine action under 34 C.F.R. Part 668 Subpart G, for the Clery Act violations identified in this report.

San Antonio Comments

San Antonio stated that it was committed to addressing the finding and recommendations outlined in the draft report. San Antonio generally agreed with the finding and acknowledged that its Clery Act processes were not effectively designed or consistently performed during the audit period. San Antonio did not explicitly agree or disagree with our recommendations; however, San Antonio provided a summary of the corrective actions that it planned to take in response to Recommendations 1.1 through 1.4. San Antonio did not respond to Recommendation 1.5 which recommended that FSA's Chief Operating Officer determine if FSA should take action against San Antonio for the Clery Act violations identified in this report. San Antonio also detailed other

improvements to its Clery Act compliance program that it had initiated during the audit period and while our audit was underway.

San Antonio disagreed with our Clery Act reporting determinations on 25 of the 55 unreported criminal incidents that we identified in the draft report. San Antonio stated that, in its opinion, the 25 incidents did not meet the elements of the applicable crime reporting classifications or did not definitively occur on the Clery Act geography.

We included the full text of San Antonio's comments at the end of this report. We redacted the names of San Antonio personnel from the school's comments to protect their privacy interests and excluded, due to the volume, the exhibits provided by San Antonio with its comments.

OIG Response

The corrective actions that San Antonio described, if properly implemented, are responsive to Recommendations 1.1 through 1.4 in this report. Our report describes San Antonio's processes that were in place during the audit period. As a result, some of the corrective actions that San Antonio described in its comments were not included in our report because they were implemented after the audit period.

We reviewed the information that San Antonio provided related to its disagreement with 25 of the 55 unreported criminal incidents that we identified in the draft report. We did not agree with San Antonio's comments on the 25 incidents and did not remove any of the incidents from our audit report. During the audit, we completed detailed verification procedures for each of the unreported criminal incidents that we included in the draft report. We provided a preliminary listing of unreported criminal incidents to San Antonio officials for review and comment, analyzed the additional information San Antonio provided for each incident, and explained the basis of our determinations to San Antonio officials. Based on these verification procedures and our review of San Antonio's records, we validated that the 25 incidents met all necessary criteria to be reported under the Clery Act. The additional information San Antonio provided in response to our draft report was not sufficient to change our determinations. We did not make any changes to the audit report in response to San Antonio's comments.

Other Matter. San Antonio's Daily Crime Log Did Not Meet Requirements

Schools with a Public Safety department are required to maintain a daily log of all crimes that occur within their Clery Act geography or their Public Safety patrol jurisdiction (34 C.F.R. Section 668.46(f)). The crime log is intended to provide crime information to students and school staff timelier than the annual Clery Act crime statistics. The Clery Act Handbook provides schools with the flexibility to use either Federal Bureau of Investigation's Uniform Crime Reporting classifications (which correspond to the classifications used in the Clery Act crime statistics) or local crime classifications in the daily crime log. San Antonio's daily crime log used local crime classifications. When a school uses local crime classifications instead of the Uniform Crime Reporting classifications, reconciliation of the crime log to the reported crime statistics is not possible due to differences in how crimes are defined and classified. For example, the State of Texas did not have a crime classification comparable to the Clery Act crime of "fondling" during the audit period. Some of the incidents classified under the Texas law as "assault by contact" met the Clery Act definition of fondling, but it was not possible to determine whether an incident of assault by contact was reportable fondling without reviewing the underlying crime incident records.

Due to the differences in crime classifications between San Antonio's daily crime log and its Clery Act crime statistics, we concluded that the crime log could not function as a control over the completeness or accuracy of the crime statistics. However, we identified a reportable weakness related to San Antonio's daily crime log during our review. The crime log should include all crimes reported to Public Safety, including crimes initially reported to a CSA or local law enforcement agency that are subsequently reported to Public Safety, and should be updated within 2 business days of the receipt of the crime report (34 C.F.R. Section 668.46(f)(2)). However, San Antonio's daily crime log generally included only incidents that were directly reported to Public Safety and recorded in the Public Safety records system. San Antonio did not consistently enter crime reports from other sources into the crime log, such as Clery Act crimes that CSAs reported.

We suggest that San Antonio revise its crime log procedures to ensure that it enters reported crimes from all applicable sources into the log within 2 business days of the receipt of the crime report.[21]

San Antonio Comments

San Antonio stated that it planned to take corrective actions in response to our suggestion, such as revising its crime log procedures to ensure that it enters reported crimes from CSAs into the crime log within 2 business days. San Antonio also said that it plans to initiate conversations with local law enforcement agencies to establish a real-time exchange of crime information rather than only obtaining crime reports from local law enforcement agencies on an annual basis.

OIG Response

San Antonio's planned corrective actions, if properly implemented, are responsive to our suggestion.

[21] At the time of our audit fieldwork in September 2019, Clery compliance officials told us that they had implemented a process that would include crimes reported by CSAs in the daily crime log. However, San Antonio did not have a process for entering crime reports received from local law enforcement in the daily crime log.

Appendix A. Scope and Methodology

We evaluated San Antonio's processes (policies, procedures, and activities) for collecting, analyzing, and reporting Clery Act crime statistics for the Department's 2018 crime survey, which presented crime statistics for calendar years 2015–2017. Our review covered San Antonio's reporting of criminal offenses, hate crimes, and Violence Against Women Act (VAWA) crimes. We did not assess San Antonio's reporting of arrests and disciplinary referrals for violations of weapons, drug abuse, or liquor laws. We also did not assess San Antonio's controls over compliance with Clery Act requirements not directly related to the completeness and accuracy of the crime statistics, including those for emergency response and evacuation, timely warnings, policy statements, missing student notifications, or fire safety.

We performed the following procedures to answer the audit objective:

1. Reviewed the Clery Act (Section 485(f) of the Higher Education Act of 1965, as amended); implementing regulations (34 C.F.R. Section 668.46); and Department guidance (Clery Act Handbook) to gain an understanding of school responsibilities for collecting, processing, and reporting complete and accurate Clery Act crime statistics.
2. Used the Integrated Framework (May 2013) and the Clery Act Handbook to identify the standards of effective internal control that were significant to the audit objective and to assess the design, implementation, and operating effectiveness of those controls.
3. Interviewed officials at the University of Texas System and San Antonio to gain an understanding of San Antonio's overall internal control structure and processes for collecting, analyzing, and reporting Clery Act crime statistics.
4. Obtained and reviewed documentation related to San Antonio's processes for collecting, analyzing, and reporting Clery Act crime statistics, including documentation related to the following areas:
    a. identifying and updating the Clery Act campus geography;
    b. requesting crime statistics from local law enforcement agencies;
    c. identifying, notifying, and training CSAs;
    d. maintaining a CSA reporting process;
    e. maintaining the daily crime log;
    f. processing and compiling the annual Clery Act crime statistics; and
    g. reporting the annual Clery Act crime statistics in the annual security report and the Department crime survey.

Records Selection and Testing Methodology

Due to the weaknesses in San Antonio's processes for collecting, recording, and tracking crime reports, we could not identify a reliable population of all potentially reportable Clery Act incidents during the audit period. As a result, we did not perform statistical sampling to identify specific crime incidents for detailed testing. Instead, to assess completeness of the reported crime statistics, we judgmentally selected crime incidents that were potentially reportable under the Clery Act for review.

