

# OFFICE OF THE STATE INSPECTOR GENERAL

## Higher Education Institutions Clery Act

*Performance Audit*  
May 2023



Michael C. Westfall, CPA  
State Inspector General  
Report No. 2023-PA-005



*COMMONWEALTH OF VIRGINIA*  
*Office of the State Inspector General*

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May 31, 2023

The Honorable Glenn Youngkin  
Governor of Virginia  
P.O. Box 1475  
Richmond, VA 23219

Dear Governor Youngkin,

The Office of the State Inspector General completed an audit of Clery Act reporting in higher education institutions. The final report is attached.

OSIG would like to thank the presidents and their staff at George Mason University, the University of Mary Washington, Virginia State University, Mountain Gateway Community College, New River Community College and Virginia Western Community College for their cooperation and assistance during this audit.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Westfall".

Michael C. Westfall, CPA  
State Inspector General

CC: The Honorable Jeff Goettman, Chief of Staff to Governor Youngkin  
Isabella Warwick, Deputy Chief of Staff to Governor Youngkin  
Aimee Rogstad Guidera, Secretary of Education  
Senator Janet D. Howell, Chairman of the Education and Health Committee  
Delegate G. John Avoli, Vice Chairman of the Education Committee  
Erik Smith, Office of the Attorney General  
Dr. Gregory Washington, President, George Mason University  
Dr. Makola M. Abdullah, President, Virginia State University  
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Dr. Patricia B. Huber, President, New River Community College

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Virginia Grigsby, Chief Audit Executive, University of Mary Washington  
Mary Barnett, Chief Audit Executive, Virginia Community College System  
Staci A. Henshaw, Auditor of Public Accounts

## HIGHLIGHTS

# Clery Act

## *What OSIG Found*

### Annual Security Report Completeness

Three of six higher education institutions had inaccuracies in their annual security reports including:

- Incomplete Clery geography.
- Missing supporting documentation.
- Incomplete alleged Clery-related criminal activity.

### Emergency Response Plan Testing and Verification

Several institutions did not consistently perform emergency response plan testing and verification. Of the six institutions tested:

- Three did not perform testing or had no evidence of testing performed for at least one of the three years included within the annual security report that was due October 1, 2021 (2018, 2019, 2020 calendar years).
- One additional institution that conducted a test in each of the three years had no evidence that after-action reviews of test results were conducted.

### U.S. DOE Campus Safety and Security Website Updates

Four institutions had discrepancies between their annual security report and crime statistics data posted to the U.S. Department of Education Campus Safety and Security website. These differences occurred because:

- Information recorded on the U.S. DOE website was not reconciled to the annual security report.
- Crime statistics were not separately recorded by campus.
- Data had not been entered.

Management of five of the six institutions tested concurred with 11 findings and recommendations and plans to implement corrective actions from. However, Virginia State University management disagreed with all three of their findings and submitted an insufficient corrective action plan for two of the findings.

### Why OSIG Conducted This Audit

Clery reporting provides information to prospective employees and students about campus safety through annual security reports. Violations of the supporting federal laws by a higher education institution might result in fines. OSIG's purpose in this audit was to improve the processes higher education institutions use to comply with the Clery Act. Clery reporting can be viewed as a direct service to citizens for making critical decisions on where to attend or to send their children to earn a college degree.

### Potential Impacts of This Audit

- Minimizing the crime risk potential created by inaccuracies to prospective and current students and employees.
- Avoiding significant monetary penalties of up to \$62,689 per violation.
- Identifying and correcting limitations of the emergency responses and timely warnings before an actual situation occurs.
- Assuring that information on the U.S. DOE Campus Safety and Security website provides citizens the ability to compare institutions using accurate information.



For more information, please contact OSIG at 804-625-3255 or [www.osig.virginia.gov](http://www.osig.virginia.gov)

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## BACKGROUND

To help inform students and their families about campus safety, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires all institutions that participate in federal student aid programs under Title IV of the Higher Education Act of 1965 to publish annual security reports disclosing specified campus crime statistics and campus security policies. The annual security report must be published and distributed by October 1 each year and include required policy statements and three years of Clery Act crime statistics.

## SCOPE

The audit scope included the October 1, 2021, annual security report submission for higher education institutions. OSIG selected three community colleges and three universities as a representative sample based upon size and location demographics. OSIG's sampled institutions were:

- George Mason University.
- University of Mary Washington.
- Virginia State University.
- New River Community College.
- Mountain Gateway Community College.
- Virginia Western Community College.

While OSIG's sample only included six institutions, all higher education institutions should review the report for beneficial information to assist them in complying with Clery Act requirements.

## OBJECTIVES

Objectives of this audit were to:

- Determine whether on-campus, public property and non-campus geography are properly defined and categorized per Clery requirements (Clery geography).
- Determine if Campus Security Authorities have been properly identified and trained annually.
- Determine the accuracy, completeness, timeliness, availability and awareness of the annual security report per the Handbook for Campus Safety and Security Reporting (Clery Handbook).
- Determine whether emergency notifications and warnings are adequate to alert the campus community in a timely manner according to the Clery Act.

# FINDINGS

## *FINDING 1 - ANNUAL SECURITY REPORT COMPLETENESS*

Based on OSIG's review of annual security report information for three universities and three community colleges, four reports had these issues:

- Incomplete Clery geography.<sup>1</sup>
- Missing supporting documentation.<sup>2</sup>
- Incomplete alleged Clery-related criminal activity.<sup>3</sup>
- Incomplete categorization of crimes.<sup>4</sup>

The requirements of a complete and accurate report are defined in 34 C.F.R. §668.46(b) annual security reports. These include but are not limited to:

- Crime statistics.
- Clery geography.
- Statements on various policies.
- Statements on various programs.

Causes of the above issues were:

- Using a map that did not completely show the geography of all campus sites and public property.
- Not identifying classes held at a military base.
- Losing a file during an office move.
- Complainants not pressing charges.
- University deciding to combine categories.

Correctly navigating and applying the requirements of the Clery Act is a demanding requirement. In the larger university settings, there are often more resources for Clery compliance and reporting. In the smaller universities and community colleges, Clery compliance and reporting might be one of many duties of an employee.

An inaccurate ASR could minimize the crime risk potential to prospective and current students and employees. Significant monetary penalties up to \$62,689 per violation can be assessed by the

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<sup>1</sup> Appendix I Finding UMW-1; Appendix II Finding VSU-1

<sup>2</sup> Appendix IV Finding VWCC-1

<sup>3</sup> Appendix V Finding NRCC-1

<sup>4</sup> Appendix I Finding UMW-2



U.S DOE as allowed by 34 C.F.R. §668.84(a)(1) for a substantial misrepresentation of information in the ASR.

