



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF INSPECTOR GENERAL

AUG 26 2003

**INSPECTION MEMORANDUM**

**To:** Sally Stroup  
Assistant Secretary  
Office of Postsecondary Education

Theresa S. Shaw  
Chief Operating Officer  
Federal Student Aid

**From:** Cathy H. Lewis *Cathy H. Lewis*  
Assistant Inspector General  
Evaluation, Inspection and Management Services

**Subject:** **Campus Crime Statistics Reporting and the Clery Act**  
(ED/OIG I13D0015)

**Executive Summary**

All postsecondary institutions eligible to participate in the student financial assistance (SFA) programs authorized by Title IV of the Higher Education Act of 1965 are subject to the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and its regulations. By October 1 of each year, these institutions must publish an annual security report. Every student and employee must be given notice of the availability of the report and informed of the exact electronic address or the physical location of printed copies of the report.

Campus crime statistics are also reported on the Office of Postsecondary Education (OPE) Campus Security Statistics Website. The information in this website is subject to the Department's Information Quality Guidelines developed in response to Section 515 of the Treasury and General Government Appropriations Act for fiscal year 2001.

This inspection of the Department's implementation of the Clery Act had four objectives:

1. To determine if all Title IV institutions submitted required campus crime statistics to the Department in a timely fashion for the years 2000-2002.

2. To determine if a small sample of Washington, D.C., Maryland and Virginia Title IV institutions notified each enrolled student and current employee of the availability of the annual security report.
3. To determine if those institutions have procedures to provide timely warnings to the campus community of any occurrences of crimes reported to the campus security authorities or local police that present a threat to students and employees.
4. To determine if OPE, with respect to the crime statistics data contained on its website, is following the Department's Information Quality Guidelines.

According to information provided by OPE, only a handful of institutions (fewer than 15) failed to meet the deadline for submission of statistics in 2000 and 2001. The statistics for 2002 will not be collected until August 2003.

To gather information with respect to our second and third objective, we selected a small sample of four-year institutions within a 150-mile radius of Washington, D.C. and interviewed security officers at each of these institutions. All seven of the institutions provide current students and employees an annual security report or information on the availability of the report; however, three of the seven institutions do not provide individual notification to students and employees of the availability of the report. All seven institutions comply with the requirement to provide timely warnings to the campus community of reported crimes that present a threat to students and employees.

The Department's guidance for the implementation of Section 515 provides that every Department information product should "confirm and document the reliability of the data and acknowledge any shortcomings or explicit errors in any data that is included." Reporting crime statistics for the Clery Act is complex, requiring detailed record keeping and an understanding of different reporting standards. This view of the Clery Act was confirmed by our interviews with the security officers at the seven campuses that we visited. To resolve some of these concerns, in 2000, campus security officers who are members of the International Association of Campus Law Enforcement Administrators (IACLEA) asked the Department for clarification on reporting requirements. Despite the likelihood, based upon the questions posed to the Department, that institutions may not be reporting crime statistics accurately or uniformly, the Department has not yet issued a response. While the OPE site includes cautionary notes regarding the use of the statistics included on the site, it does not acknowledge any shortcomings or other possible problems with respect to the data.

## **Recommendations**

We recommend that the Assistant Secretary for OPE:

- Enlist the assistance of such stakeholder groups as IACLEA, the FBI, Security On Campus, and the policy expert from FSA to produce a definitive handbook for institutions that is useful, complete, and accurate.

- Issue a Dear Colleague Letter responding to the 40 questions raised by IACLEA over two years ago.
- Review the Cautionary Notes on the OPE Campus Security Statistics Website to ensure that they are consistent with the Department's Information Quality Guidelines.

We recommend that the Chief Operating Officer for FSA:

- Ensure that security officers and FSA's Case Management Teams receive sufficient training in campus crime statistics reporting.

### **Department's Response**

The Department generally agreed with our findings. On August 8, OPE sent an email to the contractor reminding them to involve IACLEA, Security On Campus and the FBI in the development of the handbook. Further, OPE stated in its response that during the field-testing of the handbook, the contractor would have representatives of IACLEA to serve as trainers. We do not agree that the Case Management Teams be invited to participate in the training sessions; we recommend that they be required to attend. We considered the technical suggestion but did not make any changes to the report. The full text of the Department's comments is included as an appendix.