To identify potentially reportable Clery Act crime incidents for testing, we reviewed crime records in each of the significant electronic and paper records systems that San Antonio used to record Clery Act-related incidents during the audit period. We performed both manual review and queries or keyword searches to identify incidents that may be reportable under the Clery Act, using our professional judgment to identify relevant search terms. For example, we identified incidents that included terms such as sexual assault, domestic violence, and stalking. We focused our review on the most serious crime types, using the Federal Bureau of Investigation's hierarchy of crime reporting as a measure of the seriousness of specific crime classifications. As a result, our testing emphasized VAWA crimes over crimes such as burglary or motor vehicle theft. Overall, we identified 353 incidents that were potentially reportable under the Clery Act for review. We then evaluated whether each incident was a reportable Clery Act crime based on the requirements and guidance in the Clery Act Handbook, and if so, we determined whether San Antonio had included the crime in its reported crime statistics. The results of our testing of criminal incident records apply only to the incidents that we reviewed and cannot be projected to the larger population of all records.

Use of Computer-Processed Data

Computer-processed data from San Antonio's Public Safety, Student Housing, Student Conduct, and Title IX records were significant to the audit objective. The computer-processed data from these record systems were the best and only sources of data about the completeness and accuracy of San Antonio's reported Clery Act crime statistics, and as discussed in this report, there were known weaknesses in the reliability of the computer-processed crime data. Specifically, we could not obtain reasonable assurance that Clery Act crime incidents were properly recorded in the records and could be reliably identified for reporting purposes without a 100-percent review of all underlying records.

Due to the known weaknesses in the reliability of the computer-processed crime data, we did not use the data itself to support the audit finding and conclusions. Our only use of the computer-processed crime data was to help identify crime incidents for detailed testing as described in the "Records Selection and Testing Methodology" section. Our

testing results were supported by underlying source documentation, such as police and disciplinary records for specific incidents, and not by unreviewed computer-processed crime data. As a result, our testing results were not affected by the weaknesses in the reliability of the computer-processed data. It was not necessary to perform a full or structured data reliability assessment on the data due to our limited use of the data. We performed limited data reliability review procedures to gain an understanding of the record systems, assessed the reasonableness of the computer-processed data for our intended use, and screened for any obvious deficiencies in the completeness and accuracy of the data. Although the computer-processed crime data had known limitations in reliability, we determined that the data were sufficiently reliable for our limited use as described above.

In addition to computer-processed crime data that was directly significant to the audit objective, we also used other types of computer-processed data as supplementary evidence, such as San Antonio's crime log, that contributed to the audit finding and conclusions but were not significant in the context of the audit objective or audit results. These data provided supplementary evidence to support conclusions that we had already drawn based on other evidence rather than standalone evidence to support conclusions. As a result, we did not deem it necessary to perform extensive data reliability assessment procedures on these data. However, we gained a general understanding of the sources of the data and other relevant information to help us confirm the reasonableness of the data for our intended use. Although the data had certain limitations in reliability, we determined that the data was sufficiently reliable for our limited use as supplementary evidence.

We held an entrance conference and performed audit work at San Antonio's campuses in San Antonio, Texas, during the weeks of September 16 and November 11, 2019. We held an exit conference to discuss the audit results with San Antonio officials on June 19, 2020.

We conducted this performance audit in accordance with generally accepted government auditing standards. 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 finding and conclusions based on our audit objective.

Appendix B. San Antonio's Reported Clery Act Crime Statistics Totals for 2015–2017

Clery Act Crime[a]	Main Campus	Downtown Campus
Murder	0	0
Manslaughter	0	0
Rape	16	0
Fondling	8	2
Incest	0	0
Statutory Rape	1	0
Robbery	4	1
Aggravated Assault	1	1
Burglary	20	0
Motor Vehicle Theft	24	2
Arson	1	0
Domestic Violence	8	1
Dating Violence	20	0
Stalking	9	0
Hate Crimes	0	0
Unfounded Crimes	6	0

SOURCE: AGGREGATED FROM SAN ANTONIO'S 2018 SUBMISSION TO THE DEPARTMENT CRIME SURVEY

[a] Includes the crime totals that San Antonio reported to the Department in the 2018 crime survey and does not reflect the unreported crimes that we identified during the audit.

[b] Schools report crimes in four geographic categories: on-campus, on-campus student housing, public property, and non-campus property. We aggregated the total number of crimes that San Antonio reported in each crime type for all geographic categories of each campus, excluding student housing facilities because those crimes are also included in the count of on-campus crimes.

Appendix C. Acronyms and Abbreviations

C.F.R.	Code of Federal Regulations
Clery Act	Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
Clery Act crime statistics	campus crime statistics reported in the annual Department crime survey
CSA	campus security authority
Department	U.S. Department of Education
Department crime survey	Department's annual Campus Safety and Security Survey
FSA	Federal Student Aid
Integrated Framework	Committee of Sponsoring Organizations of the Treadway Commission's "Internal Control – Integrated Framework"
OIG	Office of Inspector General
standards of effective internal control	internal control standards of the Integrated Framework
Title IV	Title IV of the Higher Education Act of 1965, as amended
Title IX	Title IX of the Education Amendments of 1972
San Antonio	University of Texas at San Antonio
VAWA	Violence Against Women Act

San Antonio Comments

FROM THE DESK OF

President Taylor Eighmy

October 5, 2020

U.S. Department of Education
Office of Inspector General
400 Maryland Avenue, S.W.
Washington, DC 20202-1510

Via EMAIL

Re: Response to the Office of Inspector General University of Texas at San Antonio's Controls Over Reporting Clery Act Crime Statistics Draft Report (Dated August 19, 2020, ***ED-OIG/A09T0008***)

Dear Inspector Frazier and Director Nekrasz,

I am writing in response to the August 19, 2020 draft audit Report, "University of Texas at San Antonio's Controls Over Reporting Clery Act Crime Statistics (the "draft Report")."

Let me start by affirming our commitment to addressing the findings and recommendations outlined in the report. In keeping with the University of Texas at San Antonio's (UTSA or the University) commitment to the safety and security of our students, faculty, staff, and visitors to campus, we have sought, at all times, to implement the Clery Act consistently and in alignment with our collective understanding of its requirements.

I appreciate the time the U.S. Department of Education Office of Inspector General (OIG or the Office) has taken to evaluate UTSA's processes for collecting, analyzing, and reporting Clery Act crime statistics. We acknowledge and accept the OIG's position that the University's "processes were not effectively designed or consistently performed during the audit period,"[1] and have embraced this review as an opportunity to further enhance our Clery Act compliance program.

As noted throughout this Response, we have, and will continue, to invest in a series of coordinated actions to build a model Clery Act compliance program.

[1] See University of Texas at San Antonio's Controls Over Reporting Clery Act Crime Statistics draft Report, page 2.

I appreciate the Office's recognition of our recent efforts to "begin improving its Clery Act crime reporting processes in part by identifying properties that it owned or leased, developing Clery Act geography maps, and enhancing its tracking and review of Clery Act crime statistics."[2]

As a result of this review and the efforts of numerous individuals in our campus community, our approach to collecting crime statistics has improved markedly in the last three years through a robust structure to identify, notify, and certify training for our Campus Security Authorities (CSAs).