**Recommendations:**

- A. Higher education institutions should seek Clery Act training as needed, such as the Virginia Department of Criminal Justice Services Comprehensive Clery Act Training class.
- B. Higher education institutions should ensure proper internal controls for verifying the accuracy of the annual security reports.
- C. Higher education institutions should leverage available workgroups and relationships within the higher education community in instances where additional guidance is needed for Clery Act reporting.

***FINDING 2 - CLERY GEOGRAPHY IDENTIFICATION***

Of the three universities and three community colleges tested, two did not properly identify their Clery geography. These issues contributed to the ASR inaccuracies addressed in Finding 1 - Annual Security Report Completeness:

- Two on-campus properties were misclassified as off-campus.<sup>5</sup>
- Four other properties were not identified at all.<sup>6</sup>
- Four roads and two creeks that should have been included within the scope of the campus were not identified.<sup>7</sup>

34 C.F.R. §668.46 (a) Clery geography requires that Clery geography include:

- Buildings and properties that are part of the institution’s campus.
- The institution’s non-campus buildings and property.
- Public property within or immediately adjacent to and accessible from the campus.

Chapter 2 of the Clery Handbook – 2016 Edition, which was rescinded in October 2020 but is still considered best practice per the U.S. DOE, requires statistics to be reported for Clery Act crimes that occur:

- On campus.
- On public property within or immediately adjacent to the campus.
- In or on non-campus buildings or property that the institution owns or controls.

Incomplete maps and a lack of knowledge of classes held on a military base caused the above discrepancies.

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<sup>5</sup> Appendix I Finding UMW-1

<sup>6</sup> Appendix I Finding UMW-1; Appendix II Finding VSU-1

<sup>7</sup> Appendix I Finding UMW-1

An inaccurate ASR could minimize the crime risk potential to prospective and current students and employees. Potential incurrment of significant monetary penalties up to \$62,689 per violation in accordance with 34 C.F.R. §668.84(a)(1) for a substantial misrepresentation of information might be assessed by U.S. DOE.

**Recommendation:**

Higher education institutions should ensure that Clery geography, including identification and classification, is understood by their Clery coordinators to ensure an accurate and complete Clery geography listing within the ASR.

***FINDING 3 - EMERGENCY RESPONSE PLAN TESTING AND VERIFICATION***

Emergency response plan testing and verification were not consistently performed. Of the six institutions tested:

- Three did not perform testing or had no evidence of testing performed for at least one of the three years included within the annual security report that was due October 1, 2021 (2018, 2019, 2020 calendar years).<sup>8</sup>
  - Two of the three had no evidence that the after-action review was conducted in years where tests were performed<sup>9</sup>.
- One additional institution that conducted a test in each of the three years had no evidence that after-action reviews were conducted<sup>10</sup>.

[34 C.F.R. §668.46 \(g\)\(6\)](#) and Chapter 6 of the Clery Handbook – 2016 Edition, which was rescinded in October 2020 but is still considered best practice per the U.S. DOE, requires that an emergency plan exist, is tested and that the test results are evaluated. An actual emergency situation or false emergency alarm cannot serve as a test of an institution’s procedures.

COVID had an impact on the 2020 emergency response plan testing of the higher education institutions. In multiple cases, the higher education institution substituted the actual pandemic in place of a test. Normal operations were not in place on campuses to allow for meaningful tests. In other years, no supporting documentation led to OSIG’s conclusions that testing of the emergency plan or the after-action review did not occur.

Not testing and evaluating emergency response and evacuation can prevent the identification and correction of limitations of the process before an actual emergency occurs.

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<sup>8</sup> Appendix I Finding UMW-3; Appendix II Finding VSU -3; Appendix IV Finding VWCC-3

<sup>9</sup> Appendix I Finding UMW-3; Appendix II Finding VSU-3

<sup>10</sup> Appendix V Finding NRCC-3

**Recommendation:**

Higher education institutions should review annual emergency response exercise procedures to ensure that testing is conducted, the results are evaluated through an after-action review and documentation of both is retained.

***FINDING 4 - U.S. DOE CAMPUS SAFETY AND SECURITY WEBSITE UPDATES***

Of the six higher education institutions tested, four had discrepancies between the ASR and crime statistics data posted to the U.S. DOE Campus Safety and Security website. These differences occurred because:

- Information recorded on the U.S. DOE website was not reconciled to the ASR.<sup>11</sup>
- Crime statistics were not separately recorded by campus.<sup>12</sup>
- Data had not been entered.<sup>13</sup>

The purpose of the U.S. DOE Campus Safety and Security website is to provide a centralized location for citizens to obtain data from the annual security reports required by the Clery Act for colleges and universities that participate in any Title IV program. Inaccurate information on the website could minimize the crime risk potential to prospective and current students and employees and potentially impact the students' ability to compare institutions.

**Recommendation:**

Higher education institutions should accurately record ASR data as required by the U.S. DOE 2022 Campus Safety User's Manual and perform an independent reconciliation between the website and the ASR.

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<sup>11</sup> Appendix I Finding UMW-4; Appendix II VSU-2; Appendix V Finding NRCC-2

<sup>12</sup> Appendix III Finding MGCC-1

<sup>13</sup> Appendix IV Finding VWCC-2

## METHODOLOGY

OSIG conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that OSIG plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives. OSIG believes that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

OSIG applied various methodologies during the audit process to gather and analyze information pertinent to the audit scope and to assist with developing and testing the audit objectives. The methodologies included the following:

- Reviewing the applicable Code of Federal Regulations sections.
- Reviewing the Clery Handbook – 2016 Edition.
- Accessing and downloading data from the U.S. Department of Education Office of Postsecondary Education Campus Safety and Security website [Campus Safety and Security \(ed.gov\)](#).
- Interviewing staff, such as the Clery Coordinator and Campus Security Authorities with Clery Act-related responsibilities.
- Examining annual security reports, daily crime logs, incident reports, program participation agreements, Clery geography property listings and maps, local law enforcement crime statistics and the institutions' emergency notifications and timely warnings.
- Reviewing policies and procedures.
- Performing data analysis.

Samples of the higher education institutions selected in OSIG's test work were judgmental to include a cross section by size and location. Judgmental sampling focusing on the type of crime was used in testing whether incidents were recorded on the community colleges' crime logs. For the universities, the population of their crime logs were compared with annual security report statistics electronically then differences were submitted to the university for explanation.

## AUDIT RESULTS

This report presents the results of OSIG's audit of the Clery Act. The following audit testing was performed with immaterial, if any, discrepancies noted:

- Review of campus security authority roles and responsibilities.
- Existence of program participation agreements.
- Alignment of Violence Against Women Act policies in the ASR.

During the performance of the audit, OSIG identified best practices based on the Clery Handbook – 2016 Edition. Higher education institutions should consider the below items based on each institution's unique operating environment.

- Reviewing organizational charts on a semester basis to identify any changes in CSA's.
- Including Human Resources in the process of identifying whether a position is a CSA based on the duties of that position.
- Advertising position vacancies as being a CSA position or not.
- Including the responsibility of being a CSA in Employee Work Profiles.
- Requesting that CSAs annually report that to their knowledge, they know of no Clery reportable crimes that they have not reported.

