PRELIMINARY ASSESSMENT OF CLERY ACT COMPLIANCE

THE UNIVERSITY OF NEW MEXICO

Report 2014-04
August 19, 2014

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CONTENTS

EXECUTIVE SUMMARY .................................................................................................................. 1

CONCLUSION ................................................................................................................................. 7

INTRODUCTION .............................................................................................................................. 9

BACKGROUND .............................................................................................................................. 9

PURPOSE ......................................................................................................................................... 13

SCOPE ........................................................................................................................................... 13

PROCEDURES ................................................................................................................................. 14

OBSERVATIONS, RECOMMENDATIONS AND RESPONSES ......................................................... 15

Organizational Structure and Administrative Function ............................................................. 15

Geography – Clery Act Locations ................................................................................................. 18

Campus Security Authorities (CSA) ............................................................................................ 24

Annual Security and Fire Safety Report (ASFSR) ........................................................................ 28

Missing Student ............................................................................................................................. 38

Emergency Evacuation and Response ......................................................................................... 40

Separate Campus Designation ..................................................................................................... 47

Branch Campus Reporting ........................................................................................................... 49

Report Publication and Distribution ............................................................................................ 52

Daily Crime Log ............................................................................................................................. 55

Information Technology (IT) Application Controls ...................................................................... 57

APPROVALS ................................................................................................................................... 61

Attachment 1 .................................................................................................................................. 62

Attachment 2 .................................................................................................................................. 64

Attachment 3 .................................................................................................................................. 66

Attachment 4 .................................................................................................................................. 70

Attachment 5 .................................................................................................................................. 71
ABBREVIATIONS

APD............................................Albuquerque Police Department
ASFSR......................................Annual Security and Fire Safety Report
ASR.............................................Annual Security Report
Campus SaVE.............................Campus Sexual Violence Elimination Act
CSA............................................Campus Security Authorities
CFR............................................Code of Federal Regulation
Clery Act.................................The Jeanne Clery Disclosure of Campus Security Policy and
                                      Campus Crime Statistics Act
ED.............................................U. S. Education Department
EOC............................................Emergency Operations Committee
Handbook..................................Clery Act Handbook
HEA............................................Higher Education Act
HMS............................................Housing Management Systems
HSC............................................Health Sciences Center
IA..............................................University of New Mexico Internal Audit Department
IT..............................................Information Technology
OSM...........................................Office of Space Management
RED...........................................Real Estate Department
SRS............................................Safety and Risk Services
UAPP....................University Administrative Policies and Procedures Manual
University..................................The University of New Mexico
UNM...........................................The University of New Mexico
UNMH......................................University of New Mexico Hospital
UNMPD.....................................University of New Mexico Police Department
UNM West.................................University of New Mexico West Campus (Rio Rancho)
URL..........................................Uniform Resource Locator
The Clery Act is tied to an institution's participation in federal Title IV student financial assistance programs and it applies to most institutions of higher education, both public and private. The United States Department of Education (ED) enforces the Clery Act.

Under 2013 Clery Act Amendment institutions are expected to use best effort to include new crime categories for 2013 in Annual Security & Fire Safety Report - domestic violence, dating violence and stalking.

The University's policy statements included in the 2013 Annual Security and Fire Safety Report (ASFSR) reflect the University's campus security and safety environment and substantially comply with the Clery Act.

EXECUTIVE SUMMARY

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC §1092(f)) (Clery Act) is the landmark federal law originally known as the Campus Security Act. It requires colleges and universities across the United States to disclose information about crime: (1) on campus; (2) on public property within or immediately adjacent to the campus; and (3) in or on non-campus buildings or property that an institution owns or controls.

Previously, under the Campus Security Act, the University was only required to report police crime. Therefore, the University of New Mexico Police Department (UNMPD) was responsible for reporting. As the Campus Security Act expanded into other University areas and was amended to the Clery Act there has been no clear assignment of responsibility. UNMPD continues to be responsible for all aspects of reporting. In 2013, the Clery Act was again amended adding additional requirements for compliance with the Violence Against Women Act.

Determining compliance with 34 CFR 668.46 and The Hand Book for Campus Safety and Security Reporting (Handbook) is included on the Internal Audit Department's Fiscal Year 2014 Audit Plan. The purpose of the preliminary assessment is to determine the University’s compliance with the Clery Act, assess internal controls, and to ensure the accuracy of the information and data required for reporting in the 2013 Annual Security and
The University has not:

- Formally assigned the responsibility for Clery Act compliance since expansion of the requirements;
- Communicated the importance of compliance with the Clery Act to the campus community;
- Adequately communicated roles and responsibilities of Campus Security Authorities (CSAs) or provided training;
- Developed written policies and procedures to ensure compliance with the Clery Act; or
- Developed an organized system to gather, follow-up and verify crime and disciplinary statistics and fire and safety information provided by various entities.

Designate an individual to coordinate and oversee the University’s compliance with the Clery Act.

Fire Safety Report and statistical data submitted to ED.

Although this assessment included the major components of Clery Act compliance, it cannot be assumed to be all-inclusive. The absence of statements regarding certain practices and procedures should not be construed as acceptance or agreement. It does not relieve the University of its obligation to comply with Clery Act requirements or Title IV regulations.

We observed that all the staff Internal Audit worked with during the course of this assessment exhibited a commitment to work to improve compliance. Some areas have already taken steps to make improvements.

Organizational Structure and Administrative Capacity

The responsibility for annual Clery Act reporting rests with the UNMPD by default. UNMPD annually collects and compiles its crime statistics and statistics reported by Campus Security Authorities (CSA) and other local law enforcement. UNMPD also collects disciplinary statistics received from student housing facilities, and the Dean of Students’ Student Conduct officer. In addition, UNMPD and the Associate University Counsel review policy statements included in the ASFSR. The UNM Fire Marshal is responsible for providing fire statistics and fire suppression information for each student housing facility.

The University President should seriously consider establishing the position of Clery Act coordinator (Clery Coordinator). This position
should be at an organizational level of authority and empowered to ensure compliance. The Clery Coordinator should be assigned the responsibility for Clery Act oversight, and develop a University Administrative Policies and Procedure Manual (UAPP) Clery Act policy. The Clery Coordinator should also develop adequate written procedures, internal controls, and review and verification procedures for ensuring reliability of data included in the ASFSR and submitted to ED.

Geography – Clery Act Locations

The Clery Act requires Universities to collect, classify and count Clery crime reports and statistics within its Clery geography. The Clery geography includes: (1) on campus; (2) on public property within or immediately adjacent to the campus; and (3) in or on non-campus buildings or property that your institution owns or controls. Examples of criteria used to determine if a location is considered a part of the University’s Clery geography is if the University uses the location in direct support of, or in a manner related to, the institution’s educational purposes, if the University has control of the location, or if students frequent the location.

The University has not adequately identified its Clery geography, therefore crime statistics are not received from all remote locations considered to be in the Clery geography. There is a potential that crime statistics from other local law enforcement jurisdictions may not be reported. The responsibility for identifying the Clery geography rests with UNMPD by default.
Understanding each of these geographic categories is vital to being in compliance with the Clery Act.

The staff person responsible does not have the requisite knowledge or resources to adequately determine the Clery geography. Locations that do not appear on the University Clery geography list provided by UNMPD are: San Juan College extended learning, Sevilleta Research Facility, Continuing Ed courses that lead to a certificate, and learning abroad, if applicable.

The University President must assign identification of the University’s Clery geography to the Clery Coordinator working with an individual(s) or department(s) that have the expertise to adequately evaluate and determine if locations the University owns, leases, or controls qualify as the University’s Clery geography. Once the geography is identified, the individual deemed responsible should provide the list to UNMPD to coordinate collection of crime statistics from these locations.

Campus Security Authorities

Clery Act requirements involve collecting crime reports from individuals and organizations associated with the institution (i.e., CSAs), and requesting crime statistics from other local law enforcement jurisdictions. Under Clery, a crime is “reported” when it is brought to the attention of a CSA or local law enforcement personnel by a victim, witness, other third party, or even the offender. It does not matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the institution.

A CSA is a Clery-specific term that encompasses four groups of individuals and
The University has not formally designated its CSAs, adequately notified employees they are designated as CSAs, nor trained the CSAs regarding their role and responsibility.

- A campus police department or a campus security department of an institution;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property);
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; or
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to: student housing, student discipline and campus judicial proceedings, athletic coaches, and faculty student organization advisors. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

The University has not adequately notified the campus community who is a CSA and what they do. The only place where CSA discussion appears is in the ASFSR. UNMPD distributed materials via email in an attempt to inform employees of their designation, roles and responsibilities, and provide training.
The President or the Clery Coordinator should designate the CSAs by position and require CSA training.

However, it cannot be determined if the CSAs read the material or even opened the email. There also appears to be resistance by some employees to formal training. The CSAs have an important role in Clery crime reporting and should be aware of their designation and what is required of them.

Verification of Data Reported in the ASFSR

Reporting and submitting accurate crime statistics to ED is essential to Clery Act compliance. The role of the CSA is vital to compliance with the law. A Clery reportable offense is a violation of law, not University policy. The Clery Act specifically identifies Clery crimes and disciplinary referrals that the University must report.

The disciplinary referrals included in the 2013 ASFSR are unreliable. Internal Audit (IA) staff selected a judgmental sample from the UNMPD daily crime log and disciplinary referrals to determine if crimes and disciplinary actions are properly identified and categorized. IA staff also reviewed crime statistics submitted by other CSAs and other local law enforcement jurisdictions. The results of this review indicate:

- UNMPD appears to be properly identifying and classifying Clery crimes it receives and follows up with CSAs and other local law enforcement jurisdictions to obtain additional information if necessary.
- Student housing facility staff, the Dean of Students staff, UNMH security staff
and other CSAs that submitted statistics to UNMPD are not sufficiently familiar about categorizing disciplinary referrals or crime reports, adequately documenting incidents, or maintaining documentation to substantiate statistics.

The University President should require the Clery Coordinator develop written policies and procedures with adequate internal controls to ensure that: only Clery crimes are reported, crime and disciplinary referrals are supported by adequately documented incident and crime reports, statistics are substantiated with adequate documentation, and that an adequate review of the data is performed.

The Executive Vice President for Finance and Administration, Executive Vice President for Academic Affairs/Provost, and Chancellor for Health Sciences should require that CSAs and housing facility staff be adequately trained and meet monthly with UNMPD to reconcile crime and disciplinary referrals for accurate Clery reporting.

CONCLUSION

The University is not substantially compliant with the Clery Act. The University may not be reporting crime statistics relating to other local law enforcement jurisdictions considered in the Clery geography, may be over-reporting disciplinary referrals, and is out of compliance in several other areas that could subject the University to heavy fines.
The 2013 ASFSR disciplinary data is unreliable, fire statistics are missing from the report, and the University does not have a University-wide evacuation plan.

The University has not established an organized coordinated effort for compliance. The University has not adequately identified its Clery geography or trained its CSAs.

The ASFSR includes all the required policy statements and crime reporting categories. However, the University has not established written policies and procedures and adequate internal controls to ensure compliance and reliability of data collected and submitted to ED.

Branch campus crime statistics reported to ED are inconsistent with statistics included in the branch’s ASFSR and Annual Security Report (ASR). One branch did not prepare and issue an ASR. Therefore, branch campuses are out of compliance and subject to fines.
INTRODUCTION

BACKGROUND

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC §1092(f)) (Clery Act) is the landmark federal law, originally known as the Campus Security Act. It requires colleges and universities across the United States to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Act is enforced by the United States Department of Education (ED) through 34 Code of Federal Regulations (CFR) 668.46.

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. Subsequent amendments in 2000 and 2008 added provisions dealing with registered sex offender notification and campus emergency response. The 2008 amendments also added a provision to protect crime victims, "whistleblowers," and others from retaliation.

For the 2012 calendar year data reported in the 2013 Annual Security and Fire Safety Report, according to the Clery Act requirements, all institutions must:

- Collect, classify and count Clery crime reports and statistics within its Clery geography;
- Publish an annual security report disclosing Clery crime statistics and institutional safety/security procedures;
- Submit Clery crime statistics to ED;
- Issue campus alerts as warranted:
  - Emergency notifications
  - Timely warnings
- Maintain a daily crime log;
- Establish missing student notification procedures for students residing on campus;
- Keep a fire log for on-campus housing facilities;
- Publish an annual fire safety report related to on-campus housing;
- Submit on-campus housing fire statistics to ED; and
- Each separate campus of an institution must comply independently with the Clery Act and the fire- and safety-related Higher Education Opportunity Act (HEOA) requirements.
- Publish and distribute the reports by October 1 of each year by direct publications and mailings, and/or Website version with notice of availability.
* Note: A branch location is considered a separate campus for Clery reporting if the following criteria are met:

- Institution owns or controls the site;
- It is not reasonably contiguous geographically to main campus;
- It has an organized program of study leading to a degree or other credential; and
- At least one person on the site is acting in an administrative capacity.

On March 7, 2013, the President signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was what is known as the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking.