Moreover, we plan to implement additional enhancements, including training additional qualified staff, developing and/or revising our policies and procedures, and establishing a Clery Act data integrity working group that will report directly to our newly formed Clery Compliance Committee. Not only do these efforts indicate our responsiveness to the findings and recommendations in this Report, they reflect our commitment to meet and exceed the requirements of the Clery Act. We summarize these initiatives in the Overview section of this Response.

As noted in the draft Report, the Office found that UTSA did not have effective processes to:

1. Identify critical information sources for Clery Act reporting;
2. Collect, record, and track the information;
3. Analyze, report, and document the crime statistics; or,
4. Provide management oversight and quality assurance over the Clery Act crime reporting process during the audit period.

Several factors contributed to these gaps in our Clery Act crime reporting processes. The two most significant factors were the lack of internal expertise in certain aspects of Clery Act compliance, and frequent turnover in departments charged with Clery Act compliance.

We have, and will, continue to address these pressing issues by providing training across the institution and building depth within the appropriate stakeholder offices. We have also retained Margolis Healy and Associates, LLC (Margolis Healy), a national consulting practice with vast Clery Act expertise, to assist with our ongoing efforts analyzing the UTSA's 2015 Campus Safety and Security Data Analysis Cutting Tool (CSSDACT) submission, as well as conducting a comprehensive review of records for calendar years 2016 – 2018.

[2] See University of Texas at San Antonio's Controls Over Reporting Clery Act Crime Statistics draft Report, pages 2 - 3.

OVERVIEW

We have undertaken significant efforts to improve our Clery Act compliance program, with a particular focus on the processes for collecting, classifying, and counting Clery Act crimes.

1. **Initial and Ongoing Efforts to Enhance the Clery Act Compliance Program**

Before the OIG initiated this review in late 2019, the University had recognized gaps in our processes for collecting, classifying, and counting Clery Act crime statistics. Shortly after we hired Associate Vice President of Public Safety and Chief of University Police, [redacted], in August 2016, he quickly identified opportunities for improvement in the processes and protocols in both our Clery Act and Title IX programs.

Towards that end, during the University's 2016 comprehensive enterprise risk management audit, we identified "Campus Safety and Security" as a risk that required attention. Specifically, the Enterprise Risk Assessment identified "Failure to Comply with Clery Act Requirements" as a high-risk category. This assessment highlighted the need for training, and the University quickly acted on this recommendation. Processes were put into place to ensure the Clery Compliance Coordinator and others charged with Clery Act compliance responsibilities received initial training and periodic refresher trainings through annual conferences and webinars.

In September 2017, when I arrived at UTSA, I placed Clery Act/Title IX on the top of my priority list. I regularly communicate my direction and vision to the offices charged with compliance and with the University community as a whole. UTSA's Safe Campus website was developed to provide the UTSA community with clarity and awareness regarding the processes UTSA has in place to prevent and report sexual violence and misconduct. The website includes a step-by-step guide for reporting sexual violence or harassment, resources available to students in need, and educational resources for faculty and staff, and links to our Clery Compliance page. In addition, the Safe Campus website includes links to reports mentioned throughout this report.

While we still have more work to do, we have been diligent in our efforts to ensure the proper resources, personnel, and information processing platforms are in place. I'd like to highlight the significant progress we have made through these recent efforts.

(a) ***Developing a Campus Security Authority Program***

Chief [redacted], as noted in your draft Report, recognized the opportunities to update the policies and infrastructure for the University's CSA program. In March 2017, Chief [redacted] distributed a memo[3] (attached at Exhibit 1) to members of the President's Cabinet, highlighting the importance of CSA identification and soliciting support with updating the CSA list. In June 2017, Chief [redacted] followed up his initial letter to Cabinet members by emailing all identified CSAs, informing them that the University has formally designated them as CSAs, and asking them to take the online CSA training program (attached at Exhibit 2).[4] By mid-2017, the University had identified over 800 CSAs and trained 553, all while implementing a process to maintain a continuously updated list of CSAs and provide them with ongoing training. The brief turnaround between the March and June 2017 memos highlight the fact that the University fully supported the efforts to improve our CSA processes and associated infrastructure. By the end of 2018, UTSA had trained 642 CSAs, and by the time of the OIG Audit, all identified CSAs had completed their training.

We believe it is important to note that our CSA list and training efforts are not static. As noted in the Handbook for Campus Safety and Security Reporting (2016 Edition) (the Handbook), page 4-5, "Institutions are advised to reevaluate the CSA status of all employees (including student employees) on at least an annual basis and document the rationale of the determinations."[5] While UTSA engages in this reevaluation process on a regular basis, we are continually hiring new staff, changing roles, and expanding programs. This can create gaps between the time someone is hired or changes roles, notification of their designation as a CSA, *and* the requisite training. Given this reality, there is rarely a point in time where the University is 100% up-to-date with to identifying, notifying, and training all our CSAs. We continue to explore ways to automate this process and provide near real-time training.

Chief [redacted] also recognized the need for an experienced subject matter expert to manage the University's Clery Act program. In late 2016, [redacted] was hired as the Executive Director of Strategic Initiatives within UTSA Public Safety. [redacted] joined the University in January 2017 and immediately undertook efforts to improve policies and practices in the Clery Act area.

[3] See Exhibit 1 [March 14, 2017 CSA memo]
[4] See Exhibit 2 [June 5, 2017 CSA memo]
[5] See the Handbook for Campus Safety and Security Reporting – 2016 Edition, page 4.5.

(b) ***Improving CSA Reporting***

The University utilized a PDF CSA Reporting Form that was available on the UTSA Public Safety website for CSAs to submit information on Clery Act reportable crimes. There was a submit button on the bottom of the form that routed the CSA reports to UTSA Public Safety. The University updated the form when it determined that the "SUBMIT" button no longer worked. In spite of the issues with this form, the University had established checks and balances by requiring CSAs to also email the form to the Clery Compliance Coordinator. In tandem with the University's full implementation of Maxient (see 2A below), we launched an embedded CSA Reporting Form in March 2019. In addition, in an effort to increase awareness and access to UTSA Clery Act information, a link to the Clery Act Information web page was added to the global footer of UTSA's website.

(c) ***Data Management***

The University invested in improvements in UTSA Public Safety by upgrading its Computer Aided Dispatch and integrated Records Management System. In 2016, UTSA Public Safety was using a product named Report Exec (now, Omnigo), but elected to switch to a new system that resolved concerns over support for data management challenges and provided a more robust integration of the National Incident Based Report System (NIBRS) required by the State of Texas. As of December 2019, UTSA Public Safety had fully implemented ARMS as its records management system. ARMS provides UTSA with administrative functions that enhance Clery Act compliance; including pin mapping of crime locations to provide officials with the ability to identify the precise Clery Act geography of a crime . We are confident this system will improve our internal controls.