### **Background**

The Crime Awareness and Campus Security Act was enacted in 1990 as part of the Higher Education Act of 1965 (HEA). In 1998 it was renamed The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of Jeanne Clery who was murdered at Lehigh University in 1986.<sup>1</sup> Howard and Connie Clery championed the Clery Act and in 1987 founded Security On Campus, Inc., a non-profit organization dedicated to safe campuses. All postsecondary institutions eligible to participate in the SFA programs authorized by Title IV of the HEA are subject to the requirements of the Clery Act and its regulations.<sup>2</sup>

To comply with the Clery Act, by October 1 of each year, institutions must publish an annual security report and submit their crime statistics to OPE by October 10. In addition, every student and employee at an institution must receive notification of the annual security report.<sup>3</sup> If the report is available on the Internet, the notice must include the exact electronic address, a brief description of the contents of the report and a statement that a paper copy is available upon request. Prospective students and prospective employees must also be given notice of the availability of the report. Also, institutions must provide timely warnings to the campus community of reported crimes that present a threat to students and employees.

<sup>1</sup> Codified at 20 USC 1092(f) and as amended in 1992, 1998 and 2000.

<sup>2</sup> 34 CFR 668.46.

<sup>3</sup> 20 USC 1092(f) and 34 CFR 668.41(c).

The annual security report must contain specific policies and procedures<sup>4</sup> as well as statistics for the three most recent calendar years of crimes reported to a campus security authority and to local and State police agencies when available.<sup>5</sup> Crimes must be included in the report even if a person other than the victim or a witness reported the crime. Crimes reported to pastoral or professional counselors, however, do not have to be included in the crime statistics. Further, it is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made.

Crime statistics are grouped into the following categories: crimes reported on campus; in on-campus residence halls; in non-campus buildings or property, and on public property and are reported under 1) criminal offenses, 2) hate offenses and 3) arrests. Crimes reported as criminal offenses are: murder/non-negligent manslaughter; forcible sex offenses (including forcible rape); non-forcible sex offenses; robbery; aggravated assault; burglary; motor vehicle theft; arson and negligent manslaughter. Hate offenses are criminal offenses based on race, religion, sexual orientation, gender, disability or ethnicity. Arrests are reported for liquor law violations, drug law violations, and illegal weapons possession. There is also a separate section to report disciplinary actions or judicial referrals reported by local and State police.

There are significant differences among postsecondary institutions required to comply with the Clery Act. A small institution may offer programs in one building to less than one hundred students and may assign campus security responsibilities to a student. By contrast, a large institution may comprise the greater part of a city, have a student body of several thousand and employ a full-time cadre of commissioned campus police officers or local police officers who are assigned to the campus.

Regulations published on November 1, 1999 require institutions to compile crime statistics using the FBI's *Uniform Crime Reporting Handbook (UCR)* and *Hate Crime Data Collection Guidelines*.<sup>6</sup> Institutions use the UCR to determine when a crime occurred and how to classify crimes. The Clery Act also requires that campus crime statistics include crime statistics from police agencies when available. Local and State police statistics, however, may not be limited to crimes committed on campus, may duplicate campus statistics and may not always mirror UCR or Clery Act requirements. Institutions are often required to translate local police statistics for UCR and Clery Act reporting purposes.

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<sup>4</sup> See Appendix A for the required policies and procedures.

<sup>5</sup> For the purpose of reporting, "campus security authority" includes any person who has the authority to take action on behalf of the institution. For example, a student who is a resident advisor or a student who is a security guard would generally be considered a campus security authority.

<sup>6</sup> Institutions may also use the UCR *National Incident-Based Reporting System (NIBRS)*.

**Objective 1: Did all Title IV institutions submit required campus crime statistics to the Department in a timely fashion for years 2000-02?**

Data provided by an OPE spokesman shows that only a handful of institutions (fewer than 15) failed to meet the stated deadline for submission of statistics in 2000 and 2001, and all institutions eventually provided data. This was verified by FSA, who confirmed that in the time period being examined, no requests for action against non-complying institutions were received from OPE (which is the standard operating procedure). OPE has referred institutions which refused to provide data to them in the past. The statistics for 2002 will not be collected until August 2003.

**Objective 2: Based upon a sample of Title IV institutions in, Virginia and Maryland are institutions notifying each enrolled student and current employee of the availability of the annual security report?**

All seven of the DC, Maryland and Virginia Title IV institutions provide current students and employees an annual security report or information on the availability of the report in some fashion. The annual security reports from the seven institutions vary from a two-page handout to a 54-page brochure. There is no standardized format, making comparisons of policies, procedures and statistics problematical. Two of the reports do not address all required policies and procedures. We did not attempt to verify the accuracy of the crime statistics reported. Three of the seven institutions visited in the course of this inspection do not provide *individual* notification to students and employees of the availability of the report. All security officers discussed the complexity of crime statistics reporting for the Clery Act and expressed the need for a handbook, clarification of definitions, or training.