The 2013 changes to the Clery Act were part of the Violence Against Women Reauthorization Act, and under the statute take effect one calendar year after enactment, which would be October 2014. However, ED has engaged in a negotiated rule making process with representatives from interested higher education constituencies to write the rules to implement the statutory changes to the Clery Act. ED recently announced that the regulations are expected to be finalized by November 1, 2014 and will take effect July 1, 2015, for the ASFSR's due out by October 1, 2015. In another wrinkle, last May, the ED announced in guidance that until such time as final regulations implementing the Clery Act changes are issued, ED expected institutions to use their best efforts to include crime statistics for the new crime categories for calendar year 2013 in the ASFSR due out in October 2014. Those new crime categories added as Clery Act reported crimes are domestic violence, dating violence and stalking.

This amendment includes the following training requirement:

Institutions must offer programs to incoming students and new employees that prevent and raise awareness of dating violence, domestic violence, sexual assault and stalking. Domestic violence, dating violence and stalking are new crimes for which statistics will need to be provided in an institution's Clery geography in the ASFSR. The programs offered must be tailored to the culture and needs of a campus and be based on research or assessed for effectiveness in preventing dating violence, domestic violence, sexual assault and stalking before they occur. The regulations being drafted by the U.S. Department of Education are very specific as to what must be included in the institution’s primary prevention and awareness programs for new students and new employees. One required aspect is training on bystander intervention, defined as safe and positive options that observers can engage in to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

In addition to training specifically for new students and new employees, institutions must offer "ongoing prevention and awareness campaigns" for all
students and employees that focus on understanding and preventing domestic violence, dating violence, sexual assault and stalking.

It should also be noted that in addition to providing training, the ASFSR would need to include policy statements describing the institutions’ prevention and awareness programs. Also, other new policy statements about disciplinary procedures, assistance for victims of domestic violence, dating violence, sexual assault and stalking, and confidentiality for victims will need to be included in the ASFSR. Attachment 1 provides the specific requirements of the amendment. The University is currently working to meet the requirements of this Clery Act mandate.

U.S. Department of Education Office of Postsecondary Education issued The Handbook for Campus Safety and Security Reporting dated February 2011. The handbook’s emphasis is on compliance as a whole system of developing policy statements, gathering information from a variety of sources and translating it into the appropriate categories, issuing alerts, disseminating information, and, finally, keeping records. The handbook contains current ED guidance and was written to assist institutions, in a step-by-step and readable manner, in understanding and meeting the various Higher Education Act (HEA) requirements. It is intended for use by postsecondary institutions as well as ED program reviewers who are responsible for evaluating an institution’s compliance with the requirements. As stated in the Introduction, “This is to ensure that everyone involved in complying with the law and in monitoring compliance is “on the same page.”

ED can issue civil fines of up to $35,000 per violation for a substantial misrepresentation of the number, location or nature of the crimes required to be reported, or for a violation of any other provision of the safety- and security-related HEA regulations. In addition, the award of federal Title IV student financial aid programs may be affected for non-compliance.

When reporting was required under the Campus Security Act, UNMPD was responsible for reporting its own statistics. As the law expanded into the Clery Act to include other areas of the University, the responsibility for reporting and compliance did not change. By default, UNMPD has the responsibility for the Clery Act reporting in addition to its law enforcement duties. To fulfill this responsibility, UNMPD gathers crime and fire statistics and other data and required information, prepares the Annual Security and Fire Safety Report (ASFSR), distributes it, and submits crime and fire statistics to the ED. The following information is available on the UNMPD’s web page.

Our goal is to provide you with access to a wide range of information relating to police matters, as well as take feedback to provide a better police experience on campus. We have added a number of features to help in addressing public safety concerns on campus. These include:

- The Daily Crime Report where you can view information on crime that is reported to UNM Police each day.
- The Daily Fire Report where you can view information on any fire activity, which is reported to the UNM Police Department.
INTRODUCTION

- A way for members of our community to submit Anonymous Tips to the UNM Police Department about crime or suspicious activity that causes public safety concern. For anonymous tips submitted you can also check on the status of your tip via an on-line link.

According to the 2013 Annual Security and Fire Safety Report:

All UNM police officers are required to meet state certification standards mandated by the New Mexico Department of Public Safety. UNM Police officers are commissioned by The University of New Mexico Board of Regents (Section 29-5-2 NMSA 1978). They have full power of peace officers on campus, including the authority to enforce all applicable laws, ordinances and campus traffic regulations, and the authority to arrest. Officers are also cross-commissioned county-wide by the Bernalillo County Sheriff. The UNM Police Department has interoperable radio communications and can talk to police, fire and UNM Hospital during emergency situations. The UNM Police Department investigates complaints of on-campus criminal activity, working closely with the District Attorney’s Office to ensure effective prosecution. Through an agreement with the Albuquerque Police Department, UNM Police enforce Federal and State laws and regulations in the fraternity/sorority and student housing areas. Also, the UNM Police Department has written agreements with the Albuquerque Police Department, Bernalillo County Sheriff’s Department and the Rio Rancho Police Department concerning law enforcement and criminal investigations.

Enrollment Management provided the following federal student financial aid under Title IV paid in School Year 2012-2013:

**2012-13 Federal Paid Aid**

<table>
<thead>
<tr>
<th>Type Of Aid</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Loans</td>
<td>$137,981,343</td>
</tr>
<tr>
<td>Federal Scholarships</td>
<td>1,284,409</td>
</tr>
<tr>
<td>Federal Grants</td>
<td>56,682,482</td>
</tr>
<tr>
<td>Federal Work Study</td>
<td>2,302,564</td>
</tr>
<tr>
<td>Total</td>
<td>$198,250,798</td>
</tr>
</tbody>
</table>

According to the UNM Fact Book for 2012-2013, the University of New Mexico Main Campus is located in Albuquerque, New Mexico. The 769-acre campus is surrounded by the City of Albuquerque, a metropolitan area with approximately 640,000 residents.
INTRODUCTION

The following information relating to main and branch campuses is taken from the 2012-2013 UNM Fact Book.

<table>
<thead>
<tr>
<th>UNM School Year 2012-2013 Data</th>
<th>Number of Students</th>
<th>Number of Faculty</th>
<th>Number of Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main</td>
<td>29,100</td>
<td>3,436</td>
<td>12,667¹</td>
</tr>
<tr>
<td>Branch</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gallup</td>
<td>2,825</td>
<td>151</td>
<td>107</td>
</tr>
<tr>
<td>Los Alamos</td>
<td>710</td>
<td>122</td>
<td>35</td>
</tr>
<tr>
<td>Taos</td>
<td>1,705</td>
<td>149</td>
<td>73</td>
</tr>
<tr>
<td>Valencia</td>
<td>2,382</td>
<td>137</td>
<td>109</td>
</tr>
</tbody>
</table>

¹ Includes University of New Mexico Hospital, Medical Group, and Foundation staff, but does not include student employees

The University has a Campus Safety web page. This web page discusses safety tips, emergency communication, emergency preparedness, and crime prevention programs, and provides resources for substance abuse, sexual offences, and counseling. Attachment 2 provides a list of the resources and programs offered by the University.

PURPOSE

This assessment is included as part of the UNM Internal Audit 2014 Audit Plan. The purpose of the assessment is to:

- Obtain understanding of data gathering process by Campus Police, and determine the accuracy of the data;
- Identify key compliance requirements related to the Clery Act (i.e., reporting requirements);
- Perform tests of controls and compliance with Clery Act requirements to assess the University’s compliance with such requirements; and
- Perform additional assessment procedures as deemed necessary related to Clery Act.

SCOPE

Verify that information and data for calendar year 2012 presented in the 2013 Annual Security and Fire Safety Report (ASFSR) and subsequently submitted to the ED is substantiated with
adequate documentation, the policy statements reflect the University's environment, and that the University reports all information and data from all required reporting entities.

PROCEDURES

Our procedures include interviewing personnel, reviewing crime and fire statistical data, determining adequacy of University policies and procedures, and reviewing Clery Act geography.
OBSERVATIONS, RECOMMENDATIONS AND RESPONSES

ORGANIZATIONAL STRUCTURE AND ADMINISTRATIVE FUNCTION

The University has not developed an organizational structure to adequately manage Clery Act compliance. Currently, Clery Act reporting compliance is a collateral duty that is attended to during the annual report writing period.

The detailed findings presented in the remainder of this report indicate the University has not:

- Formally assigned the responsibility for Clery Act compliance to an individual or department since expansion of the reporting requirements;
- Communicated the importance of compliance with the Clery Act;
- Developed written policies and procedures to ensure compliance with the Clery Act;
- Developed an organized system and adequate internal controls for coordination, collection and verification of statistical data and other information included in the Annual Security and Fire Safety Report (ASFSR); or
- Adequately communicated the University’s responsibility for Clery compliance.

The Forward in *The Handbook for Campus Safety and Security Reporting* (Handbook) issued in 2011 states:

> Since, the *Higher Education Opportunity Act* (HEOA) was signed into law, amending the Clery Act and adding a number of safety- and security-related requirements to the *Higher Education Act of 1965*. This new legislation necessitated an updated and expanded version of the previous handbook.

What hasn’t changed is emphasis on compliance as a whole system of developing policy statements, gathering information from a variety of sources and translating it into the appropriate categories, issuing alerts, disseminating information, and, finally, keeping records. Although we address “you” throughout, we want to stress that this is not a one-person job. As you will see when you read further, a key ingredient in ensuring compliance is coordination—knowing who does what and when. This means that most of you will find it necessary to coordinate compliance activities with many people and offices in the campus community.

... Remember: the goal of the safety- and security-related HEA regulations is to provide students and their families, as higher education consumers, with accurate, complete and timely information about safety on campus so that they can make informed decisions...
ED can issue civil fines of up to $35,000 per violation for a substantial misrepresentation of the number, location or nature of the crimes required to be reported, or for a violation of any other provision of the safety- and security-related HEA regulations.

Internet research of best practices relating to Clery Act compliance suggests the following:

- Designate an individual to coordinate and oversee the school compliance with the Clery Act. This can operate as a “checks and balances” system for campus security or whatever department is responsible for maintaining the daily crime log and/or the annual report.

- Provide frequent training to those personnel responsible for preparing the daily crime log and the annual report to DOE, including training on what information is required to be maintained, what access right the public may have to such information, and how to deal with requests for information.

- Train senior level CSAs and have them train lower level CSAs. Include the responsibility of a CSA in job descriptions.

- Track training. Develop a system with HR and IT to track who has taken Clery training, who has had a background check, who has received mandatory reporter training for individuals working with minors.

- Use a collaborative approach. A collaborative approach is the most important tool a University can employ. Several departments collaborate on collection of information. Stakeholders are police departments, student affairs, student health services, human resources, student housing, athletics, marketing and communications, faculty advisors to student organizations, among others.

- Manage the information derived from all these sources. Analyze data daily, weekly or monthly rather than waiting until the information is due annually. Make copies of every police report and attach a color code that identifies them as Clery crimes for easy identification.

- Regularly audit and/or review the daily crime log to ensure that the information required to be maintained under the Clery Act is being gathered.

- Consider including an introduction to the Clery Act and the necessary reporting requirements and applicable policies to freshman during orientation. This can increase the chances that criminal activity is reported and properly handled.

- Establish appropriate record retention guidelines to ensure that all necessary documents related to reported criminal activity is maintained and/or preserved.
OBSERVATIONS, RECOMMENDATIONS AND RESPONSES

- Ensure that any Student or Faculty Handbooks distributed to the campus community explain Clery Act obligations and provide clear instructions on what is a reportable crime and how and when a crime should be reported.

- Review and ensure that all campus security policies and procedures are clearly written, easily understood and well distributed to the campus community.

Attachment 3 provides a list of those universities that have established a Clery Coordinator type position and those that have adopted Clery Act policies.

Recommendation 1

A. The University President should consider establishing the position of Clery Coordinator whose sole responsibility is Clery Act compliance and oversight. The person filling this position should have adequate knowledge of the Clery Act requirements and the position should be at an organizational level with sufficient authority to plan, administer and direct Clery compliance. The Clery Coordinator should be empowered to enforce Clery Act compliance. The assigned duties and responsibilities should include but not be limited to:

- Ensuring written policies and procedures are developed;
- Establishing adequate internal controls;
- Ensuring there is an adequate review and verification process; and
- Ensuring the reliability of data included in the ASFSR and submitted to ED; and
- Ensuring compliance with the new requirements relating to the Violence Against Women Act.

B. The University President should establish a Clery Act Compliance Committee with appropriate representation from the campus community. Using the best practices provided earlier, the committee should be tasked with developing an organizational structure for compliance with, coordination, and communication of Clery Act requirements. See Attachment 4 that depicts major departments contributing to Clery compliance. This committee should work with the Clery Coordinator to establish an overall organizational structure for Clery Act Compliance. The major departments identified as being associated with Clery Act compliance and reporting are (but are not limited to):

- UNMPD
- Resident Life
- CASAS del Rio & Lobo Village
- Athletics
- Safety and Risk Services
- Dean of Students Office
- Student Activities
- Real Estate
- UNM Main Campus Chief Compliance Officer
- Health Science Center Chief Compliance Officer
- HSC Medical Programs
- Global Education Office
- Extended Learning
- Continuing Ed
- UNM Research
- UNM Hospital (UNMH)
- Space Planning
- University Counsel
C. The Clery Coordinator working with the Clery Act Compliance Committee should develop a formal UAPPD Clery Act Compliance policy.