Since 2016, the University has initiated other programmatic changes to bring our program in line with best and promising practices in Clery Act compliance. These include:

(d) ***Supporting the Clery Compliance Coordinator***

Chief [redacted] recognized the need to reassign responsibilities for Clery Act compliance from the Assistant Chief to a Clery Compliance Coordinator. Accordingly, in December of 2016, the University reclassified an administrative analyst position to Clery Compliance Coordinator. The Clery Compliance Coordinator received training from a nationally recognized Clery Act trainer. Unfortunately, the incumbent left the university in late July 2018. The Executive Director of Strategic Initiatives assumed Clery Act compliance responsibilities until the university filled the position in October 2018.

The current Clery Compliance Coordinator has received extensive training, including The Clery Center Online CATS Training and D. Stafford and Associates Clery Act Compliance Training Academy. In addition, the Coordinator attended the NACCOP Conference in July 2019 and the Comprehensive Clery Act Training Seminar in March 2020. The Clery Compliance Coordinator, working with the Executive Director of Strategic Initiatives, is responsible for our Clery Compliance Committee.

(e) ***Clery Compliance Committee***

In January of 2020, the University formally established its Clery Compliance Committee, with representatives from Business Affairs (Administration and Operations, Human Resources, Public Safety, Risk and Emergency Management); Student Affairs (Dean of Students, Student Activities, Student Conduct and Community Standards, Student Health, Residence Life); Academic Affairs (International/Study Abroad Services, Enrollment Services); Inclusive Excellence (PEACE Center); President's Office (Institutional Compliance and Risk Services, Auditing and Consulting Services, Legal Affairs); and Athletics.

Prior to the formation of the committee, the Clery Compliance Coordinator attended weekly meetings with Student Conduct and Community Standards to discuss daily enforcement activities. This group continues to meet on a weekly basis to ensure all members are mutually informed of enforcement activities. The group discusses cases and assigns follow up to appropriate members. This can include counselling, advocacy, judicial action and other services. The Executive Director of Strategic Initiatives also began attending these meeting once she started in her role. Participants in these meetings includes representatives from Public Safety, Student Conduct and Community Standards, EOS/Title IX, Counseling, PEACE Center, Behavioral Intervention, Residence Life, and Campus Living Villages.

(f) ***Daily Crime Log***

UTSA Public Safety has had a policy governing the production of the daily crime log dating back to 2013 (please see at Exhibit 5). In 2016, UTSA Public Safety revised the daily crime log and separated it by campus (Main and Downtown).

Beginning in 2017, as part of the University's comprehensive actions to enhance compliance with the Clery Act, UTSA Public Safety began adding CSA reports to the daily crime log via the Report Exec records management system. However, we encountered several challenges with some of the information, necessitating a manual review. Because of this, and other concerns about Report Exec noted earlier in this response, UTSA Public Safety transitioned to the ARMS records management system in December 2019. ARMS includes an automated daily crime log.

UTSA's daily crime logs have always been based on Texas Penal Code to ensure they mirror reports written. The new software allowed us to match Texas Penal Code to Clery Act crimes based on UCR crime codes, thus aiding in capturing Clery Act crimes for annual disclosure.

UTSA Public Safety is currently revising General Order 300-10 "Campus Safety and Security" to better document policies and procedures for maintaining the daily crime log in alignment with the requirements in the Handbook. The current policy requires that, for every incident, the daily crime log shall state (1) the nature of the crime, (2) the date the crime was reported, (3) the date and time the crime occurred, (4) the general location of the crime, and (5) the disposition of the complaint, if known., The policy also requires that new entries or any changes be recorded within two business days of reporting to UTSA Public Safety. The policy describes the limited situations when UTSA Public Safety may temporarily omit information for the log and requires the department to document the reason for any exclusion.

The revised General Order 300-10 will create checks and balances by requiring the Clery Compliance Coordinator, the Executive Director of Strategic Initiatives, or other appropriately trained UTSA official to review and approve all incidents for inclusion in the logs, including the types of reported incidents highlighted in the draft Report, such as reports from CSAs and those from local law enforcement agencies.

2. Title IX Program Office and Alignment with Clery Act Goals

While we recognize that the OIG Audit did not specifically address the University's Title IX program, the university has likewise embraced the need for respectful, unbiased, and transparent policies and practices for preventing and responding to incidents of sexual and gender-based harassment, including sexual violence.

We understand that the Clery Act requires the university to publish information about its policies and procedures regarding what is generally referred to as "VAWA" crimes[6]. Furthermore, we acknowledge that accurate and timely information about sexual and gender-based violence incidents – in annual statistical disclosures, timely warnings, emergency notifications, and in some cases, information in our daily crime logs--empowers our community. The following summarizes our recent actions with respect to our Title IX program as it intersects with our Clery Act responsibilities.

In December 2018, UTSA selected a new EOS Director & Title IX Coordinator. The Director came to UTSA with experience as a Title IX Coordinator and Compliance Officer at another higher education institution, having worked with her former institution's campus safety department on Clery Act compliance and the Annual Security Report.

[6] The Violence Against Women Reauthorization Act ("VAWA Amendments") in 2013 amended the Clery Act, and required an update to the Handbook for Campus Safety and Security Reporting. Please see https://www.federalregister.gov/documents/2014/10/20/2014-24284/violence-against-women-act

Our EOS Director & Title IX Coordinator has received Title IX training through the NACUA[7] Title IX Coordinator Course, and Clery Act training through the Clery Center. The Director has enhanced the office's case tracking database to include tracking of Clery Act crimes. Once more, she ensures staff receive training and utilize an internal process outline to verify the intricate steps of each case meet Federal and State regulations and Clery Act reporting requirements.

The EOS/Title IX Office works with various offices around campus to ensure the University meets Title IX and the Clery Act requirements. This includes ongoing communication with key officials in UTSA Public Safety, Dean of Student's Office, and others. The Director receives daily shift reports from the UTSA PD and is a member of the Behavioral Intervention Team (BIT). Additionally, a member of the EOS/Title IX Office attends the weekly Student Conduct meeting. The EOS/Title IX Office submits a weekly summary report of cases to the President, Provost, Chief Legal Officer, Dean of Students, and Chief of Staff. Quarterly, the EOS/Title IX Office submits a summary report of cases to the President, Chief Legal Officer, Chief of Staff and Executive Director of Institutional Compliance and Risk Services.

In 2019, the EOS/Title IX Office issued UTSA's first Title IX Annual report[8] to increase approachability and transparency. The overall goal of the EOS/Title IX Office is to offer all constituents with a fair, impartial and safe experience.

(a) ***External Reviews***

To ensure our Title IX program was exceeding requirements and to compare our program with best and promising practices, the University retained Baker Tilly Virchow Krause, LLP (BakerTilly) in 2018 to "perform a comprehensive review of the University's Title IX policies and process, as well as any proposed revisions, for investigating and resolving all Title IX complaints, including the sanctioning process for faculty, staff, and students." The BakerTilly report noted "several opportunities to strengthen the processes and infrastructure related to Title IX compliance at UTSA."[9]

BakerTilly recommended the University procure a dedicated software case management system to improve tracking and documentation of Title IX complaints. In response to this recommendation, UTSA purchased the Maxient records management system and fully implemented the system in 2019, just before the OIG Audit.

[7] National Association of College and University Attorneys and https://www.nacua.org/program-events/online-courses/title-ix-coordinator-training/home
[8] https://www.utsa.edu/eos/PRES08_TitleIXandEOS-report.pdf

[9] See Baker Tilly Report.