**Objective 3: Did these institutions have procedures in place to provide timely warnings to the campus community of any occurrences of crimes reported to the campus security authorities or local police that present a threat to students and employees?**

All seven institutions comply with the requirement to provide timely warnings to the campus community of reported crimes that present a threat to students and employees. Each institution uses a variety of warnings: posters, flyers, e-mails, newspaper reports and security patrols.

**Objective 4: Is the Department following its own Information Quality Guidelines with respect to the crime statistics data contained on its web site?**

Crime statistics reported to the Department are available on the OPE Campus Security Statistics Website. The information on this website is subject to the Department's Information Quality Guidelines developed in response to Section 515 of the Treasury and General Government Appropriations Act for fiscal year 2001. According to the guidelines, every Department information product should "confirm and document the reliability of the data and acknowledge any shortcomings or explicit errors in any data

that is included.” A cautionary note included on the site warns users that the statistics represent alleged criminal offenses reported to campus security authorities or local police agencies, not convictions and that comparisons between institutions are possible only with study and analysis of the conditions affecting each institution. The site does not however, acknowledge any shortcomings or other possible problems with respect to the data.

Reporting crime statistics for the Clery Act is complex, requiring detailed record keeping and an understanding of different reporting standards. The seven security officers that we interviewed indicated some of the difficulties that institutions encounter in collecting and reporting data and the reasons why data may not be reported uniformly or accurately. For example, although a security office may obtain crime statistics from campus security authorities, this procedure could result in over-reporting when the same incident is reported to several security authorities. Similarly, crime statistics from local police might be reported by precinct, zone, block, or within 100 yards of the university that may result in duplicate reporting or reporting of incidents unrelated to the institution.

Crime statistics reporting problems are further underscored in a 2002 letter from IACLEA to the Department referring to the work of FSA’s Case Management Teams.

It is imperative for all Case Management Team members across the country to understand that each college is dealing with at least two reporting standards and that the statistics from initial reports will never match the statistics reported for the Clery Act because the initial incident reports are completed, in most departments, using the State Crimes Code definitions. These definitions are significantly different than the UCR definitions. The Clery Act requires that campuses use UCR standards but NIBRS definitions for reporting sex offenses, which causes another difficulty with a disconnect in sex offense statistics between the statistics reported to the FBI UCR program and the statistics reported for purposes of complying with the Clery Act. The Investigative Reports may show different numbers as well, because that is the place in our departments where investigation occurs and where reports are sometimes classified as “unfounded” as determined by UCR standards.

FSA’s Case Management Teams have responded to complaints filed with the Department on compliance with Clery Act crime statistics reporting. The Department’s eleven program reviews from 1996 to 2002, as listed on the Security On Campus website, indicate a variety of crime statistics reporting problems including not accurately disclosed, not accurately compiled, not calculated correctly, misreported, and not reported.

Campus security officers who are members of IACLEA have received training on Clery Act compliance; however, the majority of postsecondary institutions do not have IACLEA members. Despite the training, there are still questions. According to an IACLEA representative, members submitted 40 questions to the Department in 2000

regarding reporting requirements, but the Department has still not issued a response to their questions.

Given the potential for inaccurate or inconsistent reporting and the Department's lack of guidance, it is not clear that the "notes of caution" included on the crime statistics web site are sufficient to address the data standards the Department set for itself in its Information Quality Guidelines.

### **Other Concerns**

House and Senate conferees included \$750,000 in FY 2003 appropriations to provide all eligible Title IV institutions with a handbook containing detailed instructions on compliance required by the Clery Act relating to campus crime statistics. The appropriation was assigned to OPE.

The Statement of Work (SOW) issued by OPE states: "the contractor should consult with interested stakeholders including, the FBI Criminal Justice Information Services Division, institutions of higher education, educational associations, and special interest groups." The SOW also states "the contractor shall conduct and provide materials for national training workshops on the campus crime compliance handbook for participating federal student aid Title IV institutions."