D. The University President should notify the entire campus community that Clery Act compliance is mandatory, and all are responsible for knowing their roles and responsibilities for reporting and keeping the campus safe.

Response from the University President

<table>
<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> 6/30/15</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> President’s Office Chief of Staff</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong></td>
</tr>
<tr>
<td>A. Interim Clery Coordinator at UNMPD has been assigned, effective August 1, 2014 for FY15. Director of Office of Equal Opportunity (OEO) will develop a budget request for FY16 that includes Clery reporting to OEO by June 30, 2015. Interim Coordinator will work with the UNM compliance office and the UNM policy office to develop policies and procedures (by June 30, 2015) in consultation with the Clery Compliance Steering Committee.</td>
</tr>
<tr>
<td>B. Clery Act Steering Committee was appointed August 1, 2014.</td>
</tr>
<tr>
<td>C. Steering Committee will work with the UNM policy office to develop a policy by June 30, 2015.</td>
</tr>
<tr>
<td>D. Meeting was held with all individuals on the Audit &quot;Clery Organization Chart&quot; on May 7th in the President’s conference room. Each of those supervisors agreed to communicate to their direct reports. In addition, after (C.) is completed, the policy will be included in the Presidents communication by June 30, 2015. The University President will issue a memo to notify the entire campus community that Clery Act compliance is mandatory- to be completed by September 15, 2014.</td>
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**GEOGRAPHY – CLERY ACT LOCATIONS**

The University has not adequately identified its Clery geography. The lists of addresses received by Internal Audit (IA) from UNMPD of locations considered in the Clery geography do not include all locations in which the University has a program of study leading to a degree or certificate and where student frequent.
The University has not assigned the responsibility to accurately identify the University’s Clery geography. The University has not developed written policies and procedures or established an adequate coordination effort for identification of the Clery geography. A UNMPD Lieutenant has the responsibility for identifying the University’s Clery geography without coordination or input from other departments. UNMPD staff does not have the level of knowledge to determine the Clery geography.

UNMPD does not have a comprehensive list of all University property (including main campus) that clearly identifies the address, the use of the building, and whether or not it is part of the Clery geography. Clery reported crimes might be understated because UNMPD is not requesting crime statistics from all areas and remote locations that should have been identified as the University’s Clery geography. As a result, IA could not perform an adequate verification of the Clery geography, because:

- The list of owned property provided by UNMPD does not include full physical addresses.
- The list of owned and leased property provided by Office of Space Management (OSM) includes multiple listings at the same address.
- The list of leased property provided by Real Estate Division (RED) includes the original program at the location when the lease was initially executed. Therefore, the program identification may be outdated and does not agree with the OSM information.

The following describes some locations not included in the University’s Clery geography.

**On Campus and Public Property**

UNMPD has not defined on-campus perimeter property and Clery crime statistics are not requested for these areas. According to the UNMPD Lieutenant, in order to provide accurate crime statistics, the Albuquerque Police Department (APD) requires individual addresses for these properties. APD cannot provide crime statistics based on perimeter streets or intersections.

**Non-Campus Location**

- Extended University has course offerings in 11 locations in New Mexico that qualify as non-campus locations. These locations are not included on the UNMPD list. Examples are: San Juan Community College, Santa Fe Community College, and Kirtland Air Force Base.

- Office of Space Management owned property and Real Estate Department (RED) leased property that appear to be controlled by the University, used for a program of instruction, and frequented by students are not on the UNMPD list. Examples: Sevilleta Research Facility, UNM Press, Maui High Performance Computing Center.
Continuing Education offers programs in various locations that may qualify as non-campus locations if the program provided is a program of study leading to a degree or certificate, controlled by the University, and frequented by students. According to Continuing Ed’s web page, it offers 60 professional certificate programs and courses in addition to personnel enrichment classes. Based on information provided, IA could not determine which, if any of these programs should be considered non-campus locations.

Study Abroad

The University has study abroad programs sponsored or led by various offices (Global Education Office, Student Organizations) that could possibly be included in the non-campus Clery geography. IA was unable to obtain a comprehensive list of all such programs for evidence that they have been reviewed for consideration as part of the non-campus Clery geography. In addition, it appears, that there is one program offered in 2012, Study Center in Rome, that is not included in the Clery geography. The University Study Abroad Health and Safety Policy 2710 UMAPP does not include requirements of the Clery Act.

Chapter 2 of the Handbook, Geography, Location, Location, Location (citation 34 CFR 668.46(a)) provides the following guidance.

Page 32, “Remember that keeping track of the buildings and properties your institution owns and controls, and what they are used for, is an institutional responsibility.”

Page 11

You must disclose statistics for reported Clery crimes that occur: (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that your institution owns or controls. The definitions for these geographic categories are Clery Act-specific and are the same for every institution regardless of its physical size or configuration.

Understanding each of these geographic categories as defined by the Clery Act is vital to being in compliance with the law. You must provide a breakdown of the crime statistics by category... Remember, location is the key here—statistics for Clery crimes that don’t occur within your Clery geography are not included in your Clery statistical disclosures even if your students or employees are involved.

Page 12, You on Campus Geography encompasses the following:

*Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct*
support of, or in a manner related to, the institution’s educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

The first part of this definition states that, for Clery reporting purposes, your campus includes buildings and properties that meet all of the following criteria:

- Your institution owns or controls them;
- They are reasonably contiguous to one another; and
- They directly support or relate to the institution’s educational purposes.

Page 14, Other on Campus Considerations

Institutions that lease space on another institution’s campus: If your institution leases some buildings and property on another institution’s campus, your campus is determined by the specifics of that contract. For example, if you have sole use of a dorm, a classroom building, an administration building and a parking lot, that is your campus. If your contract also allows your students to share a dining hall with students from the host institution, that dining hall is included. If the host institution also participates in Title IV programs, both schools must include the shared dining hall in their on-campus geography.

Pages 18 and 19, How to Identify Your Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus...

The second area is public property that immediately borders and is accessible from the campus. In many cases, this property consists of a public sidewalk that borders the campus, the public street along the sidewalk and the public sidewalk on the other side of the street (i.e., sidewalk, street, and sidewalk). Again, only the portions of the sidewalk, street and sidewalk that are adjacent to your campus are included in your public property. If you have an urban campus that is comprised of 100 buildings that have public sidewalks and public streets separating them, the same rules apply. You must identify the public property associated with each of these campus buildings, generally: sidewalk, street, sidewalk.
Page 25, How to Identify Your Non-campus Buildings or Property,

...The Clery definition of **non-campus buildings or property** is:

*Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any 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...*

The second part of the definition applies to additional locations that are associated with the campus but are not separate campuses. For example, you might lease a municipal athletic field for your team's home soccer games or you might rent classroom space in a local high school two nights a week to hold creative writing classes for your students. Perhaps your institution owns an apartment building a few miles from the campus that you use for student housing...These are some of the more common types of non-campus locations, but you should include any location (except a separate campus) that:

- Is owned or controlled by the institution;
- Supports or is used for the institution’s educational purposes;
- Is frequently used by students; and
- Is not considered part of the core campus.

Page 30

**Study abroad programs:** If your institution sends students to study abroad at an institution that you don't own or control, you don't have to disclose statistics for crimes that occur in those facilities. However, if your institution rents or leases space for your students in a hotel or student housing facility, you are in control of that space for the time period covered by your agreement. Host family situations do not normally qualify as noncampus (sic) locations unless your written agreement with the family gives your school some significant control over space in the family home.

Page 31

The use of a map is recommended only if it presents an accurate picture of the geographic locations it depicts, and is updated as necessary. If you have several campuses and choose to provide maps, you must have a separate map for each campus.

**Recommendation 2**

A. The University President must require the Clery Coordinator assign the responsibility for determining the University's Clery geography. This responsibility needs to be coordinated among several departments to ensure the geography meets requirements of the Clery Act.
**OBSErvations, Recommendations and Responses**

B. The University President should require the Clery Coordinator ensure development of written policies and procedures that include adequate internal controls to accurately define, document, and update the Clery geography annually. This may include the use of a map that depicts all areas considered in the Clery geography. The University should include documented explanations for any locations that they determine do not meet the Clery requirements. In addition, the University should consider compliance with the Clery Act as a part of discussions regarding any expansion of University educational programs of study for any areas outside the main campus, including abroad.

**Response from the University President**

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<td><strong>Targeted Completion Date:</strong> 6/30/15</td>
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<tr>
<td><strong>Assigned to:</strong> President's Office Chief of Staff</td>
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<tr>
<td><strong>Corrective Action Planned:</strong></td>
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<tr>
<td>A. Delegated to the Provost’s Office from the President’s Office via email communication on August 12, 2014.</td>
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<tr>
<td>B. Delegated to the Provost's Office. Interim Clery Coordinator will work with the Provost’s office and the UNM policy office to develop written policies by June 30, 2015.</td>
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**Recommendation 3**

The Executive Vice President for Academic Affairs/Provost should require review of Policy 2710 UMAPP Study Abroad Health and Safety to incorporate any requirements of the Clery Act.

**Response from Executive Vice President for Academic Affairs/Provost**

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<td><strong>Targeted Completion Date:</strong> 5/15/15</td>
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<tr>
<td><strong>Assigned to:</strong> Provost’s Chief of Staff</td>
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<tr>
<td><strong>Corrective Action Planned:</strong> Provost will ask GEO Director and Policy Office Manager to draft proposed revisions to UAPP 2710 and to subsequently initiate policy comment and approval process.</td>
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</table>
OBSERVATIONS, RECOMMENDATIONS AND RESPONSES

CAMPUS SECURITY AUTHORITIES (CSA)

Communicating to Campus Community and CSAs.

Other than the ASFSR, there is no documentation to determine which staff is designated as CSAs or whether this responsibility has been adequately communicated to the staff designated as CSAs. CSAs may not be aware of their designation or their roles and responsibilities relating to Clery Act compliance.

In addition, other than the ASFSR, there is no evidence of communication to the campus community informing students and employees that crimes can be reported to CSAs or UNMPD. Therefore, the campus community may not be aware that there are other methods for reporting.

The 2013-2014 UNM Student Organization Handbook, Student Organization Policies, Information for Chartered Student Organization Advisors on Campus Crime Reporting does inform faculty and staff advisors of their responsibility to report crimes received to UNMPD. This policy refers to federal law and not specifically to the Clery Act and all its requirements for CSAs.

The Handbook, Chapter 4, Collecting Statistics, Campus Security Authorities and Local Law Enforcement, page 73 states:

...Even at institutions with a police department on campus, a student who is the victim of a crime may be more inclined to report it to someone other than the campus police. For example, a victim of a sexual offense may turn to a resident advisor for assistance, or a student whose car was stolen may report the theft to the school’s director. For this reason, the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be “campus security authorities.”

Page 75

Examples of individuals who meet the criteria for being campus security authorities include:

- A dean of students who oversees student housing, a student center or student extracurricular activities.
- A director of athletics, a team coach or a faculty advisor to a student group.
- A student resident advisor or assistant or a student who monitors access to dormitories.
- A coordinator of Greek affairs.
- A physician in a campus health center, a counselor in a campus counseling center or a victim advocate or sexual assault response team in a campus rape crisis center if they are identified by your
school as someone to whom crimes should be reported or if they have significant responsibility for student and campus activities. However, if these individuals are not identified as people to whom crimes should be reported or do not have significant responsibility for student and campus activities, they would not be considered CSAs.

Page 76, What Does a Campus Security Authority Do

The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information, such as the campus police or security department, those allegations of Clery Act crimes that he or she concludes were made in good faith.

The Handbook, page 79 provides the following guidance and recommendation

Make sure your campus security authorities know they’re campus security authorities.

To do this, we suggest that you update the job descriptions of individuals at your institution who fit the definition of a CSA. Make this designation an official part of their job description so that they know what’s required of them. You may also want to contact all CSAs annually in writing to remind them of this obligation. Because of turnover, or a change in job descriptions, you may have to notify some individuals mid-year.

Training CSAs

The University does not properly train staff and faculty in their CSA role and responsibilities.

In 2013, in an attempt to communicate the CSA role and responsibility and provide training, UNMPD distributed material to CSAs via email. Based on interviews, it is questionable that the CSAs read or opened the email. Therefore, CSAs may not be aware of their responsibilities, or know what to do, how to do it, or when to do it.

According to the Handbook, the Clery Act does not require training. However, it is recommended in the Handbook. CSAs have an important job to do and providing them with training will help to ensure that they do it properly.

Formal CSA University Policy (campus environment)

There is no formal CSA policy in the University Administrative Policy and Procedures Manual (UAPPM) that identifies CSAs or lists their role and responsibilities. As a result, there are no formal requirements for evaluating staff designated as CSAs. Policies and procedures provide the framework within which an organization operates. They define what your organization does and
how you do it. Clear policies and procedures support effective decision-making and delegation because they provide guidelines on what people can and cannot do, what decisions they can make, and what activities are appropriate.

The Handbook Chapter 7, Policy Statements, Disclosing What You do and How You Do It, page 120 states: “Your institution's policy statements must reflect your institution's unique security policies, procedures and practices.”