Not only is Maxient enhancing our record keeping for Title IX related cases (many of which comprise Clery Act reportable incidents), it also leads to improvements in Clery Act crime statistical management, especially as it relates to data collected in Student Conduct and Residential Life. Using Maxient, we are working to create a seamless flow and transfer of data to support Clery Act statistical reporting systems.

Finally, BakerTilly recommended the University implement a series of "automated controls"[10] to ensure proper coordination between the UTSA Public Safety and the Title IX Coordinator. The University likewise implemented these recommendations to improve complainant and respondent support, enhance internal coordination, and, as an organic outcome, increase the accuracy of our record keeping.

In late 2018, the University engaged Ice Miller to conduct an inquiry into concerns raised about the University's handling of certain complaints regarding sexual and gender-based violence. UTSA retained Ice Miller to "conduct a factual investigation to better understand directly from the individuals involved the incidents, experiences, and details that underlie their clear passion and desire to improve the UTSA culture."[11] Ultimately Ice Miller was unable to "ascertain any specific details from the individuals who participated in the November 2018 events that gave rise to this investigation."[12] Nevertheless, we used this incident as an opportunity to elevate our work in this area. In 2018, UTSA joined the third cohort of the nationally recognized *Cultures of Respect: Ending Campus Sexual Violence* initiative. UTSA leaders completed a campus self-assessment to identify policy revisions, implement bystander intervention enhancements, and create campus-wide "partnerships that address sexual violence, raise awareness of these issues, and encourage and support sexual assault survivors in speaking out about their experiences."[13]

Finally, and as we have highlighted earlier in this response, the University retained Margolis Healy, one of the nation's leading professional services firms specializing in campus safety, security, and regulatory compliance for higher education, in August 2020. Margolis Healy is assisting with a suite of Clery Act services, including conducting the data audit required by the draft Report, and recommending additional changes to our processes and procedures to meet and exceed the requirements of the Clery Act. In particular, Margolis Healy is working with the University to develop an overarching Clery Act Compliance Policy and is specifically recommending process enhancements to address Clery Act crime statistics data integrity. In the near term, we anticipate establishing a process for monthly data reconciliation, an initiative that the Data Integrity sub-committee will manage.

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[10] EOS/Title IX runs the Clery Crosscheck report through Maxient that checks EOS/Title IX cases to determine if they fall under a charge in the system that may be classified as a Clery crime.
[11] See Ice Miller Report of Investigation.
[12] See Ice Miller Report of Investigation.
[13] Ditto, page 12.

(b) ***EOS/Title IX Office and Athletics***

The EOS/Title IX Office works closely with Athletics to ensure Title IX compliance and reporting of sexual harassment and sexual misconduct, including incidents that may be Clery Act crimes.

In September of 2019, UTSA created a groundbreaking partnership to strengthen its zero-tolerance policy for its campus community in regards to sexual misconduct. UTSA worked with Brenda Tracy, a sexual assault survivor, public speaker and founder of the national campaign and nonprofit, *#SetTheExpectation* to establish the Tracy Rule.[14] UTSA was the first university in the nation to implement the Tracy Rule, the most comprehensive Serious Misconduct rule in the NCAA attaching student-athlete eligibility to behavior.

The rule ensures the following:

> *A current or prospective student-athlete who has been convicted of, pleaded guilty or no contest to a felony or misdemeanor involving Serious Misconduct, has been found a delinquent in relationship to a juvenile code equivalent, or has been disciplined by the university or athletic department at any time during enrollment at any collegiate institution (excluding temporary disciplinary action during an investigation) due to Serious Misconduct shall not be eligible for athletically related financial aid, practice or competition at The University of Texas at San Antonio.*

During the initiative's kick-off in the fall of 2019, every new student-athlete signed the Tracy Rule pledge. That practice will continue to be the case for every new student-athlete joining UTSA's program moving forward. Additionally, the EOS/Title IX office set up information stations at *#SetTheExpectation* basketball and football games to help raise awareness regarding the importance of reporting and addressing sexual misconduct on campus.

The Title IX Coordinator serves on the Athletic Council and the Athletic Conduct committee, working closely with the Athletic Department to train employees on reporting and their responsibility as employees. Additionally, the Title IX Coordinator, in conjunction with Athletic Compliance, ensures UTSA staff and students involved in Athletics take annual training about sexual harassment and sexual misconduct. The Title IX Coordinator certifies to the NCAA that all student-athletes and Athletics staff take the training and that there is 100% compliance.

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[14] https://www.utsa.edu/eos/documents/title-ix-cares.pdfhttps://www.utsa.edu/today/2019/09/story/BrendyTracyRule.html#:~:text=The%20UTSA%20Tracy%20Rule%2C%20effective,The%20rule%20ensures%20that%3A&text=%E2%80%9CSexual%20assault%20and%20misconduct%20are,Vice%20President%20for%20Intercollegiate%20Athletics

3. **Data Audit to Ensure Accurate Crime Statistics**

In order to effectively respond to this draft Report, the University retained Margolis Healy to provide, in addition to other services, a Clery Act data analysis for 2015 and a full Clery Act data audit for the years 2016 to 2018. To complete this task, the auditors are reviewing every police report, every Title IX file, and every student conduct file, including residential life incident reports, and have identified and examined other offices and locations that hold relevant Clery Act records for the responsive years.

As I am sure you understand, this is an enormous undertaking, covering approximately 3,257 police reports, 184,935 UTSA PD computer-aided dispatch entries, 3,393 conduct records, 1,091 Title IX files, and 99 other files from various sources. During this process, we have taken advantage of Margolis Healy expertise by dedicating over 20 UTSA employees to assist with the data audit. This experiential learning opportunity provides the University with internal expertise on maintaining data integrity following the conclusion of this audit.

This data audit has included a thorough review of the following records:

- **All UTSA Public Safety case files from 2016 – 2017**: Margolis Healy is conducting a hands-on review of each Police Report generated by UTSA Public Safety during the specified period of review. For 2015, they analyzed the statistics reported to the CSSDACT, and are verifying their accuracy. Where auditors discovered, to a reasonable degree of professional certainty, a misclassification, this determination is noted in the data audit database. Once the auditors have completed their review of the applicable files, this information will be reconciled with the statistics that were previously disclosed to the U.S. Department of Education and the campus community, and those reviewed by OIG. This portion of the data audit will be complete on October 11, 2020. The auditors will begin the reconciliation phase of the audit the week of October 12, 2020. We are confident that the full audit will be completed in time for the University to accurately disclose and/or update its Clery Act crime statistics in the 2020 combined Annual Security and Fire Safety Report, which will be published by no later than December 31, 2020.

- **All Equal Opportunity Services and Title IX (EOS) case files from 2016 – 2018**: similar to the process outlined above, the auditors are in the process of reviewing all case files related to incidents that were reported to the University's EOS/Title IX Office. For 2015, the team reviewed submitted data to determine accuracy. This portion of the data audit is 100% complete as of October 1, 2020. As noted in the above section, we are confident that the full audit and reconciliation will be completed in time for the University to accurately disclose and update its Clery Act crime statistics in the 2020 combined ASR/AFSR, which will be published before December 31, 2020.