Another best practice not identified through the Handbook is ensuring proper succession planning and record retention for transition to new Clery Act coordinators.

Based on the results and findings of the audit test work conducted of the Clery Act, OSIG concluded that internal controls were operating properly to Clery Act reporting and preparation thereof, except as identified in the report findings.

# APPENDIX 1 - UMW - FINDINGS & CORRECTIVE ACTIONS

## *FINDING UMW-1 - CLERY GEOGRAPHY*

The University of Mary Washington is not identifying and maintaining Clery geography as required by the 34 C.F.R. §668.46(a) and Chapter 2 of the Clery Handbook – 2016 Edition.

34 C.F.R. §668.46 (a) requires that Clery geography include:

- Buildings and properties that are part of the institution’s campus.
- The institution’s non-campus buildings and property.
- Public property within or immediately adjacent to and accessible from the campus.

Chapter 2 of the Clery Handbook – 2016 Edition, which was rescinded in October 2020 but is still considered best practice per the U.S. DOE, requires statistics to be reported for Clery Act crimes that occur:

- On campus.
- On public property within or immediately adjacent to the campus (off campus).
- In or on non-campus buildings or property that the institution owns or controls.

OSIG identified the following discrepancies:

### UMW Misclassified Two On-Campus Properties as Off-Campus

- James Monroe Museum and Memorial Library – This property is less than a mile away and is staffed by UMW employees and students. It is also mentioned in the ASR as on the Fredericksburg Campus in the Reporting a Crime or Getting Emergency Assistance section.
- Stone House – This property is leased from the UMW Foundation and is within walking distance of other on-campus properties.

### UMW Did Not Identify Eight Properties

Fredericksburg Campus:

- Fredericksburg and Spotsylvania National Military Park – This property borders the Battleground Athletics Complex and has access through an unsecured pedestrian gate and President’s residence.
- Trench Hill – This is a road around the UMW apartments that are considered part of the campus.
- Charles Street – This is a road in front of the James Monroe Museum and Memorial Library.

Dahlgren Campus:

- Williams Creek and Upper Machodoc Creek – These are waterways adjacent to the campus.
- University Drive – This is a road adjacent to the campus.

Stafford Campus:

- Village Parkway – This road is adjacent to the campus and has a sidewalk leading to/from campus buildings.

Off-Campus:

- Hazelwild Country Day School, Summer Camp & Equestrian Center – This is one of the locations of the equestrian team’s practice facilities.
- EKG Stables LLC – This is one of the locations of the equestrian team’s practice facilities.

Most of the above discrepancies were due to UMW using a map that does not completely show the geography of all campus sites and public property.

Not defining geography properly means that the school may not be reporting all crimes on their ASR correctly and could be minimizing the crime risk potential to prospective and current students. This action could leave the school open to civil liabilities and fines from DOE.

**Recommendation:**

UMW should improve its identification of properties within the Clery geography by better understanding and implementation of the property type definitions and use of more detailed maps.

***Management Response:***

Management agrees that UMW did not define Clery geography in accordance with the 2016 Clery Handbook. Alternatively, UMW used the 2020 Rescission of and Replacement for the 2016 Handbook when defining Clery geography which provides greater flexibility for institutions. UMW will ensure future Clery geography meets the 2016 Clery Handbook best practices and OSIG requirements.

## ***FINDING UMW-2 - CRIME CATEGORIES ON ASR***

UMW included the required three years of Clery Act statistics (2018, 2019 and 2020) in a tabular format for the 2021 ASR. However, the sex offenses for incest and statutory rape did not show as separate categories. They were shown as a combined category of incest and statutory rape in the Clery Act crime statistics for CY 2018, CY 2019 and CY 2020 reported in the 2021 ASR.

34 C.F.R. §668.46(b)(1) requires incest and statutory rape crime statistics to be reported in the ASR as separate sex offenses. UMW had none of these crimes included in its report and elected to combine the two categories. However, if there had been a reported crime in the combined category, the reader of the ASR would not be able to distinguish whether the reported sex crime was for incest or statutory rape.

### **Recommendation:**

UMW should follow the requirements of 34 C.F.R. §668.46(b)(1), as well as the guidance provided by the Clery Handbook and report incest and statutory rape crime statistics in the ASR as separate sex offenses.

### ***Management Response:***

UMW agreed with the finding and recommendation and future ASRs will include the separate categories.

## ***FINDING UMW-3 - EMERGENCY RESPONSE TESTING AND EVALUATION***

UMW conducted emergency response testing in CY 2018 but provided no evidence of an after-action review. Additionally, UMW did not conduct emergency response testing for CY 2019 and CY 2020.

34 C.F.R. §668.46 (g) (6) and Chapter 6 (Emergency Notification and Timely Warning) of The Handbook for Campus and Security Reporting, which was rescinded in October 2020 but remains a best practice per the U.S. DOE, requires that the institution have an emergency plan, test it, evaluate it and publicize it.

The UMW Clery Coordinator indicated that emergency response testing was not held due to the COVID response. No plausible explanation was given as to why the CY 2018 emergency response testing had no after-action review. Testing and evaluating emergency response and evacuation procedures can prevent significant errors before an actual emergency occurs.



**Recommendation:**

UMW should conduct emergency response testing and retain evidence of both the testing and evaluation of those exercises.

***Management Response:***

Management agreed with the recommendation and implements test of its emergency response annually, with public notice of UMW Alert tests.

***FINDING UMW-4 - USDOE DATA DOES NOT MATCH ASR***

UMW data listed on the U.S. DOE's Campus and Security website does not agree with what was reported in the ASR. The U.S. DOE website and the ASR should contain the same information.

Below are variances in criminal data reporting:

CY 2018 UMW had three variances:

- Rape On-Campus: U.S. DOE website showed 12; UMW ASR showed 13.
- Rape in Residence Halls: U.S. DOE website showed 10; UMW ASR showed 11.
- Dating Violence On-Campus: U.S. DOE website showed six; UMW ASR showed five.

CY 2019 UMW had three variances:

- Rape in Residence Halls: U.S. DOE website showed 13; UMW ASR showed 14.
- Arrest for Liquor Law Violations On-Campus: U.S. DOE website showed one; UMW ASR showed zero.
- Disciplinary Actions for Liquor Law Violations On-Campus: U.S. DOE website showed 78; UMW ASR showed 1.

CY 2020 UMW had two variances:

- Fondling in Residence Halls: U.S. DOE website showed one; UMW ASR showed zero.
- Stalking in Residence Halls: U.S. DOE website showed one; UMW ASR showed zero.

Below are variances in fire data reporting:

CY 2018 UMW had one variance

- Arrington Hall: U.S. DOE website showed one; UMW ASR fire statistics did not go back the required three calendar years.