**CSA Crime Reporting**

CSAs report statistics annually, but should report within 24 hours of receiving a potential crime report. The responses received from by UNM PD during the annual survey indicate a very low response rate. This may be due to the lack of communication, lack of training, and the manner in which the form requesting the information is worded. The form only requires “Yes” responses. Therefore, CSAs may believe there is no need to respond if no crimes have been reported to them. When IA brought this to UNMPD’s attention, UNMPD updated the crime reporting form to require “Yes” and “No” responses.

The Handbook page 50 states:

**Forward crime reports to your campus police or security department, if you have one.**

Encourage CSAs to immediately forward reports of crimes to your campus police or security department if you have one, or to an individual responsible for collecting the reports if you don’t. This is because a CSA crime report may be the basis for determining if there is a serious or continuing threat to the safety of the campus community, which would require an alert (i.e., a timely warning).

**Keep documentation of all crime reports.**

Keep hard copy or electronic documentation for all CSA-reported crimes and make sure that more than one person knows where it’s kept. If there is reason to believe that a crime report was not made in “good faith,” and your institution does not disclose a statistic for the reported incident, we strongly suggest that you document the justification for not disclosing the statistic.

**Recommendation 4**

The University President or the Clery Coordinator should designate the CSAs and ensure that the list of CSAs is adequately communicated to the campus community and available on the web.

In addition, the University President should instruct the Clery Coordinator to include language for CSAs in the UAP?M Clery Act policy that includes but are not limited to:
OBSERVATIONS, RECOMMENDATIONS AND RESPONSES

- Designation of CSAs by title;
- Roles and responsibilities;
- Requirement that the designation be included in the job description;
- Mandatory training on roles and responsibilities and proper documentation of incidents;
- Maintenance of a log of incidents reported to CSAs;
- Maintenance of documentation to support statistics submitted to UNMPD;
- Archiving of documentation for seven years; and
- Requirement that CSAs report crimes received to UNMPD within 24 hours.

The Clery Coordinator should work with the Student Activities Center Director to incorporate the above policy into the UNM Student Organization Handbook. Student group advisors should be required to sign a form indicating that they are aware of their CSA responsibility under the Clery Act.

Response from the University President

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<td><strong>Targeted Completion Date:</strong> 6/30/15</td>
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<tr>
<td><strong>Assigned to:</strong> President’s Office Chief of Staff</td>
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<tr>
<td><strong>Corrective Action Planned:</strong> Interim Clery Coordinator will gather a confirmed response from each CSA for reporting and will obtain a signed form from each CSA stating they are aware of their responsibilities. The OEO website will include this list of CSAs by June 30, 2015. The policy developed will be included and coordinated in the Student Organization Handbook- to be completed by June 30, 2015.</td>
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Recommendation 5

The Executive Vice President for Academic Affairs/Provost should discuss with the Dean of Students inclusion of CSA information in the Pathfinder and discuss with the Faculty Senate President inclusion of CSA roles and responsibilities in the Faculty Handbook.
Response from Executive Vice President for Academic Affairs/Provost

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<tr>
<td><strong>Assigned to:</strong> Provost Chief of Staff</td>
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<tr>
<td><strong>Corrective Action Planned:</strong> Provost will direct VP for Student Affairs and Dean of Students that CSA info be added to Pathfinder in consultation with the Clery Coordinator. Discussions will happen with the Faculty Senate Policy committee relative to recommendation that roles and responsibilities governing CSAs operating within Academic/Student Affairs Units (Deans, Chairs, Advisors, etc.) should be covered in a universal policy in UAPP, in the Faculty Handbook, or both. Also, whether the Faculty Handbook should outline faculty reporting responsibility related to Clery Act.</td>
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**ANNUAL SECURITY AND FIRE SAFETY REPORT (ASFSR)**

**Validation of Crime and Disciplinary Statistics**

Referrals for disciplinary actions for law violations for 2012 that are included in the 2013 ASFSR and reported to ED are unreliable. UNMPD staff believes they do not have authority to verify the accuracy of these statistics. There is a lack of coordination, communication, written policies and procedures, and internal controls to ensure accuracy of the information. University staff has not received adequate training. The inaccuracy of referrals for disciplinary actions could subject the University to a fine.

IA selected a judgmental sample from the UNMPD daily crime log and from incident reports maintained by UNM Residence Life and Student Housing, CASAS del Rio and Lobo Village (student housing facilities), and the Student Conduct Officer in the Dean of Students Office. In addition, IA also reviewed crime statistics submitted to UNMPD by other CSAs and other local law enforcement jurisdictions. The purpose of this review is to determine if the University substantiated statistics included in the ASFSR and submitted to ED, and if the University adequately categorized and documented incidents and crimes.

IA staff met with staff at UNMPD, Dean of Students Office, CASAS del Rio, Lobo Village and UNM Residence Life and Student Housing to review support for 2012 referrals for disciplinary actions included in the 2013 ASFSR. The following are examples of issues identified at each site.

- It appears that UNMPD accurately categorized and documented its own crime statistics.
OBSERVATIONS, RECOMMENDATIONS AND RESPONSES

- UNMPD, student housing facilities, and the Student Conduct Officer in the Dean of Students Office do not archive documentation that supports data included in the ASFSR for seven years.
- Referrals for disciplinary actions submitted to UNMPD that IA reviewed have the following problems:
  
  o Incorrect classification of alcohol violations – several incidents are classified as alcohol crimes but are violations of UNM policy i.e. alcohol incidents involving resident students over 21.
  o Incorrect classifications - several incident reports are categorized as drug violations; however, the incident reports indicate no evidence was found. The categorization is based on the smell of marijuana. Another incident report was identified as a drug violation but was a violation of UNM's no smoking policy.
  o Insufficient information to determine if incidents are crimes, violation of policy, or disposition of the incident (arrest, disciplinary action or both).
  o No documentation to substantiate statistics provided to UNMPD. CASAS del Rio, Lobo Village and Dean of Students Office Student Conduct Officer do not maintain incident logs. UNM Residence Life and Student Housing maintains a database of incidents but it is unreliable because it contains errors and does not state the disposition of the incident. The annual summary report of incidents indicates UNMPD as the authority; however, the incident reports do not mention UNMPD involvement. UNMPD has no record of involvement in the incidents identified. Again, it cannot be determined if an arrest was made; the incident resulted in only disciplinary action or both.
  o Unreported alcohol crimes - two incidents of underage drinking are not identified as Clery crimes.

Chapter 3 of the Handbook, Crime Statistics: Classifying and Counting Clery Act Crimes page 67 states:

Do not count the number of persons who were referred for disciplinary action solely for violation of institutional policy. Only count the number of persons referred for violations of the law.

Page 67 and 68 provide the following description of a drug violation

2. Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the
unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Page 79 of the Handbook states that training CSAs is not required, but is recommended to ensure CSAs do their job properly.

According to page 157 of the Handbook, "Be sure to retain the annual security report and all supporting records used in compiling the report for three years from the latest publication of the report to which they apply. For example, the 2011 annual security report should contain statistics for 2008, 2009 and 2010. The 2008 statistics and supporting records must be kept until Oct. 1, 2014—in effect, seven years."

Good internal controls require that adequate documentation be maintained to support data submitted to ED and published in widely distributed reports. This includes adequately documenting the incident, maintaining a log that tracks the progression of the incident, determination of how it should be included in the ASFSR and reported to ED, and knowledgeable third-party verification of accuracy of data submitted.

Recommendation 6

The University President should require the Clery Coordinator develop written policies and procedures, including adequate internal controls for documenting, tracking, and verifying and reporting crimes and disciplinary actions for all University reporting departments. Record retention requirements should also be included in the written policies and procedures.

Response from the University President

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<td><strong>Targeted Completion Date:</strong> 6/30/15</td>
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<tr>
<td><strong>Assigned to:</strong> President's Office Chief of Staff</td>
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<tr>
<td><strong>Corrective Action Planned:</strong> Interim Clery Coordinator will work with the UNM Policy Office to develop a policy on double counting and reporting. To be completed by June 30, 2015.</td>
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Recommendation 7

The Executive Vice President for Finance and Administration should instruct the University Police Chief to develop adequate training for all housing facility personnel and the Dean of Students' Conduct Officer to ensure they adequately track and document incidents.
Response from the Executive Vice President for Finance and Administration

Action Items

Targeted Completion Date: September 30, 2014

Assigned to: UNM Police Lieutenant

Corrective Action Planned: Lieutenant at UNMPD is developing a lesson plan that will be provided to all housing facility personnel and the Dean of Students’ Conduct Officer on tracking and documenting reported incidents. The training will be accessible through the UNM Learning Center which will provide greater outreach to UNM personnel.

Recommendation 8

The Executive Vice President for Academic Affairs/Provost should require that all student housing facility personnel (including CASAS del Rio and Lobo Village) responsible for Clery crime reporting and disciplinary incidents, and the Dean of Students’ Student Conduct Officer:

- Meet monthly with the UNMPD Lieutenant to reconcile statistics;
- Receive proper training from UNMPD on how to distinguish a Clery crime and how to adequately document incidents; and
- Maintain adequate documentation to substantiate disciplinary statistics submitted to UNMPD and submitted to ED. This includes: maintaining a log of all disciplinary incidents that adequately distinguishes Clery crimes; documenting the disposition of the incident; and, substantiating the tabulation of statistics provided to UNMPD. Training should also include how to adequately document an incident.

In addition, the Executive Vice President for Academic Affairs/Provost should require that all Clery incidents occurring at student housing facilities be coordinated by the Dean of Students’ Student Conduct Officer to eliminate the potential for double reporting and to reduce the statistical collection effort. However, the University should still require that student housing facilities maintain adequate documentation and tracking to verify incidents coordinated and submitted to UNMPD by the Dean of Students’ Student Conduct officer.
Response from the Executive Vice President for Academic Affairs/Provost

Action Items

Targeted Completion Date: 5/15/15

Assigned to: Provost’s Chief of Staff

Corrective Action Planned: Provost will direct VP for Student Affairs, AVP for Student Life and the Student Conduct Officer to work with the Clery Coordinator and ASFCR officials to develop an implementation plan to meet these requirements.

Recommendation 9

The Chancellor for Health Sciences should inform the Chief Executive Officer for Health Systems to require that the Chief of Security:

- Meet quarterly with the UNMPD to reconcile statistics;
- Receive proper training from UNMPD on how to categorize a Clery crime; and
- Adequately document the outcome of the incident.

Response from the Chancellor for Health Sciences

Action Items

Targeted Completion Date: 6/30/14

Assigned to: UNMH Chief of Security and UNMPD Lieutenant

Corrective Action Planned: UNMH Chief of Security is working with UNMPD for Clery reporting and will be meeting quarterly to reconcile reports. As for the training, UNMPD is working on developing training that will be available via learning central.

Fire Statistics Tables

A review of the 2013 ASFSR identified the following issues:

- Fire statistics related to UNM Student residential facilities for the year 2010 and 2011 are missing from the ASFSR but have been reported to ED;
- Fire statistics related to fraternity and sorority housing facilities for the year 2010, 2011 and 2012 are missing from the ASFSR but have been reported to ED; and
• Inclusion of 2013 fire statistics related to fraternity and sorority housing facilities is irrelevant.

The University has reported all three years to the ED as required.

Documentation of 2012 fire drills and the description of the fire safety system in UNM student residential facilities could not be located. Furthermore, Safety and Risk Services’ Fire Marshal (Fire Marshal) believes that the description of the fire safety system included in the ASFSR may not be completely accurate.

Exclusion of the required fire statistic tables makes the ASFSR incomplete and the University is not in compliance with Clery Act requirements. In addition, the lack of documentation results in a lack of evidence to support compliance with University policies. The University could be subject to fines. According to the Fire Marshal and Housing facility personnel, staff turnover in the UNM Fire Marshal position and in housing facilities contributed to the lack of documentation. The missing fire statistic tables were an oversight.

According to the Handbook, page no. 181 "You must collect and disclose statistics for each on-campus student housing facility separately for the three most recent calendar years (i.e., Jan. 1 through Dec. 31) for which data are available."

34 CFR 668.49 requires "(c) Fire statistics. (1) An institution must report statistics for each on-campus student housing facility, for the three most recent calendar years for which data are available.

Page 157 of the Handbook states "Be sure to retain the annual security report and all supporting records used in compiling the report for three years from the latest publication of the report to which they apply. For example, the 2011 annual security report should contain statistics for 2008, 2009 and 2010. The 2008 statistics and supporting records must be kept until Oct. 1, 2014—in effect, seven years."

Recommendation 10

The Executive Vice President for Finance and Administration should instruct the Director of Safety and Risk to work with the University Communications’ Web Designer to ensure that all the required fire statistics tables for the three most recent calendar years are published in the ASFSR. The UNM Fire Marshal should also review the ASFSR to ensure information and data reported is accurate and current.