- **All Student Conduct and Community Standards records from 2016-2018**: identical to the process outlined above, the audit includes an in-depth review of each record generated by Student Conduct and Community Standards. For 2015, the team reviewed submitted data to determine its accuracy. This review is underway and will be completed in time for the University to accurately disclose and update its Clery Act crime statistics in the 2020 combined ASR/AFSR, which will be published by December 31, 2020.

- **Additional Review of Incidents Initially Reported to Other Offices:** In addition to the audit components noted above, the team met with representatives from Human Resources and Athletics to determine if those offices maintain files related to reported incidents. Margolis Healy determined that all incidents that were reported to Human Resources and Athletics were subsequently reported to one of the offices noted above.

I am certain the OIG can appreciate the significant time and resources UTSA is investing to conduct this comprehensive audit, implement each of the OIG's recommendations, and enact other policies and procedures to reflect best practices and evolving guidance. We recognize this work as vital to our efforts to continually enhance our processes and exceed the requirements put forth by the Clery Act.

RESPONSE TO FINDINGS & RECOMMENDATIONS

We want to again emphasize that UTSA has, at all times, endeavored to collect and accurately report crime statistics, maintain a daily crime log consistent with Department guidance, and accurately disclose its campus safety and security policies. Nevertheless, we recognize that our Clery Act reporting was not perfect. We appreciate the OIG's constructive dialogue, and will continue to take significant measures to correct and address errors. I am personally committed to implementing processes, increasing staffing, as needed, and requiring additional education and training to improve compliance going forward.

As required by the Cover Letter, dated August 19, 2020, please find below our written responses to each finding and recommendation in the draft Report.

I. **Finding.** San Antonio Did Not Have Effective Controls to Ensure that it Reported Complete and Accurate Clery Act Crime Statistics

Response: We *generally agree* with this finding and acknowledge that to properly respond to the demands of Clery Act compliance, more staffing, coordination, and training over the course of 2015 - 2017 could have minimized opportunities for errors in our reporting. Since 2016, as noted in the Overview section above, we have invested in additional staff, including the hiring of the Executive Director of Strategic Initiatives, the promotion of a Clery Compliance Coordinator.

Additionally, we have facilitated more robust and regular training, and purchased software systems that leverage the power of technology to eliminate manual controls. The University is also in the process of a comprehensive review of and revisions to its policies and procedures to closely follow all available guidance from the Department and to ensure collaboration and cooperation across campus offices.

I wish to underscore that we have worked to steadily improve the accuracy of our Clery Act crime statistics, and build significant capacity in many offices that are responsible for collecting, classifying, and counting Clery Act data. For example, prior to 2017, UTSA Public Safety, which had primary responsibility for reconciling data from supporting offices, did not have a process for ensuring data integrity and providing the requisite managerial oversight and quality assurance to ensure accuracy in the University's disclosed statistics. UTSA's new processes, currently in development, will involve a Clery Compliance Committee, a data integrity working group, and a network of highly trained Clery liaisons in the appropriate departments. It is our intent that these programmatic adjustments, including a rigorous process of monthly data reconciliation, will rectify identified shortcomings.

As noted elsewhere in the report, UTSA has also undertaken a comprehensive audit of its crime statistics, as required by the draft Report, and plans to identify and correct any errors in its crime statistics for calendar years 2015 to 2017.

a. Finding: Reported Statistics Were Not Complete and Accurate

The OIG noted that it "…reviewed crime incident records and other documentation supporting the crime statistics that San Antonio reported for calendar years 2015–2017 and found errors in the completeness and accuracy of the reported crime statistics."[15]

The draft Report also noted "…55 criminal incidents that San Antonio should have reported but did not. San Antonio reported 119 criminal incidents at its campuses during the audit period. However, San Antonio should have reported at least 173 criminal incidents (119 incidents that San Antonio reported, less 1 incident it reported in error, plus 55 additional incidents that we identified)."[16]

Response: While we again agree that UTSA failed to disclose complete data due to challenges in compiling, reconciling and disclosing crime statistics, we believe the steps outlined in this Response will resolve this area of non-compliance. With respect to the 55 incidents noted in the draft Report, below we highlight the results of our ongoing independent review, which differs significantly from OIG's determinations in several of the disputed incidents.

[15] See draft Report, page 10.
[16] Ditto

The examination included a review of all the documents related to each matter. Please find the determinations in the following table.[17]

Disputed Determinations

Crime Type	# of Disputes	Reference #	% of 55 OIG Records in Dispute
Stalking	15	C-4, C-12, C-14, C-15, C-20, C-28, C-31, C-33, C-41, C-49, C-52, C-57, C-70, I-20, I-31	27.2%
Dating Violence	5	C-34, C-46, C-47, C-52, C-71	9%
Fondling	4	C-44, C-45, C-58, C-76	7.2%
Sexual Assault	1	C-77	1.8%
Total	25		45.2%

We disagree with the OIG's findings in the following incidents (limited to the 55 OIG cases previously described):

1. C-4 where it is our opinion that the report does not describe the elements of stalking, as it does not include fear or substantial emotional distress;
2. C-12 where it is our opinion that the report does not describe the elements of stalking; geography is not clear; and there is lack of "course of conduct";
3. C-14 where it is our opinion that the report does not describe the elements of stalking;
4. C-15 where it is our opinion that the report does not describe the elements of stalking;
5. C-20 where it is our opinion that the report does not describe the elements of stalking;
6. C-28 where it is our opinion that the report does not describe the elements of stalking; no course of conduct; however, err on the side of counting;

[17] The independent reviewer applied the standards and definitions contained in the Handbook, Chapter 3, cross-referenced with the UCR, NIBRS, and the VAWA Amendments.

7. C-31 where it is our opinion that the report does not describe the elements of stalking;

8. C-33 where it is our opinion that the report does not describe the elements of stalking with a lack of "course of conduct";

9. C-34 where it is our opinion that the report does not describe the elements of dating violence;

10. C-41 where it is our opinion that the report does not describe the elements of stalking;

11. C-44 where it is our opinion that the number of fondling incidents in the report is 1, not 2.

12. C-45 where it is our opinion that the number of fondling incidents in the report is 1 not 2.

13. C-46 where it is our opinion that the report does not describe the elements of dating violence;

14. C-47 where it is our opinion that the report does not describe the elements of dating violence;

15. C-49 where it is our opinion that the report does not describe the elements of stalking;

16. C-52 where it is our opinion that the report does not describe the elements of dating violence;

17. C-55 where it is our opinion that the report does not describe the elements of stalking;

18. C-57 where it is our opinion that the report does not describe the elements of stalking;

19. C-58 where it is our opinion that the report does not describe the elements of fondling;

20. C-70 where it is our opinion that the report does not describe the elements of stalking, and lacks course of conduct;

21. C-71 where it is our opinion that the report does not describe the elements of dating violence;

22. C-76 where it is our opinion that the report does not describe the elements of fondling;

23. C-77 where it is our opinion that the report does not describe Clery Act geography; "(does not live at Chilsom)" suggesting confusion over geography. Unable to determine where victim lives;