CY 2019 UMW had one variance

- UMW Apartments: U.S. DOE website showed one; UMW ASR fire statistics did not go back the required three calendar years.

CY 2020 UMW only had a narrative for the fire report and no specific statistics in the ASR.

In general, data entry errors caused the differences.

The purpose of the U.S. DOE Safety and Security website is to provide a centralized location for citizens to obtain data from the annual security reports required by the Clery Act for colleges and universities that participate in Title IV programs.

By inaccurately reporting crime information, the potential exists that citizens will be misinformed about the number and types of crimes occurring. Additionally, institutions may incur fines, lose funding for financial aid and incur significant damage to its reputation, which could deter applicants and impact enrollment.

**Recommendation:**

UMW should independently verify the information between the ASR and what is entered on the U.S. DOE website to ensure that crime data reported is accurate, complete and reliable. UMW should seek guidance from U.S. DOE on updating and correcting information on its website.

***Management Response:***

Management acknowledges data entry errors and will verify data entry and make efforts to correct errors as DOE allows.

***CORRECTIVE ACTION PLAN - UMW***

<b>RECOMMENDATION NO.</b>	<b>RECOMMENDATION</b>	<b>CORRECTIVE ACTION</b>	<b>DELIVERABLE</b>	<b>ESTIMATED COMPLETION DATE</b>	<b>RESPONSIBLE POSITION</b>
UMW-1	UMW should improve its identification of properties within the Clery geography by better understanding and implementation of the property type definitions and use of more detailed maps.	The maps have been updated to include property type definitions and more detailed maps. The areas of concern have been addressed and an updated map has been created.	Updated Clery Geography Map Dated 03/22/23	March 22, 2023	Lt. Michael Cornelius  UMW Police Lieutenant
UMW-2	UMW should follow the requirements of 34 C.F.R. §668.46(b)(1), as well as the guidance provided by the Clery Handbook and report incest and statutory rape crime statistics in the ASR as separate sex offenses.	All offenses have been separated and classified independently on the new ASR Documentation.	ASR tally sheet has been updated to include separate classifications.	April 26, 2023	Lt. Michael Cornelius  UMW Police Lieutenant

RECOMMENDATION NO.	RECOMMENDATION	CORRECTIVE ACTION	DELIVERABLE	ESTIMATED COMPLETION DATE	RESPONSIBLE POSITION
UMW-3	UMW should conduct emergency response testing and retain evidence of both the testing and evaluation of those exercises.	Identify after action items post exercise and report in alignment with DHS HSEEP, to include implementation of electronic record keeping system.	After Action Report	May 12, 2023	Director - Emergency Management and Safety
UMW-4	UMW should independently verify the information between the ASR and what is entered on the U.S. DOE website to ensure that crime data reported is accurate, complete and reliable. UMW should seek guidance from U.S. DOE on updating and correcting information on its website.	Working to revise the data entry process to ensure crime data reported is accurate, complete and reliable.  It has been identified on how to make further corrections on the DOE website.	The next ASR submission.	October 1, 2023	Lt. Michael Cornelius  UMW Police Lieutenant

## APPENDIX 2 - VSU - FINDINGS & CORRECTIVE ACTIONS

### *FINDING VSU-1 - INACCURATE CLERY GEOGRAPHY*

Virginia State University did not include United States Army Base Fort Lee in its Clery geography for calendar years 2018, 2019 and 2020.

34 C.F.R. §668.46 (a) Clery geography requires that (i) for the purposes of collecting statistics on crimes for submission to the Department and inclusion in an institution's annual security report, Clery Geography includes (a) buildings and properties that are part of the institution's campus; (b) 34 C.F.R. §668.46 (a) Clery geography requires that Clery geography include:

- Buildings and properties that are part of the institution's campus.
- The institution's non-campus buildings and property.
- Public property within or immediately adjacent to and accessible from the campus.

Chapter 2 of the Clery Handbook – 2016 Edition, which was rescinded in October 2020 but is still considered best practice per the U.S. DOE, requires that Clery geography include a military base if the institution has a written agreement giving it use of a defined space within the base, and if the location otherwise meets the definition of a campus, it's a separate campus.

During interviews with VSU's Clery Coordinator, Fort Lee was identified as a location having classes. However, VSU was not aware that activities being held at Ft. Lee qualified it to be included as a campus in the Clery geography. After inquiring with the Department Chair for the Military Science and ROTC programs, it was confirmed that VSU had faculty that worked on base and had office space. Furthermore, VSU and the Army Education Center on Fort Lee had a memorandum of understanding regarding space and educational activities. The Army Education Center's website lists a building and room number for the VSU office on Fort Lee.

As a result of not including U.S. Army Base Fort Lee in its Clery geography, crime statistics for Fort Lee were not obtained and included in the ASR. This oversight could potentially result in VSU incurring fines from the U.S. DOE.

### **Recommendation:**

VSU should develop a process ensuring that the Clery Coordinator is aware of all locations meeting the C.F.R./Handbook definition of Clery geography for on campus, public property and non-campus buildings or property.

Further, VSU should contact U.S. DOE for guidance on reporting information on Fort Lee.

***Management Response:***

VSU does not agree that the Fort Lee location is a separate campus, as cited in the finding; however, VSU agrees that it did not properly include Fort Lee in the University's Annual Security Report (ASR) as part of its Clery geography. To meet the definition of a campus, per the rescinded Clery Handbook,

*For the purpose of these requirements, consider an additional location a **separate campus** if it meets all of the following criteria:*

- *Your institution owns or controls the site;*
- *It is not reasonably geographically contiguous with the main campus;*
- ***It has an organized program of study; and***
- *There is at least one person on site acting in an administrative capacity.<sup>14</sup>*

The Clery Handbook further defines an organized program of study as:

*An **organized program of study** means that the location offers courses in educational programs leading to a degree, certificate, or other recognized credential.<sup>15</sup>*

While VSU offers a variety of courses at Fort Lee, there are no specific degree or certificate programs offered, and therefore it does not meet the definition of a separate campus. We instead maintain that the Fort Lee location is a non-campus location.

The *Clery Act* definition of **non-campus buildings or property** that applies to the Fort Lee space is:

*[a]ny building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is **frequently used by students**, and is not within the same reasonably contiguous geographic area of the institution.<sup>16</sup>*

The VSU Clery Coordinator was aware of the Fort Lee location, but was not aware that it was “frequently used by students”. Since our exit conference, VSU verified that it did have VSU enrolled students taking classes at the Fort Lee location during the period under audit and will include it in its Clery geography as a non-campus location going forward. VSU is unaware of any criminal incidents at Fort Lee between 2018 – 2020 but is prepared to update the non-campus category immediately once any information is

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<sup>14</sup> U.S. Department of Education, Office of Postsecondary Education (2016). *The Handbook for Campus Safety and Security Reporting 2016 Edition*, Chapter 2. Geography: Location, Location, Location. <https://www2.ed.gov/admins/lead/safety/handbookfsa.pdf>

<sup>15</sup> U.S. Department of Education, Office of Postsecondary Education (2016). *The Handbook for Campus Safety and Security Reporting 2016 Edition*, Chapter 2. Geography: Location, Location, Location. <https://www2.ed.gov/admins/lead/safety/handbookfsa.pdf>

<sup>16</sup> 34 CFR § 668.46(a)

presented. Additionally, military installations such as Ft. Lee have controlled access with points of entry guarded by federal law enforcement. These sites have their own stringent procedures for maintaining the safety and security of the site, and as an access-restricted federal site, it is wholly outside of the jurisdiction of the University campus police force, despite satisfying the definition of “owned and controlled” property as per the Clery Act.