The Executive Vice President for Finance and Administration should also instruct the Director of Safety and Risk Services to develop adequate policies and procedures to ensure that they adequately maintain and archive documentation used to support fire statistics included in the ASFSR for seven years.
Response from the Executive Vice President for Finance and Administration

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**Targeted Completion Date:** 12/31/14

**Assigned to:** Director of Safety and Risk Services

**Corrective Action Planned:**
- SRS will initiate a meeting with the University Communication Web Designer and work with that individual to publish the annual security and statistic report.
- The Manager, Construction Safety will also review the ASFSR to ensure information and data reported is accurate and current.
- SRS will develop adequate policies and procedures to ensure that it maintains and archives documentation to support fire statistics in the ASFSR for seven years. These policies and procedures will include:
  - Collection and maintenance of fire drill training and drills;
  - Collection and maintenance of fire safety and fire extinguisher training;
  - Collection and maintenance of fire alarm activations;
  - Collection and maintenance of State Fire Marshal reports and follow-up;
  - Collection and maintenance of fire suppression testing and repair records;
  - Collection and maintenance of fire alarm testing and repair records;
  - Collection and maintenance of fire extinguisher inspection records; and
  - Collection and updating of resident advisor lists and facility manager lists for student housing.

**Broken Links to ASFSR**

The direct link to the 2013 ASFSR included in the September 9, 2013 email sent by the UNM Police Chief to students, faculty and staff is non-functional. The broken links are due to UNMPD's web redesign. Students and UNM employees could not access the 2013 ASFSR.

Furthermore, links provided in the 2013 ASFSR to other areas in the University are non-functional. The links to the following are broken:

- UNM Pathfinder;
- Access to information on registered sex offenders; and
- Community Living Guide for Residence Life & Student Housing.

In addition, the link to the 2013 ASFSR from the UNMJobs web page is also broken.

According to Page 155 of the Handbook, "The notice should include: The exact address (URL) of the Internet or Intranet website at which the report is posted. This means that you must
provide a direct link to the annual security report. It is not acceptable simply to give the URL for the institution’s website."

Recommendation 11

The Executive Vice President for Finance and Administration should instruct the UNM Police Chief to fix current direct links and future direct links provided in the email, UNMJobs and included in the ASFSR to other areas.

Response from the Executive Vice President for Finance and Administration

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<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> July 31, 2014</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Chief of Police</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong> It was discovered the direct links contained in the ASFSR did not work. Each link was checked and the broken link was corrected.</td>
</tr>
</tbody>
</table>

2013 ASFSR Policy Statements

- The required disclosure for disciplinary proceedings relating to crimes of violence or non-forcible sexual offenses is not included in the ASFSR. Students may not know the procedures for requesting the outcome of disciplinary action for crimes of violence or non-forcible sexual offenses, and that the request must be made in writing. The Dean of Students staff was unaware of this requirement.

- The fire safety policy statement included in the ASFSR does not discuss plans for future improvements nor does it state if there are no plans for future improvements in fire safety. Safety and Risk Services staff is unaware of this requirement and is not involved in the drafting of that policy statement.

- The policy statement that details to whom student and employees should report criminal offenses is unclear and confusing. The policy statements states:

  A crime victim or witness to a crime who does not want to report the incident to the police, but wants it included as a statistic in the Annual Security & Fire Safety Report may make a confidential report to a UNM campus security authority office, as identified below.

  The statement can be interpreted to mean that students and employees can only make confidential reports to CSAs for inclusion in annual statistics, thus hindering proper crime reporting. The UNMPD Police Chief did not realize the statement is confusing.
• The weapons policy stated in the ASFSR is a summary of the formal UNM weapons policy available in the Pathfinder. However, neither the Handbook nor 34 CFR 648.26 mandate the inclusion of the weapons policy. Additionally, the link to the weapons policy in the Pathfinder is non-functional in the ASFSR. It is unclear why the weapons policy is included in the ASFSR. Good business practice and internal controls require that links included in the ASFSR be functional.

Page 138 of the Handbook states, "Provide a statement that the institution will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 15 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph". This requirement in the Handbook comes from the Higher Education Opportunity Act, section. 493.

Page 196 of the Handbook Chapter 14, Annual Fire Safety Report Policy Statements requires that plans for future improvements in fire safety, if determined necessary by the institution, be included in the report. It also states, “If you determine that future improvements in fire safety are not necessary, state this.”

The Handbook, page 123 states the following relating to the CSA policy statement:

A list of titles of each person or organization to whom students and employees should report criminal offenses described in the law for the purpose of making timely warning reports and the annual statistical disclosure. This statement also must disclose whether the institution has any institutional policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual report.

**Recommendation 12**

The Executive Vice President for Academic Affairs/Provost should instruct the Dean of Students’ Student Conduct Officer to update the disciplinary policy to inform students that requests for the outcome of disciplinary proceedings for crimes of violence or non-forcible sexual offenses must be in writing. The AFSFR policy statement should reflect the change.
Response from the Executive Vice President for Academic Affairs/Provost

<table>
<thead>
<tr>
<th><strong>Action Items</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> 5/15/15</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Provost's Chief of Staff</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong> Provost will direct the VP for Student Affairs and the Dean of Students to update relevant policies.</td>
</tr>
</tbody>
</table>

**Recommendation 13**

A. The Executive Vice President for Finance and Administration should instruct the Safety and Risk Services Director and the UNM Fire Marshal to ensure that the fire safety policy statement discuss plans for future improvements in fire safety, and if none, the policy should so state.

B. The Executive Vice President for Finance and Administration should instruct University Counsel to determine if the weapons policy should be included in the ASFSR. If it is determined it should, the Executive Vice President for Finance and Administration should instruct the UNM Police Chief to make the link in the ASFSR to the weapons policy functional.

C. The Executive Vice President for Finance and Administration should also instruct the UNMPD Police Chief to update the ASFSR CSA policy statement to clarify that students and staff may report potential crimes to designated CSAs.
Observations, Recommendations and Responses

Response from the Executive Vice President for Finance and Administration

<table>
<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong></td>
</tr>
<tr>
<td>13A: Completed</td>
</tr>
<tr>
<td>13B: 9/30/14</td>
</tr>
<tr>
<td>13C: 10/1/14</td>
</tr>
<tr>
<td><strong>Assigned to:</strong></td>
</tr>
<tr>
<td>13A: Director of Safety &amp; Risk Services</td>
</tr>
<tr>
<td>13B: UNMPD Chief</td>
</tr>
<tr>
<td>13C: UNMPD Lieutenant</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong></td>
</tr>
<tr>
<td>A. The policy and procedure discussed above will call for this Fire Safety Policy Statement to be prepared annually by the Construction Safety Manager.</td>
</tr>
<tr>
<td>B. The UNM Police Chief will discuss with the University Council and determine the need for the weapon policy inclusion in the ASFR.</td>
</tr>
<tr>
<td>C. The ASFSR CSA policy statement will be revised to provide clear direction to students and staff on reporting potential crimes to designated CSA's. This revision will be in place for the 2014 ASFSR, submitted on October 1, 2014.</td>
</tr>
</tbody>
</table>

**MISSING STUDENT**

*Policy*

The University only publishes the missing student policy in the 2013 ASFSR posted on the UNMPD web page. The University does not publish the missing student policy in a similar fashion to other UAPPM or Pathfinder policies. To adequately inform the current and prospective students and parents of the missing student process that the University follows, this policy should be readily available and accessible.

*Notification*

UNM Residence Life and Student Housing does not have internal written procedures on how the missing student process works in its facility. In addition, based on information provided by Residence Life and Student Housing IT staff, there are questions regarding the number of staff with access to the missing student confidential contact information. It appears that 76 staff has access to the attribute table where the missing student confidential contact resides. UNM Residence Life and Student Housing staff did not realize they should have an internal policy on missing student procedures. It appears that UNM Residence Life and Student Housing staff is not sure who has access to missing student confidential contact information.
The student housing facilities owned and operated by American Campus Communities known as CASAS del Río and Lobo Village are not informing students of the option to provide a missing student confidential contact. It appears that the General Managers of CASAS del Río and Lobo Village are unfamiliar with the University’s Missing Student Policy.

The Handbook Chapter 7, Policy Statements, Disclosing What You do and How You Do It, page 120 states, “Your institution's policy statements must reflect your institution's unique security policies, procedures and practices.”

Page 163 of the Handbook provides guidance on compliance with 34 CFR 668.47 (h) Missing student notification policies and procedures. The student should be informed that he/she has the option to provide a contact to notify incase the student is reported missing, the contact information will be kept confidential, will be kept separate from the general emergency contact and will only be accessible by authorized campus officials.

**Recommendation 14**

A. The Executive Vice President for Academic Affairs/Provost should assign the owner of the Missing Student Policy. That owner should work with the Dean of Students to formally publish the Missing Student Policy to make it easily accessible by students and parents.

B. The Executive Vice President for Academic Affairs/Provost should require the UNM Residence Life and Student Housing Director:

- Ensure UNM Residence Life and Student Housing has adequate internal written procedures regarding the missing student process; and
- Adequately review and document who has access to the missing student confidential contact and limit access to authorized personnel only.

C. The Executive Vice President for Academic Affairs/Provost should ensure that American Campus Communities, and CASAS del Río and Lobo Village general managers are trained regarding their responsibility to request missing student confidential contact information, to file the information separately from the emergency contact information, and that this information is only accessible to authorized campus officials. In addition, the General Managers of these facilities should be provided a copy of the University’s missing student policy so that they are aware of their responsibility.
Response from the Executive Vice President for Academic Affairs/Provost

<table>
<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> 5/15/15</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Provost’s Chief of Staff</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong></td>
</tr>
<tr>
<td>A. Provost will send a memo to VP for Student Affairs and Dean of Students to write a policy (if it does not already exist) and to publish it in a prominent place.</td>
</tr>
<tr>
<td>B. Provost will send a memo to VP for Student Affairs and AVP for Student Life to meet these directives.</td>
</tr>
<tr>
<td>C. Provost will send a memo to VP for Student Affairs and AVP for Student Life to meet these directives.</td>
</tr>
</tbody>
</table>

**EMERGENCY EVACUATION AND RESPONSE**

*University-wide Emergency Evacuation Plan*

The University does not have a comprehensive University-wide evacuation plan or a complete set of evacuation plans for every individual campus building. SRS contracted with an outside entity to draft a campus-wide evacuation plan, but it is in draft form. SRS is working to complete an evacuation plan for each building on campus.

The Handbook for Campus Safety and Security Reporting Chapter 6 (page 97) states:

>The Clery Act requires every Title IV institution, without exception, to have and disclose emergency response and evacuation procedures in response to a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The Handbook for Campus Safety and Security Reporting Chapter 6 (page 107) states:

>Whichever method you use, your test must address emergency response and evacuation on a campus-wide scale. "Campus-wide" scale means that tests must address your plan for evacuating all of your campus buildings. This does not mean that your plan must involve evacuating the entire campus at once. Just have a plan for each building.

It appears that the University is not in compliance with the Clery Act with regard to required evacuation plans. More importantly, students, staff and faculty may not know how to respond in case of an emergency that may result in confusion and loss of valuable time to ensure everyone’s safety.

August 19, 2014

Preliminary Assessment of Clery Act Compliance
Report 2004-14

Page 40
Communication of Emergency Procedures

IA cannot verify that the University adequately communicates Emergency Response procedures annually to students, staff and faculty. Documentation to support annual education/communication to the students is not available. Students that live on campus should be receiving the information via "floor meetings" at their residence hall. The University does not have written documentation of or attendance roles for these meetings.

Chapter 6, of the Handbook, Emergency Notification and Timely Warning – Alerting Your Campus Community, page 105 provides the following guidance:

Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year.

This part of your statement addresses how your institution “gets the word out” about its emergency procedures. Time the publication to coincide with one test every calendar year. You may conduct more tests and you may publicize your procedures along with other tests, but you aren’t required to do so. Use a method that will attract attention to the information you’re disseminating; don’t make people search for it. Sending a “blast” e-mail or text message containing a link to your institution’s procedures would suffice; however, simply posting a notice on your school’s website would not. Determine the appropriate means of reaching different target audiences. You may use a combination of methods. For example, you might want to include parents and guardians on a blast e-mail, but issue a press release to the local media. Another method might be informing parents and guardians that they can sign up for e-mail alerts. The alert can direct them to a The Handbook for campus safety and security reporting requires that emergency response and evacuation procedures be publicized.

Recommendation 15A

The Executive Vice President for Finance and Administration should require the Director of Safety and Risk Services complete the annual Campus-wide evacuation plan, communicate it to the Emergency Operations Committee (EOC), and test the plan annually as per the specific requirements of the Handbook.