24. I-20 where it is our opinion that the report does not describe the elements of stalking;

25. I-31 where it is our opinion that the report does not describe the elements of stalking.

Please find an attached table at Exhibit 3. In this table, we classified each file strictly based on the documents in the associated file. There were likely duplicates in files, necessitating further analysis during the data audit reconciliation step.

b. **Finding**: Weaknesses in Internal Control Over Reporting of Clery Act Crime Statistics

The OIG determined that "San Antonio had not designed and implemented internal controls necessary to provide reasonable assurance that its reported crime statistics would be complete and accurate. Further, we found that San Antonio's processes for reporting Clery Act crime statistics did not follow all applicable requirements and guidance in the Department's Clery Act Handbook which, if followed, would help support the completeness and accuracy of the reported crime statistics."[18]

Response: We agree with this finding. Specifically, we concur that during the early years of the Review Period—from 2015 to 2017—UTSA lacked the administrative capability and resources to comply satisfactorily with the Clery Act. However, beginning in 2016, concurrent with the arrival of Chief [redacted], the University recognized these shortcomings and began to take a proactive, good faith effort to improve processes. Over the course of 2016 - 2017, we significantly enhanced our CSA program, going from 40 identified CSA to over 800 trained CSAs. Again, we note that CSA identification and training is not a static activity, as we are constantly adding new staff and changing roles for others.

The University has developed a CSA training guide and enhanced the CSA reporting infrastructure by deploying a new CSA reporting form, and offered training both in-person and on-line. We are currently reviewing early recommendations from Margolis Healy, which include a dedicated Clery Compliance Coordinator position. We are also reviewing organizational structure so the position reports to appropriate UTSA officials who have responsibility for Clery Act compliance. In the very near future, UTSA senior administrators will receive a comprehensive Clery Act orientation that will clearly articulate the roles and responsibilities across the institution, emphasizing collective ownership and responsibility for our institutional compliance with the Clery Act.

Our ongoing efforts will also include a more robust and formalized Clery Compliance Committee with special attention on data integrity and a coordinated system of check

[18] See draft Report, page 13.

and balances. Please see Exhibit 4 for a full list of the Clery Compliance Committee members as of January 2020.

- **Supporting Observations**

  1. Identifying Information Sources

  The OIG identified three overlapping concerns with the University's ability to identify "all relevant information sources to use when preparing its annual Clery Act crime statistics."

  - Identifying CSAs;
  - Communicating CSA Roles and Responsibilities; and,
  - Identifying Other Sources of Information.

  Response: The University agrees that during a portion of the time leading up to the OIG Audit, UTSA did not satisfactorily identify CSAs and train these CSAs regarding their Clery reporting responsibilities. As noted in the draft Report, the University: "did not maintain records of when the CSA listing was last updated…" and "did not have effective processes to communicate CSA roles and responsibilities…"[19] As noted in the draft Report, by the end of 2017, the University had identified 845 CSAs; however, the "late timing of the update" precluded these officials from significantly contributing to the data collection process. We believe we have sufficiently highlighted the initiatives underway to address this deficiency, including adopting the best practices of denoting CSA responsibilities in our Human Resource personnel management system.

  With respect to identifying "Other Sources of Information," we are confident that our newly formed Clery Compliance Committee, combined with the appointment of a dedicated, fulltime Clery Compliance Coordinator, will resolve this issue. The breadth and collective experience of these individuals will ensure UTSA is casting the widest possible net to guarantee we are including all applicable local law enforcement agencies in our canvas, for all identified Clery Act buildings and properties, regardless of where these facilities are located.

[19] See draft Report, page 14.

2. Collecting, Recording, and Tracking Information

The OIG identified two overlapping concerns with the University processes to collect, record, and track reported allegations of crimes that should have been including in its Clery Act crime statistics. These are:

- Collecting Crime Reports from CSAs
- Recording and Tracking Crime Incidents

Specifically, the OIG noted that UTSA "did not design and implement effective processes to collect, record, and track reported allegations of crime that should have been included in its Clery Act crime statistics."

Response: We agree that during a portion of the period leading up to the OIG Audit, UTSA did not satisfactorily collect, record, and track reports from CSAs that were likely Clery reportable.

Although there is more work to do, we believe that the actions regarding our enhanced CSA program, which began in earnest in 2017, have allowed to make significant progress toward addressing some of the issues that led to this observation.

3. Analyzing, Reporting, and Documenting Crime Statistics

The OIG stated that "San Antonio did not have effective controls over its processes for analyzing crime information to identify and compile the annual Clery Act crime statistics."[20] The OIG offered two supporting observations:

- Analyzing Information and Compiling Reportable Crime Statistics
- Retaining Supporting Documentation for Reported Crime Statistics

Response: We agree that we relied on manual, and in some cases antiquated processes for analyzing information for our annual crime statistics disclosure. We attribute this deficient process to a lack of knowledge of Clery Act processes, a challenge we are addressing through our additional investments. As noted in the draft Report, these manual processes increased the risk of significant omissions. We are addressing this gap through a multi-pronged approach that begins with the creation of a dedicated Clery Compliance Coordinator position. We are committed to hiring a highly experienced and skilled administrator for this position, and ensuring the position resides within the appropriate office.

[20] See draft Report, page 22

Key to these efforts are robust and ongoing training, investments in appropriate infrastructure, and a formalized committee with reporting obligations and vice president level direct oversight.

4. Management Oversight and Quality Assurance

The draft Report states that UTSA "did not have effective internal controls for management oversight and quality assurance over its Clery Act crime reporting process."[21] OIG highlighted the following areas as contributing to the lack of effective internal controls:

- Written Policies and Procedures
- Review Processes for the Crime Statistics
- Monitoring
- Preventable Errors in the Crime Statistics

Response: We agree that we failed to provide the oversight and quality assurance necessary to comply with the complex realities of the Clery Act. I again with to emphasize that at all times, we sought to implement the Department's regulations in good faith. As noted throughout this response, we are continuing to implement significant steps to ensure our program is: (1) defined by an adequate system of internal controls that has appropriate checks and balances; (2) administered on a daily basis by a more-than-adequate number of qualified individuals; and (3) overseen and governed by several members of senior management, including employees responsible for campus safety, student and employee conduct, and the delivery of other safety- and security-related services.

Specifically, we are embracing OIG's recommendations regarding ongoing compliance activities by implementing the following:[22]

1. Verifying that UTSA has correctly identified its Clery Act geography;

   ACTIONS:

   The Assistant Vice President of Business Affairs for Administration and Operations maintains and updates the UTSA Campus Land and Lease Records. She notifies the Clery Compliance Coordinator of any revisions to the list and periodically confirms when no changes have occurred. We are including this responsibility in our new Clery Act Compliance Policy.

[21] Please see draft Report, page 23.
[22] Please see draft Report, page 24, items 1 – 6.

2. Verifying that the University has requested crime statistics from local law enforcement agencies with jurisdiction over institutional Clery Act geography and identified any reportable crimes in the statistics it received;

   ACTIONS:

   The Clery Compliance Coordinator sends requests annually for Clery Act crime statistics that have occurred within the UTSA Clery Act geography. The latest version of the UTSA Land and Lease Records are used to compile a list of agencies with jurisdiction in these locations, to include local police, sheriff or other law enforcement for a particular location. In addition, the Clery Compliance Coordinator tracks all UTSA sponsored short stay-away trips taken by students and employees. We then send a letter to the local law enforcement agency to request statistics for the specific dates of the trip. The Clery Compliance Coordinator makes a good faith effort by following up with these agencies on any outstanding requests.