To produce a handbook required by the appropriation "containing detailed instructions on compliance required by the Clery Act relating to campus crime statistics," based upon the information that we have collected during this inspection activity, it is essential the contractor enlist the services of entities familiar with campus crime reporting, e.g., the FBI, IACLEA and Security On Campus. Similarly, to conduct and provide materials for national training workshops, we recommend that the contractor hired by OPE enlist the assistance of IACLEA and the FBI. These organizations have the practical, hands-on experience to be able to answer questions that have accumulated over the life of the Clery Act.

The security officers we interviewed all expressed either the need for a handbook, clarification of definitions, or training for the Department's reviewers as well as for campus security officers. This last point has been reiterated by IACLEA, which has suggested to the Department that representatives from IACLEA and the FBI participate in training programs for FSA's Case Management Teams. We agree that training by professional law enforcement officials would help to ensure accurate and consistent application of the requirements of the Clery Act during the review process. Moreover, training materials from a collaborative effort would serve as a guide for institutions, further helping to ensure accuracy and validity in the reporting of crime statistics. Additionally, we believe that any training on Clery Act reporting offered to the institutions also should include all Case Management program reviewers in FSA.

## **Recommendations**

We recommend that the Assistant Secretary for OPE:

- Enlist the assistance of such stakeholder groups as IACLEA, the FBI, Security On Campus, and the policy expert from FSA to produce a definitive handbook for institutions that is useful, complete, and accurate.
- Issue a Dear Colleague Letter responding to the 40 questions raised by IACLEA over two years ago.
- Review the Cautionary Notes on the OPE Campus Security Statistics Website to ensure that they are consistent with the Department's Information Quality Guidelines.
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We recommend that the Chief Operating Officer for FSA:

- Ensure that security officers and FSA's Case Management Teams receive sufficient training in campus crime statistics reporting.

Appendix

cc: John Danielson  
Harold Jenkins



## APPENDIX

The annual security report must also contain the following:

1. A statement of procedures for students and others to report criminal actions or other emergencies occurring on campus;
2. A statement concerning security of and access to campus facilities and security considerations used in maintenance of campus facilities;
3. A statement concerning campus law enforcement;
4. A description of programs designed to encourage campus security awareness;
5. A description of programs designed to prevent crimes;
6. A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus locations of officially recognized student organizations;
7. A statement of policy concerning possession, use, and sale of alcoholic beverages, and enforcement of State underage drinking laws;
8. A statement of policy concerning possession, use and sale of illegal drugs and enforcement of Federal and State drug laws;
9. A description of drug or alcohol-abuse education programs available to students and employees;
10. A statement of policy concerning prevention of sex offenses and procedures to follow when a sex offense occurs.

## Objectives scope and methodology

The objectives of our review were:

1. Determine if all Title IV institutions submitted required campus crime statistics to the Department in a timely fashion for the years 2000-2002.
2. Determine if selected DC, MD, and VA area Title IV institutions notified each enrolled student and current employee of the availability of the annual security report.
3. Determine if those selected DC, MD, and VA area Title IV institutions have procedures that provide timely warnings to the campus community of any occurrences of crimes reported to campus security authorities or local police that present a threat to students and employees.
4. In light of the newly issued Information Quality Guidelines, to determine if the Department has acknowledged any shortcomings or other problems with respect to the crime statistics data contained on the Department's website in accordance with those published guidelines.

We reviewed the Clery Act legislation and regulations.

Codified at 20 USC 1092(f) and as amended in 1992, 1998 and 2000.

34 CFR 668.46

34 CFR 668.41(c)

We interviewed:

Representatives from

Federal Student Aid

The Office of Postsecondary Education

The Office of General Counsel

Security On Campus

IACLEA

Campus security officers at seven area institutions:

George Washington University; University of Maryland; George Mason University; University of Richmond; Bowie State University; University of Virginia; Mary Washington College.

We reviewed:

The Security-On-Campus website

The OPE Campus Security Statistics Website

Security web sites for selected institutions

FSA's Program Review Guide

SFA Handbook

Final Determination Letters for recent crime statistics reviews

IACLEA's letter to the Department concerning program reviews accuracy  
U.S. Department of Education Information Quality Guidelines

We conducted our inspection from April 3, 2003 to May 30, 2003.

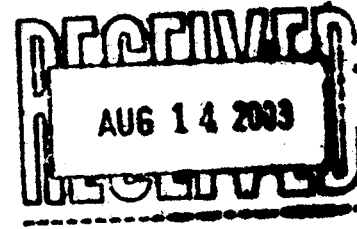
This inspection was performed in accordance with the President's Council on Integrity and Efficiency (PCIE) standards for Inspections dated March 1993.