In addition, the Executive Vice President for Finance and Administration should require the Director of Safety and Risk Services SRS to have a comprehensive set of evacuation plans for every building on campus, and review campus structure each year to identify new buildings, and ensure that those buildings have an adequate evacuation plan.
Response from Executive Vice President for Finance and Administration

<table>
<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> 12/31/15</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Director of Safety &amp; Risk Services</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong> Evacuation maps will be posted by April 30, 2015. Campus evacuations/fire drills will be organized and completed by December 31, 2015. SRS will be working to organize and implement fire drills for all buildings, including branch and satellite campuses, to ensure that designated evacuation procedures are being followed including timely and complete evacuation following the correct route to the designated muster point. SRS suggests that the task of evacuating every building on campus should be re-directed to UNM PD and EOC. SRS can support this effort in its role as an occupational safety partner, but it is not equipped to evacuate the campus for all situations. SRS has initiated the design and posting of evacuation plans in all buildings. SRS will strive to complete this project by the Target Completion Date. SRS is not currently staffed or trained to prepare or to lead the development of a campus-wide evacuation plan. SRS could, with the appropriate support and funding, hire an individual with the required background to lead this effort. Nonetheless, the preparation of campus-wide evacuation plans would require specialized assistance from vendors/contractors. Evacuation plans are complex and need to be coordinated with first responder agencies. For a successful implementation and development, UNM PD and EOC would have to be active and collaborative partners in the preparation of an evacuation plan.</td>
</tr>
</tbody>
</table>

**Recommendation 15B**

The Chancellor for Health Sciences should require the Chair of Emergency Medicine instruct the Emergency Manager to adequately communicate the Emergency Response procedures annually to students, staff and faculty.
Response from Chancellor for Health Sciences

<table>
<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> 1/1/15</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Emergency Manager</td>
</tr>
</tbody>
</table>

**Corrective Action Planned:** We met the Employee and Occupational Development office of the UNM Human Resources Department to discuss the inclusion of Emergency Response Procedures in an annual training format. Using the Learning Central platform and the Basic Annual Safety Training (BAST) model, we feel that this would be the best way to deliver annual training and to quantify those efforts. We are meeting on August 13 with the Safety and Risk Services Department to assess their willingness to add these procedures to their already required BAST. This would be the most efficient way for us to implement this requirement for Staff and Faculty, with an implementation date of January 1, 2015.

Students are not in the Learning Central platform, and could not be addressed in this manner. We believe that the Provost’s Office should determine how to push this information out to them. We might suggest, however, that some type of "banner" be added to my.unm.edu which would require students upon their first login to acknowledge Emergency Response Procedures similar to a "Terms of Service" agreement.

**Fire Drill Exercise**

IA observed a fire drill exercise scheduled by the Fire Marshal, Safety and Risk Services at UNM Residence Life and Student Housing and CASAS del Rio. The following table provides the issues noted by SRS staff during the exercise.
### OBSERVATIONS, RECOMMENDATIONS AND RESPONSES

<table>
<thead>
<tr>
<th>Building #</th>
<th>Name</th>
<th>Issues Noted</th>
</tr>
</thead>
<tbody>
<tr>
<td>193</td>
<td>Redondo Village Apartments</td>
<td>Students re-entering building prior to the all-clear being given.</td>
</tr>
<tr>
<td>155</td>
<td>Coronado Hall</td>
<td>Students re-entering building prior to the all-clear being given. Several students did not evacuate to designated areas.</td>
</tr>
<tr>
<td>158</td>
<td>Alvarado Hall</td>
<td><em>Alarm Horns cannot be heard in the north stairwell basement area.</em> Students re-entering building prior to the all-clear being given. Students not evacuating to designated assembly areas.</td>
</tr>
<tr>
<td>61</td>
<td>Santa Clara Hall</td>
<td>Several students did not evacuate to designated areas.</td>
</tr>
<tr>
<td>74</td>
<td>Laguna/ De Vargas Halls</td>
<td>Several students did not evacuate to designated areas.</td>
</tr>
<tr>
<td>58</td>
<td>Hokona Hall</td>
<td>Several students did not evacuate to designated areas.</td>
</tr>
<tr>
<td><strong>88</strong></td>
<td>Student Residence Center</td>
<td>Several students gathering outside their apartments stated they did not know where to evacuate.</td>
</tr>
<tr>
<td>4</td>
<td>Casas Del Rio (Gilna)</td>
<td>Students re-entering building prior to the all-clear being given.</td>
</tr>
<tr>
<td>3</td>
<td>Casas Del Rio (Pecos)</td>
<td>Several students gathering outside the buildings stated they did not know where to evacuate.</td>
</tr>
<tr>
<td>2</td>
<td>Casas Del Rio (Jemez)</td>
<td>Groups of students gathered outside the buildings stated they did not know where to evacuate.</td>
</tr>
<tr>
<td>1</td>
<td>Casas Del Rio (Chama)</td>
<td>Student in Rm. 404A went back into room after activation of fire alarm</td>
</tr>
</tbody>
</table>

Housing facilities do not document or take attendance of residence hall floor meetings held to educate students on fire safety and evacuation procedures. Therefore, there is no evidence that these floor meetings took place. This may contribute to some issues identified above.

During an interview with the General Manager of Lobo Village, he stated that a fire drill has not been conducted since the facility opened. He is planning to schedule one soon.

The Resident Life and Student Housing Community Living guide includes the following fire safety requirement.

**You must evacuate the residence hall/apartment immediately when a building alarm sounds and must follow established evacuation procedures. Established evacuation procedures indicate that all residents/guests are required to:**

- Leave room as quickly as possible and proceed to the nearest designated exit.
- Lock room door and take room key with you.
• Use emergency exits only if it is truly an emergency or fire.
• Exit the building.
• Once outside of the building, move to a designated safe meeting area and stay there until a signal to return is given by a residence hall staff member.
• Stay clear of fire lanes and hydrants.

Faculty and Staff are required to complete the Basic Annual Safety Training course via EOD Learning Central. Based on data provided by UNM’s Human Resources Department, Employee Organizational Development as of December 20, 2013, the University’s average Basic Annual Safety Training completion rate is 74.1%. However, two departments have less than a 30% completion rate, and two departments have a 100% completion rate. See Attachment 5, Basic Annual Safety Training Completion Rates.

The University Emergency Manager has attempted to incorporate emergency response procedures as part of new student and new employee orientations. His attempts have been unsuccessful. The University Emergency Manager has made an attempt to train the University population about emergency preparedness, and some efforts have been put in place. These efforts may need to be enhanced. Appropriate and efficient Emergency response may not be known by all of the University population.

According to the 2013 ASFSR, the Resident Student Handbook, and the UNM Housing RA Handbook, Resident Advisors (student staff who live in each residence hall and apartment complex) attend training provided by UNM’s Safety & Risk Services Department on responding to emergency situations, including fires. The training includes how to evacuate the halls and use of the fire extinguishers located in residence halls and apartments. All students living in residence halls and apartments attend mandatory meetings each semester with their Resident Advisors to review fire safety materials, and Resident Advisors discuss fire evacuation plans for their specific residence halls. To ensure compliance with the RA Handbook and as evidence that the RAs hold the floor meetings, the University should require sign-in sheets.

Recommendation 16

The Executive Vice President for Finance and Administration should instruct the Director of Safety and Risk Services to work with UNM Residence Life and Student Housing, CASAS del Río, and Lobo Village to ensure that students are thoroughly educated on safe and proper evacuation procedures. In addition, the Director of Risk Services should monitor all housing facilities to ensure that facility managers are conducting required fire drills.
Response from Executive Vice President for Finance and Administration

<table>
<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> December 31, 2014</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Director of Safety &amp; Risk Services</td>
</tr>
</tbody>
</table>

**Corrective Action Planned:** SRS will ensure that students are thoroughly educated on safe and proper evacuation procedures. SRS will continue to organize fire drills in cooperation with facility managers.

SRS will work with the property managers for Casas del Rio and Lobo Village to collect their statistics and documentation for submission. SRS met with the Regional Vice President for American Campus Communities in March 2014 and was informed that the company would conduct fire drills and maintain documentation. It was agreed that SRS would collect the data for Clery Act reporting purposes. The letter confirming this meeting is enclosed.

SRS does not have jurisdiction over the fraternity and sorority houses as they are private property.

Recommendation 17

The Executive Vice President for Academic Affairs/Provost should instruct all student housing facility managers to require resident assistants’ document floor meetings by using sign-in sheets as evidence that students are informed of fire safety and evacuation procedures.

Response from the Executive Vice President for Academic Affairs/Provost

<table>
<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> 5/15/15</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Provost’s Chief of Staff</td>
</tr>
</tbody>
</table>

**Corrective Action Planned:** Provost will direct the VP for Student Affairs and AVP for Student Life to meet these directives.
OBSERVATIONS, RECOMMENDATIONS AND RESPONSES

Recommendation 18

The University President should direct the Executive Administration to work with the Emergency Manager to:

- Include emergency response training into new student orientation and all areas of new employee orientation.
- Monitor Basic Annual Training courses completion rates to increase the rate to close to 100%.

Response from the University President

<table>
<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> 6/30/15</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> President’s Chief of Staff</td>
</tr>
</tbody>
</table>

SEPARATE CAMPUS DESIGNATION

UNM West in Rio Rancho (UNM West) is not considered a separate branch campus for 2013 Clery Act reporting purposes. The UNM West web site provides sufficient information to conclude that it has all the components identified in the Higher Education Opportunity Act to be considered a separate branch campus. Therefore, UNM West should issue its own Annual Security Report rather than reporting as a part of UNM Main in the 2013 Annual Security and Fire Safety Report.

According to the University Police Chief and University Counsel, there has been discussion with management regarding UNM West’s designation. It was determined to consider it a school. However, according to the Handbook, a school designation requires separate reporting. UNM is in violation of the Clery Act because UNM West does not report as a separate branch campus, publishing its own Annual Security Report. The information is not presented separately in the Main Campus report.

Section 21-7-29 NMSA 1978 Rio Rancho campus for the University of New Mexico and other institutions states, “The board of regents of the university of New Mexico may create a campus of the university in Rio Rancho, which it may operate separately or jointly with any other post-secondary educational institution.”
According to 34 CFR 668.46 and the Handbook, an institution is considered as a separate branch campus if:

- It owns or controls site
- Not reasonably geographically contiguous with main campus
- Has organized program of study leading to degree/credential
- At least one person on site acting in administrative capacity
- Separate or non-campus location

According to the Handbook, Chapter 2 Geography, and page 15:

**Institutions with more than one campus:** If your institution has more than one campus, each campus must comply independently with all of the Clery Act and the fire- and safety-related HEA requirements as described in this 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.

**Examples of separate campuses**
- **Branch:** A branch campus is always a separate campus. **Branch campus** is a specific ED designation. It is defined as a location of an institution that is geographically apart and independent of the main campus of the institution. A location of an institution is considered independent of the main campus if the location is permanent in nature, offers courses in educational programs leading to a degree or other recognized educational credential, has its own faculty and administrative or supervisory organization, and has its own budgetary and hiring authority.

**School:** A school is a division of an institution that is organized to give instruction of a defined type, such as a school of business, law, medicine or nursing. A school may be, but is not always, a separate campus. For example, if your institution has a school of law that is reasonably geographically contiguous with the main campus, include it as part of your main campus. If the school of law has an organized program of study, administrative personnel on-site and is not reasonably contiguous to the main campus, treat it as a separate campus.

Chapter 9, Annual Security Report page 150 of the Handbook, states:

If your institution has **multiple campuses** remember that Clery Act requirements must be met individually for each separate campus...You may publish a single document covering all campuses as long as you clearly identify the policy statements and crime statistics that are associated with each campus.
Observations, Recommendations and Responses

Recommendation 19

The University President should instruct the Special Assistant to the University President for Branch Affairs to require UNM West issue its own Annual Security Report and comply with all Clery Act requirements.

Response from the University President

<table>
<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> 6/30/15</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> President’s Chief of Staff</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong> President’s Office has instructed Branch Campus Director to complete the report</td>
</tr>
</tbody>
</table>

Branch Campus Reporting

IA performed limited procedures for branch campus reporting to determine if branch campuses submitted the 2013 ASFSR or Annual Security Report (ASR), and if the statistical data reported in the annual report are consistent to statistics submitted to ED. The results indicate that UNM branches are not in full compliance with the Clery Act and may be subject to fines. It appears that the person(s) responsible for preparing the ASFSR and ASR may not have sufficient knowledge of the Clery Act and there may be a lack of oversight and review of branch campus ASFSR and ASR by main campus. The specific results are:

Gallup

Gallup has not prepared and issued an ASR for 2013. Gallup prepared the crime statistics survey and submitted statistics to ED, but did not inform the campus community of its availability. Review of the statistics indicates:

1. Clery Act surveys for the year 2010 could not be located on the Gallup Campus Police’ website. Nonetheless, the branch submitted the statistics to ED.
2. Clery Act surveys related to criminal offenses on campus could not be located on the Gallup Campus Police website. Nonetheless, the branch submitted the statistics to ED.

Los Alamos Annual Security and Fire Safety Report (ASFSR)

1. Crime statistics related to criminal offenses, hate crimes, arrests and disciplinary actions related to public property are missing in the ASFSR.
2. Crime statistics reported in the ASFSR are inconsistent with statistics reported to ED.
OBSERVATIONS, RECOMMENDATIONS AND RESPONSES

<table>
<thead>
<tr>
<th>Year</th>
<th>Offense</th>
<th>ASFSR</th>
<th>ED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>Drug Abuse Violations</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2011</td>
<td>Drug Abuse Violations</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>2012</td>
<td>Drug Abuse Violations</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>2011</td>
<td>Burglary</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

3. The required fire statistics tables are missing in the ASFSR. Los Alamos has student housing.

Valencia Annual Security Report (ASR)

1. Hate crime statistics could not be located in the ASR. The amount reported on the ED website is zero.
2. Crime statistics for arrests (drug abuse violation) for year 2010 are inconsistent with the data available from ED website.

<table>
<thead>
<tr>
<th>Year</th>
<th>Offense</th>
<th>ASR</th>
<th>ED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>Drug Abuse Violations</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

3. The reporting category is Valencia Police Department, rather than the required reporting categories: campus, non-campus and public property.
4. All the required policy statements are not included in the report. For instance, the statement regarding the registered sex offenders is missing.