### ***FINDING VSU-2 - USDOE DATA DOES NOT MATCH ASR***

Virginia State University’s crime statistics data from the U.S. DOE’s Campus and Security website for 2019 does not agree with what was reported in the annual security report:

- For the Liquor Law Violations arrest category – on campus, the U.S. DOE data has one for arrests on campus; VSU ASR for on campus has zero.
- For the Liquor Law Violations arrest category – on-campus student housing, the U.S. DOE data has one; VSU ASR for residence halls has zero.

Although no fire statistics were reported for calendars years 2018 – 2020, the U.S. DOE Campus and Security website reflects VSU residence halls that no longer exist while the VSU ASR does not reflect these halls. The residence halls were as follows:

- Barrett Jackson Hall.
- Howard Hall.
- Nicholas Hall.
- Puryear Hall.
- Taylor-Williams Hall.

According to the VSU Clery Coordinator at the exit conference, VSU is aware of these buildings being listed on the website, but U.S. DOE is the only one who can remove them. VSU said that it has requested these be removed in the past.

The U.S. DOE website and the ASR should contain the same information. According to VSU’s Clery Coordinator, the inaccurate information was due to human error. The purpose of the U.S. DOE Safety and Security website is to provide a centralized location for citizens to obtain data from ASRs required by the Clery Act for colleges and universities that participate in Title IV programs.

By inaccurately reporting crime information, citizens could be misinformed about the number and types of crimes occurring. Additionally, institutions may incur fines, lose funding for financial aid and incur significant damage to reputation, which could deter applicants and impact enrollment.

### **Recommendation:**

VSU should independently verify the information between the ASR and what is entered on the U.S. DOE website to ensure that crime data reported is accurate, complete and reliable. VSU should seek guidance from U.S. DOE on how to update the portal to reflect the current listing of residence halls.

***Management Response:***

VSU does not agree with OSIG’s finding, nor does it agree with the conditions as presented. The variances in VSU’s crime statistics data between the U.S. DOE’s Campus and Security website (DOE’s site)<sup>17</sup> and the ASR are immaterial and insignificant. Notably, for the categories of crime statistics compared between the data on DOE’s site and VSU’s ASR, the aggregate numbers are identical. Crime statistics reported for “on campus” on DOE’s site and VSU’s ASR both total 103 for 2019<sup>18</sup>, and for the “residence halls” on DOE’s site and VSU’s ASR, both total 38 for 2019<sup>19</sup>. The numbers reported have no variance and would not misinform a citizen about the number and types of crimes occurring. VSU does not believe that the U.S. DOE would levy fines or withhold funding for financial aid, or that VSU would incur significant reputational damage for what appears to be minor data entry errors of plus or minus one. Indeed, OSIG asserts the actual standard garnering attention to levy fines is a “substantial misrepresentation” in the ASR. VSU submits that the deviation of plus or minus one is an indication of a *de minimis* clerical error, and is in fact “accurate, complete and reliable.” Additionally, any statistically insignificant variances may represent timing differences or changes to the nature of how, or if, a crime is reported once an investigation is completed. VSU is committed to providing accurate statistical crime data to give the community a detailed picture of the safety of our campus.

Addressing the second issue noted in the finding, namely, that VSU did not report residence halls no longer in use while the US DOE site did. VSU does not believe that this is a “finding”; it appears to be OSIG’s “opinion”. VSU is unaware of any requirements, nor does OSIG cite any in their “finding”, that VSU continue to report them on the ASR or that VSU have DOE remove inactive residence halls from their site.

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<sup>17</sup> U.S. Department of Education (2022). *Campus Safety and Security*, Virginia State University. <https://ope.ed.gov/campussafety/#/institution/details>

<sup>18</sup> U.S. Department of Education (2022). *Campus Safety and Security*, Virginia State University. <https://ope.ed.gov/campussafety/#/institution/details>

Virginia State University Police Department (September 2022). *Annual Security and Fire Safety Report, 2019-2021 Calendar Years*. <https://www.vsu.edu/files/docs/police/2019-2021-annual-security-report.pdf>

<sup>19</sup> U.S. Department of Education (2022). *Campus Safety and Security*, Virginia State University. <https://ope.ed.gov/campussafety/#/institution/details>

Virginia State University Police Department (September 2022). *Annual Security and Fire Safety Report, 2019-2021 Calendar Years*. <https://www.vsu.edu/files/docs/police/2019-2021-annual-security-report.pdf>



While DOE's site does reflect these halls, there is no data reported for them, reflecting the fact that they were not in use during the reporting period.<sup>20</sup> In fact, we selected a sample of 20 universities nationwide and reviewed their fire statistics. We found that 18 out of 20, or 90%, had dormant residence halls reported that did not appear on their ASR. As with VSU, the US DOE simply does not report statistics for these buildings. This appears to be the general practice rather than the exception or a "finding".

We would like to point out that we included in our sample both George Mason University (GMU) and the University of Mary Washington (UMW). We noted that GMU had 5 defunct residence halls listed on DOE's website<sup>21</sup>, while UMW had 2 defunct residences on the site<sup>22</sup>. Neither GMU nor UMW received a finding for this "issue"; only VSU received this as a "finding". This appears to be an opinion that was selectively recognized among the sample and lends itself to greater scrutiny regarding the impartiality of the opinion's issuance.

In conjunction with our response to this "finding", VSU would like to briefly discuss the sample selection criteria used due to VSU's inclusion, noting that the lead auditor on OSIG's Clery Act audit is a former 12-year employee of VSU and familiar with our campus buildings. While OSIG officials contend that this employee's audit participation remains independent, VSU asserts that the glaring differences in methodology and auditor judgment involving VSU and its sister institutions, demonstrate a disparate treatment that cannot be plausibly explained. Indeed, there appeared to be a concerted effort to downplay or discount the level of involvement by this auditor, despite this individual's senior and supervisory role in dealings with Virginia State University officials. So much so, in fact, that VSU officials believed that this individual was the lead auditor in charge. It is interesting to note that once VSU indicated its discomfort with the individual's presumptive independence in light of this particular finding, the individual was not present in a subsequent meeting to discuss the details and reasoning to support this particular finding. The appearance of impartiality, however slight among the affairs of government, erodes the public trust in the exercise of governmental authority and maligns the value such reviews purport to create.