APPENDIX

UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D.C. 20006- \_\_\_\_\_



TO: Cathy H. Lewis  
Assistant Inspector General  
Evaluation, Inspection and Management Services

FROM: Sally L. Stroup *SS*  
Assistant Secretary for  
Postsecondary Education

Theresa S. Shaw *TSS*  
Chief Operating Officer  
Federal Student Aid

SUBJECT: Response to Draft Inspection Memorandum: Campus Crime Statistics Reporting and the Clery Act (ED-OIG/I13-D0015)

Thank you for the opportunity to review the draft inspection memorandum relating to Campus Crime Statistics Reporting. Your inspection of the Department's implementation of the Clery Act has four objectives:

1. To determine if all Title IV institutions submitted required campus crime statistics to the Department in a timely fashion for the years 2000-2002.
2. To determine if a small sample of Washington, D.C., Maryland, and Virginia Title IV institutions notified each enrolled student and current employee of the availability of the annual security report.
3. To determine if those institutions have procedures to provide timely warnings to the campus community of any occurrences of crimes reported to the campus security authorities or local police that present a threat to student and employees.
4. To determine if the Office of Postsecondary Education (OPE), with respect to the crime statistics contained on its website, is following the Department's Information Quality Guidelines.

In summary, you concluded that:

- institutions generally had submitted campus crime statistics in a timely manner;
- the sample of local institutions had provided current students and employees with a copy of the annual security report or information about how to obtain the report;
- the sample of local institutions had a policy in place concerning timely warnings;
- and

- the cautionary notes were not adequate to the extent that they do not acknowledge any shortcomings or other possible problems with respect to the data.

During the course of your inspection, campus security officials raised concerns about the adequacy of training and the responsiveness of the Department to questions that they raised. To address these concerns, you recommended that OPE enlist key stakeholders in developing a compliance handbook and issue a Dear Colleague letter responding to questions from the community, and also recommended that OPE review the cautionary notes contained on the public website to ensure that it conforms to the Department's Information Quality Guidelines. Finally, you recommended that the Federal Student Aid Office (FSA) ensure that security officers and Case Management Teams receive sufficient training in campus crime statistics reporting.

The Department has recently awarded a task order to Westat, Inc. to develop a handbook to aid institutions in complying with the requirements of the Clery Act. The statement of work directs the contractor to consult broadly with affected groups and institutions in developing the handbook. On August 8, we sent an email to Westat, Inc. reminding them to involve the International Association of Campus Law Enforcement Administrators (IACLEA), Security on Campus, and the FBI in the development of the handbook. Additionally, because of delays in the award of the contract to Westat, Inc., the schedule for the development of the handbook that your office reviewed in conducting the inspection is currently being revised. Once the new schedule is developed and approved, we will share this information with you.

The handbook will address questions that have been raised by the higher education community, including those raised by IACLEA. Once the draft of the handbook has been developed, it will be used as a training guide at a series of sessions to be held around the country. This will permit the contractor to "field test" the guide while making needed training opportunities available as soon as possible. The contractor would also have representatives of IACLEA serve as trainers for these sessions. As appropriate, staff from the Case Management Teams will be invited to participate in these training sessions.

When the guide is completed, it will be sent to every institution that participates in the Title IV student financial aid programs and to the Case Management Teams. As time and resources permit, OPE and FSA staff will continue to provide training and technical assistance to institutions through our participation in conferences hosted by IACLEA, the National Association of Student Financial Aid Administrators, and other organizations.

With regard to the cautionary note associated with the website displaying the campus crime statistics, we will reexamine this note as we prepare to post the statistics for calendar year 2002 that we begin collecting on August 18, 2003. The

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review of the cautionary notes will be completed by November 1, and any needed changes will be implemented by December 1, 2003.

We suggest that you make one technical change in paragraph one of the Executive Summary. The summary states: "Every student and employee must be given notice of the availability of the report and informed of the exact electronic address or physical location of the printed copies of the report." It should state that every enrolled student and current employee must be given the security report by October 1 of each year. If, however, the institution posts this information on an Internet or Intranet Website, the institution must include in a one-on-one notice to the enrolled student or current employee, information concerning the availability of the report, a brief description of the report's contents, the exact electronic address, and how to obtain a paper copy upon request.

We appreciate your efforts to review our activities related to the implementation of the requirements of the Clery Act, and we appreciate your recommendations for improvements.