Taos Annual Security Report (ASR)

1. Crime statistics for arrests (both liquor and drug law violations) for the year 2012 are inconsistent with the data received from ED website.

<table>
<thead>
<tr>
<th>Year</th>
<th>Offense</th>
<th>ASR</th>
<th>ED</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>Drug Abuse Violations</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>2012</td>
<td>Liquor Law Violations</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

2. Crime statistics for disciplinary actions are unavailable in the ASR. None are reported in ED website.
3. Crime statistics for the year 2010 and 2011 are in an academic year format rather than a calendar year format.
4. Report states "Other information coming soon."

According to page 15 of the Handbook for campus safety and security reporting "If your institution has more than one campus, each campus must comply independently with all of the Clery Act and the fire- and safety-related HEA requirements as described in this handbook."
According to the Handbook, page no. 11, "You must disclose statistics for reported Clery crimes that occur: (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on noncampus (sic) buildings or property that your institution owns or controls."

According to the 34 CFR 668.49 (pg. 570) - "(c) Fire statistics. (1) An institution must report statistics for each on-campus student housing facility, for the three most recent calendar years for which data are available—"

According to the handbook, page no. 33, "The Clery Act requires your institution to disclose three general categories of crime statistics: criminal offenses, hate crimes and arrests and referrals for disciplinary action."

According to Page 141 of the Handbook for campus safety and security reporting, "...the Clery Act requires you to include statements of policy in your annual security report that address sex offenses and access to information on registered sex offenders in the campus community."

According to the handbook, page no. 151, "Year reported. Include statistics for the three most recent calendar years."

**Recommendation 20**

A. The University President should instruct the Special Assistant to the University President for Branch Affairs to meet as soon as possible with the Gallup branch Executive Director and Police Sergeant to determine what resources are needed to prepare and issue the ASR.

B. The University President should instruct the Special Assistant to the University President for Branch Affairs work with the Clery Coordinator to develop written policies and procedures for branch campus Clery Act reporting and oversight. In addition, branch campuses should be required to correct requisite statistics that are in error (annual report or ED submission) and branch campus personnel should be required to attend training.
Response from the University President

**Action Items**

**Targeted Completion Date: 6/30/15**

**Assigned to: President’s Chief of Staff**

**Corrective Action Planned:**
A. President has scheduled a meeting on August 25th 2014 with Branch campus directors. Clery Act Compliance on the Executive Cabinet agenda for discussion To be Completed on June 30, 2015.
B. President has scheduled a meeting August 25th 2014 with Branch campus directors. To be completed by June 30, 2015.

**REPORT PUBLICATION AND DISTRIBUTION**

Orientation for new students presented by the Dean of Students’ Office, and new staff orientation presented by main campus HR, UNMH HR, and the Executive Vice President for Academic Affairs/Provosts office does not inform those attending of the availability of the ASFSR. This information should be provided during orientation to ensure these individuals are informed of the availability of the ASFSR.

In addition, prospective employees for UNMH and prospective faculty are not informed of the availability of the ASFSR on the web or on the application for employment.

Staff is unaware of the requirement to communicate availability of the ASFSR to prospective employees and to include notification in the student and new staff orientation. By not including availability of the ASFSR on hiring web pages and in applications for employment, prospective and new employees are unaware of the campus security and safety statistics and prevention measures.

Page 154 of the Handbook, Distributing the Annual Security Report states:

**Who gets the annual security report?** You must distribute the report to all currently enrolled students (including those attending less than full time and those not enrolled in Title IV programs or courses) and all employees by Oct. 1 each year. You also must provide the report to any prospective student or prospective employee upon request. A **prospective student** is defined as an individual who has contacted an eligible institution requesting information about admission to that institution. A **prospective employee** is defined as an individual who has contacted an eligible institution requesting information concerning employment with that institution.
If you have students who are enrolled in your institution but are currently only taking courses at another school, you are still required to provide them with your annual security report.

Page 156 of the Handbook states:

**Providing the Annual Security Report to Prospective Students and Employees**

As stated previously, you must also make the report available to prospective students and employees. Do this by providing prospective students and prospective employees with a notice containing:

- A statement of the report’s availability;
- A description of its contents;
- The opportunity to request a copy.

You may provide this notice to prospective students and prospective employees along with other information your institution provides to them. If your institution solicits applications for a faculty or an administrative position through an advertisement, the institution is required to provide a notice of the availability of the annual security report to those individuals it interviews. However, you are not required to include notification in the job advertisement, nor are you required to notify an individual to whom you simply sent a rejection letter based on his or her unsolicited employment application.

If you choose to provide your annual security report to prospective students and prospective employees by posting the report on an Internet site, the notice provided to each individual must include:

- The exact URL where the report is posted;
- A brief description of the report; and
- A statement that the institution will provide a paper copy of the report upon request.

**Recommendation 21**

A. The Executive Vice President for Academic Affairs/Provost should instruct the Dean of Students to include availability of the ASFSR in student orientation.

B. The Executive Vice President for Academic Affairs/Provost should instruct faculty who hire staff to ensure that prospective faculty are made aware of the availability of the ASFSR on the hiring web page or in the application. In addition, availability of the ASFSR should be included in new faculty orientation.
Response from Executive Vice President for Academic Affairs/Provost

<table>
<thead>
<tr>
<th>Action Items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> 5/15/15</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Provost’s Chief of Staff</td>
</tr>
</tbody>
</table>
| **Corrective Action Planned:**
  A. Provost will send a memo to VP for Student Affairs and AVP for Student Life to meet these directives.
  B. Provost will send memo to all faculty administrators to meet these directives. Additionally, new faculty orientation will be modified to include information about the Clery act and the availability of the ASFSR. |

Recommendation 22

The Executive Vice President for Administration and Finance should require HR and contributing departments to include information relating to the availability of the ASFSR in new employee orientation.

Response from the Executive Vice President for Finance and Administration

<table>
<thead>
<tr>
<th>Action Items</th>
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</thead>
<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> Completed</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Director of Safety and Risk Services</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong> SRS included Clery Act information in its portion of the New Employee Orientation presentation and in the Basic Annual Safety Training. Further, the University Emergency Manager will be meeting with me to collaborate on additional joint training with EOC.</td>
</tr>
</tbody>
</table>

Recommendation 23

The Chancellor for Health Sciences should instruct the Chief Executive Officer of UNMH to ensure that prospective employees are made aware of the availability of the ASFSR on the hiring web page or in the application, and that new employee orientation includes notification of the availability of the ASFSR.
Response from the Chancellor for Health Sciences

**Action Items**

**Targeted Completion Date:** 9/30/14

**Assigned to** UNMH Administrator Human Resources

**Corrective Action Planned:** UNMH new employees' orientation will include notification of availability of Annual Security and Fire Safety Report.

**DAILY CRIME LOG**

The daily crime log does not contain all the required elements:

- Acronyms and police terminology are used. Auditors had to ask for an explanation.
- The disposition of the offense does not indicate whether the crime is unfounded. Instead, it lists items as closed. There were some instances where the offense in the log did not agree with the offense in the AEGIS MSP, Manufacture: New World Systems (AEGIS) print out. An example is Case No. 2012-7030, 7/16/12 the offense on the log is Burglary and in AEGIS it is Auto Burglary.
- UNMPD was not keeping the crime logs as required by the Handbook. UNMPD staff stated they only archived for about three years.

UNMPD does not have a clear audit trail (a step-by-step record by which data can be traced to their source) to verify crime statistics included in the ASFSR. A UNMPD Lieutenant identifies Clery crimes using the daily crime log, AEGIS, and police reports but does not fully document why certain crimes are not considered Clery crimes. UNMPD had to re-evaluate documentation and provide verbal explanation to provide IA with clarification. There also is no evidence of supervisory review to ensure the Lieutenant is accurately identifying and tabulating UNMPD's Clery crime statistics.

UNMPD is unaware that the daily crime log is missing Clery-required elements and unaware of how to maintain an adequate audit trail. The University runs the risk of misreporting because there are no checks and balances within UNMPD.

According to the Handbook, Chapter 5, Daily Crime Log,

- Page 93, enter a description of the reported criminal incident. This can be a brief description such as "simple assault," or a more detailed description such as "simple assault—non-student victim involved in domestic encounter with
student offender." Use an easy-to-understand text definition as opposed to using a code, "agency assist" or initials for the crime. You can use state crime classifications (i.e., non-UCR classifications) for the crime log.

- Page 95, if it is determined after investigation that the crime is unfounded the disposition should indicate "Unfounded."
- Page 96, crime logs should be archived for seven years.

Good business practice requires adequate internal controls exist to ensure that offenses recorded in the daily crime log agree with offenses entered into the AEGIS. If, as a result of supervisory review, the description of the crime is incorrect on the daily crime log or within the data in AEGIS, an explanation should be documented for the difference and corrections should be made.

The Handbook page 79 provides the following recommendation:

Keep documentation of all crime reports.

Keep hard copy or electronic documentation for all CSA-reported crimes and make sure that more than one person knows where it’s kept. If there is reason to believe that a crime report was not made in “good faith,” and your institution does not disclose a statistic for the reported incident, we strongly suggest that you document the justification for not disclosing the statistic.

Good administrative practice and internal controls require:

- Identification of Clery crimes is adequately documented to verify which crimes are determined to be Clery crimes, which are not, and why.
- Adequate supervision and review as a check and balance of the accuracy for identification of Clery crimes, tabulation and reporting.

Recommendation 24

The Executive Vice President for Finance and Administration should require the UNM Police Chief to update procedures to require that:

- Offenses recorded in the crime log are easy to understand and do not include initials or codes;
- Disposition of crimes is documented, and unfounded offenses are identified as "unfounded" in the crime log; and
- Crime logs are archived for seven years.

In addition, the Executive Vice President for Finance and Administration should instruct the UNM Police Chief to develop adequate internal written policies and procedures. The UNM Police Chief should also establish internal controls to ensure that the UNMPD Lieutenant: clearly documents why crimes are not considered Clery Act crimes; provides adequate
documentation to determine how the crimes are tallied for inclusion in the ASFSR and reported to ED; and evidence of supervisory review to verify accuracy.

Response from the Executive Vice President for Finance and Administration

<table>
<thead>
<tr>
<th>Action Items</th>
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<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> September 30, 2014</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Chief of Police</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong> Review and audit process of UNMPD in verifying crimes statistics reported in the ASFSR. UNMPD Lieutenant will review and record all crimes identified by CLERY Act requirement for the ASFSR. The Lieutenant will write on actual police report the reason an incident is not recorded into the ASFSR. The report will be signed by Lieutenant and then reviewed by UNMPD Commander to ensure the correct action was taken and will sign same report providing a proper audit trail for reviewing.</td>
</tr>
<tr>
<td>The Daily Crime Log is now located on the UNM Police Web page providing easy access to public. The Offenses recorded on the crime log are easy to understand and no initials or codes are being used. The crime log also provides an easy to view pin map of where to incident occurred for the public to get a better idea of where the incident occurred.</td>
</tr>
<tr>
<td>The Disposition of crime has been corrected and the status of “Unfounded” has been added in the crime log.</td>
</tr>
<tr>
<td>Crime logs are being archived for 7 years.</td>
</tr>
</tbody>
</table>

**INFORMATION TECHNOLOGY (IT) APPLICATION CONTROLS**

IA performed an IT administrative controls interview with the Network Engineer of UNMPD and Analyst/Programmer of UNM Housing, to determine if the application controls for the UNMPD AEGIS and the Housing Management System are adequate. IA identified the following findings:

**UNMPD**

- UNMPD does not have a disaster recovery plan and a written disaster recovery procedure;
- UNMPD is storing their backup files in their data centers;
- Both the system access passwords and application passwords expire in six months;
OBSERVATIONS, RECOMMENDATIONS AND RESPONSES

- UNMPD’s Network Engineer is the only IT personnel at UNMPD. A loss of this one employee could significantly affect UNMPD IT services, and might cause these services to become inoperable; and
- UNMPD does not have written IT policies and procedures.

Residence Life and Student Housing-Housing Management System (HMS):

- There are no written IT policies and procedures; and
- Both the system access passwords and application passwords expire in six months.

A loss of key personnel can significantly affect IT services and might cause these services to become inoperable. The lack of segregation of duties can result in undetected errors being introduced into the IT environment due to lack of oversight.

Without secure off-site computer system backup, the University may not be able to recover critical systems and data in the event of a disaster.

UAPPM 2520 Section 5.4. “Data Loss Protection” states: “For all computing systems that store or process sensitive or protected information department heads or designees are responsible for developing, maintaining and executing backup, off-site storage and disaster recovery procedures for computerized University information.”

Authoritative sources have addressed the key personal and segregation of duties issues as follows.

COBIT 5 AP007.02 Identify key IT personnel states “Identify key IT personnel while minimizing reliance on a single individual performing a critical job function through knowledge capture (documentation), knowledge sharing, succession planning and staff backup.”

COBIT PO4.11 Segregation of Duties states “Implement a division of roles and responsibilities that reduces the possibility for a single individual to compromise a critical process. Make sure that personnel are performing only authorized duties relevant to their respective jobs and positions.”