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<sup>20</sup> U.S. Department of Education (2022). *Campus Safety and Security*, Virginia State University, Fire Statistics.

<https://ope.ed.gov/campussafety/#/institution/details>

<sup>21</sup> U.S. Department of Education (2022). *Campus Safety and Security*, George Mason University, Fire Statistics.

<https://ope.ed.gov/campussafety/#/institution/details>

<sup>22</sup> U.S. Department of Education (2022). *Campus Safety and Security*, University of Mary Washington, Fire Statistics.

<https://ope.ed.gov/campussafety/#/institution/details>

***OSIG's Follow-up to Management's Response:***

This was considered a reportable finding due to the number of categories having a discrepancy. At a meeting to discuss the draft report with VSU on March 29, 2023, VSU requested and OSIG granted an opportunity to correct the discrepancies between the website and the ASR. OSIG reviewed the US DOE Campus Security Statistics website on April 4, 2023. Although two corrections were made by VSU and removed from the finding, the remaining two errors remain unchanged, as does the information on the residence halls that no longer exist.

In regard to the former VSU employee, the auditor left VSU over nine years ago and was not the auditor who completed this testwork. OSIG management elected not to include this auditor in the meeting with VSU on March 29, 2023, so the employee would not be put in the position of defending the unfounded allegations by VSU regarding their independence.

***FINDING VSU-3 - EMERGENCY RESPONSE TESTING AND EVALUATION***

VSU was able to provide evidence of tornado drill for CY 2019 and active shooter training for CY 2018. However, no evidence of an actual active shooter drill and no evidence of after-action evaluation of the tornado drill was provided. No exercises were conducted in 2020 due to COVID.

[34 C.F.R. §668.46 \(g\)\(6\)](#) and Chapter 6 (Emergency Notification and Timely Warnings) of Clery Handbook - 2016 Edition, which was rescinded in October 2020 but remains a best practice per the U.S. DOE, requires that the institution have an emergency plan, test it, evaluate it and publicize it.

No explanation was provided as to why emergency response testing and after-action evaluation of the above active shooter drill was not documented for CY 2018 and CY 2019. VSU's Clery Coordinator indicated that because the campus was essentially closed in CY 2020 for COVID (no students, telework for staff), VSU did not conduct any drills.

Not testing and evaluating emergency response and evacuation can prevent the identification and correction of limitations of the process before an actual emergency potentially happens.

**Recommendation:**

VSU should conduct emergency response testing and retain evidence of both the testing and evaluation of those exercises.

***Management Response:***

VSU disagrees with the conditions observed as presented. VSU developed and implemented an operative emergency plan. Through current VSU law enforcement officials, former Virginia State University public safety personnel indicated that the plan was operational during the reviewed period. During the OSIG exit conference conducted on January 23, 2023, VSU offered to provide numerous items of email correspondence and documentation to demonstrate the testing and evaluation of the emergency plan. OSIG agreed to such production and to analyze the documentation for sufficiency. VSU was surprised then, to be informed in OSIG’s report that “[V]SU was unable to provide evidence of emergency response testing and after-action evaluation of the testing exercises for 2018 and 2019...” and “No explanation was provided as to why emergency response testing and after-action evaluation of those testing exercises were not documented for CY 2018 and CY 2019.”

In fact, VSU did provide additional documentation on January 30, 2023, which provided evidence of active shooter training, fire drills and tornado drills along with records showing feedback from participants. Further, during the initial investigation, VSU provided records in a good faith attempt to demonstrate a robust emergency plan including evidence supporting the existence of a campus-wide emergency notification system known as a “RAVE” alert. Finally, VSU was the only campus to close its doors and risk financial and reputational damage during the height of the COVID-19 pandemic and prior to vaccine approval and distribution in the interests of the health, safety and welfare of its students, faculty and staff.

To be clear, the actual statute requires that the institution must have adequate emergency response and evacuation procedures. As it relates to reporting, the statute requires that the institution test the emergency response to include announced tests and unannounced, that the institution publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year and that the test documentation include a description of the exercise, the date, time and whether or not it was announced.

***OSIG’s Follow-up to Management’s Response:***

OSIG did not receive any communication regarding emergency response testing on January 30, 2023, from VSU. OSIG did review communications received from VSU on March 27, 2023, and incorporated the results of that review in the presentation of the finding.

***CORRECTIVE ACTION PLAN - VSU***

<b>RECOMMENDATION NO.</b>	<b>RECOMMENDATION</b>	<b>CORRECTIVE ACTION</b>	<b>DELIVERABLE</b>	<b>ESTIMATED COMPLETION DATE</b>	<b>RESPONSIBLE POSITION</b>
VSU-1	<p>VSU should develop a process ensuring that the Clery Coordinator is aware of all locations meeting the C.F.R./Handbook definition of Clery geography for on campus, public property and non-campus buildings or property.</p> <p>Further, VSU should contact U.S. DOE for guidance on reporting information on Fort Lee.</p>	<p>VSU will develop a process to ensure that all appropriate locations are included in our Clery geography and will contact US DOE for guidance on the proper reporting of Ft. Lee (off campus location or separate campus).</p>	<p>Proper reporting to include all Clery geography</p>	<p>9/30/23</p>	<p>Walter Butler</p>
VSU-2	<p>VSU should independently verify the information between the ASR and what is entered on the U.S. DOE website</p>	<p>VSU does not agree that corrective action is needed. We have verified the information between the ASR and US DOE website, and</p>	<p>No deliverable necessary.</p>	<p>N/A</p>	<p>N/A</p>

<b>RECOMMENDATION NO.</b>	<b>RECOMMENDATION</b>	<b>CORRECTIVE ACTION</b>	<b>DELIVERABLE</b>	<b>ESTIMATED COMPLETION DATE</b>	<b>RESPONSIBLE POSITION</b>
	to ensure that crime data reported is accurate, complete and reliable. VSU should seek guidance from U.S. DOE on how to update the portal to reflect the current listing of residence halls.	they agree. The minor errors were data entry errors and were corrected. VSU can find no guidance from the DOE stating that the residence halls need to be removed, and in our sample of 20 universities, 18 of them had residence halls listed on the US DOE site (with no activity reported) and not listed on their ASR. This appears to be the norm.			
VSU-3	VSU should conduct emergency response testing and retain evidence of both the testing and evaluation of those exercises.	VSU has and will continue to conduct emergency response testing per the statute, which mandates annual testing and “Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.”	No deliverable necessary	N/A	N/A

## APPENDIX 3 - MGCC - FINDINGS & CORRECTIVE ACTIONS

### *FINDING MGCC-1 - USDOE RECORDED CRIME STATS*

Mountain Gateway Community College is not separately recording Clery Act crime statistics from the Clifton Forge campus and Rockbridge Regional Center campus on the U.S. DOE Safety and Security website. However, MGCC's annual security report displays each campus' crime statistics separately.