3. Confirming that our CSA listing is complete and current and that CSAs are notified and trained;

   ACTIONS:

   We have previously addressed the initiatives UTSA has underway to continue building a robust CSA program.

4. Reviewing supporting crime records to confirm accurate reporting of the specific crime incidents included in the crime statistics;

   ACTIONS:

   We have previously described our initiatives regarding data integrity and monthly reconciliation.

5. Verifying the completeness of the crime statistics by identifying reportable crimes in UTSA's underlying records and confirming that they are included in the crime statistics;

   ACTIONS: Please see above.

6. Screening for data entry errors in the crime statistics that the school reports in the annual Department crime survey and the annual security report before finalizing the reported data;

ACTIONS:

As part of our updated procedures for collecting, classifying, and counting Clery Act crime statistics, we will include a process that requires a minimum of two University employees to verify the data entered into the CSSDACT.

II. Other Matter: San Antonio's Daily Crime Log Did Not Meet Requirements

The draft OIG Report states that "San Antonio's daily crime log generally included only incidents that were directly report to Public Safety and recorded in the Public Safety records system. San Antonio did not consistently enter crime reports from other sources into the crime log, such as Clery Act crimes that CSAs reported."[23]

Response: As we have stated and demonstrated throughout this response, we are committed to the accurate and fully transparent disclosure of Clery Act data, including crimes that must be included in the daily crime log and the annual statistical disclosure.

We note that the requirement to include "…crimes that are reported directly to the campus police or security department, as well as crime that are initially reported to another campus security authority or to a local law enforcement agency, which subsequently reports them to the campus police or security department,"[24] is a highly nuanced and complex requirement outlined in sub-regulatory guidance in the Handbook. This is not to dispute the OIG's observations, but to highlight the complexities with the requirement.

At the present time, UTSA Public Safety does not routinely receive reports of crimes that occur in Clery Act geography or within its patrol jurisdiction from the San Antonio Police or Bexar County Sheriff's Department. This is a process we intend to pursue, but it is not currently the practice. Generally, UTSA Public Safety only receives crime reports from the local agencies when we canvas for additional Clery Act reportable incidents. We will initiate conversations with the local agencies to consider establishing a real-time exchange of crime information.

Second, UTSA Public Safety inaccurately interpreted the requirement as it applies to CSA reports that are, at some point, shared with our Public Safety Department. Beginning in 2017, as part of the University's comprehensive actions to enhance Clery compliance, UTSA Public Safety began adding CSA reports to the daily crime log by entering them into the Records Management Software for better tracking. We attribute this misunderstanding to lack of subject matter expertise, which has already been addressed with the hiring of a new Clery Compliance Coordinator who has attended several Clery trainings conducted by national experts. Frequent staff turnover also contributed to this misunderstanding, a challenge we hope to address through a thoughtful and well-planned succession planning. We are in the process of developing a procedure to ensure that CSA

[23] See draft Report, page 31.
[24] The Handbook for Campus Safety and Security Reporting, 2016 Edition, page 5-3.

reports that contain Clery Act-reportable incidents are included in the daily crime log within the proscribed two business days after UTSA Public Safety receives them.

While we acknowledge that UTSA applied an inaccurate interpretation of the technical requirements related to CSA and local agency reports, we again emphasize that this deficiency was the direct result of a simple misunderstanding regarding daily crime log requirements and in no way a purposeful omission.

III. Recommendations

1.1 Allocate sufficient personnel with appropriate internal control, information management, and Federal education compliance knowledge to timely design and implement the internal controls described in Recommendation 1.2.

RESPONSE: UTSA is committed to creating a new position to manage Clery Act compliance full time. We are currently having internal discussions regarding the reporting structure for this new position. Additionally, we are moving forward with formally designated "Clery Act Liaisons" in several critical offices such as Student Conduct and Community Standards; EOS; Residence Life; and Human Resources. These liaisons will act as "deputy" Clery Compliance Coordinators and will have primary responsibility for data integrity and internal controls within their operating units. Finally, we are committed to investing in appropriate training for these officials to be provided initially by Margolis Healy.

1.2 Define objectives specific to reporting complete and accurate Clery Act crime statistics in accordance with the requirements of the Clery Act and the standards of effective internal control, identify risks to meeting those objectives, and design and implement internal controls to mitigate those risks and address the control weaknesses included in this finding.

RESPONSE: As addressed in this report, we have recognized gaps in our processes for collecting, classifying, and counting Clery Act crime statistics and began to make changes to the process prior to the audit. Utilizing the tools and guidance provided by Margolis Healy and the results of the OIG's audit, we will expand on the institutional efforts to comply with our Clery Act reporting responsibilities. The UTSA PD and Business Affairs will perform a thorough assessment to strengthen our internal control environment in order to mitigate these risks. The Office of Institutional Compliance

and Risk Services will facilitate the risk assessment, and the Office of Auditing and Consulting Services will provide independent assurance and validate that the critical controls identified are working as intended.

1.3 Establish written policies and procedures covering all significant aspects of the internal controls described in Recommendation 1.2 and at a sufficient level of detail to ensure the performance of related activities, including the continuity of operations, personnel, and records specific to reporting complete and accurate Clery Act crime statistics.

RESPONSE: UTSA is committed to continuing to address gaps in our Clery Act program. While the UTSA Public Safety has long had a policy governing Clery Act compliance,[25] we recognize that we must expand this policy, develop accompanying procedures, and transition the policy so that it is a university-wide policy. As noted throughout our response, we are in the process of reviewing the new draft policy.

1.4 Review school records for calendar years 2015–2017 to identify all incidents of reportable Clery Act crimes that should be included in San Antonio's Clery Act crime statistics. Amend the reported crime statistics to correct any errors in the reported Clery Act crime statistics. Corrections should include, but are not limited to, the specific reporting errors identified in this report.

RESPONSE: As addressed throughout this response, we have retained Margolis Healy to conduct the "review of school records." The scope of work for Margolis Healy includes validating the accuracy of the 2015 data submitted to the CSSDACT, and conducting a comprehensive data audit of all University records that may contain a Clery Act reportable incident from 2016-2018. As noted, we expect this audit to be completed during the week of October 14, 2020.

[25] Please see Policy on CAMPUS SAFETY AND SECURITY REPORTING, EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS, dated Oct. 11, 2013, at Exhibit 5

SUMMARY

Thank you for this opportunity to collaborate with the OIG during this review and to respond to the draft audit Report. With the exception of our disagreement regarding several of the OIG's 55 determinations for which we respectfully contest, we acknowledge that there are opportunities to further improve our processes.

I trust that the information included in this response provides a compelling summary of our progress to address the identified issues in our Clery Act reporting procedures since the timeframe of the audit report, as well as a clear articulation of our plans for further quality assurance enhancements.

Once more, in a broader sense, I hope this conveys our focused, institutional commitment to the safety and security of all our constituencies.

Sincerely,

Taylor Eighmy