UAPPM Policy 2520 requires processes and written procedures for all of the following items listed:

- General Administration of Information and Data Stored on Computers and Servers (Maintenance, change controls, capacity planning, software licensing, copyright protection, training, documentation, power retention, confidentiality);
- Access to Departmental Systems (Physical security, user access controls);
- Network Access Controls (Rules of use);
• Access to Computer Systems containing Sensitive and Protected Information (Approve by Data Custodian);
• Remote Access (Connected to UNM network using a non-UNM device or service to access sensitive or protected information, approval for remote access, approval for storage on a remote device, encryption);
• Privacy & Confidentiality (Ensure privacy and confidentiality of system data in accordance with applicable laws and policies);
• Security violation handling (Reported timely and appropriately); and
• Sanctions.

Recommendation 25

The Executive Vice President for Finance and Administration should require the UNM Police Chief develop its own written IT policies and procedures. In addition, UNMPD should ensure that there is proper segregation of IT personnel duties, and their backups are stored in a secure off-site location.

Response from Executive Vice President for Finance and Administration

<table>
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<th>Action Items</th>
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<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> September 30, 2014</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Chief of Police</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong> Policy and procedures have been written to address the Departments Information Technology (IT Unit). Included in the policy is the issue of proper segregation of IT personnel duties and the storage of back-up data in secure off-site locations. (Policy Number 82.1.6) UNMPD is in the process of working with UNM IT to identify the place and means to back-up data.</td>
</tr>
</tbody>
</table>

Policy and Procedures have also been written regarding a disaster plan for the dispatch center. The plan provides direction to all personnel if the dispatch center goes down. (Policy Number 81.3.2a).

Recommendation 26

The Executive Vice President for Academic Affairs/Provost should require that UNM Housing develop its own written IT policies and procedures.
Response from the Executive Vice President for Academic Affairs/Provost

<table>
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<tr>
<th>Action Items</th>
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<tbody>
<tr>
<td><strong>Targeted Completion Date:</strong> 5/15/15</td>
</tr>
<tr>
<td><strong>Assigned to:</strong> Provost's Chief of Staff</td>
</tr>
<tr>
<td><strong>Corrective Action Planned:</strong>  Provost will send a memo to VP for Student Affairs and AVP for Student Life to meet these directives.</td>
</tr>
</tbody>
</table>
APPROVALS

Manilal Patel, CPA
Director, Internal Audit Department

Approved for Publication

J.E. Ballew
Chair, Audit Committee
Violence Against Women Act Reauthorization Act of 2013

Every post-secondary institution participating in Title IV financial aid will be required to:

- compile statistics of incidents of sexual assault, domestic violence, dating violence, and stalking that occur within Clery geography and are reported to campus security authorities
- include within its Annual Security Report a statement of policy regarding:
  - its programs to prevent domestic violence, dating violence, sexual assault, and stalking
  - the procedures that will be followed once an incident of these crimes has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from the report
  - educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty, and includes:
    - a statement that the institution prohibits these offenses
    - the definition of domestic violence, dating violence, sexual assault, and stalking in its jurisdiction
    - the definition of consent in reference to sexual activity
    - safe and positive options for bystander intervention
    - information on risk reduction to recognize warning signs of abusive behavior
  - possible sanctions on protective measures the institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault or stalking
  - procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about
    - importance of preserving evidence
    - to whom the alleged offense should be reported
    - options regarding law enforcement and campus authorities, including notification of the victim's option to notify law enforcement (on-campus and local police), be assisted by campus authorities in notifying law enforcement if the victim so chooses, the option to decline to notify such authorities, and, where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court
o provide a prompt, fair, and impartial investigation and resolution
o be conducted by officials who receive annual training on issues related to
domestic violence, dating violence, sexual assault, and stalking, and how to
conduct an investigation and hearing process that protects the safety of
victims and promotes accountability
o the accuser and the accused are entitled to the same opportunity to have
others present during an institutional disciplinary proceeding, including the
opportunity to be accompanied to any related meeting or proceeding by an
advisor of their choice
o both the accuser and the accused shall be simultaneously informed, in
writing, of:
  ▪ the outcome of the institutional disciplinary proceeding
  ▪ the institution’s procedures for the accused and the victim to appeal
    the results
  ▪ any change in the results that occurs prior to the time the results
    become final
  ▪ when the results become final
o procedures for institutional disciplinary action in cases of alleged domestic
violence, dating violence, sexual assault and stalking, which shall include
statements that proceedings shall
o information about how the institution will protect the confidentiality of
victims
o written notification of students about existing counseling, health, mental
health, victim advocacy, legal assistance, and other services available for
victims on-campus and in the community
o written notification of victims about options for, and available assistance in,
changing academic, living, transportation, and working situations, if
requested by the victim and such accommodations are reasonably available,
regardless of whether the victim chooses to report the crime to campus
police or local law enforcement
o a student or employee who reports to the institution that they have been a
victim of one of the aforementioned crimes shall be provided with a written
explanation of the student or employee’s rights and options
Main Campus Security and Safety Programs

Agora Crisis Center - This UNM student-run organization provides free listening and referral services by trained students and community volunteers.

Addiction and Substance Abuse Programs (ASAP) - The mission of ASAP is to provide treatment services to the community.

Counseling, Assistance and Referral Service (CARS) - This employee assistance program for UNM staff provides counseling and referral services.

Department Of Psychology Clinic - This training clinic for Ph.D. students in clinical psychology provides treatment services to the university community and the community at large.

Campus Office Of Substance Abuse Prevention - COSAP coordinates and develops substance abuse prevention and training programs and policies for the university and larger community.

Counseling And Therapy Services (CATS), Student Health & Counseling - This department of the Student Health & Counseling (SHAC) offers psychological and psychiatric services to UNM students.

UNM Psychiatric Emergency Service (PES) - This department of the University Psychiatric Center is open 24 hours a day, 7 days a week for emergency (life-threatening) services.

Women’s Resource Center - This center promotes, supports, and advocates for all women in the university community; it can provide information and referrals.

Health Education and Prevention - This department of the Student Health Center is focused on the health and well-being of UNM students. Services include message therapy and two student programs, Peer Educators and Peer Consultants.

Sexual Offenses Educational Programs

Albuquerque Rape Crisis Center - Albuquerque Rape Crisis Center maintains a 24-hour a day crisis telephone service and has counselors available to provide immediate assistance to victims of sex offenses. The center also provides educational programs to campus and community groups. The center is independent of UNM.

UNM Sexual Assault Response Team (SART) - SART is a victim centered, victim controlled, coordinated response team composed of community and university organizations to quickly respond to cases of sexual assault or abuse while providing appropriate services. SART responders make services for victims a priority. Sexual assault and abuse can cause tremendous distress and greatly impact the life of a victim.

UNM Health Education Student Health Center - Health Education provides workshops and educational programs concerning sexuality, sexual decision-making and relationships.
UNM Wellness Center Student Health Center- Wellness Center offers peer consultants to provide students with one-to-one support on a variety of health and wellness issues, including human sexuality.

UNM Women's Center 1160 Mesa Vista Hall – The Women's Center offers a variety of programs regarding gender and sexuality issues. Staff at the center also provide support to victims of sexual offenses and provide mental health referrals for UNM students.

UNM Police Department - The UNM Police Department conducts programs regarding campus safety and crime prevention to the University community.

Office of Residence Life 212 Student Residence Commons - The Office of Residence Life coordinates programming for residence hall students including programs addressing sexuality, relationship and safety issues. The office also administers a Residence Life discipline system that addresses misconduct by residence hall students that occurs in the residence halls.

Office of Student Activities 1018 Student Union Building – The Office of Student Activities coordinates various programs for student organizations including fraternities and sororities, which address sexuality, relationships and sexual assault issues.

Dean of Students Office – The Dean of Students Office coordinates New Student Orientation that includes programs addressing sexuality, relationships, and sexual assault issues. A staff member from the office chairs the Campus Safety Committee that coordinates various educational programs regarding campus safety and crime prevention. The Dean of Dean of Students Office also administers the enforcement of the Student Code of Conduct and Visitor Code of Conduct, including resolving sexual offense allegations under these policies.
List of Universities with Clery Coordinators and Clery Act Policies

University of Arkansas
Police department prepares the annual report. Does not have a Clery Coordinator.

The University has designated the University Compliance Officer as its Title IX Coordinator. This person has the responsibility to investigate and respond to allegations of sexual assault. For allegations of sexual assault against faculty, staff or other persons (other than students) The Title IX Coordinator coordinates with UAPD and the University Health Center to ensure that 21 allegations of sexual assault reported to University officials are investigated and that confirmed allegations are addressed through University personnel processes, as appropriate.

University of Kansas
Does not have a Clery Coordinator. The University has a Title IX Coordinator.

University of Kentucky
The Division of Crisis Management and Preparedness is designated as the Clery and Minger Compliance Office.

University policy on Clery Act located at:
http://www.uky.edu/EM/policies.html

University of Nebraska-Lincoln
Has a compliance coordinator. Also has a title IX coordinator.

The Compliance Coordinator collects all incidents received from CSAs. The incidents are reviewed for duplication and to verify that each incident is Clery reportable. The incidents are then classified into their proper crime and geographical categories and added to the annual Clery statistics.

University of Oregon
Have Clery Coordinator at Department Of Public Safety (UODPS) and a Title IX coordinator.

The Clery Coordinator is responsible for ensuring campus security authorities are aware of their responsibilities and submit statistics for any crimes that have been reported to them.

UODPS is responsible for gathering statistics for criminal activity on and near campus, identifying reportable crimes and delivering reports of this data annually.
University of South Carolina-Columbia
Police prepares the annual report. Has a Title IX Coordinator.

University of Virginia-Main Campus
Auburn University
Police prepares and publishes the annual report. Has also appointed a Title IX Coordinator.
Has a Clery Coordinator

Essential Functions:
Coordinates preparation and publication of reports and ensures requirements are met and all information is accurate.

Responsible for identifying and training institutional CSAs
Serves as records custodian
Works with various university offices to develop, implement and oversee policies, programs and activities that ensure institution’s overall compliance with Clery Act.
Collaborates with local law enforcement to ensure proper classification and reporting of Clery crimes.

University of California - San Francisco
Has a Clery Coordinator.

The Clery Act Coordinator is responsible for ensuring that officials with Significant Responsibility for Student and Campus Activities are aware of their responsibilities and report periodically. They are campus officials who manage or otherwise oversee student and campus activities, for example, staff responsible for campus student housing, a student center, or student extra-curricular activities; a director of athletics or a team coach; faculty advisors to a student groups; staff responsible for student discipline; campus judicial staff; and ombudspersons who receive complaints.

The campus Clery Act Coordinator will consolidate the data from all the sources, report to the federal Department of Education, publish the Annual Security Report, and inform the campus community where the report is available.
http://www.ucop.edu/ethics-compliance-audit-services/compliance/clery-act/index.html

University of Illinois at Chicago
Has created a Clery Reporter Online Database.

A Clery reporter database was created in order to help the University maintain an accurate, up to date listing of all the faculty, staff and students that meet the criteria of being a Clery reporter of campus crime. This database will allow the University to provide proper notification, training and updates to this group of faculty, staff and students.

http://ap028a.owa.uic.edu/Clery_database/template.html
<table>
<thead>
<tr>
<th>Institution</th>
<th>Details</th>
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<tbody>
<tr>
<td>Ohio State University</td>
<td>Has Compliance Director/Title IX/Clery Act Coordinator. Position reports to Assistant Vice President of Compliance Operations, Investigations. The Compliance Director/Title IX/Clery Act Coordinator is responsible for leading, coordinating and monitoring Title IX and Clery Act compliance efforts. Reviews and makes recommendations regarding university policies to ensure Title IX/Clery Act compliance, develops and delivers related training; prepares annual statistical reports. Collaborates with various offices and areas of campus to ensure compliance with Title IX and Clery Act.</td>
</tr>
<tr>
<td>Penn State University</td>
<td>Has a Clery Coordinator.</td>
</tr>
<tr>
<td></td>
<td><strong>Clery Coordinator responsibilities:</strong></td>
</tr>
<tr>
<td></td>
<td>1. Report to assistant vice president for Police and Public Safety, in order to provide administrative and advisory support to senior management and the University-wide community.</td>
</tr>
<tr>
<td></td>
<td>2. Work collaboratively with various offices at the University to develop, implement and oversee programs that ensure the institution's overall compliance with the Clery Act and associated regulations at all campuses. He also works with various University offices to ensure compliance with the provisions of the Sexual Assault Victim's Bill of Rights and Drug Free Schools and Safe Campuses regulations.</td>
</tr>
<tr>
<td></td>
<td>3. Research protocols and other government, local and University mandates, and provide guidance and recommendations to ensure the University and its employees are in compliance with those as well.</td>
</tr>
<tr>
<td>University of Massachusetts-Dartmouth</td>
<td>Has Campus Crime Information and Statistics Policy located at:  <a href="https://www.umassd.edu/policies/activepolicylist/students/campuscrimeinfostatisticspolicy/cleryact/">https://www.umassd.edu/policies/activepolicylist/students/campuscrimeinfostatisticspolicy/cleryact/</a></td>
</tr>
<tr>
<td>Saint Louis University</td>
<td>Has Clery Act Policy located at:</td>
</tr>
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