The purpose of the U.S. DOE Safety and Security website is to provide a centralized location for citizens to obtain data from the annual security reports required by the Clery Act for colleges and universities that participate in any Title IV program. A clerical oversight resulted in the inconsistent reporting of the ASR on the website.

By not reporting the Rockbridge Regional Center campus separately, the potential exists that citizens will be misinformed about the number of crimes at each campus.

#### **Recommendation:**

MGCC should record Clery Act crime statistics separately for the main campus in Clifton Forge, Virginia, and the Rockbridge Regional Center campus as required by the U.S. DOE 2022 Campus Safety User's Manual.

#### ***Management Response:***

Management agreed with the condition observed by OSIG and agreed with the recommendation.

Management further responded that MGCC requested a campus be added to the U.S. DOE online reporting form for MGCC in October 2022 when posting the 2021 statistics. Previously, there was only one campus setup on the U.S. DOE online site. MGCC has only one campus; however, the leased Rockbridge Regional Center is considered a campus per the Clery definition of a campus.

The ASR statistics were reported to the U.S. DOE separately for MGCC Main Campus and the Rockbridge Regional Center for 2021 and will be reported separately in the future.

***CORRECTIVE ACTION PLAN - MGCC***

<b>RECOMMENDATION NO.</b>	<b>RECOMMENDATION</b>	<b>CORRECTIVE ACTION</b>	<b>DELIVERABLE</b>	<b>ESTIMATED COMPLETION DATE</b>	<b>RESPONSIBLE POSITION</b>
MGCC-1	MGCC should record Clery Act crime statistics separately for the main campus in Clifton Forge, Virginia, and the Rockbridge Regional Center campus as required by the U.S. DOE 2022 Campus Safety User's Manual.	MGCC requested a campus be added to the USDOE online reporting form for MGCC RRC in September 2022. The 2021 ASR statistics were reported separately for the main campus and the Rockbridge Regional Center.	An additional location/campus was added to the USDOE reporting site for the MGCC Rockbridge Regional Center. All future ASR reports will list the statistics separately for the main campus and the RRC.	October 2022	Suzanne Ostling, Director of Student Services

## APPENDIX 4 - VWCC - FINDINGS & CORRECTIVE ACTIONS

### ***FINDING VWCC-1 - MISSING LOCAL LAW ENFORCEMENT RESPONSES***

Virginia Western Community College requests that local law enforcement provide crime statistics annually for inclusion in the annual security report. VWCC maintains responses in a single file to simplify access but was unable to locate the file containing local law enforcement responses for CY 2018, CY 2019 and CY 2020.

During the COVID shutdown, the VWCC police department cleaned out files, and the single file of responses might have been misplaced or lost in the process. As a result, VWCC could not provide evidence regarding the accuracy of the ASR for crime statistics received from local law enforcement.

Although 34 C.F.R. §668.41(e) is silent on the issue, Chapter 9 of the Clery Handbook states that an institution retain documentation in support of its annual security reports. Without supporting documentation, VWCC could not demonstrate the accuracy of the crime statistics from local law enforcement.

#### **Recommendation:**

VWCC should follow the best practices in the Clery Handbook to maintain supporting documentation related to the ASR.

#### ***Management Response:***

Management agreed with the condition observed by OSIG and agreed with the recommendation.

### ***FINDING VWCC-2 - USDOE BLANK 2019 NON-CAMPUS CRIME DATA FIELDS***

Virginia Western Community College's data on the U.S. DOE Safety and Security website for CY 2019 non-campus crimes is blank. Although VWCC's annual security report shows zeroes for all CY 2019 non-campus crimes, the U.S. DOE website should display the same information. Missing information on the U.S. DOE website was an oversight by VWCC when entering crime statistics.

The purpose of the U.S. DOE Safety and Security website is to provide a centralized location for citizens to obtain data from the annual security reports required by the Clery Act for colleges and



universities that participate in any Title IV program. A clerical oversight resulted in the inconsistent reporting of the ASR on the website.

By not reporting the CY 2019 non-campus crime information, the potential exists that citizens will be misinformed about the number and location of crimes. Additionally, institutions may incur fines, lose funding for financial aid and incur significant damage to its reputation, which could deter applicants and impact enrollment.

**Recommendation:**

VWCC should accurately record Clery Act crime statistics as required by the U.S. DOE 2022 Campus Safety User's Manual and using guidance from VCCS, amend the information on the U.S. DOE system.

***Management Response:***

Management agreed with the condition observed by OSIG and agreed with the Recommendation.

***FINDING VWCC-3 - NOT CONDUCTING ANNUAL EMERGENCY RESPONSE TESTING***

VWCC did not perform and document a scheduled exercise for CY 2020 as required by Chapter 6 of the Clery Handbook. Instead, it used the COVID response for the CY 2020 exercise. The Clery Handbook states that an institution cannot use an actual response to an emergency to satisfy its Clery Act requirement to hold a scheduled exercise and appropriate follow-through activities on at least an annual basis. Although 34 C.F.R. §668.46(g)(6) is silent on the issue, the handbook, which was rescinded in October 2020, still remains a best practice per the U.S. DOE.

VWCC has historically used its annual exercise requirements from VDEM to fulfill the Clery Act's annual exercise requirements. VWCC received permission from VDEM to use its COVID response for VWCC's CY 2020 exercise. However, VDEM does not control the requirements of the handbook. Not testing emergency response and evacuation on a campus-wide scale can prevent the identification and correction of limitations of the process before an actual emergency happens.

**Recommendation:**

VWCC should follow the best practices in the Clery Handbook for conducting an annual exercise and not use an actual emergency.

***Management Response:***

Management agreed with the condition observed by OSIG and agreed with the Recommendation.

***CORRECTIVE ACTION PLAN - VWCC***

<b>RECOMMENDATION NO.</b>	<b>RECOMMENDATION</b>	<b>CORRECTIVE ACTION</b>	<b>DELIVERABLE</b>	<b>ESTIMATED COMPLETION DATE</b>	<b>RESPONSIBLE POSITION</b>
<b>VWCC-1</b>	VWCC should follow the best practices in the Clery Handbook to maintain supporting documentation related to the ASR.	Following best practices in the Clery Handbook, VWCC has created independent physical files storage location that will enable all Clery related documents to be secured, maintained and referenced. As added backup, VWCC will create an electronic share drive folder to scan supporting documentation.	Electronic share drive folder and physical files with supporting documentation for duplicate backup.	October 1, 2023	Craig Harris
<b>VWCC-2</b>	VWCC should accurately record Clery Act crime statistics as required by the U.S. DOE 2022 Campus Safety User's Manual and using guidance from VCCS, amend the information on the U.S. DOE system.	VWCC will, going forward, ensure the accurate recording of crime statistics. Care will be maintained, and accurate data entry will be verified by a secondary source. VWCC will enter zeros in the electronic submission to U.S. ED instead of leaving fields	Accurately reflect 2022 Annual Security Report and amend information in the U.S. ED system as permitted by U.S. ED.	October 1, 2023	Craig Harris

<b>RECOMMENDATION NO.</b>	<b>RECOMMENDATION</b>	<b>CORRECTIVE ACTION</b>	<b>DELIVERABLE</b>	<b>ESTIMATED COMPLETION DATE</b>	<b>RESPONSIBLE POSITION</b>
		blank to reflect zero reported crimes.			
<b>VWCC-3</b>	VWCC should follow the best practices in the Clery Handbook for conducting an annual exercise and not use an actual emergency.	VWCC will perform annual exercise following best practices found in the Clery Handbook. No longer will actual emergency events be used to verify readiness for Clery.	Schedule annual exercise	December 31, 2023	Craig Harris

## APPENDIX 5 - NRCC - FINDINGS & CORRECTIVE ACTIONS

### *FINDING NRCC-1 - DAILY CRIME LOG NOT UPDATED*

Crimes recorded on the incident report form are not updated to the New River Community College daily crime log. NRCC includes its daily crime log on its website. NRCC also maintains an incident report form (a log) that includes crimes as well as other incidents that occur, such as medical/first aid issues.

Since the crime log was blank, OSIG reviewed the incident report form and reviewed the associated incident report to determine if any activity was criminal in nature. OSIG identified one criminal incident for CY 2019 and one criminal incident for CY 2020 listed on the incident report form that were not treated as crimes. These two incidents were not documented on the institution's daily crime log for those same time frames and were not included in the institution's annual security report.

According to the NRCC Emergency Coordinator, one item was overlooked during the annual review. Additionally, since no further issues occurred related to the two incidents that had been reported and none of the individuals involved opted to press charges, the incidents were not considered crimes.

Identifying what incidents institutions should include in a crime log per the Clery requirements, is left to the discretion of each institution. According to [34 C.F.R. §668.46\(f\)\(1\)](#), "an institution that maintains a campus police or campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crimes that occurred within its Clery geography," and [34 C.F.R. §668.46\(f\)\(2\)](#), "the institution must make an entry to the log within two business days ... of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim."

### **Recommendation:**

In instances where additional guidance is needed for Clery Act reporting, higher education institutions including NRCC should leverage available workgroups and relationships within the Higher Education community.

### ***Management Response:***

NRCC agreed with the finding and recommendation.

## ***FINDING NRCC-2 - USDOE DATA DOES NOT MATCH ASR***

New River Community College's data from the U.S. DOE's Campus Safety and Security website for CY 2018 and CY 2019 do not agree with what was reported in the annual security report. The U.S. DOE website and the annual security report should contain the same information. The NRCC Emergency Coordinator was uncertain about how the mistakes were made and has been unable to locate a specific process for making corrections/changes.

The purpose of the U.S. DOE Safety and Security website is to provide a centralized location for citizens to obtain data from the annual security reports required by the Clery Act for colleges and universities that participate in Title IV programs.

By inaccurately reporting crime information, the potential exists that citizens will be misinformed about the number and types of crimes occurring. Additionally, institutions may incur fines, lose funding for financial aid and incur significant damage to its reputation, which could deter applicants and impact enrollment.

### **Recommendation:**

NRCC should accurately record Clery Act crime statistics as required by the U.S. DOE 2022 Campus Safety User's Manual and amend the information on the U.S. DOE system.

### ***Management Response:***

Management agreed with the condition observed by OSIG and agreed with the Recommendation.

Management further responded that the co-chairs of NRCC's Crisis Emergency Management Planning Team will review entries to ensure accuracy of data following entry by the Coordinator of Emergency Response and Campus Security.

## ***FINDING NRCC-3 - CRISIS AND EMERGENCY PLAN TESTING***

New River Community College was unable to provide evidence of evaluating the testing of its emergency plan. NRCC's Crisis and Emergency Plan discusses the processes and benefits behind conducting after-action reviews, but it does not require these reviews to be completed for exercises. NRCC's plan describes how after-action reviews are one of the most effective ways to summarize an incident or exercise, capture lessons learned and identify strengths and opportunities for improvement. Additionally, the Clery Handbook – 2016 Edition, which was rescinded in October 2020, remains a best practice per the U.S. DOE. The Clery Handbook states that an institution must have an emergency plan, test it, evaluate it and publicize it. NRCC staff

did not think it necessary to include a statement in the plan requiring after-action reviews or other evaluation documentation to be completed. By not evaluating the results of its exercises, NRCC risks not learning from the exercises it conducts.

**Recommendation:**

NRCC should require and retain evidence of future evaluations of their emergency action plan results.

***Management Response:***

Management agreed with the condition observed by OSIG and agreed with the recommendation.

Management further responded that NRCC will update the Crisis Emergency Management Plan and document after-action reports for any future exercises.

***CORRECTIVE ACTION PLAN - NRCC***

<b>RECOMMENDATION NO.</b>	<b>RECOMMENDATION</b>	<b>CORRECTIVE ACTION</b>	<b>DELIVERABLE</b>	<b>ESTIMATED COMPLETION DATE</b>	<b>RESPONSIBLE POSITION</b>
NRCC-1	In instances where additional guidance is needed for Clery Act reporting, higher education institutions including NRCC should leverage available workgroups and relationships within the Higher Education community.	The NRCC Emergency Coordinator and co-chairs of the Emergency Management Planning Team will review entries on the Incident Report forms to determine if incidents should be included on the Crime Log. When questions arise, NRCC will seek assistance from the Virginia Community College System Office.	Completed crime log entries with all relevant incident reports entered	June 1, 2023, with monthly updates thereafter	VP for Finance and Technology
NRCC-2	NRCC should accurately record Clery Act crime statistics as required by the U.S. DOE 2022 Campus Safety User's Manual and amend the information on the U.S. DOE system.	Co-chairs of NRCC's Emergency Management Planning Team will review entries to ensure accuracy of data following entry by the Coordinator of Emergency Response and Campus Security.	Completed crime log entries with inclusion of all relevant crime statistics reviewed/confirmed	October 1, 2023, with quarterly reviews thereafter	VP for Finance and Technology
NRCC-3	NRCC should require and retain evidence of future evaluations of	NRCC will update the Crisis Emergency Management Plan and document after-	Updated plan completed and published; after-	Implemented March 15, 2023,	VP for Finance and Technology

<b>RECOMMENDATION NO.</b>	<b>RECOMMENDATION</b>	<b>CORRECTIVE ACTION</b>	<b>DELIVERABLE</b>	<b>ESTIMATED COMPLETION DATE</b>	<b>RESPONSIBLE POSITION</b>
	their emergency action plan results.	action reports for future exercises.	action reports	and ongoing	